

OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

345 MAIN STREET, P.O. BOX 295
NORWELL, MASSACHUSETTS 02061
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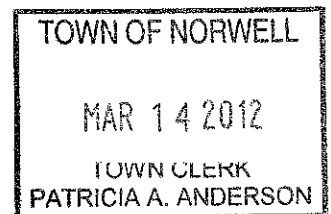
FINDINGS AND DECISION OF THE NORWELL BOARD OF APPEALS

File No. 12-2

A **PUBLIC HEARING** was held on March 7, 2012, 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 (the Application) of:

Julie Johnson, Custom Home Designs
260 So. River Street
Marshfield, MA 02050, Applicant (the Applicant)

On behalf of Property Owners
Dawn & Joseph Ciardi
117 Grove Street
Norwell, Ma 02061, the Property Owners (the Owners)



For a **Special Permit** and Section 6 finding under Sections, 1400, 1420, 1640, 1642 and 2421 (Lot area), 2442 (Side Yard) of the Norwell Zoning Bylaws. The lot does not conform to minimum lot size requirement of 43,560 sq. ft. with only 22,294 sq. ft. The Applicant, on behalf of the Owners, wishes to demolish the existing attached one car garage and breezeway and replace it with a 25' x 26' attached two car garage and covered breezeway meeting the required setbacks and existing roof line. The attached two car garage will have a master bedroom and bath upstairs. Dormers will be added to the existing second floor. The Property (the Property) is located at **117 Grove Street** and shown on Assessor's Map 6C as Block 13 Lot 20, Registry of Deeds Book 24992, Page 174. The house on the Property was built in 1954 and is situated in Residential District B. 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* on February 16, 2012 and February 23, 2012, distributed as required by law and posted at the Norwell Town Hall.

The Applicant and the Owners were in attendance at the hearing to present the proposed project. There was no opposition to the Application.

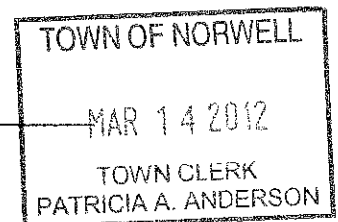
The Board received the following information, marked as Exhibits and numbered as set forth below:

1. Copy of the legal notice
2. Abutters List
3. Application, completed and signed by the Applicant and Owners, date-stamped 2/13/12 by the Town Clerk
4. Assessors Card Print-out for the lot
5. Deed for the Property
6. Memorandum from the Board of Health, dated 1/31/12, Approving the Project, date-stamped 1/31/12 by the Town Clerk
7. Memorandum from the Conservation Agent, dated 1/15/12, stating "No wetland within 100' of Project", date-stamped 1/31/12 by the Town Clerk
8. Certified Plot Plan, prepared by Neil J. Murphy, Registered Land Surveyor, dated 1/31/12, and date-stamped 1/31/12 the Town Clerk.
9. Proposed construction plans, three sheets, A-1, A-2 and A-3, by Custom Home Designs, dated 1/15/12, date-stamped 1/31/12 by the Town Clerk
10. Picture of existing dwelling

FINDINGS:

1. The Property contains a single family dwelling that was constructed in 1954.
2. The Owners ask for permission to demolish the existing attached one car garage and breezeway and replace them with a 25' x 26' attached two car garage and covered breezeway that will meet the required setbacks.¹ The addition will contain a master bedroom and bath on the second floor.
3. The Property will continue to be used as the site for a single family dwelling.
4. The scale and appearance of the dwelling, as shown on Exhibit 9, is in keeping with the neighborhood and will be a continuation of the present allowed use, aforesaid.
5. The Board, based upon the foregoing, finds:
 - A.. The proposed continuation of the allowed use will not be detrimental to the neighborhood.
 - B. The proposed changes will not significantly alter the character of the Zoning District, Residential District B.
 - C. The proposed change/alteration shall not be substantially more detrimental than the existing structure to the neighborhood. (see G.L.c.40A, §6)
 - D. The proposed change/alternation shall not be injurious, noxious or offensive to the neighborhood for any reason, including those listed in §1420, c) in the Norwell Zoning By-Laws.

¹See Exhibit 8



DECISION OF THE BOARD:

Based on the evidence presented, the Exhibits, 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 proposed changes and alterations to the Property known and numbered as 117 Grove Street, subject to the following:

SPECIAL CONDITIONS:

All changes and alterations shall be in accordance with the Site Plan, Exhibit 8, and Design Plans, Exhibit 9, Sheets A-1, A-2 and A-3. Any deviations or changes shall be subject to review and approval by the Board.

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.



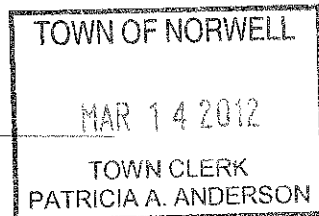
Lois S. Barbour



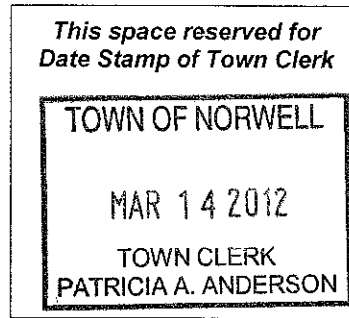
David Lee Turner



Thomas P. Harrison



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.