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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*

Stephen H. Lynch  
Daniel M. Senteno  
Nicholas Dean  
William J. Lazzaro

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

File No. 21-12

A public hearing was scheduled on June 16, 2021, by the Norwell Zoning Board of Appeals (the Board) under Massachusetts General Laws, Chapter 40A, Sections 6 and 10, in the Norwell Town Offices, 345 Main Street, Norwell, MA for the Application (the Application) of:

**Thomas Slavin**  
**32 Washington Park Drive**  
**Norwell, MA 02061**

For a **Section 6 Finding** under M.G.L. c. 40A and **Special Permit** under Sections 201-3.2A and 201-3.3B, 201-4.4 B(1)(c) (Nonconformance), of the Norwell Zoning Bylaw to add single-car garage the single-family dwelling, situated on a .28-acre lot, where one acre is required. The property is located at **32 Washington Park Drive** in Residential District B as shown on Assessor's Map 18A, Block 32 Lot 78, and recorded at the Plymouth County Registry of Deeds in Book 6779, Page 198. The dwelling was constructed in 1956.

The application was duly noticed in *The Mariner* on May 26, 2021 and June 2, 2021, and posted at the Norwell Town Hall and the posted on the Board's webpage at <https://www.townofnorwell.net/board-appeals> to fulfill requirements of the Open Meeting Law.

The Applicants representative, Paul Seaberg (Project Manager) of Grady Consulting of Kingston, presented the application to the Board and responded to member questions. No one present expressed support or 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, signed by Thomas Slavin, dated 4/12/21, stamped by the Town Clerk on May 7, 2021
2. "Plan of Land/ 32 Washington Park Drive/ Norwell, Massachusetts", prepared by Grady Consulting, L.L.C., signed and sealed by Timothy R. Bennett, P.L.S, and Damen M. Grady, R.P.E., dated April 26, 2021
3. "Plan of Land/ Norwell, Mass." for "Washington Park Land Unit C", showing a subdivision layout for Washington Park Drive and Tyler Street, identified as "Plan No 208, Tracing No 1596", recorded at the Plymouth County Registry of Deeds at Book 8, Page 786 on January 8, 1952.
4. Copy of Quitclaim Deed, conveying the property known as 32 Washington Park Drive, Norwell, from Ernest J. Milani, Trustee, to Thomas V. Slavin and Loretta J. Slavin at Registry of Deeds Book 6779 Page 198.  
Architectural Drawing (one page) showing front, sides, and rear elevations of the existing and proposed dwelling with floor plan, dated December 12, 2020, not signed or sealed.
6. Drainage Calculations, consisting of ten (10) pages, as prepared by Grady Consulting LLC, undated and not signed or sealed

**FINDINGS:** The Board made the following findings:

1. The property is located at 32 Washington Park Drive in Residential District B and the Aquifer Protection District and includes an existing single-family, one-story dwelling that was built in 1956.
2. The Applicants are seeking to construct a single-car garage addition to the existing dwelling.
3. The subject property consists of .28 acre lot, where one acre is required.
4. The frontage of subject property is 114', where 150' is required.
5. According to the submitted plot plan, the existing dwelling currently meets all required dimensional setbacks to the property lines and the proposed garage addition meets all required dimensional setbacks to the property lines.
6. The Board may issue a Section 6 finding pursuant to M.G.L. c. 40A and § 201-3.3. B. of the Norwell Zoning Bylaw, if it finds that:

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- 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 garage 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.
7. 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, Lynch, and Lazzaro were individually polled and **VOTED** unanimously to grant a **Section 6 Finding** and **Special Permit** to construct a garage addition to the existing dwelling on property located at **32 Washington Park Drive** in accordance with the submitted plans, as detailed in File Inventory No. 5 and 6 above, 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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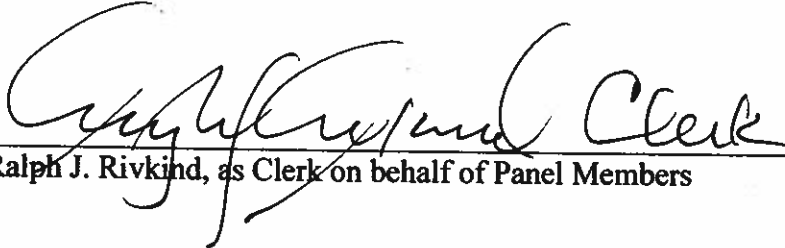
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By unanimous vote of the Board of Appeals at its duly advertised meeting on June 16, 2021, its Clerk or Assistant Clerk is authorized to sign decisions on behalf of the panel members, which in this instance are:

Philip Y. Brown  
William J. Lazzaro  
Stephen H. Lynch

  
\_\_\_\_\_  
Ralph J. Rivkind, as Clerk on behalf of Panel Members

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:** 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.