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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

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William J. Lazzaro  
Stephen H. Lynch  
Joseph M. LaFleur

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

File No. 22-10

A public hearing was scheduled on December 21, 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:

**Karen and Robert Deeley**  
**15 Bay Path Lane**  
**Norwell, MA 02061**

For a **Section 6 Finding** under M.G.L. c. 40A and **Special Permits** under Sections 201-3.2A, 201-3.3, 201-4.4 B(1)(c) (Nonconformance), and 201-9.2 (Lot area) and 201-19.7.O (Aquifer Protection District) of the Norwell Zoning Bylaw to add an approximate 1,456 sq foot two-story addition to the left side of the existing single-family dwelling, including a two-car garage with a 728 sq foot second-floor bedroom. The dwelling is situated on a .50-acre lot, where one acre is required. The property is located at **15 Bay**

**Path Lane** in Residential District B as shown on Assessor's Map 5D, Block 12 Lot 41, and recorded at the Plymouth County Registry of Deeds Book 57357, Page 108. The dwelling was constructed in 1980.

The application was duly noticed in *The Mariner* on November 30, 2022, and December 7, 2022, and posted at the Norwell Town Hall to fulfill requirements of the Open Meeting Law.

The Applicants, Karen and Robert Deeley, presented the application to the Board and responded to member questions. Kevin and Linda Burns of 10 Bay Path Lane spoke in favor of the application.

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

1. Application, dated 11/2/22, signed by the Applicants Karen Deeley and Robert Deeley, received and stamped by the Board of Appeals on 11/7/22 and by the Town Clerk on 11/7/22.
2. "Plot Plan 15 Bay Path Lane in Norwell, Massachusetts," as prepared by Grady Consulting, L.L.C., Civil Engineers, Land Surveyors & Landscape Architects and signed and sealed by Darren M. Grady, PE and Timothy R. Bennett, PLS, dated April 26, 2022 and revised adding a Soil Log, signed on 11/7/22.
3. Grady Consulting letter of November 29, 2022, signed by Robert Carlezon, Project Engineer, relating to "Plot Plan for Addition".
4. Architectural drawings by Bill Fornaciari Architects, Inc, showing both existing and proposed condition (unsigned):
  - a. Page A1 of A2, Proposed First Floor and Second Floor plans dated 10/28/2022, revised on 11/10/22
  - b. Page A2 of A2, Front, Left and Rear elevations, dated 10/28/2022, revised on 11/10/22.
  - c. Page (untitled) "Existing First Floor Plan", not dated
  - d. Page (untitled) "Existing Second Floor Plan", not dated
5. Fiscal Year 2022 Property Tax Assessment for 15 Bay Path Lane, Norwell, MA and stamped by the Town Clerk on 11/8/22.
6. Quitclaim Deed for 15 Bay Path Lane stamped by the Town Clerk on 11/8/22, showing transfer of ownership from Karen L. Deeley, f/k/a Karen L. Gilmour to Karen L. Deeley and Robert F. Deeley, as recorded on 10/25/22, Bk: 57357 Pg: 108 (1 of 2).
7. Board of Health approval of 11/21/22, stating: "Approved per the architectural and plot plans submitted 11/21/22. Property's septic system is designed for a 3 Bedroom Single Family Dwelling and the proposed plans meet Title 5 code."
8. Conservation Commission sign-off, dated 10/25/22: "The proposed work is outside of the Conservation Commission wetland jurisdiction, and the

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stormwater is part of a pre approved subdivision, which fall under the planning department. So therefore it is approved.”

9. Planning Board sign-off, dated 12/2/22: “Note: There is a recharge system that has been approved by peer review to handle the new addition and the requirement to install the recharge system should be noted on the building permit.”
10. As noted in Paragraph 9 above, this lot was part of an approved subdivision for which the Planning Board required drainage review to ensure that the stormwater system that services the subdivision would not be negatively impacted by this addition.

**FINDINGS:** The Board made the following findings:

1. The property is located at 15 Bay Path Lane in Residential District B and includes an existing single-family, two-story gambrel-style dwelling that was built in 1980.
2. The Applicants are proposing a two-story 1,456 sq. ft. addition to the left (northerly) side of the existing single-family dwelling to include a two-car garage with a 728 sq foot second-floor bedroom.
3. The subject property consists of 21,784 sq. ft. or 0.5-acres, where one acre is required.
4. According to the revised plan, the sideline setback is 24.5’ from the northerly property line with the southerly sideline setback remaining unchanged. The proposed addition will, therefore, meet the requirement of 20’ from the property line under § 201-9.4B(1).
5. According to the revised plan, the rear setback is a minimum of 70.9’ from the easterly property line. The proposed addition will, therefore, also meet the minimum of 20’ from the rear (easterly) property line under § 201-9.4B(1).
6. 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.”

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**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.

**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, Rivkind, and Lynch were individually polled and **VOTED** unanimously to grant a **Section 6 Finding and Special Permit** to add a two-story addition, including a 2-car garage with master bedroom above to the existing dwelling on property located at **15 Bay Path Lane** in accordance with the revised plans, as detailed in File Inventory Paragraphs 2 and 4 above, subject to the following:

**CONDITIONS APPLYING TO ALL DECISIONS:**

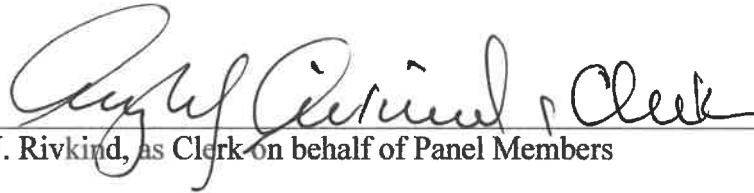
1. **RECORDING OF THE DECISION:** After receiving certification from the Town Clerk that no appeal has been taken within twenty days, or if appealed than dismissed or denied, a copy of the Board's decision must be filed with either the Registrar of the Plymouth County Registry of Deeds to be recorded 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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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  
Ralph J. Rivkind  
Stephen 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*

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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.