



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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BOOK 50980 PAGE 340

Recorded On:

Members
Apr 08, 2019 at 10:12A
Lois S. Barbour, Chair

PLUTHERY COUNTY REGISTERY OF DEE

David Lee Turner, Clerk
John R. Buckley Jr. Register
Associate Members

Thomas P. Harrison
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. 18-29

Renumbered 19-1

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TOWN OF NORWELL
BOARD OF APPEALS

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

Harry Merritt
29 Prospect Street
Norwell, MA 02061 (Applicant)

A True Copy
Attest:

Handwritten signature: Hannah Davis
Asst. Town Clerk
April 8, 2019

For a Section 6 Finding and Special Permit under Norwell Zoning Bylaw Sections 2441 (Front Yard) and 1642 (Lawfully pre-existing Nonconforming Single-Family House), for the Property known and numbered as 29 Prospect Street (Property), located in Residential District A.

The Property is shown on Assessors' Map 13C, Block 29, Lot 16, and is described in the deed recorded with Plymouth County Registry of Deeds in Book 38575, Page 25. The Property consists of approximately 1.33 acres and contains at least the minimum requirement of one acre of upland. The existing dwelling does not meet the required front-yard setback requirement of fifty (50) feet. The Applicant proposes to add an addition to the existing house, replace the existing garage with a different garage

structure and make alterations to the existing single-family dwelling, reportedly constructed in 1711, and moved to the Property in 1890. There is no question that the use of the single-family dwelling on the Property commenced around 1890, pre-dates Zoning in Norwell and is a non-conforming single-family house.

The Application was duly noticed in *The Norwell Mariner*, in accordance with the notice requirements of General Laws, Chapter 40A, 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 Applicant attended the Hearing and presented the Application. Several neighbors spoke in favor of granting the requested relief. ~~No one spoke in opposition.~~

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 Applicant, was received and stamped by the Board of Appeals on January 24, 2019.
2. Compliance approval for the proposed addition and alterations by the Norwell Board of Health.
3. Site Plan-Zoning, by KRARCH of Summer Street, Abington, Architect, Project 201901 - Plan A100, for the Property, dated August 2019, received by the Board on January 24, 2019, that shows the site, the set-backs of the existing single family home, the proposed addition and the existing and proposed replacement garage, the Public Way and Property side-lines. (Plan)
4. The Board of Assessors property record card for the Property.

A True Copy

Attest:

Harina Davis
ASST. Town Clerk
April 8, 2019

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TOWN CLERK

A True Copy
Attest:

Handwritten:
Marilyn Davis
ASST. Town Clerk
April 8, 2019

FINDINGS:

The property is located in Residential District A and includes a single-family dwelling to which the Applicant proposes alterations, an addition and a new garage replacement building, all as noted and very generally described in the Plan, Exhibit 3. There will be no change in the existing non-conforming set-back of the existing Main Structure noted above. All other set-backs, after the changes approved herein, shall be conforming, except for the front yard set-backs of the proposed new addition and replacement garage, which, while non-conforming, will be less so than that of the existing dwelling. The proposed new garage will have a slightly smaller footprint than the existing garage structure. .

~~1. The Board may issue a Section 6 Finding and Special Permit pursuant to M.G.L. c. 40A, 6 and Section 9, and 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: The property will continue to be used as a single-family dwelling and the uses allowed for that use in Residential District A. The Board finds the proposed alterations and addition will not, therefore, 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 the property is located in Residential District A. 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, 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,

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nor hazardous to the community on account of fire, explosion or other cause."

Handwritten signature: Hannah A. Davis, Asst. Town Clerk, April 8, 2019

Finding: The property will continue to be used as a single-family dwelling, The Board finds the proposed alterations, addition and replacement 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 A District. The Board further finds that those uses must be observed.

2. There were no objections submitted to the Board, either through testimony or in writing, to the proposed alterations, reconstruction and replacement proposals.

DECISION OF THE BOARD:

Based upon the evidence presented, the findings detailed above and a motion duly made and seconded, Members Turner, Brown and Bright, the Board, **VOTED unanimously** to grant a Section 6 Finding and Special Permit, as requested, for the construction of the proposed alterations, addition and replacement garage to the single family dwelling located at 29 Prospect Street (Property) in accordance with the filed plan, marked as Exhibits 3, subject to the following:

SPECIAL CONDITION: 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.

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, it was 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 unregistered land, or with the Recorder of the Land Court, in the case of registered land, to be

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TOWN CLERK

registered and noted on the owner's certificate of title in the case of registered land.

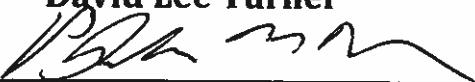
2. **RECORDING RECEIPT:** A copy of the recording or registration fee receipt must be returned to the Board of Appeals. **NOTE:** No building permit shall be issued without evidence of the above noted action.

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.

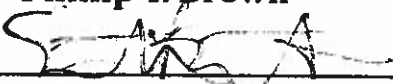
4. **LAPSE OF SPECIAL PERMIT:** The Applicant must exercise any Special Permit granted by the Board of Appeals within two years of the date this Decision is filed with the Office of the Town Clerk or as provided in any extension thereof as detailed in the Board's Rules, or it shall lapse.



David Lee Turner



Phillip Y. Brown



Stephen T. Bright

*True Copy
Attest:*

*Hanna A Davis
ASST. TOWN CLERK
APRIL 8, 2019*

This space reserved for
Date Stamp of Town Clerk

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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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I hereby certify that notice of approval of this application for a Section 6 Finding and Special Permit submitted by Harry Merritt to the Norwell Zoning Board of Appeals was received and recorded at this office on March 18, 2019, 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: April 8, 2019

*A True Copy
Attest:*

Official Receipt for Recording in:

Plymouth County Registry of Deeds
50 Obery St.

Plymouth, Massachusetts 02360

Issued To:

HARRY HERRITT

29 PROSPECT ST
NORWELL MA 02061

Recording Fees

Document Description	Number	Book/Page	Recording Amount
NOTC OR NORWELL TOWN APPEALS OR HERRITT HARRY	00024563	50980 340	\$75.00
POST\$2			\$2.00
			----- \$77.00

Collected Amounts

Payment Type		Amount
Check	1471	\$77.00
		----- \$77.00

Total Received : \$77.00
Less Total Recordings: \$77.00

Change Due : \$0.00

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

By: RGC

Receipt# Date Time
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