



2018 00086665

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Recorded: 10/17/2018 09:57 AM  
ATTEST: John R. Buckley, Jr. Register  
Plymouth County Registry of Deeds



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

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OFFICE OF REGISTER

Members  
Lois S. Barbour, Chair  
Philip Y. Brown, Vice Chair  
David Lee Turner, Clerk

Associate Members  
Thomas P. Harrison  
Ralph J. Rivkind, Assistant Clerk  
Roy W. Bjorlin  
Matthew H. Greene

## FINDINGS AND DECISION OF THE NORWELL BOARD OF APPEALS

*A True Copy*  
Attest:

File No. 18-17

*Halima Davis*  
ASST. TOWN CLERK  
Oct. 17, 2018

A public hearing was scheduled on September 12, 2018, 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:

**Jonathan H. Dwyer**  
11 Brantwood Road  
Norwell, MA 02061

For a **Section 6 Finding under M.G.L. c. 40A** and **Special Permit** under Norwell Zoning Bylaw Sections 1642(c), 2421 (Lot Area), and 2441 (Front Yard), for construction of a proposed second-story addition on property located at **11 Brantwood Road** in Residential District B as shown on Assessor's Map 12C, Block 25, Lot 3, and recorded at the Plymouth County Registry District Book 46027, Page 76. The pre-existing, non-conforming lot consists of 8,566 sq. ft. or approximately 0.2 acres, and the dwelling does not meet the required front-yard setback of thirty-five feet (35'). The house was built in 1957.

The application was duly noticed in *The Norwell Mariner* on August 16, 2018, and August 23, 2018, and posted at the Norwell Town Hall to fulfill requirements of the Open Meeting Law.

*Mue 1*  
*Jonathan Dwyer*  
*59 Towne Way*  
*Marshfield, MA 02050*

The Applicant presented his application and responded to Board questions. No member of the public was present to speak either in favor of or in opposition to this application.

**FILE INVENTORY:** Documents submitted, included but not limited to the following, were received by the Board:

1. Abutters List
2. Assessors Card for the property
3. Form ZBA-1 Application, signed by the Applicant, stamped by the Board of Appeals on 7/19/18, and dated-stamped by the Norwell Town Clerk on 8/1/18.
4. Board of Health sign-off, dated 7/18/18
5. Copy of the Septic As-Built for the subject property, showing an existing 3-bedroom house
6. Conservation Administrative Approval, signed by Meredith Schmid for the Conservation Agent, dated 7/18/18
7. GIS overview of 11 Brantwood Road
8. Copy of Assessor's Map 12, Block 24, showing the location of the subject property
9. Copy of filed plan, approved by the Board of Selectmen on November 5, 1951, showing the subject property
10. Structural Calculations consisting of nine (9) pages, dated May 2018 (no preparer noted)
11. Construction Plans, entitled "Dwyer & Lamier Residence/ 11 Brantwood Road/ Norwell MA, 02061" with notation "Permit Set - 5/29/2018", as prepared by Rockwood Design, Inc. of 1020 Plain Street - Suite 320, Marshfield, MA 02050, consisting of some nineteen pages that include existing and proposed elevations.

*A True Copy*  
*Attest:*

*Patricia A. Dwyer*  
*ASST. Town Clerk*  
*Oct. 17, 2018*

**FINDINGS:**

1. The property is located in Residential District B and includes a single-family dwelling to which the Applicant proposes a second-floor addition that will not alter the footprint of the existing dwelling.
2. The addition will not increase or change the setback nonconformity, as the proposed construction will not alter the footprint of the existing dwelling.
3. The Board may issue a Section 6 Finding pursuant to M.G.L. c. 40A §6 and Special Permit in accordance with Section 1642 of the Norwell Zoning Bylaw, if it finds that
  - a. "The conduct of the proposed use will not be detrimental to the neighborhood and zoning district . . ."  
**Finding:** As the property will continue to be used as a dwelling unit, a use allowed by right, the Board finds the proposed addition will not be detrimental to the neighborhood and zoning district.  
". . . the proposed use will not significantly alter the character of the zoning district".  
**Finding:** The Board finds, as the property is located in Residential District B, the existing use as a residence is allowed by right and will, therefore, not alter the character of the zoning district.
  - c. "The conduct of the proposed use 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."

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**Finding:** As the property will continue to be used as a residence, the Board finds the proposed addition will not be injurious, noxious, or offensive to the neighborhood, an existing and allowed use.

A True Copy  
Attest:

*Halima A. Davis*  
ASST. Town Clerk  
Oct. 17, 2018

**DECISION OF THE BOARD:**

Based upon the evidence presented and its findings detailed above and incorporated herein and forming a part of this decision, upon a motion duly made and seconded, Members Turner, Rivkind, and Barbour **VOTED** unanimously to provide the requested relief, granting a **Section 6 Finding and Special Permit** for construction of the proposed second-floor addition on property located at **11 Brantwood Road** in accordance with the filed plans, 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 zoning relief 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. **LAPSE OF SPECIAL PERMIT:** The Applicant must exercise any Special Permit granted by the Board of Appeals within two years of the date this Decision is filed with the Office of the Town Clerk or as provided in any extension thereof as detailed in the Board's Rules, or it shall lapse.

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*LSB*

Lois S. Barbour

*David Lee Turner*

David Lee Turner

*Ralph J. Rivkind*

Ralph J. Rivkind

This space 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.

I hereby certify that notice of approval of this application for a Section 6 Finding under M.G.L. c. 40A and Special Permit submitted by Jonathan H. Dwyer to the Norwell Zoning Board of Appeals was received and recorded at this office on September 26, 2018, and that no appeal was received during the twenty days next after such receipt and recording of said notice.

*Laura A Davis*

TOWN CLERK - ASSISTANT TOWN CLERK

DATE: Oct 17, 2018

*A True Copy*  
*Attest:*