

OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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Members

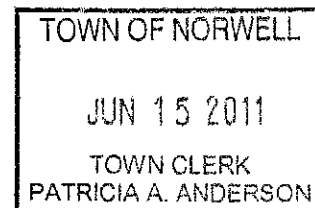
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Associate Members

Michael E. Kiernan, Clerk
Thomas P. Harrison

FINDINGS AND DECISION OF THE NORWELL BOARD OF APPEALS

File No. 11-08



A **PUBLIC HEARING**(s) 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:

**Elizabeth J. Ziedins (the Applicant)
179 High Street
Norwell, MA 02061**

For a Special Permit and Section 6 finding under Sections 1400, 1420, 1640, 1642 and 2421 (Lot area) of the Norwell Zoning Bylaws. The lot, known and numbered as 179 High Street (the Property), does not conform to minimum lot size requirement of 43,560 sq. ft. with only 26,590 sq. ft. Applicant wishes to enlarge the existing kitchen by removing existing walls and also adding a half bath. The kitchen and bath will be extended 12 feet to the left side of the property and 11 feet to the back within the required side and rear setbacks. Applicant also wishes to build a landing for entryway into the kitchen 12 feet wide by 4 feet. The Property, located at 179 High Street, shown on Assessor's Map 11D as Block 17 Lot 56, further described in the document recorded in Plymouth Registry of Deeds, Book 36618, Page 185, is in Residential District B. The House was originally constructed in 1966. A copy of the application is on file in the Town Clerk's office

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

The Applicant was in attendance at the hearing and presented the proposed project (Proposed Project). There was no one present who objected to the Application.

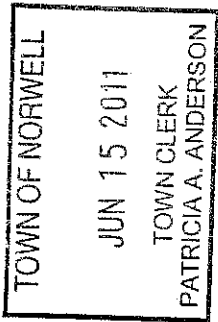
The Board received the following information (marked as Exhibits) into its files:

Exhibit Numbers

1. Copy of the legal notice
2. Abutters List

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. Memorandum of Compliance from the Board of Health, dated April 20, 2011, date-stamped May 6, 2011 by the Town Clerk
6. Memorandum from the Conservation Agent, dated January 11, 2011, date-stamped May 6, 2011 by the Town Clerk
7. Certified Plot Plan, prepared by Reekie, dated November 18, 1965, and date-stamped May 6, 2011 by the Town Clerk.
8. Plan entitled: "179 High Street Enlarging Kitchen" filed with the Application on May 6, 2011, with the Town Clerk

FINDINGS:



1. The Proposed Project, as shown on Exhibits 7 and 8, will not violate setback Requirements in the Zoning District or change the use of the Property, limited to a single family dwelling.
2. The Proposed Project is in accordance with the intent and purposes of the Zoning By-Law.
3. The Proposed Project is not contrary to the intent and purposes of the Zoning By-Law and will have no adverse impact upon the neighborhood or Zoning District.

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 Section 6 Finding for the expansion as shown on Exhibit B, subject to following:

SPECIAL CONDITIONS:

1. The expansion shall not exceed the scope and new areas shown on Exhibits 7 and 8.
2. Before a building permit for the expansion approved in this Decision is issued, construction plans (Construction Plans) that meet the requirements of the State Building code shall be filed with the Building Inspector, who shall not issue any building permit if the scope and new areas, shown on the Construction Plans, exceed those shown on Exhibits 7 and 8.

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.

Lois S. Barbour

Lois S. Barbour

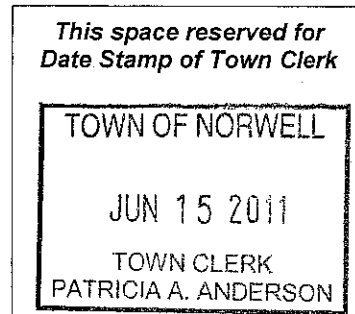
Thomas P. Harrison

Thomas P. Harrison

David Lee Turner

David Lee Turner

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.