

OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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NORWELL, MASSACHUSETTS 02061
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Members

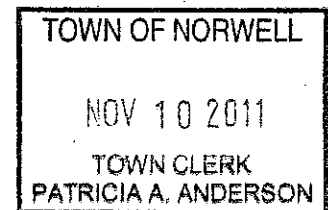
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David Lee Turner

Associate Members

Michael E. Kiernan, Clerk
Thomas P. Harrison

FINDINGS AND DECISION OF THE NORWELL BOARD OF APPEALS

File No. 11-15



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

**Linda A. Clifford
42 Prospect Street
Norwell, MA 02061, the Applicant.**

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 does not conform to minimum lot size requirement of 43,560 sq. ft. with only 21,474 sq. ft. Applicant wishes to attach to the existing dwelling a mudroom of approximately 100 sq. ft. and a two car garage of approximately 750 sq. ft. staying within the required setbacks. The existing garage will be demolished. The property is located at **42 Prospect Street** and shown on Assessor's Map 13C as Block 37 Lot 9 Registry of Deeds Book 29167, Page 145 in Residential District A (the Property). The house was reported built in 1925. A copy of the application is on file in the Town Clerk's office and available for review during regular hours.

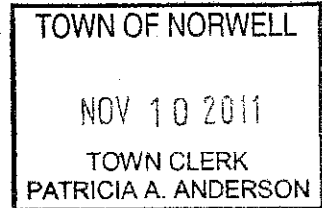
The Public Hearing for this application was duly noticed in the Patriot Ledger on October 21, 2011 and in the Norwell Mariner on October 27, 2011, and posted at the Norwell Town Hall. Additional notice was given as required by law.

The Applicant was in attendance at the hearing to present the proposed addition.

The Board received the following documents and marked them as Exhibits:

1. Copy of the legal notice
2. Abutters List
3. Application, completed and signed by the applicant, date-stamped October 18, 2011 by the Town Clerk
4. Assessors Card Print-out for the property
5. Memorandum from the Board of Health, dated October 17, 2011, noting compliance, date-stamped October 18, 2011 by the Town Clerk
6. Plot Plan, prepared by VERTEX, dated June 17, 1997 and date-stamped June 18, 1997 by the Board of Health

7. Architectural drawings with elevations, pages 1-4, 2-4,3-4, 4-4, by Bob Burgess, stamped and received by the Town Clerk on October 18, 2011.
8. Six colored pictures of the Property stamped and received by the Town Clerk on October 18, 2011.



FINDINGS:

1. The Property is a single family dwelling situated on a non-conforming lot.
2. The dwelling on the lot was constructed prior to the adoption of Zoning in the Town.
3. The proposed addition will conform to and meet the existing Zoning set-back requirements.
4. The proposed addition will not increase the non-conformity of the Property.
5. The proposed addition will not change the use of the single family dwelling or the impact of the Property, as changed by the proposed modifications, upon the neighborhood or Zoning district.
6. The proposed modifications will not change the use of the Property and will not be detrimental to the neighborhood or Zoning district.
7. The proposed modifications will not alter the character of the Zoning district.
8. The proposed modifications will not be injurious, noxious or offensive to the neighborhood for any reason nor hazardous to the community.

DECISION OF THE BOARD:

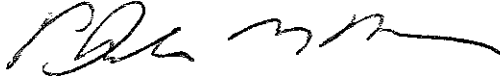
Based on the evidence presented and its findings above, upon a motion duly made and seconded, the Board **VOTED** unanimously to grant the Special Permit for the proposed construction as set forth in Exhibits 3, 6 and 7, provided that the existing set-back requirements will be observed and maintained and that the use of the Property shall be limited to the site for a single family dwelling as set forth in the Norwell Zoning By-law.

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.



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*

TOWN OF NORWELL

NOV 10 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.