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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
Nicholas K. Dean
William J. Lazzaro
Stephen H. Lynch

FINDINGS AND DECISION *of* The Norwell Board of Appeals

File No. 21-21

The Norwell Zoning Board of Appeals (hereinafter “Board”) held public hearings opened on October 27, 2021, continued to December 8, 2021, and closed January 12, 2022, at the Norwell Town Hall, 345 Main Street Norwell, MA 02061, on behalf of Applicant:

Medici Properties, LLC
852 North Dean Road, Suite 100
Auburn, AL 36830

For a **Section 6 Finding** under M.G.L. c. 40A and **Special Permit** under Sections 201-3.2A, to raze and rebuild the existing dwelling, located on 1.22 acres when merged for purposes of zoning. The applicant seeks relief under the Norwell Zoning Bylaw from 201-9.3(A) for frontage of 38.39 ft where 80 ft is required; 201-9.4(A)(1) for existing front setbacks of 4 ft and 29 ft where 50 ft is required; and 201-9.4(B)(1) for northwesterly side-setback of 18 ft where 20 ft is required. The existing dwelling, constructed in 1800, is located at **42 Central Street**, as shown on Assessor’s Map 15C, Block 47, Lot 06, and will be combined with the land as shown on Assessor’s Map 15C,

Block 47, Lot 07, in Residential District A and recorded at the Plymouth County Registry of Deeds in Book 55140 Page 208.

The application was duly noticed in *The Mariner* on October 6, 2021, and October 13, 2021, and posted at Norwell Town Hall to meet requirements of the Open Meeting Law.

The Applicant's attorney, Walter B. Sullivan, presented the application, on behalf of the Applicant. No one spoke in favor of or in opposition to the application during the public hearing. However, five (5) letters were submitted in writing in favor of this application.

FILE INVENTORY: Documents submitted include but are not limited to the following:

1. Revised application for a Special Permit and/or Section 6 Finding, submitted on 9/29/21, signed by Walter B. Sullivan, Attorney for the Applicant, and date-stamped by the Town Clerk on 9/30/21;
2. Time Limit Extension form to February 1, 2022, as signed by Walter B. Sullivan, Attorney for the Applicant, date-stamped by the Town Clerk on 11/16/21.
3. Site Plan, prepared by Cavanaro Consulting dated 9/9/21, as revised through 9/28/21, signed and sealed by Brendan Sullivan, R.L.S. and P.E.
4. Quitclaim Deed transferring the subject properties from Kathleen Belyea, Trustee of the Turner Family Trust to Medici Properties, LLC., of 852 North Dean Road, Suite 100, Auburn, Alabama 36830;
5. Copy of legal notice;
6. Assessors Cards for Map 15C Block 47 Lots 6 and 7
7. Architectural Plans, prepared by Kearney Architects, revised 9/15/21, including:
 - AB101 Existing Floor Plans
 - AB 201 Existing Elevations
 - A101 [Proposed] Floor Plans
 - A201 [Proposed] Elevations
8. Letters of Support from five (5) abutters:
 - a. Thomas and Barbara Alger of 17 Mill Lane
 - b. Peter and Katie Hajjar of 31 Central Street
 - c. Paddy and Vera Murray of 45 Central Street
 - d. Elizabeth and Michael Enright of 12 Mill Lane
 - e. Dr Cara Sacchetti of 48 Central Street
9. Copy of MA Secretary of State Business Entity Summary for Medici Properties, LLC, confirming the Applicant is now a Massachusetts Corporation, as of 1/5/22, showing: Michael P. Medici, Manager, 323 Cash Memorial Boulevard, Forest Park, GA 30297.

FINDINGS: Based upon submitted documents detailed in the file inventory above and the testimony received during the public hearing, the Board finds the following:

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1. The property known and numbered as 42 Central Street, as shown on Assessors Map 15C Block 47 Lots 6 and 7, comprised of a total of approximately 1.22 acres where one (1) acre is required, are merged for purposes of zoning.
2. The existing single-story dwelling known as 42 Central Street will be demolished and replaced with a two-story, single-family dwelling with attached porch and garage.
3. The proposed structure will not be any closer than the existing structure with frontage on Central Street of 38.39 ft where 80 ft is required and existing front setbacks of 4 ft and 29 ft where 50 ft is required; and a side-setback on the northeasterly side of 18 ft where 20 ft is required.
4. The Board may issue a Section 6 finding pursuant to M.G.L. c. 40A and Section 201 – 4.4B(1)(c) 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 in the same manner as it had been, the Board finds the proposed use will not be detrimental to the neighborhood and zoning district.
 - 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 A, 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 proposed construction will continue to be used as a dwelling unit, the Board finds the new dwelling will not be injurious, noxious, or offensive to the neighborhood, an allowed use.

DECISION OF THE BOARD:

Based upon the evidence presented and its findings delineated above, upon a motion duly made and seconded, Members Brown, Rivkind, and Dean **VOTED** unanimously to grant the zoning relief requested for a **Section 6 Finding** under M.G.L. c. 40A and **Special Permit** under Sections 201-3.2A, to raze and rebuild the existing dwelling and construct a new dwelling 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.

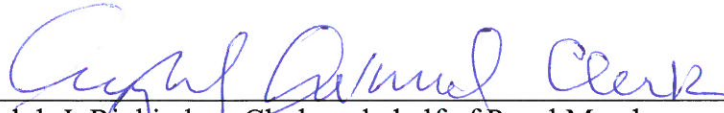
2. **RECORDING RECEIPT:** A copy of the recording fee receipt must be returned to the Board of Appeals. **NOTE: No building permit shall be issued without such evidence.**
3. **EFFECTIVE DATE OF APPROVAL:** The zoning relief granted by this Decision shall take effect only at such time as a copy of this 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.

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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
Nicholas Dean
Ralph J. Rivkind



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.