

**FINDINGS AND DECISION
OF
THE NORWELL BOARD OF APPEALS**

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TOWN OF NORWELL

File No. 18-15

A PUBLIC HEARING was held on September 12, 2018, at 7:35 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 *B.*

Mauricio Baiense
18 John Adams Drive
Norwell, Massachusetts 02061

for a Special Permit and Section 6 Finding under the Norwell Zoning By-Law, Sections 1642(c) and 2421 (lot area), for Property located at 18 John Adams Drive (the "Property") in Residential District B as shown on Assessor's Map 18A, Block 32, Lot 25 and filed with the Plymouth County Registry District of the Land Court as Document No. 769434. The Applicant is seeking approval to construct a second story addition. The lot is .50 acres and does not meet the minimum lot size of 1. The House was built in 1956.

The Public Hearing for this Application was duly noticed in The Norwell Mariner on August 16, 2018 and August 23, 2018 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 July 17, 2018.
2. The Assessor's Card for the Property.
3. The Conservation Department's Administrative Approval for Building Permit.
4. A Building Permit Application.
5. A Building Department Pre-Permit Review.
6. A Worker's Compensation Insurance Affidavit.
7. A Notice of Tax Collector indicating that no municipal taxes or charges are owed.
8. A Mortgage Inspection Plan dated January 24, 2018.
9. A Board of Health Application for Disposal System Construction Permit.
10. As Built Plan of proposed septic system upgrade dated May 3, 2018.
11. Building Floor plans dated May 22, 2018.

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 construct a second story addition on the footprint of the original structure. The second story is in keeping with other houses in the neighborhood. The proposed addition will not increase or change the 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.

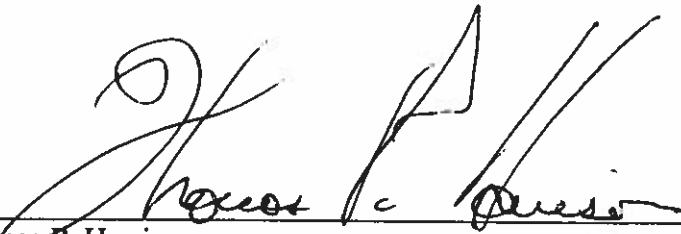
CONDITIONS APPLYING TO ALL DECISIONS:

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.

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.

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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.



 Thomas P. Harrison



 Roy Bjorlin



 Philip Y. Brown

Date Filed with Office of the Town Clerk


This space reserved for
 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.

I hereby certify that notice of approval of this application for a Special Permit and Section 6 Finding submitted by Mauricio Baiense to the Norwell Zoning Board of Appeals was received and recorded at this office on September 26, 2018, and that no appeal was received during the twenty days next after such receipt and recording of said notice.


 TOWN CLERK - ASSISTANT TOWN CLERK

DATE: October 29, 2018

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 Plymouth County LAND COURT
 Registry District

Doc 00777999

ALSO NOTED ON:
 RECEIVED: 07-29-2018 at 01:03P
 Document Fee 75.00
 Total: \$80.00
 REGENT 126493 BK 00632 PG 93