

OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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Michael E. Kiernan, Clerk
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FINDINGS AND DECISION **OF** **THE NORWELL BOARD OF APPEALS**

File No. 13-5

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

Scott and Lisa McMullen
48 Gerard Road
Norwell, MA 02061

For a **Special Permit** and Section 6 Finding pursuant to By-Law Sections 1400, 1420, 1640, 1642 and 2421 (Lot area) of the Norwell Zoning By-Laws. The Lot is nonconforming, as it only contains 8,000 sq. ft. where 43,560 sq. ft. is required. The applicant proposes to extend the existing dormer in the rear of the house by 3 ft on each side so as to be flush with the existing framework of the second story of the dwelling. The house was built in 1953. The property is located at 48 Gerard Road and shown on Assessor's Map 6C as Block 21 Lot 77, Registry of Deeds Book 34329, Page 67 in Residential District B.

The Public Hearing for this application was duly noticed in *The Norwell Mariner* on April 11, 2013 and April 18, 2013 and was posted at Norwell Town Hall.

The applicants were in attendance and presented their own application. No one spoke in opposition to the application.

FILE DOCUMENTATION:

The Board received the following information into its files:

1. Copy of the legal notice.
2. An abutters list.
3. A completed application for the public hearing signed by the applicants on April 4, 2013 and date-stamped by the Town Clerk on April 5, 2013.



4. A sketched plan depicting the current dwelling as well as the existing dormer and the proposed extension of that dormer prepared by Style Construction. The aforementioned was date-stamped by the Town Clerk on April 5, 2013.

FINDINGS:

1. As the existing house was built in 1953 on what is now a pre-existing nonconforming lot with only 8,000 sq. ft where 43,560 sq ft is required, no variance is necessary to proceed with the proposed construction as set out in the application.
2. The proposed construction does not change the height of the roofline and does not extend beyond either side of the existing dwelling.
3. The proposed project is in keeping with the scale and style of the surrounding residential dwellings and will, in the opinion of the Board, not change the essential character of the neighborhood.
4. Based upon the application submitted to the Board, the Board finds that the construction of the proposed project will not be substantially more detrimental to the neighborhood than the existing structure and the applicant is entitled to a Section 6 finding and special permit under Norwell Zoning By-Laws Section 1642.

DECISION OF THE BOARD:

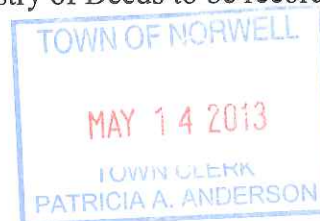
Based upon its findings as set forth above and upon a motion duly made and seconded, the Board unanimously **VOTED** to grant a **Special Permit/Section 6 Finding** in accordance to M.G.L. c. 40A Section 1642 of the Norwell Zoning By-laws, for construction of a new 31 ft dormer, subject to the following:

SPECIAL CONDITIONS:

1. The project shall be constructed in accordance with the sketch plan prepared by Style Construction submitted with the application and date-stamped by the Town Clerk on April 5, 2013.
2. The new dormer shall not go beyond the existing footprint and shall not change the height of the house.
3. The project shall comply in all other respects with existing Norwell Zoning By-laws.

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 shall 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 and to the Inspector of Buildings.

NOTE: No building permit shall be issued without such evidence.

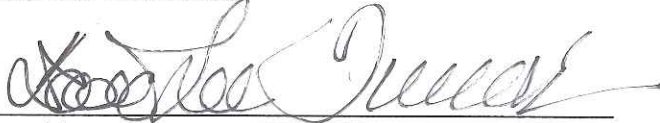
3. EFFECTIVE DATE OF APPROVAL: The Special Permit granted by this Decision shall take effect only at such time as a copy of this Decision, certified by the Office of the Town Clerk of the Town of Norwell, is recorded with the Registrar of Deeds or Recorder of the Land Court.
4. EXPIRATION: The applicant must exercise any Special Permit granted by the Zoning Board of Appeals within two years from the date of this decision or it shall lapse. No extension of the permissions granted by this Decision shall be allowed, except in accordance of M.G.L. c. 40A and the rules and regulations of the Board of Appeals, without a new application.



Philip Y. Brown

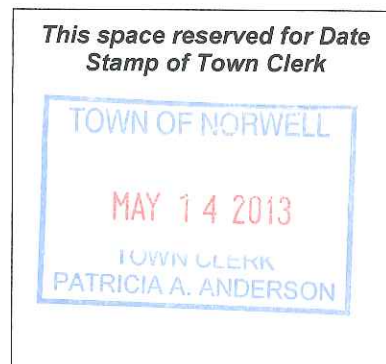


Michael E. Kiernan



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.