



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

RECEIVED  
2021 FEB 22 PM 2:11  
TOWN OF NORWELL  
TOWN CLERK

*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. 21-02

A public hearing was scheduled on January 20, 2021, and continued to February 10, 2021, by the Norwell Zoning Board of Appeals under MA General Laws, Chapter 40A, Sections 6 and 9, and remotely in accordance with Governor Baker's declaration of a public health emergency and related Emergency Executive Order, dated March 12, 2020, with a limited public participation option at the Norwell Town Hall, 345 Main Street, Norwell, MA, on the application of:

**Peter Smellie and Natalie Di Cecca**  
**141 High St.**  
**Norwell, MA 02061**

For a **Section 6 Finding** under M.G.L. c. 40A and **Special Permit** under §§ 201-3.3 and § 201-4.4B(1)(c) of the Norwell Zoning Bylaw to construct a proposed 2-bedroom addition and covered porch on an existing single-family dwelling. The dwelling is located on a .88-acre lot, where one acre is required under § 201-2.A. with a front-line setback of 2.6' from the street, where 35' is required under § 201-9.4.A.(1); and lot width of 108.5' at the setback line under § 201-9.3, where 150' is required. The property is located at **141 High Street** in Residential District B and partially in the Aquifer Protection District, as shown on Assessor's Map 11D, Block 17, Lot 47 and Land Court Certificate #113558. The dwelling was constructed in 1700.



6. The sideline setback on the northerly side of the dwelling will remain unchanged at 26.1'.
7. The rear setback is 365.5', well in excess of the 20' required under § 201-9.4.B.(1).
8. Therefore, the Board may make a Section 6 Finding pursuant to M.G.L. c. 40A and grant a Special Permit in accordance with § 201-3.3. B. of the Norwell Zoning Bylaw, subject to the following:

- a. "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, an allowed use in Residential District B, the Board finds the proposed addition will not be detrimental to the neighborhood and zoning district in a neighborhood of similar residences.

- b. ". . . 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.

- 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 a dwelling unit, the Board finds the proposed addition will not be injurious, noxious, or offensive to the neighborhood, as an allowed use.

RECEIVED  
 2022 FEB 22 PM 2:11  
 TOWN OF NORWELL  
 TOWN CLERK

**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 Greene, Bright, and Dean **VOTED** unanimously to grant a **Special Permit** and **Section 6 Finding** to construct an addition to the existing dwelling on property located at **141 High Street** in accordance with the submitted 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.

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:

Matthew H. Greene  
Stephen T. Bright  
Nicholas K. Dean

  
\_\_\_\_\_  
Ralph J. Rivkind, as Clerk

Date Filed with Office of the Town Clerk

This space reserved for  
Date Stamp of Town Clerk

RECEIVED

2021 FEB 22 PM 2:11

TOWN OF NORWELL  
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.