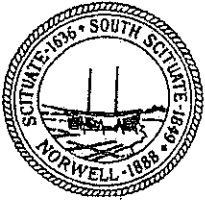


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OFFICE OF
BOARD OF APPEALS

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, Asst. Clerk

Associate Members

Thomas P. Harrison
Ralph J. Rivkind

FINDINGS AND DECISION **OF** **THE NORWELL BOARD OF APPEALS**

File No. 14-12

A PUBLIC HEARING was held on October 1, 2014 at 7:30 P.M., by the Norwell Zoning Board of Appeals (the Board) under Massachusetts General Laws, Chapter 40A, Sections 6 and 9, at the Norwell Town Offices, 345 Main Street, Norwell, MA on the Application (the Application) of:

Dante & Melissa Tordiglione
36 Christopher Road
Norwell, MA 02061, (the Applicants)

for a Special Permit and Section 6 Finding under the Norwell Zoning By-Law, Sections 1400, 1420, 1640, 1642 and 2421 (Lot Area), for their Property known and numbered as 36 Christopher Road, in said Norwell, (the Property). The Applicants, in their Application, seek a decision that will allow them to expand the single family dwelling on the property by adding a second floor with 4 bedrooms, within the footprint of the existing dwelling with a very minor and insignificant variation, as shown on the plans filed with the Application, all within the required setbacks.

The Property is shown on Assessors Map 12C as Lot 52 in Block 31, is in Residential Zoning District B, is described in the instrument recorded with Plymouth Deeds in Book 40273, Page 187. The single family dwelling on the property was built in 1967. The Property, that contains 22,052 sq. ft., does not conform to the minimum lot size requirement of 43,560 sq. ft.

The Public Hearing for this Application was duly noticed in The Norwell Mariner on September 11, 2014 and September 18, 2014, and was posted at the Norwell Town Hall as required by law.

The following documents were received by the Board, marked as Exhibits as noted below and included as part of the Application and file for this case:

Exhibit Numbers

1. Application (14-12) received and stamped by the Town Clerk and Board of Appeals on September 3, 2014.
2. Plan dated June 10, 2014 and signed by Robert W. Dennis Jr., Registered Engineer showing proposed front, side and rear elevations; proposed second floor plan; and proposed roof, second floor and attic framing.
3. Plot Plan dated May 20, 2013.
4. Copy of Legal Notice published in The Norwell Mariner on 9/11/14 and 9/18/14.
5. Norwell Assessors Record Card for 36 Christopher Road.
6. List of abutters.
7. Approval of the Board of Health
8. Conservation Commission Review with GIS orthophoto map

FINDINGS:

At the hearing, the Board confirmed the facts in the Notice and Application set forth above. The Applicant appeared and presented the request and the facts set forth in the Application.

Based upon the foregoing, the Board finds that:

1. The Applicant proposes to expand their single family dwelling as noted in the Exhibits, within the existing required setbacks and without expanding the use of the Property.
2. The Applicant also proposes to add a second floor, as shown on Exhibits 2 and 3, all to be within the footprint of the existing dwelling with a very minor and insignificant variation.

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3. The proposal will not change the non-conformity of the Property or impact upon the allowed use of the Property.
4. The proposed changes, aforesaid, as shown on the Exhibits, and as described above, are in harmony with and comply with the intent and purpose of the Zoning By-law and will have no adverse impact upon the neighborhood.

DECISION OF THE BOARD:

Based on the evidence presented and its findings above, upon a motion duly made and seconded, the Board **VOTED** unanimously to grant the Special Permit and make a Section 6 Finding approving the changes described above, as shown on the Plans submitted with the Application.

SPECIAL CONDITION:

Plans, in accordance with the State Building code, shall be submitted to the Building Inspector before any Building Permit for the Project is issued.

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 then dismissed or denied, a copy of the Board's decision must be filed with either the Register 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:** This Decision shall take effect only at such time as a copy of the Decision, certified by the Office of the Town Clerk of the Town of Norwell, is recorded with the Register of Deeds or Recorder of the Land Court.
4. **EXPIRATION:** The applicant must exercise any Decision granted by the ZBA within two (2) years from the date of the Decision or it shall lapse.

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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.