

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. 13-4

A **PUBLIC HEARING**(s) was held on May 1, 2013, by the Norwell Zoning Board of Appeals under Massachusetts General Laws, Chapter 40A, Sections 6 and 9, at the Norwell Town offices, 345 Main Street Norwell, MA on the application of:

Thomas & Laurie Heaney
33 Ridge Hill Road
Norwell, MA 02061

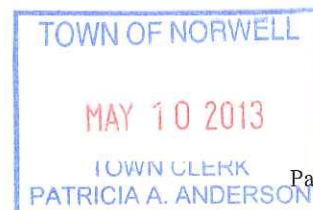
For a **Special Permit** (Sections 1400, 1420) and a **Section 6 finding** (Section 1640, 1642 and 242) required under the Norwell Zoning Bylaws. The lot is non-conforming with 22,052 square feet where 43,560 square feet are required. The applicant wishes to add a two story addition with a farmers porch and a new two car garage with master bedroom and bath above, for a total of three bedrooms. The existing family room will be enlarged. The house was built in 1962. The proposed changes meet all the required setbacks. The property is located at **33 Ridge Hill Road**, in Residential District B, as shown on Assessor's Map 11B, Block 30, Lot 10, and recorded at Registry of Deeds Book 18872, Page 29.

The Public Hearing for this application was duly noticed in *The Norwell Mariner* on April 11 and 18, 2013, and posted by the Town Clerk, as required by the Open Meeting Law.

The Applicant and representatives were in attendance at the hearing to present the application for the proposed change in the property. They noted that the addition met all of the setbacks. There was no voiced opposition.

The Board received the following information into its files:

1. Copy of the legal notice for The Norwell Mariner
2. Abutters List
3. Application, completed and signed by the applicants, date-stamped on April 2, 2013, by the Town Clerk
4. Assessors Card print-out for the lot
5. A quitclaim deed for the property
6. A Plot Plan dated December 28, 1982



7. Mortgage Inspection Plan with sketch of proposed addition date-stamped 6/3/11 by the Town Clerk
8. Memorandum from the Board of Health, dated 3/28/13, stating "existing den/office door to be removed. Convert to uncased opening. Total 3 bedrooms" and noting that the address is in compliance with Board of Health Rules and Regulations. This memo is from Brian Flynn, Health Agent, and date-stamped 4/2/13 by the Town Clerk
9. Memorandum from the Conservation Agent, dated 3/28/13, stating "project is within existing layout of structures". The special conditions are that erosion controls must be placed around the limit of work and there shall be no tree or shrub removal associated with this project. The memo was signed by Nancy Hemingway, Conservation Agent, and date-stamped 4/2/13 by the Town Clerk.
10. Architectural sketches of the proposed addition.

FINDINGS:

1. The proposed addition will be on the existing footprint of the house and will extend beyond the footprint to the side so that a garage can be added. The proposed addition meets all setbacks.
2. The proposed addition will not significantly alter the character of the zoning district, as it fits with the character of the neighborhood, which has a range of dwelling sizes and styles.
3. The use of the proposed construction is residential, which is permitted by right under the Norwell Zoning Bylaw and, therefore, will not be detrimental to the neighborhood or zoning district.
4. The proposed use will not be injurious or otherwise hazardous to the community, as the proposed construction will continue to be residential, as allowed by right under the Norwell Zoning Bylaw.

DECISION OF THE BOARD:

Based on the application and evidence presented 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 addition, limiting the total allowed bedrooms to three (3), to a residential dwelling located at the property known as 33 Ridge Hill Road, subject to the following:

SPECIAL CONDITIONS:

The addition will be constructed in accordance with the filed plans as set forth above and will be constructed in accordance with the requirements of the Conservation Commission and the Board of Health.




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.



Philip Y. Brown

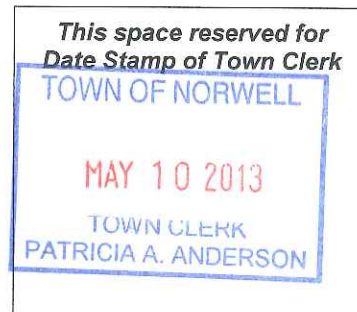


Thomas P. Harrison



David Lee Turner

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.