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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  
William J. Lazzaro  
Stephen H. Lynch

## **FINDINGS AND DECISION** *of* **The Norwell Board of Appeals**

***File No. 23-10***

A PUBLIC HEARING was held on June 21, 2023, by the Norwell Zoning Board of Appeals under MA General Laws, Chapter 40A, Sections 6 and 9, at the Norwell Town Offices, 345 Main Street, Norwell, MA, on the application of:

**Mollie Van Deusen**  
**42 Franklin Road**  
**Norwell, MA 02061**

For a **Section 6 Finding** under M.G.L. c. 40A and **Special Permit** under Sections 201-3.2A, 201-4.4 B(1)(c) (Nonconformance), and 201-9.2 (Lot area) and 201-9.4A (Front yard setback) of the Norwell Zoning Bylaw to construct a 25' by 16' one-story family room addition and deck on the rear of the dwelling. The dwelling is located at **42 Franklin Road** in Residential District B, as shown on Assessor's Map 12A, Block 21,

Lot 162 and recorded at the Plymouth County Registry of Deeds Book 47570, Page 306. The lot consists of 0.18-acres where one acre is required. The dwelling was built in 1954.

The application was duly noticed in *The Mariner* on 5/31/23 and 6/7/23 and posted at the Norwell Town Hall to fulfill requirements of the Open Meeting Law. The Applicant's representative from Pinske Construction, Aaron Pinske, presented the application and responded to member questions. No one spoke in favor of or in opposition to this application either in person or in writing.

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

1. Application, dated 5/11/23, signed by the property owner, Mollie Van Deusen, as received and stamped by the Board of Appeals and by the Town Clerk on 5/11/23.
2. Public Notice
3. ZBA Procedures and Timelines copy
4. Deed and Plan reference copy from Stenbeck & Taylor, Inc.
5. Developed design showing first floor, roof plan, Right Elevation, Left Elevation and Rear Elevation.

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

1. The property is located at 42 Franklin Rd in Residential District B and includes an existing single-family, one-story dwelling that was built in 1954.
2. The lot consists of .18 acres with an existing setback from the street of 26' 4".
3. The Applicant is seeking to renovate a 25' by 16' one-story family room addition and deck on the rear of the dwelling. on a pre-existing nonconforming .18-acre lot, where one acre is required.
4. 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 the front, side, 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,

TOWN OF NORWELL  
TOWN CLERK

2023 JUN 28 AM 10:54

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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.

### 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 **VOTED** unanimously to grant a **Section 6 Finding** and **Special Permit** to renovate a 25’ by 16’ one-story family room addition and deck on the rear of the dwelling. The dwelling is located at **42 Franklin Road** subject to the following:

**SPECIAL CONDITION:** This decision shall in no way be interpreted to allow an “accessory dwelling unit” as currently defined in the Norwell Zoning Bylaw. That use is not granted by or permitted in this decision.

### 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.

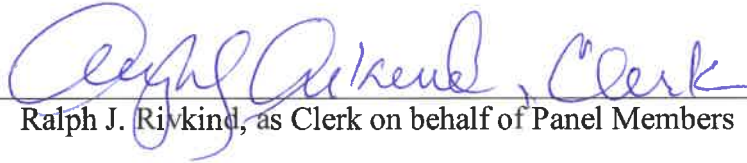
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By unanimous vote of the Board of Appeals at its duly advertised meeting on May 19, 2021, its Clerk or Assistant Clerk is authorized to sign decisions on behalf of the panel members, which in this instance are:

Ralph J. Rivkind  
Daniel M. Senteno  
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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2023 JUN 28 AM 10:55

1034 OF 1034  
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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.