

Official Receipt for Recording in:

Plymouth County Registry of Deeds
50 Obery St.

Plymouth, Massachusetts 02360

Recorded To: SCOTT & KARIN GILMARTIN
53 DORIS AVE

NORWELL MA 02061

Recording Fees

Description	Number	Book/Page	Recording Amount
	00035205	46878 238	\$75.00

NORWELL TOWN APPEALS
GILMARTIN SCOTT
GILMARTIN KARIN

\$2	\$2.00
	\$77.00

Collected Amounts

Description	Amount
4333	\$77.00
	\$77.00

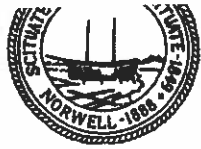
Total Received :	\$77.00
Less Total Recordings:	\$77.00
Change Due :	\$.00

Thank You
HN R. BUCKLEY, JR. - Register of Deeds

By: JOL

Receipt#	Date	Time
1597665	05/03/2016	

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Reprinted On: 05/03/2016



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. 16-5

A PUBLIC HEARING was held on April 6, 2016, 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:

Scott & Karin Gilmartin
53 Doris Ave.
Norwell, MA 02061

For a **Special Permit** and Section 6 finding under §1400, §1420, §1640, §1642, and §2421 (Lot size) of the Norwell Zoning Bylaw. The lot does not conform to minimum lot size requirement of 43,560 sq. ft. with only 15,000 sq. ft. Applicant wishes to add a 21' x 18' bedroom addition and bathroom to the first floor within the required setbacks. Total bedrooms allowed are three. The property is located at **53 Doris Avenue**, as shown on Assessor's Map 12D as Block 27, Lot 113 and Registry of Deeds Book 28933, Page 204, in Residential District B. The house was built in 1941.

The Public Hearing for this application was duly noticed in *The Norwell Mariner* on March 17, 2016, and March 24, 2016 and posted at the Norwell Town Hall.

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TOWN CLERK

The Applicant presented the Plan and received support from neighbors. There was no opposition.

FILE DOCUMENTATION:

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

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 March 9, 2016
4. Board of Health approval dated 3/9/16 stating that it is "ok to add bedroom. Former bedroom to be added onto living room. To remain 3 bedrooms"
5. Conservation Commission approval dated 3/7/16
6. Wetlands Review Report – 53 Doris Avenue
7. Plans dated 2/22/16 showing first floor plan, (proposed home addition and existing house), foundation floor plan, elevations, existing first floor plan and existing second floor plan (no work), prepared by T.C. McIntosh Construction, Inc.
8. A certified Plot Plan For Addition dated March 7, 2016 prepared by Grady Consulting, LLC

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FINDINGS:

1. The lot measures 15,000 sq. ft. where 43,560 sq. ft. is required pursuant to §2421.
2. The Board finds the proposed remodeling will increase the volume of the dwelling. The front yard setback is not fifty (50') feet but is more than the setback of the existing structure.
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.

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 application submitted for property at **53 Doris Avenue**, subject to the following:

SPECIAL CONDITIONS:

1. The construction proposed shall comply with the plans and drawings submitted and listed above.
2. The project shall comply in all other respects within the Norwell Zoning Bylaw.
3. The structure, as modified hereunder, shall not contain more than three bedrooms. (See Exhibit 4)

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



David Lee Turner



Ralph R. Rivkind

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*This space is reserved for Date
Stamp of Town Clerk*
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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.