

OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

345 MAIN STREET, P.O. BOX 295
NORWELL, MASSACHUSETTS 02061
(781) 659-8018 • Fax (781) 659-1892

Members

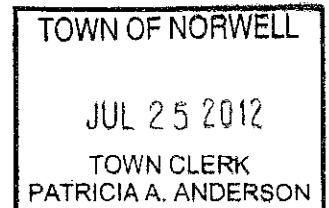
Lois S. Barbour, Chair
Philip Y. Brown, Vice Chair
David Lee Turner

Associate Members

Michael E. Kiernan, Clerk
Thomas P. Harrison

FINDINGS AND DECISION OF THE NORWELL BOARD OF APPEALS

File No. 12-9



A PUBLIC HEARING was held on July 11, 2012 at 7:30 P.M., 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:

Brian Cormican
P.O. Box 371
Norwell, MA 02061, (the Applicant)

For a Special Permit and Section 6 Finding under the Norwell Zoning By-Law, Sections 1400, 1420, 1640, 1642 and 2421 (Lot Area) to expand the single family dwelling on the property known and numbered as 44 Prouty Avenue (the Property). The Property does not conform to the minimum lot size requirement of 43,560 sq. ft. with only 15,479 sq. ft. The Property is in Residential District B, is shown on Assessor's Map 12D, Block 27, Lot 92, and is described in Certificate of Title #117332 on file with Plymouth Registry of Deeds.

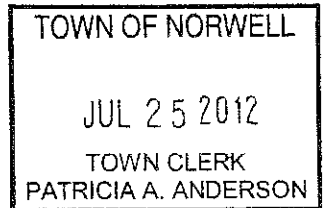
The Public Hearing for this application was duly noticed in The Norwell Mariner on June 21, 2012 and June 28, 2012, and posted at the Norwell Town Hall.

The following documents were received by the Board, marked as Exhibits as noted below and included as part of the Application and file for this case:

Exhibit Numbers

1. Application (12-9) received and stamped by the Town Clerk and Board of Appeals on May 24, 2012.
2. Front elevation of proposed new mudroom to replace the existing deck and second floor expansion, attached to the Application and stamped as received on May 24, 2012, for 44 Prouty Avenue.

3. Picture of existing deck and structure on 44 Prouty Avenue, stamped as received on May 24, 2012.
4. Plan of land in Norwell, by Ernest W. Branch, Inc., Civil Engineers, dated July 20, 1954, that shows 44 Prouty Avenue as Lot 1, stamped as received on May 24, 2012.
5. Copy of the Legal Notice published in the Norwell Mariner June 21, 2012 and June 28, 2012, for the reference case.
6. Norwell Assessors Record Card for 44 Prouty Avenue (6a & 6b).
7. List of abutters, three pages.



FINDINGS:

At the hearing, the Board confirmed the facts in the Notice and Application set forth above. The Applicant appeared and presented the request and the facts set forth in the Application.

Based upon the foregoing, the Board finds that:

1. The Applicant proposes to convert the existing deck to an enclosed and covered 12' x 12' mud room
2. The Application also proposes to add a second floor, as shown on Exhibit 2, all to be within the footprint of the existing structure.
3. The proposal will not increase the non-conforming portions of the property.
4. The proposed changes, aforesaid, as shown on Exhibit 2, and as described above, are in harmony with and complies with the intent and purpose of the Zoning By-law and will have no adverse impact upon the neighborhood.

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 make a Section 6 Finding for the changes described above.

SPECIAL CONDITION:

Plans, in accordance with the State Building code, shall be submitted to the Building Inspector before any Building Permit for the Project is issued.

CONDITIONS APPLYING TO ALL DECISIONS:


1. **RECORDING OF THE DECISION:** After receiving certification from the

Town Clerk that no appeal has been taken within twenty days, or if appealed then dismissed or denied, a copy of the Board's decision must be filed with either the Register 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 Land Court to be registered and noted on the owner's certificate of title in the case of registered land.

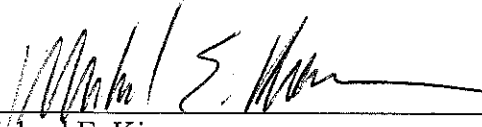
2. **RECORDING RECEIPT:** A copy of the recording fee receipt must be returned to the Board of Appeals. *NOTE:* No building permit shall be issued without such evidence.
3. **EFFECTIVE DATE OF APPROVAL:** This Decision shall take effect only at such time as a copy of the Decision, certified by the Office of the Town Clerk of the Town of Norwell, is recorded with the Register of Deeds or Recorder of the Land Court.
4. **EXPIRATION:** The applicant must exercise any Decision granted by the ZBA within two (2) years from the date of the Decision or it shall lapse.



David Lee Turner



Thomas P. Harrison



Michael E. Kiernan

Date Filed with Office of the Town Clerk

*This space reserved for
Date Stamp of Town Clerk*

TOWN OF NORWELL
JUL 25 2012
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.