

OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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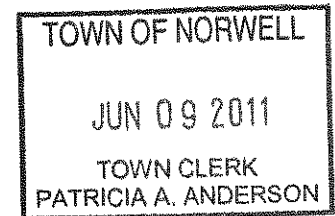
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Thomas P. Harrison

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

File No. 11-07

A PUBLIC HEARING was held on June 8, 2011, 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 of:

**Robert Penniman (Applicant) for
John & Krista Gallagher (Owners) of the
Property Known and Numbered as 20 Harold's Way
Norwell, MA 02061 (the Property)**



For a Special Permit and Section 6 Finding under Norwell By-Law Sections 1400, 1420, 1640, 1642 and 2421 (Lot Area) to add screen porch to existing deck on a lot that does not conform to minimum lot size requirement of 43,560 sq. ft. with only 21,780 sq. ft. The Property is located a 20 Harolds Way in Residential District B, as shown on Assessor's Map 5D, Block 12, Lot 34, and recorded at Registry of Deeds Book 33544 Page 70.

The Public Hearing for this application was duly noticed in *The Norwell Mariner* on May 12, 2011 and May 19, 2011, and posted at the Norwell Town Hall.

The Applicant and the Owners were in attendance at the hearing to present the proposed addition.

The Board received the following documents (marked as Exhibits) into its files:

Exhibit Numbers

1. Copy of legal notice
2. Abutters Lists

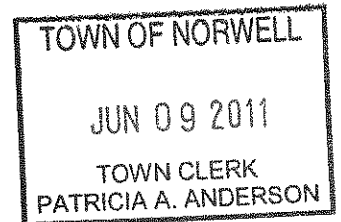
3. Application completed and signed by the applicants, date-stamped May 6, 2011 by the Town Clerk.
4. Assessors Card Print-out for the lot
5. Certified Plot Plan, prepared by Merrill Associates, Inc., dated 8/29/06 and date-stamped May 6, 2011 by the Town Clerk.
6. Proposed plan of 12' x 20' screen porch (Porch Plan) date-stamped May 6, 2011 by the Town Clerk.

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 facts set forth in the application.

Based upon the foregoing, the Board finds that:

1. The Applicant proposes to convert the existing deck to a covered screen porch as shown on the Porch Plan.
2. The proposal will not increase the non-conforming portions of the property.
3. The proposed screen porch (Porch Project), as shown on the Porch Plan, is in harmony with and complies 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 for the addition of the screen porch as described in the application.

SPECIAL CONDITION:

Plans, in accordance with the State Building code, shall be submitted to the Building Inspector before any Building Permit for the Porch 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 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.



Lois S. Barbour



David Lee Turner



Thomas P. Harrison

Date Filed with Office of the Town Clerk

*This space reserved for
Date Stamp of Town Clerk*

TOWN OF NORWELL
JUN 09 2011
TOWN CLERK
PATRICIA A. 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.