

TOWN OF NORWELL  
TOWN CLERK

2019 FEB 14, PM 12:06

RECEIVED



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*

Ralph J. Rivkind, Assistant Clerk  
Roy W. Bjorlin  
Matthew H. Greene  
Stephen T. Bright

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

File No. 18- 27

A **PUBLIC HEARING(s)** was held on February 13, 2019, by the Norwell Zoning Board of Appeals under Massachusetts General Laws, Chapter 40A, Sections 6 and 9, at the Norwell Town offices, 345 Main Street Norwell, MA on the application of:

**Richard P. & Rose C. Cook  
41 Coolidge Road  
Norwell, MA 02061**

For a **Special Permit** and **Section 6 finding** under Sections 1400, 1420, 1640, 1642, and 2421 (Lot Area) of the Norwell Zoning Bylaws. The lot does not conform to minimum lot size requirement of 43,560 sq.ft. with only 21,699 sq.ft. Applicant wishes to add a 12'x18' bathroom to the existing bedroom on the first floor, meeting the required setbacks. Property is located at **41 Coolidge Road** and shown on Assessor's Map 12C, as Block 32, Lot 50, Land Court Certificate

#52726 in Residential District B and the Aquifer Protection District. House built in 1954.

The Public Hearing for this application was duly noticed in *The Norwell Mariner* on January 17, 2019, and January 24, 2019, and posted by the Town Clerk, as required by the Open Meeting Law.

The Applicants were in attendance at the hearing to present the application for the proposed change in the property. They noted that the addition would extend beyond the current side of the house but that it would meet all required setbacks. There was no voiced opposition.

The Board received the following information into its files:

1. Copy of legal notice from *The Norwell Mariner*;
2. Abutters List;
3. Application, completed and signed by the applicants, date-stamped on January 3, 2019, by the Town Clerk;
4. Assessors Card print-out for the lot;
5. A WPA Form 2- Determination of Applicability Dated April 7, 2016, setting forth certain conditions for erosion control during construction;
6. A Board of Health Approval allowing a new bathroom dated April 7, 2016;
7. Elevations for the proposed addition; and
8. Plot Plan showing the house and the proposed addition.

## FINDINGS:

1. The Board may issue a Section 6 finding pursuant to M.G.L. c. 40A and Section 1620 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, the Board finds the proposed addition will not be detrimental to the neighborhood and zoning district.
  - b. ". . . 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."

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

**DECISION OF THE BOARD:**

Based on the application and evidence presented and its findings above and incorporated herein, upon a motion was duly made and seconded, Members Brown, Rivkind, and Bjorlin **VOTED** unanimously to grant the **Special Permit and Section 6 Finding** for the addition of the proposed bathroom to a residential dwelling located at the property known as 41 Coolidge Road, subject to the following:

**SPECIAL CONDITIONS:** The addition will be constructed in accordance with the filed plans as set forth above and construction will comply with the Determination of Applicability as set forth above.

**CONDITIONS APPLYING TO ALL SPECIAL PERMITS:**

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 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.

----- The remainder of this page is intentionally left blank. -----

RECEIVED  
2019 FEB 14 PM 12:06  
TOWN OF NORWELL  
TOWN CLERK

Philip Y. Brown

Ralph J. Rivkind

Roy W. Bjorlin

Date Filed with Office of the Town Clerk

This space reserved for  
Date Stamp of Town Clerk

RECEIVED  
2019 FEB 14 PM 12:06

TOWN OF NORWELL  
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.