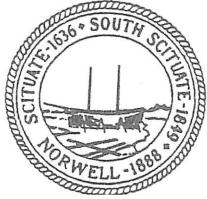


TOWN OF NORWELL
TOWN CLERK

2014 JUN 18 AM 8:05

RECEIVED



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
David Lee Turner, Clerk

Associate Members

Michael E. Kiernan
Thomas P. Harrison
Ralph J. Rivkind

FINDINGS AND DECISION

OF

THE NORWELL BOARD OF APPEALS

File No. 14 – 6

A **PUBLIC HEARING** was held on June 4, 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:

Amy and Paul Sowinski
91 Franklin 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 8,000 sq. ft. The Applicant proposes to add a 12' x 14' addition (with crawl space only) off downstairs bedroom, converting existing space to master bedroom with added master bath; add a 16' x 28' addition with full basement off the existing kitchen/dining area, which will set back 4' from the existing house allowing for a proposed porch. The proposed work is within the required side and rear setbacks.. The property is located at **91 Franklin Road** and shown on Assessor's Map 12A as Block 21 Lot 118, Registry of Deeds Book 38484, Page 17, in Residential District B. The house was built in 1954.

The Public Hearing for this application was duly noticed in *The Norwell Mariner* on May 15, 2014 and May 22, 2014 and posted at the Norwell Town Hall.

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

FILE DOCUMENTATION:

The Board received the following information into its files:

1. Copy of the legal notice
2. Assessors' Card and Abutter's list
3. Completed application for public hearing signed by property owners Amy and Paul Sowinski, date-stamped by the Town Clerk and the Board of Appeals on May 6, 2014.
4. Plot plan prepared by Merrill Engineers and Land Surveyors of 427 Columbia Road, Hanover, MA, depicting the location of the residential unit and proposed additions at 91 Franklin Road, signed and sealed by Shane M. Brenner, RPLS, on May 2, 2014. Further, the plan was stamped and approved by Brian Flynn, Health Agent, on May 2, 2014, with the note that "Septic system location was compiled from Norwell Board of Health Records".
5. Conservation Commission Approval of 5/5/14 was signed by Conservation Agent Nancy Hemingway in accordance with a site walk on the same date.

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 construction of the project proposed 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.

TOWN OF NORWELL
TOWN CLERK
2014 JUN 18 AM 8:05
RECEIVED

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 Sections 1400, 1420, 1642 and 2421 (Lot Area) of the Norwell Zoning Bylaw, in accordance with the application submitted at **91 Franklin Road**, subject to the following:

SPECIAL CONDITIONS:

1. The construction proposed shall comply with the plans submitted.
2. The project shall comply in all other respects within the Norwell Zoning Bylaw.

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.

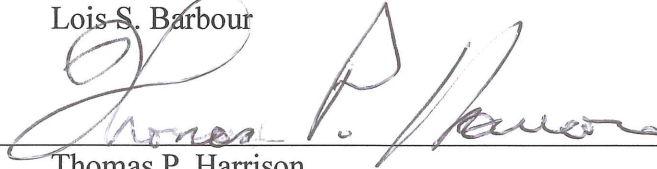
TOWN OF NORWELL
TOWN CLERK

2014 JUN 18 AM 8:05

RECEIVED



Lois S. Barbour



Thomas P. Harrison



David Lee Turner

Date Filed with Office of the Town Clerk

*This space is reserved for
Date Stamp of Town
Clerk*

RECEIVED

2014 JUN 18 AM 8:05

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.