



OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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Members

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Philip Y. Brown, Vice Chair
David Lee Turner, Asst. Clerk

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Michael E. Kiernan, Clerk
Thomas P. Harrison

FINDINGS AND DECISION

OF

THE NORWELL BOARD OF APPEALS

File No. 14 – 3

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:

Steven & Melissa Kohler
14 Jay Road
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 8,153 sq. ft. The Applicant proposes to add a full shed dormer to the rear of the house which will not extend beyond the footprint of the house. The property is located at **14 Jay Road** and shown on Assessor's Map 5D as Block 21 Lot 182, Registry of Deeds Book 41447, Page 64 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 posted at the Norwell Town Hall.

Steven Kohler 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, Steven Kohler, but with the applicant listed as 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 rear and side of the home with handwritten lines identifying the location of the proposed shed dormer. The aforementioned was date-stamped by the Town Clerk on April 10, 2014.
6. Plot plan prepared by R.H. Cole Associates depicting the location of the home and the existing deck on the property. The aforementioned was date-stamped by the Town Clerk on April 10, 2014.
7. Sketches of the existing 2nd floor as well as the proposed 2nd floor layout.
8. Conservation Commission Approval signed by the Conservation agent, Nancy Hemingway and received by the Board of Appeals on May 21, 2014.
9. Board of Health Approval of Brian Flynn, the Health Agent indicating that it is ok to add the dormer and a bathroom to the existing dormer. The aforementioned was received by the Board of Appeals on May 21, 2014.

FINDINGS:

1. The lot measures 8,153 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 construction of a shed dormer on the rear

of the home 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 rear dormer at 17 Jay Road, 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 is 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.