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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

Members

Lois S. Barbour, Chair
Philip Y. Brown, Vice Chair
Ralph J. Rivkind, Clerk

Associate Members

Daniel M. Senteno
William J. Lazzaro
Stephen H. Lynch
Joseph E. LaFleur

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

File No. 22-09

PUBLIC HEARINGS were held on September 22, 2022, October 6, 2022, and October 19, 2022, by the Norwell Zoning Board of Appeals (the Board) under General Laws, Chapter 40A, Section 9, at the Norwell Town Offices, 345 Main Street, Norwell, MA on the Application of:

Robert and Jen Mahoney (the "Applicants")
77 Washington Park Drive
Norwell, MA, 02061 (the "Property")

For a Section 6 Finding under M.G.L. c. 40A and Special Permit under Sections 201-3.2A, 201-3.3, 201-4.4 B(1)(c) (Nonconformance), and 201- 9.2 (Lot area) of the Norwell Zoning Bylaw to add an approximate 900 sq foot one-story addition to the right side of the existing single-family dwelling, adding a bedroom, bathroom, mudroom and a

family room. The dwelling is situated on a .74-acre lot, where one acre is required. The property is located at 77 Washington Park Drive in Residential District B as shown on Assessor's Map 18A, Block 32 Lot 60, and recorded at the Plymouth County Registry of Deeds Book 17813, Page 0106. The dwelling was constructed in 1952.

The Public Hearing for this Application was duly noticed in *The Mariner* on September 7, and September 14, 2022, and posted at the Norwell Town Hall as required by law.

The Applicants attended the hearings along with their contractor, who presented the application on the Applicants' behalf. Members of the public appeared at the hearings in support of the Application.

The Board received the following documents:

1. Application, dated 7/27/22, signed by the Applicant's Representative, Erik Paulson, received and stamped by the Board of Appeals on 7/28/22 and by the Town Clerk on 8/1/22.
2. One drawing filed with the Application, entitled "Proposed Plot Plan in Norwell, Massachusetts," as prepared by DLJ Geomatics Professional Land Surveying and signed and sealed by Douglas L. Johnston, PLS, dated May 11, 2022.
3. Architectural drawings by Rockwood Design, Inc, showing both existing and proposed condition (unsigned):
 - Cover Page, entitled "Crawford Residence Locus Map", dated 7/15/2022
 - Page A1 of A8, entitled "Notes and Legends", dated 7/15/2022
 - Page A2 of A8, entitled "Existing Front Elevation", dated 7/15/2022
 - Page A2.1 of A8, entitled "Existing Right Elevation", dated 7/15/2022
 - Page A2.2 of A8, entitled "Existing Rear Elevation", dated 7/15/2022
 - Page A2.3 of A8, entitled "Existing Left Elevation", dated 7/15/2022
 - Page A2.4 of A8, entitled "Proposed Front Elevation", dated 7/15/2022
 - Page A2.5 of A8, entitled "Proposed Right Elevation", dated 7/15/2022
 - Page A2.6 of A8, entitled "Proposed Rear Elevation", dated 7/15/2022
 - Page A2.7 of A8, entitled "Proposed Left Elevation", dated 7/15/2022
 - Page A3 of A10, entitled "Existing First Floor Plan", dated 7/15/2022
 - Page A3.1 of A8, entitled "Proposed First Floor Plan", dated 7/15/2022
 - Page A4 of A8, entitled "Existing Roof Plan", dated 7/15/2022
 - Page A4.1 of A8, entitled "Proposed Roof Plan", dated 7/15/2022
 - Page A5 of A8, entitled "Existing Building Section "A-A", dated 7/15/2022
 - Page A6 of A8, entitled "Proposed Building Sections "B-B", dated 7/15/2022
 - Page A7 of A8, entitled "Proposed Building Sections "C-C", dated 7/15/2022
 - Page A8 of A8, entitled "Proposed Building Sections "D-D", dated 7/15/2022

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Page S1 of S5, entitled "Existing Basement/Foundation Plan", dated 7/15/2022
 Page S1.1 of S5, entitled "Proposed Basement/Foundation Plan", dated 7/15/2022
 Page S2 of S5, entitled "Shear Wal Detail", dated 7/15/2022
 Page S3 of S5, entitled "First Floor Framing Plan", dated 7/15/2022
 Page S4 of S5, entitled "Low Roof/Ceiling Framing Plan", dated 7/15/2022
 Page S5 of 5, entitled "Roof Framing Plan", dated 7/15/2022

4. Revised Architectural drawing by Rockwood Design, Inc:
 Page A3.1 of A8, entitled "Proposed First Floor Plan", dated 7/27/2022 and stamped by the Town Clerk on 10/18/2022
5. Revised set of Architectural drawings, consisting of 24 pages, dated 10/26/2022.
6. Quitclaim Deed for 77 Washington Park Drive in Norwell, MA, stamped with the Town Clerk on 10/18/2022
7. Declaration of Restriction
8. Attached to application: Assessor online database printout for 77 Washington Park Drive, stamped by the Town Clerk on 8/1/22.
9. Two letters stating medical conditions, one from Melissa Rubinsky, NP, at Joslin Diabetes, dated 10/6/2022, and one from Allen J. Taylor, MD, Georgetown University, dated 10/5/2022.
10. Email from Board of Health noting that septic system size cannot be increased.
11. Public Notice dated September 7, 2022.

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FINDINGS:

At the hearing, the Board confirmed the facts in the Notice and Application set forth above. The Applicants wish to enlarge their home, which was built in 1952, to accommodate a multi-generational family. Because of concerns regarding the possible conversion by some future owners of the house to a two-family home or to a rental unit within the house, the Applicants offered to file a deed restriction limiting use of the house to a single-family home with the registry of deeds. Neighbors attended the hearing and spoke in support of the Application. No one spoke against the Application.

Based upon the foregoing, the Board finds that:

1. The proposed project will meet required front and side setbacks.
2. The proposed addition and use will not be detrimental to the neighborhood and will not significantly alter the character of the zoning district. Nor will the proposed addition and use be injurious to the neighborhood by any other cause. See Section 201-3.3(b).

3. The Board accepted the Applicants' offer to file a deed restriction limiting the use of the house to a single-family home and prohibiting the use of the property as a rental.

DECISION OF THE BOARD:

Based on the evidence presented and its findings above and incorporated by reference herein, upon a motion duly made and seconded, Members Brown, Rivkind, and Senteno **VOTED** unanimously to grant the Special Permit to the Applicants under § 201-3.3(b) of the Norwell Zoning Bylaw approving the architectural drawings and plans as revised and dated October 26, 2022 (number 5 in the list of documents received above), subject to the following further findings and special conditions:

1. The Applicants will file a deed restriction (number 7 in the list of documents received above), as approved by Town Counsel, limiting the use of the property to a single-family home and prohibiting the use of any portion of the property as separate habitable rental unit, with the Registry of Deeds.
2. The proposed addition will be approximately 900 square feet and constructed in conformance with the plans submitted and stamped as received on October 18, 2022. And

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 then dismissed or denied, a copy of the Board's decision must be filed with either the Register 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 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:** This Decision shall take effect only at such time as a copy of the Decision, certified by the Office of the Town Clerk of the Town of Norwell, is recorded with the Register of Deeds or Recorder of the Land Court.
4. **EXPIRATION:** The applicant shall exercise any Decision granted by the ZBA within two (2) years from the date of the Decision or it shall lapse.

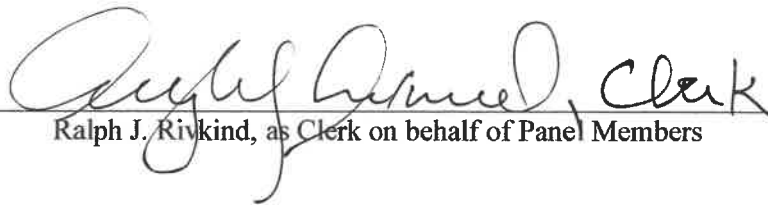
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By unanimous vote of the Board of Appeals at its duly advertised meeting on August 8, 2022, its Clerk or Assistant Clerk is authorized to sign decisions on behalf of the panel members, which in this instance are:

Philip Y. Brown
Ralph J. Rivkind
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.