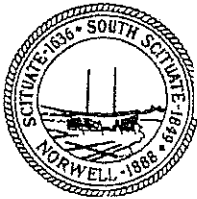


TOWN OF NORWELL  
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## TOWN OF NORWELL



OFFICE OF  
BOARD OF APPEALS

345 MAIN STREET, P.O. BOX 295  
NORWELL, MASSACHUSETTS 02061  
(781) 659-8018 • Fax (781) 659-1892

### *Members*

Lois S. Barbour, Chair  
Philip Y. Brown, Vice Chair  
David Lee Turner, Clerk

### *Associate Members*

Thomas P. Harrison  
Ralph J. Rivkind

## FINDINGS AND DECISION

of

The Norwell Board Of Appeals

*File No. 17-03*

A PUBLIC HEARING was held on March 1, 2017, and May 3, 2017, by the Norwell Board of Appeals (the Board), under G.L. c. 40A. Sections 6 and 9, at the Norwell Town Offices. 345 Main Street, Norwell, Massachusetts, on the Applications of:

**Edward J. & Judy A. LeNormand**  
**81 King's Landing**  
**Norwell, MA 02061**

For a SPECIAL PERMIT (Lot size) and Section 6 Finding, under G.L.c.40A, Section 6, Section 1400, 1420, 1640, 1642 and 2421 (Lot Area) of the Norwell Zoning By-Law, to increase the height of the building to improve headroom on existing second floor on a non-conforming lot that contains 4,864 square feet, situated in Residential District A, where a one acre lot is currently required. The Property, known and numbered as **81 King's Landing**, Norwell (the Property) is described in the Deed recorded with Plymouth Country Registry of Deeds in Book 47614, Page 107, and also described on the Assessors' Record Map 22A, Block 61, Lot 42.

The Public Hearing was opened on March 1, 2017, and continued to and held on May 3, 2017, and was duly noticed in the Norwell Mariner on February 16 and 23, 2017, by letters, and by posting by the Town Clerk of the Norwell in the Town Hall, all in accordance with the Open Meeting Law.

The Applicant was present and participated at the Public Hearing and continued Hearing. There were no objections to the project as presented at the hearings.

**FILE DOCUMENTATION:**

1. Copy of the legal notice
2. Assessors' Card and list of abutters receiving notice
3. Completed application for a public hearing, filed February 8, 2017, signed by the applicant
4. Order of Conditions from the Conservation Commission dated February 22, 2017;
5. Drawing of proposed roof height;
6. General project information sheet;
7. Town Dept. meeting dates;
8. Septic System Repair Design Plan dated October 19, 2016, revised January 27, 2017;
9. Application for Disposal System Construction Permit from the Board of Health;
10. North River Commission Application for Special Permit.

**FINDINGS OF THE BOARD:** Based upon the evidence submitted and/or upon representations made by the Applicant during the public hearing, the Board finds the following:

1. The Property is a non-conforming lot that contains 4,864 square feet and the house was built in 1930.
2. The Applicant seeks to improve the headroom on the second floor of the house by increasing the height of the building.
3. The finished building height will be approximately 26 feet above grade.
4. The footprint of the house will remain the same.
5. The Applicant will also repair the septic system.
6. The proposed addition will not significantly alter the character of the zoning district, as it fits with the character of the neighborhood, which has a range of dwelling sizes and styles.
7. The use of the proposed construction is residential, which is permitted by right under the Norwell Zoning Bylaw and, therefore, will not be detrimental to the neighborhood or zoning district.
8. The proposed use will not be injurious or otherwise hazardous to the community, as the proposed construction will continue to be residential, as allowed by right under the Norwell Zoning Bylaw.

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### **DECISION OF THE BOARD:**

Based on the application and evidence presented and its findings above, upon a motion was duly made and seconded, the Board **VOTED** unanimously to grant the Special Permit and Section 6 Finding allowing the proposed increase in height of the building.

### **SPECIAL CONDITIONS:**

The addition will be constructed in accordance with the filed plans as set forth above and in accordance with the Conservation Commission's Order of Conditions. Also before issuance of any occupancy permit, the Applicant must first obtain a sewage disposal permit, install an approved septic system, and demonstrate that the domestic water supply meet all applicable testing requirements after the approved septic system is completed and installed.

### **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 zoning relief 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.
4. **LAPSE OF VARIANCE:** The Applicant must exercise any Variance granted by the Board of Appeals within one year of the date this Decision is filed with the Office of the Town Clerk or it shall lapse.

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*Philip Y. Brown*

Philip Y. Brown

*Ralph J. Rivkind*

Ralph J. Rivkind

*David L. Turner*

David L. Turner

*This space is for Date Stamp of  
Town Clerk*

**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.

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