



OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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NORWELL, MASSACHUSETTS 02061
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Members

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

Associate Members

John J. Rivkind, Assistant Clerk
Roy W. Bjorlin
Matthew H. Greene
Stephen T. Bright
Daniel Senteno

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

File No: 19-05

A public hearing was scheduled on June 5, 2019, at 7:40 P.M. 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

Friends of the Homeless of the South Shore
c/o Steve Hague
125 Summer Street
Norwell, MA 02061

For a **Special Permit and Section 6 Finding** under the Norwell Zoning Bylaw, Sections 1642(1), for property located at **405 Washington Street** (the "Property"), consisting of 2.32 acres, in Business District B-7 and the Aquifer Protection District, as shown on Assessor's Maps 12D, Block 26, Lot 7, and recorded with the Plymouth County Registry of Deeds at BK 8860 PG 154. The Applicant seeks approval to construct a proposed 22 ft. by 34.5 ft. community room to a pre-existing, non-conforming structure. The house was built in 1900 prior to zoning.

The application was duly noticed in *The Norwell Mariner* on May 16, 2019, and May 23, 2019, and posted at the Norwell Town Hall to meet requirements of the Open Meeting Law.

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Steve Hague of 125 Summer Street presented the application for the proposed community room that is to honor the memory of his brother, Major Douglas Hague of the U.S. Army killed in military action in the past year. Herb Newell and Jeff Hassett of Morse Engineering also responded to questions from Board members. The Board had received emails from both the Police and the Fire Chiefs stating “no concerns” with the proposed construction. The septic system was upgraded in 2017.

No member of the public spoke 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. Application, signed by the Applicant, received and stamped by the Town Clerk on May 7, 2019;
2. Letter, dated March 5, 2019, signed by Executive Director Herbert L. Newell of the Friends of the Homeless of the South Shore and Chairman of the Board David E. Rouse of Pilgrim Lodgin Inc. Nonprofit, authorizing Stephen Hague and Morse Engineering to represent the application.
3. Deed for the property from BK 8860 PG 154
4. Drawing entitled “Proposed Addition/405 Washington St./ Norwell, Mass. – Plan and Notes”, dated Feb, 2019, prepared by David Raymond Architectural Design of Abington, MA., showing the proposed floor plan and schematic foundation plan, with the following additional drawings:
 - a. North and South Elevations
 - b. East Elevation
5. Aerial Image, entitled “Figure – 1”, from MASS GIS, prepared by Morse Engineering Co., Inc. of Scituate, MA
6. Drawing, entitled “405 Washington Street/ (Assessor’s Parcel: 12-26-7)/ Norwell, Massachusetts”, showing “Proposed Addition Plan”, dated /2/19, not signed or sealed
7. The Board of Assessors property record card for the Property.

FINDINGS:

1. The property is located in Business District B and includes an existing single-family dwelling built in 1900, prior to zoning.
2. There are nine additional buildings associated with the main dwelling, constructed prior to zoning in 1925 and 1950, according to assessors’ card information. The buildings are currently being used as transitional housing for individuals and families.
3. The Applicant is seeking approval to construct an addition to serve as a community room in accordance with the submitted plans, as noted in Paragraph 4 in the File Inventory above.
4. 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 use remains unchanged, the Board finds the proposed addition will not be more detrimental to the neighborhood and zoning district.
 - b. “. . . the proposed use will not significantly alter the character of the zoning district”.

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Finding: The Board finds, as the property is located in Business District B, the current use is grandfathered and will, therefore, not alter the character of the zoning district. Further, residential use is allowed by right in this 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 transitional housing, the Board finds the proposed addition will not be injurious, noxious, or offensive to the neighborhood, an allowed use. Further, addition of a community space will provide opportunities for positive social interaction for residents.

5. There was no objection to the proposed construction plans submitted to the Board either through testimony or in writing. However, it should be noted that the Fire and Police Chiefs confirmed in separate memos to the Chair that they had no concerns about the proposed community room addition.

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 Brown, Rivkind, and Barbour **VOTED** unanimously to grant a **Special Permit** and **Section 6 Finding** for approval to construct a community room addition on property located at **405 Washington Street** 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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Lois S. Barbour

Lois S. Barbour

Philip Y. Brown

Philip Y. Brown

Ralph J. Rivkind

Ralph J. Rivkind

Date Filed with Office of the Town Clerk

This space reserved for
Date Stamp of Town Clerk

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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.