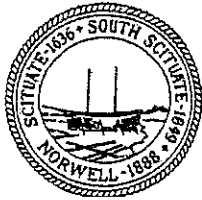


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OFFICE OF  
BOARD OF APPEALS

## TOWN OF NORWELL

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. 17-07

A PUBLIC HEARING was held on June 7, 2017 at 7:25 P.M., by the Norwell Zoning Board of Appeals (the Board) under Massachusetts General Laws, Chapter 40A, Sections 6 and 9, at the Norwell Town Offices, 345 Main Street, Norwell, MA on the Application (the Application) of:

Thomas and Diane Teuten  
685 Highland Street  
Marshfield, MA 02050

for a Special Permit and Section 6 Finding under the Norwell Zoning By-Law, Sections 1642 and 2441, for Property located at **35 Block House Lane** (the "Property") in Residential District A as shown on Assessor's Map 21B, Block 60, Lot 12 and filed with the Plymouth County Registry District of the Land Court as Document No. 756032. The lot consists of 4.7 acres. The Applicants seek to place an addition on the house. The lot does not conform to the front yard setback of 50' with only 41.5'. The house was built in 1936.

The Public Hearing for this Application was duly noticed in *The Norwell Mariner* on April 27, 2017, and May 4, 2017, and was posted at the Norwell Town Hall as required by law.

The following documents were received by the Board, marked as Exhibits as noted below and included as part of the Application, file and decision for this case:

1. Application received and stamped by the Town Clerk and Board of Appeals on April 1, 2017.
2. A List of Abutters for Norwell Conservation Commission, stamped by the Town Clerk on April 26, 2017.
3. A list of meetings with the North River Commission and Conservation Commission, stamped by the Town Clerk on April 26, 2017.
4. An Order of Conditions dated April 20, 2017, from the Norwell Conservation Commission.
5. A Quitclaim Deed stamped received by the Town Clerk dated April 26, 2017.
6. A letter dated March 23, 2017, from the North River Commission.
7. An email dated May 4, 2017, from the Norwell Historical Commission noting an approval for proposed addition.
8. A Proposed Addition Plan dated 3/23/17.
9. Architectural plans prepared by Axiom Architects dated March 23, 2017.

#### **FINDINGS:**

At the hearing, the Board confirmed the facts in the Notice and Application set forth above. The Applicant appeared and presented the request and the facts set forth in the Application. The Exhibits noted above are the basis for this Decision.

Based upon the foregoing, the Board finds that:

1. The Applicant proposes to expand the single-family dwelling as noted in the Exhibits. The proposed addition will not increase or change the setback nonconformity.
2. The proposed changes, aforesaid, as shown on the Exhibits, and as described above, are in harmony with and comply with the intent and purpose of the Zoning By-law and will have no adverse impact upon the neighborhood.

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

Based on the evidence presented and its findings above, upon a motion duly made and seconded, the Board **VOTED** unanimously to grant the Special Permit and make a Section 6 Finding approving the changes described above.

### **SPECIAL CONDITION:**

Plans, in accordance with the State Building code and this Decision, shall be submitted to the Building Inspector before any Building Permit for the Project is issued.


### **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 then dismissed or denied, a copy of the Board's decision must be filed with either the Register 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 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:** This Decision shall take effect only at such time as a copy of the Decision, certified by the Office of the Town Clerk of the Town of Norwell, is recorded with the Register of Deeds or Recorder of the Land Court.
4. **EXPIRATION:** The applicant must exercise any Decision granted by the ZBA within two (2) years from the date of the Decision or it shall lapse.

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Lois S. Barbour

  
David Lee Turner

  
Philip Y. Brown

Date Filed with Office of the Town Clerk

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Date Stamp of Town Clerk

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**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.