

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

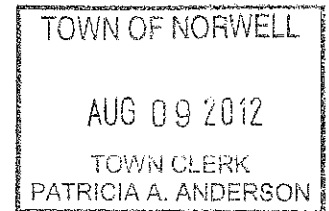
Lois S. Barbour, Chair
Philip Y. Brown, Vice Chair
David Lee Turner

Associate Members

Michael E. Kiernan, Clerk
Thomas P. Harrison

FINDINGS AND DECISION OF THE NORWELL BOARD OF APPEALS

File No. 12-12



A PUBLIC HEARING was held on August 8, 2012 at 7:40 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:

Charles & Jessica Schauber
27 Ridge Hill Road
Norwell, MA 02061, (the Applicants)

for a Special Permit and Section 6 Finding under the Norwell Zoning By-Law, Sections 1400, 1420, 1640, 1642 and 2421 (Lot Area), for their Property known and numbered as 27 Ridge Hill Road, in said Norwell, (the Property). The Applicants, in their Application, seek a decision that will allow them to expand the single family dwelling on the property by adding a second floor with 3 bedrooms, 2 ½ baths, bumping out the existing first floor (36' x 7'), by enclosing the breezeway and extending the front entry way (12' x 4'), all within the required setbacks.

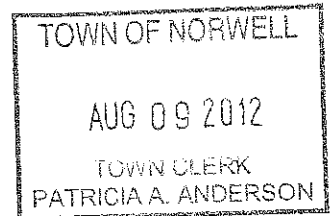
The Property is shown on Assessors Map 11B as Lot 8 in Block 30, is in Residential Zoning District B, is described in the instrument recorded with Plymouth Deeds in Book 35587, Page 278. The single family dwelling on the property was built in 1960. The Property, that contains 21,855 sq. ft., does not conform to the minimum lot size requirement of 43,560 sq. ft.

The Public Hearing for this Application was duly noticed in The Patriot Ledger on July 23, 2012 and The Norwell Mariner on August 2, 2012, and was posted at the Norwell Town Hall as required by law.

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 (12-12) received and stamped by the Town Clerk and Board of Appeals on July 19, 2012.
2. Pictorial representations of the (a) front of the existing dwelling, (b) rear of the existing dwelling, (c) foundation plan of the existing dwelling.
3. Proposed front elevation of proposed expansion of existing dwelling (Expansion Proposal) (a), proposed first floor plan (b) proposed second floor plan (c) proposed & existing foundation plan (d).
4. As-Built Septic System Plan, 27 Ridge Hill Road, by CCR Associates dated 9/10/07.
5. Copy of Legal Notice published in The Patriot Ledger on 7/23/12, and in the Norwell Mariner on 8/2/12.
6. Norwell Assessors Record Card for 27 Ridge Hill Road
7. List of abutters, two pages.
8. Approval of the Board of Health
9. Conservation Commission review, two 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 expand their single family dwelling as noted in the Exhibits, within the existing required setbacks and without expanding the use of the Property.
2. The Application also proposes to add a second floor, as shown on Exhibit 3, all to be within the footprint of the existing structure and a minor and non-intrusive expansion of the foundations and footprint of the dwelling (see Exhibit 3(d)).
3. The proposal will not change the non-conformity of the Property or impact upon the allowed use of the Property.
4. The proposed changes, aforesaid, as shown on the Exhibits, and as described above, are in harmony with and comply 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 approving the changes described above.

SPECIAL CONDITION:

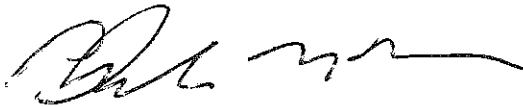
Plans, in accordance with the State Building code, shall be submitted to the Building Inspector before any Building Permit for the Project is issued.

CONDITIONS APPLYING TO ALL DECISIONS:

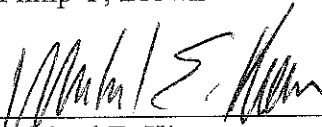
1. **RECORDING OF THE DECISION:** After receiving certification from the Town Clerk that no appeal has been taken within twenty days, or if appealed then dismissed or denied, a copy of the Board's decision must be filed with either the Register of the Plymouth County Registry of Deeds to be recorded 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 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:** 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.



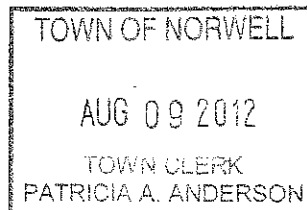
David Lee Turner



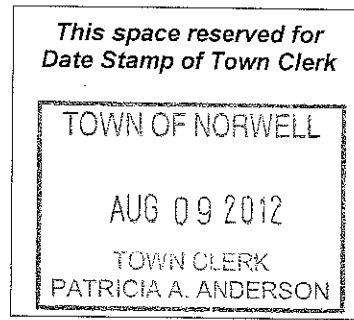
Philip Y. Brown



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.