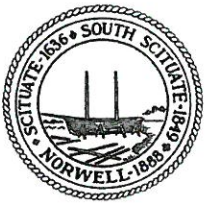


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OFFICE OF
BOARD OF APPEALS

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. 22-04

A public hearing was scheduled on March 9, 2022, by the Norwell Zoning Board of Appeals (the Board) under Massachusetts General Laws, Chapter 40A, Sections 6 and 9, in person at the Norwell Town Offices, 345 Main Street, Norwell, MA, and broadcast live from the Osborn Room on Comcast Channel 9 and Verizon Channel 40 with a Zoom option on the Application of:

Erica and Matthew Vercollone
25 Beers Ave
Norwell, MA 02061

For a **Section 6 Finding** under M.G.L. c. 40A and **Special Permit** under Sections 201-3.2A, 201-3.3B and 201-4.4 B(1)(c) (Nonconformance), and a **Variance** under 201-3.2B, 201-9.4B(1) of the Norwell Zoning Bylaw to add a first floor office, laundry room and half bath and to renovate the second floor and add a bathroom to the single-family dwelling, situated on a .28-acre lot, where one acre is required. The applicant is also seeking relief from the 20-ft setback, proposing a 15.8 ft setback. The property is located

at **25 Beers Ave** in Residential District B as shown on Assessor's Map 12D, Block 25 Lot 30, and recorded at the Plymouth County Registry of Deeds in Book 44984, Page 0183. The dwelling was constructed in 1960.

The application was duly noticed in *The Mariner* on February 16, 2022, and on February 23, 2022, and posted at the Norwell Town Hall to fulfill requirements of the Open Meeting Law.

The Applicants, Erica and Matthew Vercollone, presented the application to the Board and responded to member questions. Although two letters of opposition were received, an abutter, Ed Condon, who attended the public hearing, withdrew his opposition after learning that the revised project would meet sideline and rear setback requirements.

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

1. Application, dated 2/01/22, signed by the owners, Erica and Matthew Vercollone, received and stamped by the Board of Appeals on 2/8/22 and by the Town Clerk on 2/9/22.
2. Two drawings filed with the Application, entitled (1) "Certified Plot Plan/ 25 Beers Avenue – Norwell, MA" and (2) "Site Plan/ 25 Beers Avenue – Norwell, MA", as prepared by Cavanaro Consulting and signed and sealed by Brendan Sullivan, Registered Land Surveyor.
3. Architectural drawings by A. Kearney Architects of 222 North St., Hingham, MA, both showing existing and proposed condition (unsigned):
 - DWG AB101, entitled "First Floor Plan", dated 11/16/2021
 - DWG AB102, entitled "Second Floor Plan", dated 11/16/2021
4. Attached to application: Property report/detailed history explaining the reason for the application
5. Assessors field card for the property
6. There is a 50' setback requirement due to adjacent wetlands. However, the Conservation Commission has signed off on the proposed addition, which is located on the side of the house opposite the stream.
7. Board of Health sign-off (2/24/22)
8. Two (2) letters from abutters in opposition to the variance:
 - a. Denise and Paul Shaw of 17 Beers Ave
 - b. Ed and Donna-Jean Condon of 21 Beers Ave
9. Revised Site Plan drawing, submitted on 3/8/22, entitled "Certified Plot Plan/ 25 Beers Avenue – Norwell, MA" with note: "Revised 3.8.22 Modified Addition", as prepared by Cavanaro Consulting and signed and sealed by Brendan Sullivan, Registered Land Surveyor (as signed by Member Senteno at the meeting to distinguish it from the prior plan).
10. Third Architectural Plan revision, received by the ZBA on 3/9/22, showing the proposed 9.9' wide addition redesigned to meet the required sideline setback of 20' with the following additional drawings:

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- a. Architectural sketch of Front and Side Elevations showing new addition, and
- b. First Floor Plan revised by A. Kearney Architects to meet sideline setback requirements, and
- c. Second Floor Plan, hand-drawn architectural plan.
- d. Drawings of existing vs proposed plans –hand-drawn plans revised 3/9/22

FINDINGS: The Board made the following findings:

1. The property is located at 25 Beers Ave in Residential District B and includes an existing single-family, one-story dwelling that was built in 1960.
2. The Applicants are seeking to add a first-floor sunroom, laundry room, mud room and half bath to first floor that is within the existing side setback of the current deck and renovate second floor and add a bathroom to the single-family dwelling.
3. The subject property consists of a 0.28-acre lot, where one acre is required.
4. According to the revised plan, the existing setback of 29.8’ from northern end (side setback) and 20’ setback along with the eastern side (rear setback) is more than the 50’ buffer from wetlands shown on site plan. Respectively, the 9.9’ addition meets the requirement of 20’ from the property line under § 201-9.4B(1).
5. The Board may issue a Section 6 finding pursuant to M.G.L. c. 40A and Special Permit under § 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 addition complies with sideline and rear setback requirements and will not be more 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.
6. Although two neighbors submitted letters of opposition to the original plan set that did not meet sideline setbacks, one subsequent plan revision was provided that did meet the required setbacks and resolved the neighbors’ objection to the proposed project.

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7. Abutter Ed Condon attended the public hearing and stated that he was withdrawing his opposition now that no Variance was required, and the addition will comply with the required setbacks.
8. As the proposed addition meets sideline setback requirements, no Variance is required.

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, Lazzaro, and Senteno were individually polled and **VOTED** unanimously to approve withdrawal of the Variance relief requested and grant a **Section 6 Finding and Special Permit** to add a two story 9.9' addition to the existing dwelling on property located at **25 Beers Ave** in accordance with the revised plans, as detailed in File Inventory Paragraphs 9 and 10 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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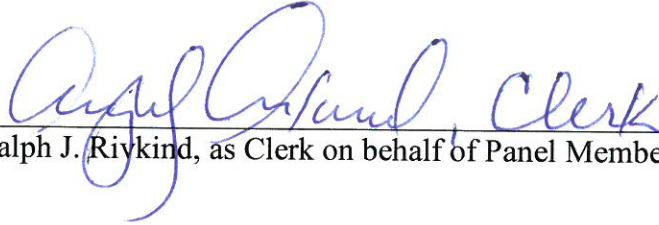
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By unanimous vote of the Board of Appeals at its duly advertised meeting on May 19, 2021, its Clerk or Assistant Clerk is authorized to sign decisions on behalf of the panel members, which in this instance are:

Philip Y. Brown
William J. Lazzaro
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.