

OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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NORWELL, MASSACHUSETTS 02061
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—
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FINDINGS AND DECISION **OF** **THE NORWELL BOARD OF APPEALS**

File No. 11-14

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

John LaBounty
146 Main Street
Norwell, MA 02061

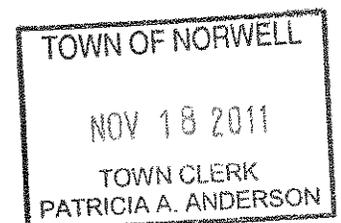
For a **Special Permit** and **Section 6 Finding** under Sections 1400, 1420, 1640, 1642 and 2421 (Lot area) of the Norwell Zoning By-Laws. The lot does not conform to minimum lot size requirements of 43,560 sq. ft with only 19,500 sq. ft. The Applicant is seeking to build a 15 ft. by 15 ft. carport on the southeasterly side of the existing dwelling. The property is located at **146 Main Street** and shown on Assessors Map 19B as Block 53 Lot 19 Registry of Deeds Book 4327, Page 196 in Residential District B. The house was built in 1930.

The Public Hearing for this application was duly noticed in *The Norwell Mariner* on October 20, 2011 and October 27, 2011, and posted at the Norwell Town Hall in accordance with the Open Meeting Law.

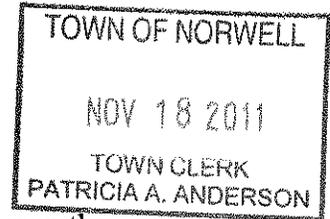
The Applicant, John LaBounty, was in attendance and presented his own application. No one spoke in favor of or against the application as filed.

The Board received the following information into its files:

1. Copy of the legal notice for *The Norwell Mariner*
2. Abutters List
3. Assessors Card
4. Application, completed and signed by the applicant, date-stamped September 29, 2011 by the Town Clerk



5. Hand-drawn sketch of construction details for the carport, date-stamped September 29, 2011 by the Town Clerk
6. Conservation Commission Approval for a Building Permit stating that agent has conducted a site inspection and confirmed that the limit of work of this project is not within 100' of a jurisdictional wetland or within of 200' a perennial river or stream date-stamped September 29, 2011 by the Town Clerk
7. Plot Plan, prepared by Registered Land Surveyor Carleton W. Garvey; dated June 10, 1993 and date-stamped September 29, 2011 by the Town Clerk
8. Leaching Field Cross-Section plan, date-stamped September 29, 2011 by the Town Clerk



FINDINGS:

1. The existing house was built in 1930, prior to zoning, based upon the Assessor's records.
2. The house is located at 146 Main Street and situated on the corner of Main Street and South Street with the proposed carport being on the South Street side.
3. The proposed carport will have no walls or second story, but will have a roof. The carport will be located no closer to the road than any portion of the existing dwelling and, therefore, will be no closer than 25 ft. from the road.
4. The carport will have dimensions of 15 ft. by 15 ft. and will not have walls or any storage or living space above it.
5. While carport technically needs to comply with a 35 ft. front yard set back requirement, the proposed carport is no more nonconforming than any portion of the existing dwelling.
6. The Board finds that the proposed structure will not be substantially more detrimental to the neighborhood than the existing structure.
7. The proposed project is in keeping with the scale and style of the surrounding residential dwellings and will, in the opinion of the Board, not change the character of the neighborhood.

DECISION OF THE BOARD:

Based upon the examination of the file and facts in the matter, the Board determined that a **Section 6 Finding** with a **Special Permit** pursuant to Section 1642 of the Norwell Zoning By-law would provide the necessary zoning relief. Upon a motion duly made and seconded, the board **VOTED** unanimously to grant the **Special Permit**

for the building of the proposed carport on the southerly side of the existing dwelling, but no closer to South Street than any portion of the existing dwelling.

CONDITIONS APPLYING TO ALL SPECIAL PERMITS:

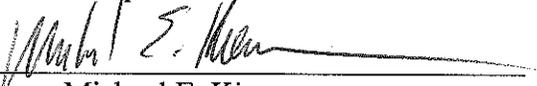
1. **RECORDING OF THE DECISION:** After receiving certification from the Town Clerk that no appeal has been taken within twenty days, or if appealed than dismissed or denied, a copy of the Board's decision must be filed with either the Registrar of the Plymouth County Registry of Deeds to be recorded 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 Zoning Board of Appeals within two (2) years from the date of the decision or it shall lapse.



David Lee Turner



Philip Y. Brown



Michael E. Kiernan

Date Filed with Office of the Town Clerk

This space reserved for
Date Stamp of Town Clerk

NOV 18 2011
TOWN CLERK
PATRICIA A. ANDERSON

NOTICE OF APPELATE RIGHTS: Any decision of the Board of Appeals may be appealed to the 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 applicants risk during the appeal period.

