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OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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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. 21-17

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:

Earl Servant
70 Kings Landing
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 (Nonconformance), 201-9.3 (Lot Frontage and Width), 201-9.4 (Required Yards), 201-9.5 (Lot Shape) of the Norwell Zoning Bylaw to construct: (1) a 26.5' x 23.9' proposed 1 story addition to the dwelling and (2) a 13' x 22' deck extension to the single-family dwelling, located at **70 Kings Landing** in Residential District A as shown on Assessor's Map 22A, Block 61 Lot 38, and recorded at the Plymouth County Registry of Deeds in Book 12985, Page 42. The setback of the existing dwelling is 35.1', while the setback of the proposed addition is 35.7' from the street but meets the required sideline setback of 10' and the required rear yard setback of 20'. The

proposed addition to the existing deck also meets the 20' rear and 10' sideline setback requirements. The dwelling was constructed in 1930.

The application was duly noticed in *The Mariner* on July 28, 2021 and August 4, 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 Applicant Earl "Chip" Servant and Richard Servant, Professional Land Surveyor, 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 Earl "Chip" Servant, dated 6/29/21, stamped by the Town Clerk on June 30, 2021
2. "Location Plan/ 70 Kings Landing/ Norwell, Massachusetts" signed and sealed by Richard Servant, P.L.S., dated June 18, 2021
3. Floor plans and elevations for "70 Kings Landing", showing Attic Floor Plan, Side Elevation, First Floor Plan, and Front Elevation
4. Copy of Norwell Historical Commission letter dated August 12, 2021 referencing a site visit on August 2, 2021 and voted on August 4, 2021 to approve addition signed by Nancy McBride, Chair
5. Copy of the approval from North River Commission Allowed Use under Sec 5 (A) of the Scenic and Recreational River Protective Order for the North River – signed by Gary Wolcott, Administrator

FINDINGS: The Board made the following findings:

1. The property is located at 70 Kings Landing in Residential District A
2. The Applicants are seeking to construct a 1-story addition and extend deck to the existing dwelling, constructed in 1930.
3. The subject property setback front will be 35.7' instead of the current 35.1'.
4. The proposed additions meet the required sideline and rear setbacks.
5. 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 A, the Board finds the proposed garage addition will not be detrimental to the neighborhood and zoning district in a neighborhood of similar residences.

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TOWN CLERK

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- 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.

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

DECISION OF THE BOARD:

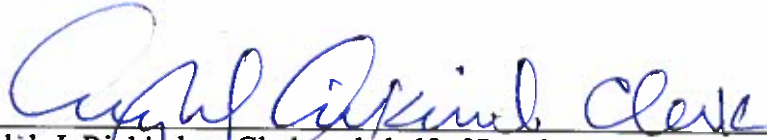
Based upon the evidence presented and its findings detailed above and incorporated herein and forming a part of this decision, upon a motion duly made and seconded, Members Barbour, Lynch, and Senteno were individually polled and **VOTED** unanimously to grant a **Section 6 Finding and Special Permit** to construct (1) a 26.5’ x 23.9’ proposed 1-story addition and (2) a 13’x 22’ deck extension to the existing single-family dwelling on property located at **70 Kings Landing** in accordance with the submitted plans, as detailed in File Inventory, 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 August 18, 2021, its Clerk or Assistant Clerk is authorized to sign decisions on behalf of the panel members, which in this instance are:

Lois S. Barbour
Stephen H. Lynch
Daniel M. Senteno



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.