



OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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FINDINGS AND DECISION OF THE NORWELL BOARD OF APPEALS

File No. 13-18

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A **PUBLIC HEARING** was held on January 15, 2014, by the Norwell Zoning Board of Appeals under Massachusetts General Laws, Chapter 40A, Section 10, at the Norwell Town Offices, 345 Main Street Norwell, MA on the application of:

Mary and David Morin
11 Millwood Circle
Norwell, MA 02061

For a **Variance** under Section 1322 of the Norwell Zoning Bylaw. The applicant seeks approval to add a two-car garage due to medical necessity. The lot does not conform to minimum lot size requirement of 43,560 sq. ft. with only 23, 958 sq. ft. The property is located at **11 Millwood Circle** in Residential District B, as shown on Assessor's Map 11B Block 30 Lot 11 and recorded at the Registry of Deeds Book 21249, Page 143. The House was built in 1963.

The Public Hearing for this application was duly noticed in *The Norwell Mariner* on December 26, 2013, and January 2, 2014, and posted by the Town Clerk, as required by the Open Meeting Law.

The applicants were in attendance at the hearing to present the application. They noted that the proposal meets all setback requirements, except frontage, where 35' is required in Residential District B under § 2441, Front Yard, and 22' is proposed to accommodate the garage additions and meet the 20' side and rear yard setback requirement under § 2442. There was no voiced opposition, although an abutter expressed concern about light to their property being blocked. However, the inspector of buildings viewed the respective properties and, in his opinion, this is not an issue.

The Board received the following information into its files:

1. Copy of legal notices in *The Norwell Mariner*
2. Abutters List
3. Application, completed and signed by the applicant, date-stamped by the Town Clerk on December 6, 2013

4. Assessors Card print-out for the lot
5. Drawing with no date showing the footprint of the proposed addition and the sideline setback to the adjacent property with new construction
6. Communication via email of 1/13/14 from abutters Linda and Paul Savoy, requesting that the garage be limited in height and their view not be blocked to meet sideline setback requirements
7. Conservation Commission Approval for Building Permit with map, signed by Conservation Agent Nancy Hemingway (no date)
8. Confidential letter from the applicant's doctor attesting to the medical disability of the applicant

FINDINGS:

1. The proposed construction meets all setback requirements under the Norwell Zoning Bylaw, except the proposed garage that will reduce the distance from the street to approximately 22', where 35' is required under § 2441 of the NZBL.
2. The proposed construction will not significantly alter the character of the zoning district nor that of the neighborhood, as many dwellings have attached 1- or 2-car garages.
3. The use of the proposed construction will continue to be 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.

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 **Variance** from the requirements of § 2441 of the Norwell Zoning Bylaw in order for the applicant to construct a 2-car garage located at **11 Millwood Circle** to meet all other setback requirements of the Norwell Zoning Bylaw.

CONDITIONS APPLYING TO ALL VARIANCES:

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 Variance granted by this Decision shall take effect only at such time as a copy of this Decision, certified by the Office of the

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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 Variance granted by the ZBA within one (1) year from the date of this decision or it shall lapse.

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Lois S. Barbour



Thomas P. Harrison



Michael Kiernan

*This space reserved for
Date Stamp of Town Clerk*

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.