

OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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NORWELL, MASSACHUSETTS 02061
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David Lee Turner, Clerk

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Thomas P. Harrison
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FINDINGS AND DECISION

OF

THE NORWELL BOARD OF APPEALS

File No. 14 – 14

A **PUBLIC HEARING** was held on January 7, 2015 at 7:30 P.M. by the Norwell Zoning Board of Appeals under MA General Laws, Chapter 40A, Sections 6, 9 and 11, in the Norwell Town Offices, 345 Main Street, Norwell, MA, for the application of:

Henry L. Holmes
10 Sycamore Drive
Halifax, MA 02338

For a **Special Permit** and Section 6 finding under Sections 1400, 1420, 1640, 1642, 2421(Lot area) and 2441 (front yard) of the Norwell Zoning Bylaws . The lot does not conform to minimum lot size requirement of 43,560 sq. ft. with only 13,349 sq. ft. and only 31.8 feet for frontage, where 35 feet is required in Residential B. Applicant wishes to raze the existing dwelling and construct a single family 2 bedroom home with attached garage outside of the existing footprint, meeting the side and rear setbacks but not the front setback. Property is located at **11 Doris Avenue** and shown on Assessor's Map 12D as Block 27 Lot 12, Registry of Deeds Book 44035, Page 123 in Residential District B. House built in 1930.

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The Public Hearing for this application was duly noticed in *The Norwell Mariner* on December 18 and December 25, 2014 and posted at the Norwell Town Hall.

The Applicant presented the proposed project as outlined in the application. Mr. Arthur Lunny of 34 Jacobs Trail, Norwell spoke in favor of 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 Walter B. Sullivan, Esq, attorney for the contractor/purchaser, date-stamped by the Town Clerk and the Board of Appeals on December 11, 2014.
4. Cover letter for the application from Walter B. Sullivan, Esq. of Sullivan & Sullivan dated November 18, 2014 date stamped by the Board of Appeals December 11, 2014.
5. Proposed Site Plan for 11 Doris Avenue in Norwell Scale 1" = 20' dated October 24, 2014, prepared by Ross Engineering Company, Inc. (the "Site Plan"), depicting the location of the existing dwelling and the proposed new dwelling with garage.
6. Conservation Commission Approval of January 7, 2015, from Conservation Agent Nancy Hemingway in accordance with a site walk on December 3, 2014.
7. Board of Health Approval dated December 9, 2014 for the installation of a two bedroom septic system.

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FINDINGS:

1. The lot measures 13,349 sq. ft. where 43,560 sq. ft. is required pursuant to Section 2421.
2. The existing dwelling will be demolished and replaced with the proposed dwelling and garage as depicted on the Site Plan.
3. The Board finds that the increase in volume of the dwelling and garage 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 and the Site Plan, the Board finds that the increase in the non-conforming nature of the proposed new dwelling and garage 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.

7. The Board finds that no relief is required under Section 2441 of the Norwell Zoning Bylaws because the proposed front yard setback shown on the Site Plan exceeds the average front setback provided on lots abutting on either side.

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, 1640, 1642 and 2421 (Lot Area) of the Norwell Zoning Bylaw, in accordance with the application submitted at **11 Doris Avenue**, subject to the following:

SPECIAL CONDITIONS:

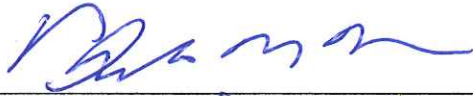
1. The construction proposed shall comply with the Site Plan submitted.
2. The project shall comply in all other respects within the Norwell Zoning Bylaw.

CONDITIONS APPLYING TO ALL DECISIONS:

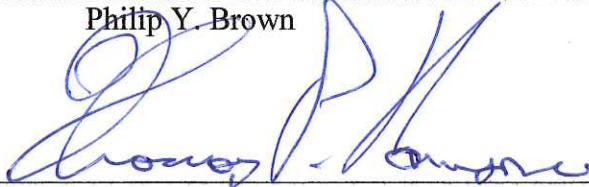
1. ***RECORDING OF THE DECISION:*** After receiving certification from the Town Clerk that no appeal has been taken within twenty days, or if appealed than dismissed or denied, a copy of the Board's decision must be filed with either the Registrar of the Plymouth County Registry of Deeds to be recorded 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.

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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



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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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.