



OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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FINDINGS AND DECISION

OF

THE NORWELL BOARD OF APPEALS

File No. 14- 2

A **PUBLIC HEARING** was held on May 14, 2014 and May 21, 2014, by the Norwell Zoning Board of Appeals under MA General Laws, Chapter 40A, Sections 6 and 9 at the Norwell Town Offices, 345 Main Street, Norwell, MA, for the application of:

Julie & Jason Gordan
20 Nancy Lane
Norwell, MA 02061

For a **Special Permit** and **Section 6 Finding** under Sections 1400, 1420, 1642 and 2421 (Lot Area) of the Norwell Zoning Bylaws. The lot does not conform to minimum lot size requirements of 43,560 sq. ft. with only 8,000 sq. ft. The Applicant proposes to extend the dormer on the back of the house to a full shed dormer which will not extend beyond the footprint of the house. The property is located at **20 Nancy Lane** and shown on Assessor's Map 12A, Block 21 Lot 157, Registry of Deeds Book 37533, Page 205 in Residential District B. The house was built in 1953.

The Public Hearing for this application was duly noticed in *The Norwell Mariner* on April 24, 2014 and May 1, 2014 and was posted at Norwell Town Hall.

The Applicant presented the proposed project as outlined in the application. No one spoke in opposition to the application.

FILE DOCUMENTATION:

The Board received the following information into its files:

1. A copy of the legal notice.
2. Assessors Card.
3. An Abutter's list.
4. A completed application for public hearing signed by the owner, Julie Gordan and the applicant, the contractor, David Pratt. The aforementioned was date- stamped by the Town Clerk and the Board of Appeals on April 10, 2014.
5. A photograph of the existing partial dormer on the house along with a red outline of the location of the proposed full dormer. The aforementioned was date- stamped by the Town Clerk on April 10, 2014.
6. Proposed 2nd floor plan.
7. Conservation Commission Approval signed by the Conservation agent, Nancy Hemingway and received by the Board of Appeals on May 21, 2014.
8. Board of Health Approval of Brian Flynn, the Health Agent indicating that it is ok to expand the existing dormer. The aforementioned was received by the Board of Appeals on May 21, 2014.

FINDINGS:

1. The lot measures 8,000 sq. ft. where 43,560 sq. ft. is required pursuant to Section 2421.
2. The footprint of the existing house will not be changed by the proposed construction.
3. The Board finds that the increase in volume of the project will increase the non-conforming nature of the dwelling.
4. The Board may issue a Section 6 finding pursuant to M.G.L c.40A and Section 1642 of the Norwell Zoning Bylaws if it finds that the increase in the non-conforming nature of the structure will not be substantially more detrimental to the neighborhood than the existing structure.
5. 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.
6. Based upon the application submitted, the Board finds that the increase in the non-conforming nature of the proposed extension of the dormer will not be substantially more detrimental to the neighborhood than the existing structure and the applicant is entitled to a Section 6 finding under the circumstances.

DECISION OF THE BOARD:

Based upon its findings as set forth above and upon a motion duly made and seconded, the Board of Appeals unanimously **VOTED** to grant a **Special Permit/ Section 6 finding** in accordance with M.G.L. Chapter 40A Section 6 and Section 1642 of the Norwell Zoning Bylaws, for the proposed construction of a full back dormer at **20 Nancy Lane**, subject to the following:

SPECIAL CONDITIONS:

1. The dormer shall extend no further up than the existing roofline and no further out than the existing footprint of the house in any direction.
2. The project should comply in all other respects within the Norwell Zoning Bylaws.

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 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 the 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

Philip Y. Brown

Michael E. Kiernan

Michael E. Kiernan

Thomas P. Harrison

Thomas P. Harrison

Date Filed with Office of the Town Clerk

*This space reserved for
Date Stamp of Town
Clerk*

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TOWN OF NORWELL
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.