

OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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FINDINGS AND DECISION

OF

THE NORWELL BOARD OF APPEALS

File No. 15 – 04

A **PUBLIC HEARING** was held on July 29, 2015, 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:

Gregory Deems
49 Grove Street
Norwell, MA 02061

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 21,780 sq. ft. The Applicant proposes to expand the existing kitchen by adding a rear addition of approximately 24.58 ft. by 10.33 ft. and also to add a side addition of approximately 15 ft. by 10 ft. for a mudroom. The proposed additions are within the required setbacks on property located at **49 Grove Street**, as shown on Assessor's Map 5D as Block 13 Lot 8 and Registry of Deeds Book 41182, Page 331, in Residential District B. The house built in 1953.

The Public Hearing for this application was duly noticed in *The Norwell Mariner* on July 9 and July 16, 2015, and posted at the Norwell Town Hall.

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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 June 29, 2015
4. Drawing entitled, "Plot Plan/49 Grove Street/(Assessor's Map 13 Lot 8)/Norwell, Massachusetts", prepared for Gregory Deems, signed and sealed by Walter Joseph McGovern, RLS, dated 4/21/15.
5. Conservation Commission Review for zoning purposes, signed by Nancy Hemingway, Conservation Agent on 6/24/15, stating, "Agent conducted a GIS orthophoto review and file/data review and finds no records of wetlands in the area."
6. Memo to the Building Inspector from the Board of Health, dated 6/24/15, signed by Health Agent Brian Flynn, confirming "OK to bump out kitchen & add mudroom" and "in compliance with Board of Health Rules & Regulations" with notation that "septic is in front yard".
7. Letter of 7/29/15 from Water Superintendent John R. McInnis stating, "the proposed alteration will have no negative impact on the water quality/quantity of the aquifer".

FINDINGS:

1. The lot measures 21,780 sq. ft. where 43,560 sq. ft. is required pursuant to §2421.
2. The Board finds the kitchen and mudroom additions 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 §1420a and §1642 of the Norwell Zoning Bylaws, if any increase in the non-conforming nature of a structure will not be substantially more detrimental to the neighborhood than the existing structure. The Board hereby finds the proposed project will not be detrimental to the neighborhood.
4. Additionally, 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 under §1420b.
5. Further, the proposed use is residential that will remain unchanged. The Board hereby finds the proposed project will not be injurious, noxious, or offensive to the neighborhood by reason of the emission of odors, fumes, dust, smoke, noise or other cause, nor hazardous to the community on account of fire, explosion or other cause under §1420c.
6. As the residential use remains unchanged and based upon advices received in the letter of 7/29/15 from the Water Superintendent, the Board finds that the proposed addition will not have a negative impact on the aquifer.

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 **Finding** under M.G.L. Chapter 40A Section 6 and a **Special Permit** under §1400, §1420, §1640, §1642 and §2421 (Lot Area) of the Norwell Zoning Bylaw, as proposed on the submitted application and plan for property at **49 Grove Street**, 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.

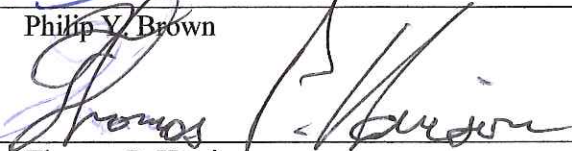
2. **RECORDING RECEIPT:** A copy of the recording fee receipt must be returned to the Board of Appeals. **NOTE: No building permit shall be issued without such evidence.**
3. **EFFECTIVE DATE OF APPROVAL:** The Special Permit granted by this Decision shall take effect only at such time as a copy of this 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.



Lois S. Barbour



Philip V. Brown



Thomas P. Harrison

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.