

TOWN OF NORWELL
TOWN CLERK

2023 JUL 26 PM 1:23

RECEIVED



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
Stephen H. Lynch, Vice Chair
Ralph J. Rivkind, Clerk
—
Associate Members
Daniel M. Senteno
William J. Lazzaro

FINDINGS AND DECISION *of* The Norwell Board of Appeals

File No. 23-11

A PUBLIC HEARING was held on July 19, 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:

Michael and Nicole Balaschi
75 River Street
Norwell, MA 02061

For a **Section 6 Finding** under M.G.L. c. 40A and **Special Permit** under Sections 201-3.3, 201-4.4 B(1)(c) and (Nonconformance), 201-9.2 (Lot area), of the Norwell Zoning Bylaw to add a 24' by 33' two-car garage and storage area with a second-floor primary bedroom with an office and bathroom, connected to the existing home with a new entry with mudroom and staircase, and a second-floor addition on the existing dwelling that includes two bedrooms and a bathroom. The existing 8' x 20' deck will be replaced with a 12' by 24' deck. The dwelling is situated on a .90-acre lot, where one acre is required.

The property is located at **75 River Street** in Residential District A as shown on Assessor's Map 21A, Block 60 Lot 27, and recorded at the Plymouth County Registry of Deeds Book 53282 Page 136. The dwelling was constructed in 1967.

The application was duly noticed in *The Mariner* on 6/28/23 and 7/5/23 and posted at the Norwell Town Hall to fulfill requirements of the Open Meeting Law.

The Applicant's representative, Paulette O'Connell from OCO architecture::design, presented the application and responded to member questions. No one spoke in favor of or in opposition to this application.

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

1. Application, dated 5/25/23, signed by property owner, Michael Balaschi, as received and stamped by the Board of Appeals and by the Town Clerk on 6/1/23.
2. Letter of 5/30/23, from Paulette O'Connell forwarding the application and providing information about Conservation Commission and Board of Health approvals for which the panel received an update the day of the meeting confirming sign-offs by both.
3. Quitclaim Deed for 75 River Street, Norwell, MA, transferring the property to Michael J. Balaschi and Nicole Balaschi, as "tenants by the entirety", notarized 8/14/20 by Derrick Fernandes, as recorded at the Plymouth County Registry of Deeds on 8/19/20.
4. Set of four (4) drawings, dated 5/3/23, as prepared by OCO architecture::design, (unsigned) of the proposed changes to the property located at 75 River Street, consisting of:
 - A101 Lower Level Plan
 - A102 First Floor Plan
 - A103 Second Floor Plan
 - A201 Front & Rear Elevations
5. Plot Plan for Addition/#75 River Street/ Norwell, Massachusetts, dated 4/26/23, as prepared by Grady Consulting, LLC, stamped and signed by Darren M. Grady, R.P.E. and Timothy R. Bennett, P.L.S.

FINDINGS: The Board made the following findings:

1. The property is located at 75 River Street in Residential District A and includes an existing single-family, split-level dwelling that was built in 1967.
2. The lot consists of .90 acres where one-acre is required.
3. The Applicant is seeking to construct a 24' by 33' two-car garage and storage area with a second-floor primary bedroom with an office and bathroom, connected to the existing home with a new entry with mudroom and staircase, and a second-floor addition on the existing dwelling that includes two bedrooms and a bathroom. The existing 8'x 20' deck will be replaced with a 12' by 24' deck.

TOWN OF NORWELL
TOWN CLERK

2023 JUL 26 PM 1:25

RECEIVED

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 A, the Board finds the proposed setbacks will comply with the front, side, and rear setback requirements and will, therefore, 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 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 property will continue to be used as a dwelling unit, the Board finds the proposed addition to the existing single-family dwelling will remain an allowed use.

TOWN OF NORWELL
TOWN CLERK

2023 JUL 26 PM 1:29

RECEIVED

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** in accordance with the plan set delineated in File Inventory Paragraph 4. The dwelling is located at **75 River Street**.

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.

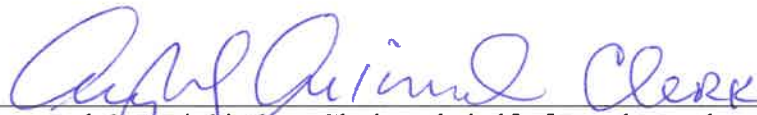
2. **RECORDING RECEIPT:** A copy of the recording fee receipt must be returned to the Board of Appeals. **NOTE: No building permit shall be issued without such evidence.**
3. **EFFECTIVE DATE OF APPROVAL:** The zoning relief granted by this Decision shall take effect only at such time as a copy of this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

----- The remainder of this page is intentionally left blank -----

RECEIVED
2023 JUL 26 PM 1:23
TOWN OF NORWELL
TOWN CLERK

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:

Lois S. Barbour
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*

RECEIVED

2023 JUL 26 PM 1:23

OFFICE OF
TOWN CLERK

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.