



OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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FINDINGS AND DECISION OF THE NORWELL BOARD OF APPEALS

File No. 19-06

A public hearing was held on June 19, 2019, by the Norwell Zoning Board of Appeals under M.G.L. c. 40(A) § 6 at the Norwell Town Offices, 345 Main Street, Norwell, MA on the application of:

**Paul and Elizabeth Jevne
959 Main Street
Norwell, MA 02061**

For a **Special Permit** and/or Section 6 finding pursuant Sections 1400 and 1600 of the Norwell Zoning Bylaws. The applicants sought a finding from the Zoning Board of Appeals for a division of the proposed site, containing 3.13 acres, to another parcel. The existing house at the site contains a preexisting dwelling that is non-conforming as it pertains to the front yard setback on Main Street being 33.8 feet where 50 feet is required. The property is located in Residential A District a 959 Main Street and shown on Assessor's Map 16C, Block 51, Lot 30 and recorded at the Plymouth County Registry of Deeds in Book 48399 Page 5. The existing house was built in 1785.

The public hearing for this application was advertised in the *Norwell Mariner* on May 30, 2019 and June 6, 2019 and posted by the Town Clerk at the Norwell Town Hall.

The applicant's attorney Walter B. Sullivan presented the proposed project as outlined in the application. There were abutters in attendance to the application.

FILED DOCUMENTATION: The Board received the following information into its files:

1. Copy of legal notice;
2. An abutters list;
3. An Assessors Card;
4. A completed application for a public hearing signed by the applicant. The aforementioned was date stamped by the Town Clerk and the Board of Appeals on May 21, 2019;
5. A Planning Board Certificate of Action pursuant to M.G.L. c 41 § 81 (P) reflective of endorsement of the plan entitled Plan of Land-959 Main Street/Parker Street dated February 22, 2019, prepared by Deanna Boumitri, PLS of Cavanaro Consulting. The plan was endorsed by the Planning Board on March 28, 2019.

There were a number of residents in attendance who believed that this parcel was connected to a proposed development on May Elm Road. The applicant's representative, Walter Sullivan, represented that there is no connection with this property to any proposed development on May Elm Road. Upon reviewing the plans it was determined that this premises was more than a half mile away from such property. Howard Moshier of 975 Main Street spoke in opposition to the application. He advised the Board that there are wetlands and unidentified vernal pools upon the premises that should prevent the Board of Appeals from making the requested finding under M.G.L. c 40(A) § 6.

FINDINGS:

1. The Lot referred to as Lot 4 on the Subdivision Plan is 70,209 plus or minus square feet of land area where 43,560 square feet is required. The preexisting house is 33.6 feet from Main Street where 50 feet is required. The dwelling was built before the adoption of the Zoning Bylaws. The additional lots shown on the plan are as follows:
 - a. Lot 1 contains 77,894 plus or minus square feet of land area;
 - b. Lot 2 contains 55,821 square feet of land area;
 - c. Lot 3 contains 71,483 square feet of land area where 43,560 square feet is required.
2. The Board finds that the division of 959 Main Street does not increase the non-conforming nature of the existing dwelling upon the premises.

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TOWN OF NORWELL
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3. Pursuant to M.G.L. c.40(A) and Section 1642 of the Norwell Zoning Bylaws, the Board finds that the subdivision of the premises located at 959 Main Street does not increase the non-conforming nature of the existing dwelling upon the premises.
 4. Pursuant M.G.L. c. 40(A) and Section 1642 of the Norwell Zoning Bylaws, the Board finds that the subdivision of the premises located at 959 Main Street does not increase the non-conforming nature of the premises and will not be substantially more detrimental to the neighborhood than the existing structure.
 5. Based upon the application submitted, the Board finds that the applicant is entitled to a Section 6 finding based upon the findings of the Board as outlined above.

DECISION OF THE BOARD:

Based upon its findings as set forth above and upon a motion duly made and seconded, the Board of Appeals unanimously voted to grant a Special Permit /Section 6 finding in accordance with M.G.L. c 40(A) §6 and Section 1642 of the Norwell Zoning Bylaws finding the subdivision of 959 Main Street does not result in any increase of the preexisting nonconformity (front yard setback) and is not substantially more detrimental to the neighborhood than the existing structure was prior to the subdivision of the property.

SPECIAL CONDITIONS:

1. The applicant shall comply with all aspects of the Norwell Zoning Bylaws.

CONDITIONS APPLYING TO ALL DECISIONS:

1. **RECORDING OF 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 Certificate of Occupancy 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 Plymouth County Registrar of Deeds or Recorder of the Land Court.

4. **LAPSE OF SPECIAL PERMIT:** The applicant shall exercise any Special Permit granted by the Board of Appeals within two years from the date the decision is filed with the Office of the Town Clerk or it will lapse.

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