



OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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

File No. 18- 34

A Public Hearing was held, after notice and hearing as required by law, on May 1, 2019, by the Norwell Zoning Board of Appeals (the Board), under MA. General Laws, Chapter 40A, Sections 6, 9 and 10, at the Norwell Town Offices, 345 Main Street, Norwell, MA, on the APPLICATION (Application) of:

Joseph J. Butler & Kristin Butler
9 Ridge Hill Road
Norwell, MA 02061 (Applicants)

For a Section 6 Finding and Special Permit, under Sections 1400, 1420, 1642, 2421 (Lot Area) and 2441 (Front Setback) and/or a Variance under Section 1322 of the Norwell Zoning By-laws, for the lawfully existing pre-existing Nonconforming Single-Family House, numbered as 9 Ridge Hill Road (Property), located in Residential District B.

The Property is shown on Assessors' Map 11B , Block 30, Lot 2, and is described in the deed recorded with Plymouth County Registry of Deeds in Book 50518, Page 218. The Property consists of 28,568 Square Feet and is bounded and described according to the

Site Plan, by Cavanaro Consulting, dated 2/7/19, Project No. 18137, incorporated herein as EXHIBIT 4. The existing single- family dwelling was constructed in 1960. See EXHIBIT 5 – Assessors Property Record Card.

The Application was duly noticed, published in the Norwell Mariner on March 28, 2019 and April 04, 2019, and posted at the Norwell Town Hall in accordance with the requirements of the Open Meeting Law. All interested parties were notified by mail as required by law.

The Applicants attended the Hearing and presented the Application. No one spoke in opposition to granting the requested relief.

FILE INVENTORY: The Application, all attachments, and the following Documents were submitted, received and marked as Exhibits, as indicated, by the Board:

1. Application, signed by the Applicants, was received and stamped by the Board of Appeals on February 28, 2019. .
2. Applicants' Deed for the Property
3. Plans for the Proposed additions and alterations to the single- family house on the Property, consisting of nine (9) sheets, as follows: Sheet 1 Front Elevation; Sheet 2 Rear Elevation; Sheet 3 Right Elevation; Sheet 4 Left Elevation; Sheet 5 First Floor Plan; Sheet 6 Second Floor Plan; Sheet 7 Foundation Plan; Sheet 8 Typical Section; and Sheet 9 a second Typical Section.
4. Site Plan, dated 2/7/19, by Cavanaro Consulting, Project No. 18137
5. Assessors' Property Card for the Property.
6. A copy of the Notice for the Public Hearing.

FINDINGS:

The property is located in Residential District B and includes a single-family dwelling to which the Applicants propose alterations, additions and an enlarged garage, all as noted and described in the Plans included herein as Exhibit 3. There are small and insignificant proposed increases in the existing non-conforming set-backs of the existing Main Structure and garage noted above.. The garage will have a slightly larger footprint than the existing garage structure, with a small and insignificant increase in set-back non-conformity.

The evidence presented, including EXHIBITS 3 and 4, was that the changes are not significant, will not change the presently allowed, actual and proposed continued use of the structure as a single- family dwelling, and because they are minor and of little significance, they will have no negative impact upon the neighborhood or zoning district

1. The Board may issue a Section 6 Finding and Special Permit pursuant to G.L. c. 40A, Section 6 and Section 9; and Sections 1400, 1420,, 1642, 2421, 2423, of the Norwell Zoning Bylaws, modifying and reducing front and side yard set-backs if it finds that

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BOARD OF HEALTH

a. The proposed changes will not be detrimental to the neighborhood and zoning district

Finding: The Board finds that the property will continue to be used as a single-family dwelling and the activities allowed for that use in Residential District B. The Board finds the proposed alterations and additions will not, therefore, change the impact of or be detrimental to the neighborhood and zoning district.

b. The proposed change will not significantly alter the character of the zoning district”.

Finding: The Board finds the property is in Residential District B. The existing allowed uses, as a single= family dwelling, will not be changed by the alterations and additions designed for and limited to such use, and, therefore, the changes authorized by this Decision will 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: The property will continue to be used as a single family dwelling, The Board finds the proposed alterations, addition and enlarged garage building will not .be injurious, noxious, or offensive to the neighborhood so long their uses are limited to those uses allowed by right in the Residential B District.. The Board further finds that those uses must be observed.

2. The Property is located in an area where front yard set-backs do not generally meet existing requirements because parcels were created and single- family dwellings were constructed to different lot size and set-back requirements. The relief granted in this Decision satisfies the Applicants’ request set forth in the Application.

Finding: The request for a variance is specifically denied as unnecessary, together with the additional determination that there was no evidence presented to support a finding of hardship, financial or otherwise, upon which to consider or grant such relief.

3. The Septic System is designed for a maximum of four(4) bedrooms, and a total room count of nine (9) rooms. The door on the space to be used as an office must be removed to comply with Board Of Health requirements.

DECISION OF THE BOARD:

Based upon the evidence presented, the findings detailed above, upon a motion duly made and seconded, Members Turner, Bjorlin and Rivkind, the Board, VOTED unanimously to grant a Section 6 Finding and Special Permit for construction of the proposed alterations, addition and enlargement of the garage, with frontage waivers only to extent set forth on the Plans (see Exhibits 3 and 4) (the Property) located at 9 Ridge Hill Road, in accordance with the filed plans and all EXHIBITS, subject to the following:

SPECIAL CONDITION:

- A. Unless specifically waived in writing in any instance by the Building Inspector, detailed building and renovation plans shall be submitted to the Building Inspector, in accordance with the MA Building Code, before any construction work is commenced on the Project approved by this Decision.
- B. The number of rooms in the dwelling shall be limited to four bedrooms, a total of nine rooms (not counting bathrooms) and the proposed door on the office room must be eliminated, to comply with the Board of Health requirements.

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 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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David L Turner
_____ **David L Turner**

Roy W. Bjorlin
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Ralph J. Rivkind
_____ **Ralph J. Rivkind**

This space reserved for
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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.