

OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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Members

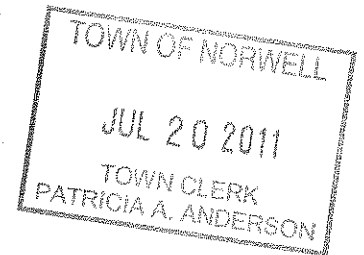
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Michael E. Kiernan, Clerk
Thomas P. Harrison

FINDINGS AND DECISION OF THE NORWELL BOARD OF APPEALS

File No. 11-9



A **PUBLIC HEARING(s)** was held on June 29, 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:

**Dermot & AnnMarie Walsh
14 Millwood Circle
Norwell, MA 02061**

For a **Special Permit** (Sections 1400, 1420) and a **Section 6 finding** (Section 1640, 1642) required under Norwell Zoning Bylaw Lot Area- Section 2421 on a lot less than an acre or 24,326 sq. ft. to add a new foundation and kitchen area of approximately 12x18 feet, which will meet all setback requirements, at property known as **14 Millwood Circle**, in Residential District B, as shown on Assessor's Map 11D, Block 30, Lot 41, and recorded at Registry of Deeds BK 20720, PG 241.

The Public Hearing for this application was duly noticed in *The Norwell Mariner* on June 9 and 16, 2011, and posted by the Town Clerk, as required by the Open Meeting Law.

The Applicant and representatives were in attendance at the hearing to present the application for the proposed change in the property. They noted that the addition would not extend beyond the current sides of the house. There was no voiced opposition.

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 June 3, 2011, by the Town Clerk
4. Assessors Card print-out for the lot
5. Mortgage Inspection Plan with sketch of proposed addition date-stamped 6/3/11 by the Town Clerk

6. Memorandum from the Board of Health, dated 5/27/11, stating "OK to enlarge kitchen - addition to be on footing," signed by Brian Flynn, Health Agent, date-stamped 6/3/11 by the Town Clerk
7. Memorandum from the Conservation Agent, dated 5/27/11, stating ". . . septic as built plan w/ hand sketched addition in existing deck & lawn area" and noting that the project is not within 100' of a jurisdictional wetland, signed by Abigail M. Hardy, Conservation Agent, date-stamped 6/3/11 by the Town Clerk
8. Architectural sketches of the proposed addition.

FINDINGS:

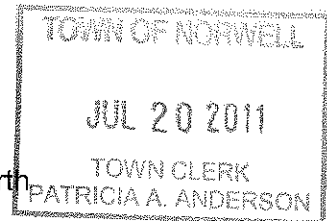
1. The proposed kitchen addition will be added to the back of the existing house, it will not extend beyond the sides of the house and it meets all setbacks.
2. The proposed addition will not significantly alter the character of the zoning district, as it fits with the character of the neighborhood, 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 was duly made and seconded, the Board **VOTED** unanimously to grant the Special Permit and Section 6 Finding for the addition of the proposed kitchen addition to a residential dwelling located at the property known as 14 Millwood Circle, subject to the following:

SPECIAL CONDITIONS:

The addition will be constructed in accordance with the filed plans as set forth above.

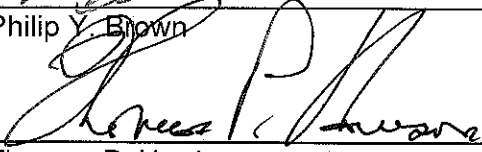


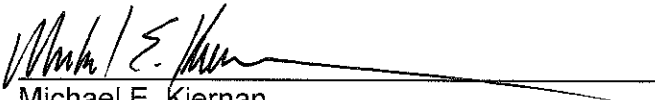
CONDITIONS APPLYING TO ALL SPECIAL PERMITS:

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.

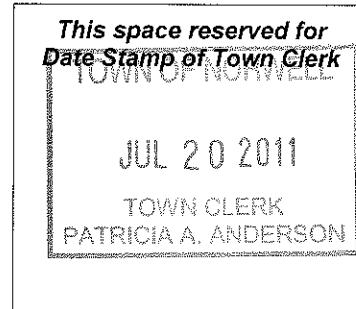
3. **EFFECTIVE DATE OF APPROVAL:** The Special Permit granted by this Decision shall take effect only at such time as a copy of this Decision, certified by the Office of the Town Clerk of the Town of Norwell, is recorded with the Registrar of Deeds or Recorder of the Land Court.
4. **EXPIRATION:** The 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


Thomas P. Harrison


Michael E. Kiernan

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.