

OFFICE OF  
BOARD OF APPEALS

# TOWN OF NORWELL

345 MAIN STREET, P.O. BOX 295  
NORWELL, MASSACHUSETTS 02061  
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## Members

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

## Associate Members

Michael E. Kiernan, Clerk  
Thomas P. Harrison

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

*File No. 11-2*

A **PUBLIC HEARING** was held on March 9, 2011, by the Norwell Zoning Board of Appeals under Massachusetts General Laws, Chapter 40A, Sections 6 and 9, at the Norwell Town offices, 345 Main Street Norwell, MA on the application of:

**Christopher & Christine Nentwig  
125 Tiffany Road  
Norwell, MA 02061**

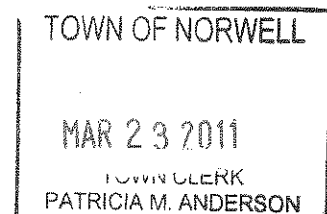
For a **Special Permit** (Sections 1400, 1420) and **Section 6 finding** under M.G.L. c. 40A and Sections 1640, 1642, and 2421 (Lot Area) under the Norwell Zoning Bylaw to add a second floor within the existing footprint of the house on a lot of 25,330 sq. ft., being less than one acre. The property is located at **125 Tiffany Road** in Residential District A, as shown on Assessor's Map 26D, Block 75, Lot 17, and recorded at Registry of Deeds Book 28214 Page 322.

The Public Hearing for this application was duly noticed in *The Norwell Mariner* on February 17 and 24, 2011, and posted by the Town Clerk, as required by the Open Meeting Law.

The Applicants presented the application for the proposed change in the property. There was no voiced opposition. The Applicants also stated they had discussed the proposed addition with their neighbors and the proposed addition was favorably received.

The Board received the following information into its files:

1. Copy of the legal notice for *The Norwell Mariner*
2. Abutters List
3. Application, completed and signed by the applicants, date-stamped on January 31, 2011, by the Town Clerk
4. Assessors Card print-out for the lot



5. Memorandum from the Board of Health, dated 1/24/11, stating "ok to add 2<sup>nd</sup> floor with total of 4 bedrooms," signed by Brian Flynn, Health Agent
6. As-Built plan of the property
7. Architectural drawings with elevations dated 1/21/10

#### **FINDINGS:**

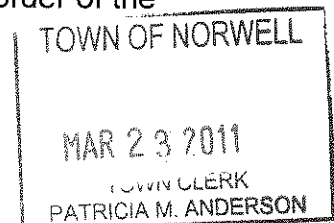
1. The proposed addition fits within the footprint of the existing structure.
2. The proposed residential dwelling will not significantly alter the character of the zoning district, as it fits with the character of the neighborhood, which has a range of dwelling sizes and styles.
3. The use of the proposed 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.
4. 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.

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

Based on the application and evidence presented and its findings above, upon a motion duly made and seconded, the Board **VOTED** unanimously to grant the Special Permit and Section 6 Finding for an addition to the residential dwelling located at the property known as **125 Tiffany Road**, in accordance with the filed plans, including the architectural drawings with elevations dated 1/21/10.

#### **CONDITIONS APPLYING TO ALL SPECIAL PERMITS:**

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 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.




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.



Philip Y. Brown



Michael E. Kiernan



David Lee Turner

Date Filed with Office of the Town Clerk

This space reserved for  
Date Stamp of Town Clerk

TOWN OF NORWELL

MAR 23 2011

TOWN CLERK  
PATRICIA M. ANDERSON

**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.