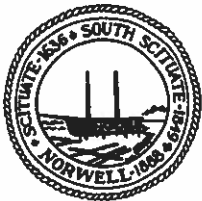


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OFFICE OF  
BOARD OF APPEALS

## 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  
Daniel M. Senteno

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

File No. 19-14

A public hearing was scheduled on December 4<sup>th</sup>, 2019, at 7:25 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:

Robert Johnston  
60 Washington Park Drive  
Norwell, MA 02061

For a **Section 6 Finding** and **Special Permit** under §201-3.3, §201-4.4 (c) (Nonconformance), and §201-9.2. A. (Lot Area) of the Norwell Zoning Bylaw. The Applicant seeks approval to construct a 24' x 23.5' addition to the existing dwelling. The lot does not conform to the minimum lot size requirement of 43,560 sq. ft. with only 15,780 sq. ft. Property is located at **60 Washington Park Drive** in Residential District B as shown on Assessor's Map 32, Lot 72 and recorded at the Plymouth County Registry of Deeds in Book 36472, Page 184. The house was built in 1952.

Mr. Scott Fanara of Grady Consulting, LLC., of Kingston, MA, presented the application on behalf of the Applicant and responded to questions from Board members. 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 for Public Hearing
2. Assessors Card
3. Abutters List
4. Evidence of Legal Standing (Property Deed)
5. Copies of the certified Plot Plan
6. Email in support of application by R. Benjamin Margro, Health Agent on the Board of Health, Town of Norwell
7. Conservation Commission Review Approval (Nancy Hemingway, Conservation Agent) on 11/13/2019 affirming that the site does not have any known wetland resources and is not within the buffer zone to any known wetland resources. The site is in the Aquifer Protection Overlay District, recommending that a Water Department Review be requested.

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**FINDINGS:**

1. The property is located in Residential District B and includes an existing single-family home that was built in 1952, predating the ZBL §201-9.2. A. (Lot Area) one-acre minimum lot size requirement set in 1972. The Applicants are seeking approval to construct an addition in accordance with the submitted plans.
2. The Board may issue a Section 6 finding pursuant to M.G.L. c. 40A and Special Permits §201-3.3 of the Norwell Zoning Bylaw, if it finds that:
  - B. (1) “The conduct of the proposed use will not be detrimental to the neighborhood and zoning district . . .”

**Finding:** As the property will continue to be used as a dwelling unit, the Board finds the proposed addition will not be detrimental to the neighborhood and zoning district.
  - B. (2) “. . . the proposed use will not significantly alter the character of the zoning district”.

**Finding:** The Board finds, as the property is located in Residential District B, the existing use as a residence is allowed by right and will, therefore, not alter the character of the zoning district.
  - B. (3) “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 a dwelling unit, the Board finds the proposed addition will not be injurious, noxious, or offensive to the neighborhood, an allowed use.



Philip Y. Brown



Stephen T. Bright



Daniel M. Senteno

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Date Stamp of Town Clerk

Date Filed with Office of the 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.

3. There was no objection to the proposed construction plans submitted to the Board either through testimony or in writing.

### **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, Bright, and Senteno **VOTED** unanimously to grant a **Special Permit** and **Section 6 Finding** for approval to construct an addition on property located at **60 Washington Park Drive** 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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