



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

File No. 13-15

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PUBLIC HEARINGS were held on December 4, 2013, and continued to January 15, 2014, 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:

Master Builders Trust  
36 Village Road, Unit 401  
Middleton, MA 01949

For a Special Permit under Sections 1400, 1420, Section 1640, 1642 and 2421 of the Norwell Zoning Bylaw and a **M.G. L. C. 40A** Section 6 Finding. The lot is non-conforming with 10,000 square feet where 43,560 square feet are required. The applicant wishes to raze the existing dwelling and shed and construct a new two-story 3-bedroom dwelling with deck within the required setbacks. Property is located at **41 Doris Avenue** in Residential District B and the Aquifer Protection District and shown on Assessor's Map 12D Block 27 Lot 116 and Registry of Deeds Book 1928 PG 373. The house was built in 1939.

The Public Hearing for this application was duly noticed in the *Patriot Ledger* on November 18, 2013, and *The Norwell Mariner* on November 28, 2013, and posted by the Town Clerk, as required by the Open Meeting Law.

The Applicant and representatives of the estate were in attendance at the hearing to present the application. They noted that the proposal meets all setback requirements. There was no voiced opposition.

The Board received the following information into its files:

1. Copies of legal notice in *The Norwell Mariner* and the *Patriot Ledger*
2. Abutters List
3. Application, completed and signed by the applicant, date-stamped by the Town Clerk on November 13, 2013
4. Assessors Card print-out for the lot
5. Offer to Purchase Real Estate, signed by Kathy E. Mahoney as personal representative of the Estate of Eileen G. Rose, Plymouth County Docket # PL13P1422EA
6. Elevations Drawing A-4, dated June 9, 2011, prepared by HPA Design, Inc. of 200 Stonewall Blvd., Suite 5, Wrentham, MA 02093
7. Drawing entitled Proposed Site Plan/41 Doris Avenue/Norwell/MA, prepared by DeCelle Burke & Associates, Inc., of 149 Independence Avenue, Quincy, MA 02169, sealed and signed by Lawrence W. DeCelle, Jr., PLS, and James W. Burke, RPE
8. Conservation Commission Approval for Building Permit, signed by Conservation Agent Nancy Hemingway on 10/9/13
9. Board of Health Application for Disposal System Construction Permit, date-stamped by the Board of Health on 10/17/13, and approved by the Health Agent, Brian Flynn, on 11/7/13

**FINDINGS:**

1. The proposed construction meets all setback requirements under the Norwell Zoning Bylaw.
2. The proposed construction will not significantly alter the character of the zoning district nor that of the neighborhood, which has a range of dwelling sizes and styles, as the proposed design is for a 2-story residential dwelling with three (3) bedrooms approved by the Board of Health.
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 consistent with residential use, as allowed by right under the Norwell Zoning Bylaw.
5. There are no wetlands located on or in proximity of the property that would fall under the jurisdiction of the Conservation Commission.

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## DECISION OF THE BOARD:

In accordance with the submitted application and evidence presented during the public hearing and based on 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 applicant to raze the existing dwelling located at **41 Doris Avenue** and to construct a new 2-story dwelling per the following:

### SPECIAL CONDITIONS:

1. In accordance with the filed architectural elevations plan,
2. Limited to three (3) bedrooms in accordance with Board of Health restrictions, and
3. To meet all setback requirements of the Norwell Zoning Bylaw.

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### 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.



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Philip Y. Brown



David Lee Turner

*This space reserved for  
Date Stamp of Town Clerk*

Date Filed with Office of the Town Clerk

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**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.