

OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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FINDINGS AND DECISION **OF** **THE NORWELL BOARD OF APPEALS**

File No. 13-6



A PUBLIC HEARING was held on May 22, 2013 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 of:

Kristen West
50 Wilder 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 her Property known and numbered as 50 Wilder Road, in said Norwell, (the Property). The Applicant, in her Application, seeks a decision that will allow her to add a two story addition of approximately 16' x 22', creating a family room with a master bedroom and bath on the second floor, all within the required setbacks. Two dormers will be added to the front.

The Property is shown on Assessors Map 6C as Lot 43 in Block 21, is in Residential Zoning District B, and is described in the instrument recorded with Plymouth Deeds in Book 041518. The single family dwelling on the property was built in 1953. The Property, that contains 9,747 sq. ft., does not conform to the minimum lot size requirement of 43,560 sq. ft.

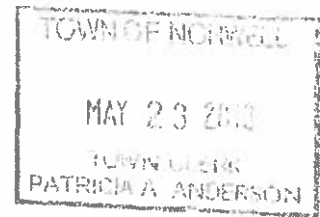
The Public Hearing for this Application was duly noticed in The Norwell Mariner on May 2, 2013 and May 9, 2013, and was posted at the Norwell Town Hall as required by law.

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 received and stamped by the Town Clerk and Board of Appeals on April 22, 2013.
2. Proposed plan received and stamped on April 22, 2013, showing existing foundation, first floor plan, second floor plan, and elevations of front, rear, right side and left side.

3. Registered Plot Plan dated 4/22/13 showing proposed addition.
4. Copy of June 16, 2010 ZBA Decision approving a proposed 14' x 14' addition with a 6' x 14' farmers porch in front for said property
5. Copy of Legal Notice published in the Norwell Mariner on 5/2/13 and 5/9/13 (a & b).
6. Norwell Assessors Record Card for 50 Wilder Road
7. List of abutters, two pages.
8. Approval of the Board of Health
9. Conservation Commission review with GIS orthophoto map attached.



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 Property is and will continue to be used as a single family dwelling with not more than three (3) bedrooms.
2. The Applicant proposes to add a two story (approximately 16' x 22") addition with a family room on the first floor and a new master bedroom and bath on the second floor.
3. The Applicant also proposes to add two new dormers to the existing second floor area and to complete all of the changes and additions without violating present zoning setback requirements as shown on Exhibits 2 & 3.
4. The proposal will not change the non-conformity of the Property or impact upon the allowed use of the Property.
5. 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, that comply with the requirements of the State Building code, shall be submitted to the Building Inspector before any Building Permit for the Project is issued. All construction

It comply with the details set forth in Exhibits 2 and 3. The use of the dwelling shall be limited to a maximum of three bedrooms.

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



Michael E. Kiernan



Thomas P. Harrison

Date Filed with Office of the Town Clerk

*This space reserved for
Date Stamp of Town Clerk*

TOWN OF NORWELL
MAY 23 2013
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.