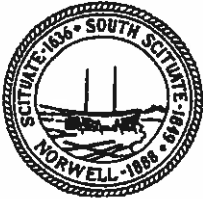


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OFFICE OF
BOARD OF APPEALS

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. 15-8

A PUBLIC HEARING was held on October 21, 2015 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 upon the Application, the Application, of:

Jason & Julie Gordan
20 Nancy Lane
Norwell, MA 02061, the Applicants

For a **Special Permit** and **Section 6 Finding** under Sections 1400, 1420, 1642 and 2421 (Lot Area) of the Norwell Zoning By-Laws for the property, the Property, located at **20 Nancy Lane** and shown on Assessor's Map 12A, Block 21 Lot 157, Registry of Deeds Book 37533, Page 205 in Residential District B. The Property, with only 8,000 sq. ft. does not conform to minimum lot size requirement of 43,560 sq. ft. The house was built in 1953.

The Applicants propose to replace the side deck, on the southwesterly side of the house (See Exhibit 8) as shown on Exhibit 3 with a mudroom.

The Public Hearing for this Application was duly noticed in the *Norwell Mariner* on October 1st and 8th, 2015.

The Applicant, Julie Gordon, presented the proposed project as outlined in the Application. No one spoke in opposition to the Application.

FILE DOCUMENTATION:

The Board received the following documents as Exhibits, as noted, into the record:

1. Application received and date-stamped by the Town Clerk and Board of Appeals on September 18, 2015
2. A plan that shows the proposed mud room area
3. Picture of existing deck and building materials and proposed design
4. Legal Notice
5. Abutters List
6. Assessors Record Card
- Board of Health approval, dated 9/29/15, to extend existing mudroom
- Conservation Commission approval with map and plot plan showing proposed mudroom

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- REGS:
1. The lot measures 8,000 sq. ft. where 43,560 sq. ft. is required pursuant to Section 2421.
 2. The footprint of the existing house will not be changed by the proposed construction, except over and within the existing specified deck area (Exhibits 3 and 8).
 3. The Board finds that the increase in volume of the project 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, and the Board in this appeal finds, that the increase in the non-conforming nature of the structure will not be substantially more detrimental to the neighborhood than that 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.

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 1642 of the Norwell Zoning Bylaws, for the addition of the proposed mudroom at **20 Nancy Lane**, subject to the following:

SPECIAL CONDITIONS:

1. The mudroom will not exceed the area shown on Exhibits 3 and 8.
2. The side line set back requirement of ten (10') feet shall be observed.
3. The project shall comply in all other respects with the Norwell Zoning Bylaws.

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.

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.

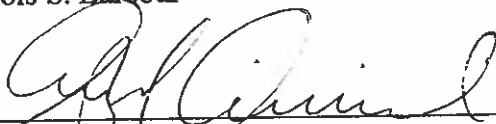
3. **EFFECTIVE DATE OF APPROVAL:** This Decision shall take effect only at such time as a copy of the Decision, certified by the Office of the Town Clerk of the Town of Norwell, is recorded with the Register of Deeds or Recorder of the Land Court.
4. **EXPIRATION:** The applicant must exercise any Decision granted by the ZBA within two (2) years from the date of the Decision or it shall lapse.

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Date Stamp of Town Clerk

Date Filed with Office of the Town Clerk

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.

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