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OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

345 MAIN STREET, P.O. BOX 295
NORWELL, MASSACHUSETTS 02061
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Members

Lois S. Barbour, Chair
Philip Y. Brown, Vice Chair
Ralph J. Rivkind, Clerk

Associate Members

Matthew H. Greene, Assistant Clerk
Stephen T. Bright
Daniel M. Senteno
Nicholas K. Dean

FINDINGS AND DECISION of The Norwell Board of Appeals

File No. 20-29

A remote public hearing was scheduled on January 6, 2021, at 7:30 P.M. by the Norwell Zoning Board of Appeals under MA General Laws, Chapter 40A, Sections 6 and 9, and Governor Baker's declaration of a public health emergency and related Emergency Executive Order, dated March 12, 2020, with offices located at the Norwell Town Hall, 345 Main Street, Norwell, MA, on the application of:

**Costica Serban
PO Box 562
Hanover, MA 02339**

For a **Section 6 Finding and Special Permit** under Norwell Zoning Bylaw § 201-4.4B(1)(c) (Nonconformance) to add a second floor and construct a 15'10" x 27' addition to the existing dwelling. The dwelling is located on a .36-acre lot, where one acre is required. The property is located at **44 Gerard Road** in Residential District B, as shown on Assessor's Map 6C, Block 21, Lot 75 and recorded at the Plymouth County Registry of Deeds in Book 53650, Page 86. The dwelling was constructed in 1953.

No one was present to present the application. [Note: A revised plan was in the works unbeknownst to members and the Board is scheduled to rehear the revised application that meets Board of Health requirements.]

FILE INVENTORY: Documents submitted, included but not limited to the following, were received by the Board:

1. Application, dated 11/17/2020, signed by the Applicant, Costica Serban, received and stamped by the Board of Appeals on 11/17/20 and by the Town Clerk on 11/18/20.
2. "Building Location Plan", as prepared by Environmental Engineering Technology, 465 Furnace Street, Marshfield, MA 02050, dated September 9, 2020, signed and sealed by Robert Crawford, PLS.
3. "Front Elevation, Cross Section B, Second Floor, Basement, Rear, and Left and Right Elevation" plans with no preparer or maker's identification.

FINDINGS: The Board made the following findings:

1. The property is located in Residential District B and includes an existing single-family dwelling that was built in 1953. The Applicants are seeking approval to construct an addition that will provide four (4) bedrooms total.
2. As no information or plans were presented prior to or at the public hearing to address the denial of the Health Agent for construction of a 4-bedroom addition, members were unable to approve the application as submitted.

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 Rivkind, Greene, and Dean were individually polled and **VOTED** unanimously to deny Section 6 Finding/Special Permit application on property located at 44 Gerard Road, as the 4-bedroom plan was denied by the Board of Health.

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By unanimous vote of the Board of Appeals at its duly advertised meeting on July 23, 2020, its Clerk or Assistant Clerk is authorized to sign decisions on behalf of the panel members, which for this case are:

Ralph J. Rivkind
Matthew H. Greene
Nichola K. Dean



Ralph J. Rivkind, as Clerk

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: The decision of the Board of Appeals granting Site Plan Approval when independent of a Special Permit may be appealed in accordance with Massachusetts General Laws, Chapter 249 Section 4.