

OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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NORWELL, MASSACHUSETTS 02061
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FINDINGS AND DECISION

OF

THE NORWELL BOARD OF APPEALS

File No. 18-10

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A **PUBLIC HEARING** was held on June 6, 2018 at 7:50 P.M. by the Norwell Zoning Board of Appeals under MA General Laws, Chapter 40A, Sections 6, 9 and 11, in the Norwell Town Offices, 345 Main Street, Norwell, MA, for the application of:

Arthur Lennerton
49 Washington Park Drive
Norwell, MA 02061

For a **Special Permit** and Section 6 finding under Sections 1400, 1420, 1640, 1642, 2421(Lot area) and 2441 (front yard) of the Norwell Zoning Bylaws . The lot does not conform to minimum lot size requirement of 43,560 sq. ft. with only 19,500 sq. ft. and only 33.69 feet for frontage, where 35 feet is required in Residential B. Applicant wishes to reconfigure the interior of the first floor of the existing dwelling and construct a second floor addition, all within the existing footprint of the residence, meeting the side and rear setbacks but not the front setback. Property is located at **49 Washington Park Drive** and shown on Assessor's Map 18A as Block 32, Lot 67, Registry of Deeds Book 40851, Page 343, in Residential District B. The house was built in 1952. The Application was filed on behalf of the property owner by his contractor, Robert Penniman, P.O. Box 521, North Pembroke, MA 02358.

The Public Hearing for this application was duly noticed in *The Norwell Mariner* on May 17, 2018 and May 24, 2018, and posted at the Norwell Town Hall.

Mr. Robert Pennimen, the contractor, presented the proposed project as outlined in the application. Mr. James M. Kelliher of Axiom Architects, Norwell was also present to respond to questions regarding the construction plans and design prepared by Axiom Architects. No one else was present to speak either in favor or against the application.

FILE DOCUMENTATION:

The Board received the following information into its files:

1. Copy of the legal notice
2. Assessors' Card and Abutter's list
3. Completed application for public hearing signed by Robert Penniman, contractor for the property owner, date-stamped by the Town Clerk and the Board of Appeals on May 7, 2018.
4. Conservation Commission Approval of May 23, 2018, from Nicole Pelletier, Conservation Commission Administrative Secretary, noting that all of the construction will take place within the existing footprint of the residence.
5. Conservation Commission Approval of July 13, 2017, from Conservation Agent Nancy Hemingway, regarding a previous version of the construction, which was also within the current footprint of the residence.
6. Board of Health Approval dated May 8, 2018, as part of a pre-building permit review.
7. A set of plans for "The Lennerton Residence, 49 Washington Park Avenue, Norwell, MA Scale 1/4" = 1.0' dated May 1, 2018" prepared by Axiom Architects of Norwell, MA (the "Plans"), consisting of six pages depicting the demolition and reconfiguration of the first floor, the proposed new second floor, framing plans for the second floor and roof, and elevations.

FINDINGS:

1. The lot measures 19,500 sq. ft. where 43,560 sq. ft. is required pursuant to Section 2421.
2. The existing dwelling footprint will be retained, and the proposed second floor and new roof will be added as depicted on the Plans.
3. The Board finds that the increase in volume of the dwelling will increase the non-conforming nature of the dwelling.
4. The Board may issue a Section 6 finding pursuant to M.G.L c.40A and Section 1642 of the Norwell Zoning Bylaws if it finds that the increase in the non-conforming nature of the structure will not be substantially more detrimental to the neighborhood than the existing structure.
5. The proposed project is in keeping with the scale and style of the surrounding residential dwellings and will in the opinion of the Board not change the essential character of the neighborhood.

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6. Based upon the application submitted and the Plans, the Board finds that the increase in the non-conforming nature of the proposed new dwelling will not be substantially more detrimental to the neighborhood than the existing structure and the applicant is entitled to a Section 6 finding under the circumstances.

DECISION OF THE BOARD:

Based upon its findings as set forth above and upon a motion duly made and seconded, the Board of Appeals unanimously **VOTED** to grant a **Special Permit/ Section 6 Finding** in accordance with M.G.L. Chapter 40A Section 6 and Sections 1400, 1420, 1640, 1642, 2421 (Lot Area) and 2441 (Front Yard) of the Norwell Zoning Bylaw, in accordance with the application submitted at **49 Washington Park Drive**, subject to the following:

SPECIAL CONDITIONS:

1. The construction proposed shall comply with the Plans submitted.
2. The project shall comply in all other respects within the Norwell Zoning Bylaw.

CONDITIONS APPLYING TO ALL DECISIONS:

1. ***RECORDING OF THE DECISION:*** After receiving certification from the Town Clerk that no appeal has been taken within twenty days, or if appealed than dismissed or denied, a copy of the Board's decision must be filed with either the Registrar of the Plymouth County Registry of Deeds to be recorded and indexed in the grantor index under the name of the owner of record in the case of the unregistered land, or with the Recorder of the Land Court to be registered and noted on the owner's certificate of title in the case of registered land.
2. ***RECORDING RECEIPT:*** A copy of the recording fee receipt must be returned to the Board of Appeals. ***NOTE: No building permit shall be issued without such evidence.***
3. ***EFFECTIVE DATE OF APPROVAL:*** The Special Permit granted by this Decision shall take effect only at such time as a copy of this Decision, certified by the Office of the Town Clerk of the Town of Norwell, is recorded with the Registrar of Deeds or Recorder of the Land Court.

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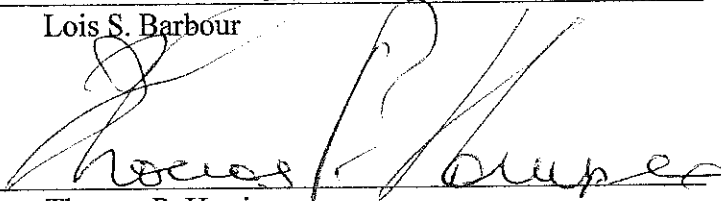
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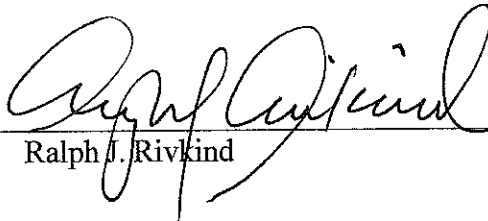
4. **EXPIRATION:** The applicant must exercise any Special Permit granted by the ZBA within two (2) years from the date of the decision or it shall lapse.



Lois S. Barbour

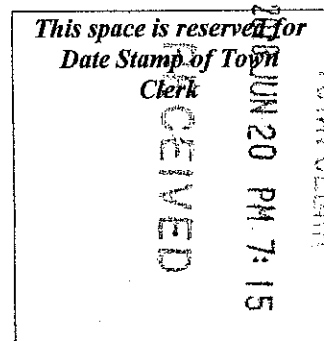


Thomas P. Harrison



Ralph J. Rivkind

Date Filed with Office of the Town Clerk



NOTICE OF APPELLATE RIGHTS: Any decision of the Board of Appeals may be appealed to Superior Court within twenty (20) days after filing of the written decision with the Town Clerk. Any construction or pre-construction activity is undertaken at the applicant's risk during the appeal period.