

OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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NORWELL, MASSACHUSETTS 02061
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FINDINGS AND DECISION OF THE NORWELL ZONING BOARD OF APPEALS

File No. 14-10

A **PUBLIC HEARING** was held on August 6, 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, on the application of:

Gerard Walsh
64 Coolidge Road
Norwell, MA 02061

For a **Special Permit and Section 6 Finding** under Sections 1400, 1420, 1640, 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 15,681 sq. ft. The Applicant proposes to add a second story with three bedrooms to the existing dwelling, changing from a ranch style to garrison colonial with an 18" overhang, meeting setback requirements, on property located at **64 Coolidge Road**, as recorded by Land Court Certificate No. 110122 and shown on Assessor's Map 12C as Block 32 Lot 43, in residential District B. The house was built in 1967.

The Public Hearing for this application was duly noticed in *The Patriot Ledger* on July 22, 2014 and in *The Norwell Mariner* on July 31, 2014, and posted at the Norwell Town Hall in accordance with Open Meeting Law requirements.

The Applicant presented the proposed project as outlined in the application. No one in the audience spoke in favor of or in 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 owner Gerard Walsh, as date-stamped by the Town Clerk and Board of Appeals on July 1, 2014.
4. Septic System As-Built for #64 Coolidge Road, identified as Assessors Lot 32-043 and showing lot area of 16,440± sq.ft., as prepared by Grady Consulting, LLC of 6 Grays Beach Road, Kingston, MA 02364, depicting the location of the residential unit and proposed additions at 64 Coolidge Road, signed and sealed by Richard J. Grady, Registered Professional Civil Engineer, on November 1, 2006.
5. Memorandum from Brian Flynn, Health Agent, with the note that "OK to add 2nd floor with 3 bedrooms and sitting rm. 1st floor to include liv. Rm., sitting rm., & Kitchen". Further, that "The above address is in compliance with Board of Health Rules & Regulations."
6. Conservation Commission Approval of 7/1/14 was signed by Conservation Agent Nancy Hemingway in accordance with "existing permit or other documentation for this location that shows the project to be outside the delineated resource areas and buffer zone."
7. Sketch Drawing showing existing and proposed conditions of the exterior of the dwelling, date-stamped by the Town Clerk and Board of Appeals on July 1, 2014.

FINDINGS:

1. The lot measures 15,681± 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 style of the dwelling will change from a one-story ranch to a garrison colonial with an 18" overhang in the front of the structure, which the Board finds to be a *de minimus* increase.
4. The Board finds the increase in volume of the project will increase the non-conforming nature of the dwelling.
5. 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. The Board, therefore, finds the proposed project is in keeping with the scale and style of the surrounding residential dwellings and will not change the essential character of the neighborhood.
6. The occupancy of the structure will continue to be residential, which is a permitted use in Residential District B.
7. 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.


DECISION OF THE BOARD:

Based upon its findings set forth above and upon a motion duly made and seconded, the Board of Appeals **VOTED** unanimously 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 **64 Coolidge Road**, subject to the following:

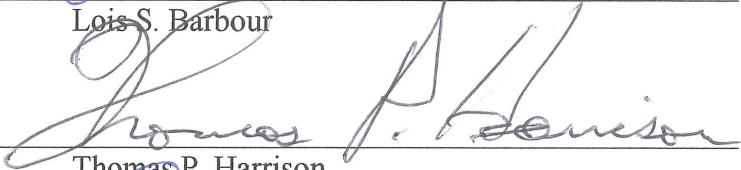
CONDITIONS APPLYING TO ALL DECISIONS:

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.


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Lois S. Barbour



Thomas P. Harrison



Ralph J. Rivkind

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.