

TOWN OF NORWELL
TOWN CLERK

2021 AUG 23 PM 1:01

RECEIVED



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
Ralph J. Rivkind, Clerk

Associate Members

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

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

File No. 21-15

A public hearing was scheduled on August 18, 2021, by the Norwell Zoning Board of Appeals (the Board) under Massachusetts General Laws, Chapter 40A, Sections 6 and 9, and held in-person at the Norwell Town Offices, 345 Main Street, Norwell, MA, telecast on cable with Zoom access on the Application (the Application) of:

Kevin and Judith Lemoine
50 Dana Road
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 construct a 24'6" by 16' one-story addition to the northerly side of the existing dwelling, located at **50 Dana Road** in Residential District B as shown on Assessor's Map 5D, Block 21 Lot 172, and recorded at the Plymouth County Registry of Deeds in Book 38489, Page 154. The lot consists of 0.28 acres where one acre is required. The dwelling was constructed in 1953.

The application was duly noticed in *The Mariner* on July 28, 2021 and on August 4, 2021 and posted at the Norwell Town Hall to fulfill requirements of the Open Meeting Law

The Applicant Kevin Lemoine and his General Contractor Aaron Pinske, presented the application to the Board and responded to member questions. There was no one present who spoke in favor or in opposition to this application, but the board was provided signed letters of three abutters in expressing support.

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

1. Application, dated 6/4/21, signed by the owner, Judith Lemoine, received and stamped by the Board of Appeals and the Town Clerk on 6/23/21.
2. "Proposed Plans" for 50 Dana Rd in Norwell, dated May 28, 2021, as prepared by Main Street Architects of 25 Mathewson Drive #120 Weymouth, MA 02169, signed and sealed by Richard Servant, Certified Land Surveyor.
3. Set of four (4) drawings, as prepared by Stenbeck & Taylor, Inc. 844 Webster St #3 Marshfield, MA 02050 including the following:
 1. First floor dimensions
 2. Side and front dimensions
 3. Proposed drawings with additions and measurements
 4. Existing site plans
3. Three (3) letters from abutters
 1. Letter from neighbor Tracey Conchiri 30 Franklin Rd in favor of addition - lives behind residence
 2. Letter from Christina Riley 46 Dana Rd in favor - direct abutter
 3. Letter from, Brian Lockwood 26 Jay Rd in favor – Located across the Street

TOWN OF NORWELL
TOWN CLERK

2021 AUG 23 PM 1:01

RECEIVED

FINDINGS: The Board made the following findings:

1. The property is located at 50 Dana Rd in Residential District B and includes an existing single-family, two-story dwelling that was built in 1953.
2. The Applicants are seeking to add a one-story open space addition that will include a family room with a vaulted ceiling, mudroom, and small back porch.
3. The setback of the addition is 27', which is greater than the 25.6' setback of the existing dwelling. The external height of the addition is 20' 5" above grade to the top of the roofline.
4. The subject property consists of a 0.86-acre lot, where one acre is required.
5. According to the submitted plot plan, the existing setback of 64.6' from the Northerly end and 17.5' setback from Eastern side, whereas Western side is 25.6' from street and 21.5' from southern abutter (which is not being impacted) respectively, meeting the sideline setback requirements of 10', while the addition expands it to 27.0' meets the requirement of 10' from the property line under § 201-9.4B(1), as the dwelling was constructed in 1953.

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:
 - 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 second floor 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. In fact, three letters of support from neighbors were submitted with the application.

TOWN OF NORWELL
TOWN CLERK

2021 AUG 23 PM 1:01

RECEIVED

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 Senteno were individually polled and **VOTED** unanimously to grant a **Section 6 Finding and Special Permit** to add a second-floor addition to the existing dwelling on property located at **50 Dana Road** in accordance with the submitted plans, as detailed in File Inventory No. 3 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.

----- The remainder of this page is intentionally left blank. -----

TOWN OF NORWELL
TOWN CLERK
2021 AUG 23 PM 1:01
RECEIVED

By unanimous vote of the Board of Appeals at its duly advertised meeting on May 19, 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
Daniel M. Senteno
Steven 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

RECEIVED

2021 AUG 23 PM 1:02

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.