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OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

345 MAIN STREET, P.O. BOX 295
NORWELL, MASSACHUSETTS 02061
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Members

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Philip Y. Brown, Vice Chair
David Lee Turner, Clerk

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Thomas P. Harrison
Ralph J. Rivkind

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

File No. 15-3

A PUBLIC HEARING was held on May 6, 2015 at 7:40 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:

Christine Collins
49 Main Street
Norwell, MA 02061, (the Applicant)

for a Special Permit and Section 6 Finding under the Norwell Zoning By-Law, Sections 1400, 1420, 1640, 1642 and 2421 (Lot Area), for her Property known and numbered as 49 Main Street, in said Norwell, (the Property). The Applicant, in her Application, seeks a decision that will allow her to add a second story addition to the rear of the house and an approximate 24' x 28' two car garage with mudroom, all within the required setbacks.

The Property is shown on Assessors Map 19A as Lot 24 in Block 29, is in Residential Zoning District A, is described in the instrument recorded with Plymouth Deeds in Book 45180, Page 325. The single family dwelling on the property was built in 1873. The Property, that contains 35,300 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 Mariner on April 16, 2015 and April 23, 2015, 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, file and decision for this case:

Exhibit Numbers

1. Application received and stamped by the Town Clerk and Board of Appeals on April 9, 2015.
2. Sketch of the (a) front elevation of the dwelling, (b) foundation plan of existing dwelling, proposed new mudroom and new garage, (c) first floor plan, (d) second floor plan, (e) rear elevation, (f) right elevation, (g) left elevation.
3. Copy of Legal Notice published in The Mariner on 4/16/15 and 4/23/15.
4. Norwell Assessors Record Card for 49 Main Street.
5. List of abutters.
6. Approval of the Board of Health to remodel and expand existing house and add garage. Not to exceed 4 bedrooms.
7. Conservation Commission Review.
8. "Proposed House Addition Plan at 49 Main Street Norwell, MA 02061", prepared for Collins by Ralph Cole, stamped and dated by Mr. Cole on 5/1/15, dated April 14, 2015, filed with the Board at the hearing aforesaid, held on May 6, 2015.

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. The Exhibits noted above are the basis for this Decision.

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.

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2. The Application also proposes to add a second floor all to be within the footprint of the existing structure and a minor and non-intrusive expansion of the foundations and footprint of the dwelling (see Exhibits 2 and 8).
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.

SPECIAL CONDITION:

Plans, in accordance with the State Building code and this Decision, 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.

