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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
Daniel Senteno

FINDINGS AND DECISION *of* The Norwell Board of Appeals

File No. 19-09

A public hearing was held on September 11, 2019 by the Norwell Zoning Board of Appeals under MGL c. 40A § 8 in the Norwell Town offices, 345 Main Street Norwell, MA on the application of:

**Michael P. Kelly and Darlene M. Kelly
Trustees of the Darlene M. Kelly Revocable Trust
20 Wanton Shipyard Drive
Norwell, MA 02061**

For an **Appeal** of the decision of the Building Inspector/Zoning Enforcement Officer under Sections 1230.8, 1323(a) and 2311(a) of the Norwell Zoning By-Laws. The Building Inspector denied a building permit for construction of an addition to an existing appurtenant structure based upon a determination that it meets the definition of a dwelling unit on the property where only one residential unit is allowed under NZBL. The property is located at **20 Wanton Shipyard** in Residential District A as shown on Assessors Map 25A, Block 71, Lot 39 and filed with the Plymouth County Registry District of the Land Court as Document No. 778209, as shown on Certificate of Title No. 127707. The lot consists of 1.46 acres. The existing residential structure was built in 1976.

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The applicants were in attendance at the hearings with their counsel, Walter Sullivan, and Richard Grady, P.E., of Grady Consulting, LLC. The applicants' representatives discussed the history of the structure and the proposed renovations including the addition of a screened-in porch. There was no voiced opposition at the hearing. The Board received the following information into its files:

1. Copy of the legal notice for the Norwell Mariner;
2. Abutter list;
3. Application, completed and signed by the applicant and date stamped on July 12, 2019, by the Town Clerk;
4. Assessors Card print-out for the lot;
5. Letter from the Building Inspector dated June 25, 2019, stating that he could not issue any building permit for the structure until relief was granted from the ZBA recognizing the pool cabana.

FINDINGS:

1. The applicants have agreed to enter into a deed restriction entitled "Declaration of Restriction" confirming that the structure shall not be used as a dwelling, residence, apartment, or any type of habitable dwelling at the premises.
2. As conditioned, the proposed use and renovations to the pool cabana will not significantly alter the character of the structure.
3. The proposed use and renovations of the pool cabana will not be detrimental to the neighborhood
4. The proposed use of the pool cabana will not be injurious, offensive or otherwise hazardous to the community.

DECISION OF THE BOARD:

Based upon the application and evidence presented and its Findings as set forth above and incorporated herein by reference, upon a motion duly made and seconded, Members Barbour, Brown, and Rivkind **VOTED** unanimously to grant relief as requested in the Applicant's appeal of the decision of the Building Inspector, subject to conditions stated below. The Board's decision will allow the proposed renovations to the appurtenant structure, located on property at **20 Wanton Shipyard**, which use is limited to a pool cabana as duly restricted by the Declaration of Restrictions to be recorded at the Plymouth County Registry District of the Land Court.

SPECIAL CONDITION:

The applicant shall record the Declaration of Restrictions with Plymouth County Registry District of the Land Court within thirty (30) days from the issuance of this decision along with a copy of this decision and provide proof of such recordation to the Building Inspector/Zoning Enforcement Officer, prior to issuance of a building permit.

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 then dismissed or denied, a copy of the Board's decision must be filed with either the Recorder of the Plymouth County Registry district of the Land Court 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 decision granting this appeal 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. **EXPIRATION:** The applicant must exercise the relief granted herein within two (2) years from the date the decision or it shall lapse.

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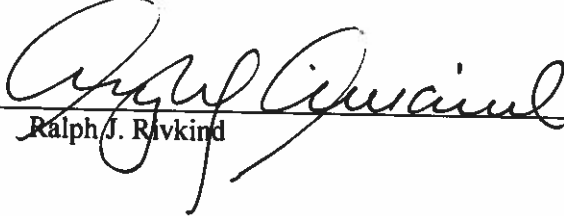
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Philip Y. Brown



Lois S. Barbour



Ralph J. Rivkind

*This space reserved for
Date Stamp of 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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