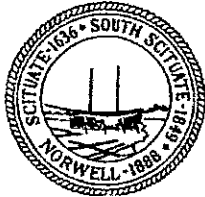


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OFFICE OF
BOARD OF APPEALS

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, Clerk

Associate Members

Thomas P. Harrison
Ralph J. Rivkind

FINDINGS AND DECISION

OF

THE NORWELL BOARD OF APPEALS

File No. 15 – 01

A **PUBLIC HEARING** was held on March 4, 2015, and continued to April 8, 2015, by the Norwell Zoning Board of Appeals under MA General Laws, Chapter 40A, Sections 6, 9, and 11, at the Norwell Town Offices, 345 Main Street, Norwell, MA, on the application of:

Corey Blair
81 Washington Park Drive
Norwell, MA 020671

For a **Special Permit** and Section 6 finding under §1400, §1420, §1640, §1642, and §2421 (Lot area) of the Norwell Zoning Bylaw. The lot does not conform to minimum lot size requirement of 43,560 sq. ft. with only 20,302 sq. ft. Applicant proposes to construct two additions to the existing dwelling with one extending the master bedroom at the rear of the house (10' x 13.6') and the other to the front of the house for a mudroom and garage (22' x 22'). The existing garage will become a family room. The proposed additions are within the required setbacks on property located at **81 Washington Park Drive**, as shown on Assessor's Map 18A as Block 32 Lot 59 and Registry of Deeds Book 43412, Page 337, in Residential District B. House built in 1952.

The Public Hearing for this application was duly noticed in *The Norwell Mariner* on February 12 and February 19, 2015, and posted at the Norwell Town Hall.

The property owner presented the proposed project as outlined in the application. At the opening public hearing, Mr. Blair indicated that due to weather, the scheduled meeting with the Conservation Commission had been delayed. In addition to the delay in receiving advices from the Conservation Commission, Board members also expressed concern about the distance of the proposed garage addition to the street, as the submitted plan does not show the required 35' front-yard setback. The Board suggested that Mr. Blair could examine the setbacks of the dwellings directly adjacent to his property to determine whether the average of such setbacks might provide relief as allowed under NZBL §2441.

Due to these concerns, the Board continued the public hearing to a second session at which additional documentation was received; specifically, an Order of Conditions from the Conservation Commission and a revision to the original certified location plan, showing changes required by the Conservation Commission and reflecting Mr. Blair's decision not to construct the garage, as originally proposed. Mr. Blair stated that, unfortunately, the front-yard setbacks of the two adjacent dwellings appeared to be no closer to the street than his own residence and the proposed garage construction, therefore, would not move forward

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 signed by the owner, date-stamped by the Town Clerk and the Board of Appeals on February 4, 2015
4. Drawing entitled, "Certified Location Plan/ Showing Proposed Additions/ 81 Washington Park Drive/ Norwell, MA./ Parcel 18A-32-59", signed and sealed by Richard Servant, PLS, dated 1/28/15
5. Drawing entitled, "Certified Location Plan/ Showing Proposed Additions/ 81 Washington Park Drive/ Norwell, MA./ Parcel 18A-32-59", signed and sealed by Richard Servant, PLS, dated 1/28/15, revision of 4/7/15
6. Drawing entitled, "Proposed Elevations/ New House Addition/ 81 Washington Park Dr/ Norwell, MA, prepared by Walter A. McKinnon Associates, Inc. of 278 Washington Street, Weymouth, MA, dated 1/6/15
7. Conservation Commission Order of Conditions (SE52-1078; NCC#41151), dated 4/8/15
8. Memo to the building inspector from the Board of Health, dated 2/4/15, confirming "OK to turn existing garage into family room" and "OK to extend master bedroom, relocate garage" as "in compliance with Board of Health Rules & Regulations"

FINDINGS:

1. The lot measures 20,230 sq. ft. where 43,560 sq. ft. is required pursuant to §2421.
2. The Board finds the bedroom addition will increase the volume of the dwelling.
3. However, the Board may issue a Section 6 finding pursuant to M.G.L c.40A and §1642 of the Norwell Zoning Bylaws, if it finds that any increase in the non-conforming nature of a structure will not be substantially more detrimental to the neighborhood than the existing structure.
4. 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.

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5. Based upon the application submitted with plan revisions, the Board finds that any increase in the non-conforming nature of the proposed bedroom addition will not be substantially more detrimental to the neighborhood than the existing structure and the applicant is entitled to a Section 6 finding.

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 §1400, §1420, §1640, §1642 and §2421 (Lot Area) of the Norwell Zoning Bylaw, in accordance with the revised application submitted for property at **81 Washington Park Drive**, subject to the following:

SPECIAL CONDITIONS:

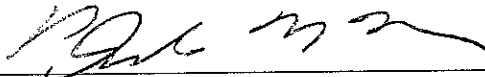
1. The construction proposed shall comply with the Drawing entitled, "Certified Location Plan/ Showing Proposed Additions/ 81 Washington Park Drive/ Norwell, MA./ Parcel 18A-32-59", signed and sealed by Richard Servant, PLS, dated 1/28/15, revision of 4/7/15.
2. The project shall comply in all other respects within the Norwell Zoning Bylaw.

CONDITIONS APPLYING TO ALL DECISIONS:

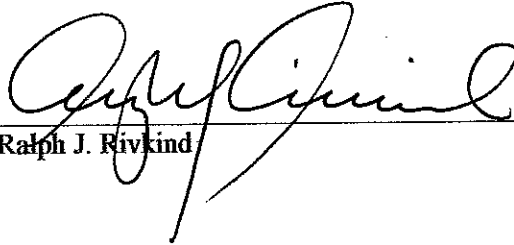
1. **RECORDING OF THE DECISION:** After receiving certification from the Town Clerk that no appeal has been taken within twenty days, or if appealed than dismissed or denied, a copy of the Board's decision must be filed with either the Registrar of the Plymouth County Registry of Deeds to be recorded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



Lois S. Barbour



Philip Y. Brown



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.