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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  
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. 23-14

A public hearing was scheduled on August 16, 2023, by the Norwell Zoning Board of Appeals (the Board) under Massachusetts General Laws, Chapter 40A, Sections 6 and 9, at the Norwell Town Offices, 345 Main Street, Norwell, MA on the Application (the Application) of:

Terry Green  
75 Ridge Hill Rd  
Norwell, MA 02061

For a **Section 6 Finding** under M.G.L. c. 40A, and **Special Permit** under § 201-3.2A, 201-4.4 B(1)(c) (Nonconformance) 201-9.2 (Lot Area) of the Norwell Zoning Bylaw to add a shed dormer on the front of the dwelling, similar to dormer on back. The dwelling is located at **75 Ridge Hill Road** in Residential District B, as shown on Assessor's Map 12C, Block 30, Lot 22 and recorded at the Plymouth County Registry of Deeds Book 57901, Page 298. The lot consists of 0.50-acres where one acre is required. The dwelling was built in 1961.

The application was duly noticed in Mariner on 7/26/2023 and 8/2/2023, and posted at the Norwell Town Hall to fulfill requirements of the Open Meeting Law. The Applicant presented the proposed project to the Board, explaining the need to accommodate the new building code requirement for insulation. No one spoke in favor of or in opposition to the proposed project.

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

1. Application, dated June 28, 2023, signed by the Applicants, Terry Green, received and stamped 06/28/23 by the Town Clerk.
2. Explanation of project
3. Drawing of proposed Shed Dormer
4. Drawing of As Built and Proposed – additions highlighted in Red
5. Interior floor plan 2<sup>nd</sup> floor As Built
6. Interior floor plan 2<sup>nd</sup> floor with Dormer
7. Plot plan – no change to existing plan
8. Existing approved permit for repair of existing structure
9. Permit request to add Dormer
10. Assessors card

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

1. The property is located in Residential District B and includes an existing single-family dwelling that was built in 1961. The Applicants are seeking approval to construct a shed dormer on the front of the dwelling to accommodate the required insulation and provide reasonable living space.
2. The dwelling is located on a .50-acre lot, where one acre is required and is a legally pre-existing nonconforming lot.
3. According to the plans, the addition of shed dormer does not expand the existing building footprint. However, construction of the shed dormer will meet new energy codes and establish reasonable headroom on the second floor.
4. The Board may issue a Section 6 finding pursuant to M.G.L. c. 40A and § 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 will not be 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.

- 5. There was no objection to the proposed construction plans submitted to the Board either through testimony or in writing.

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**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 **Special Permit** and **Section 6 Finding** to construct a shed dormer at the front of the existing dwelling on property located at **75 Ridge Hill Road**, in accordance with the plans, dated August 16, 2023, subject to the following:

**SPECIAL CONDITION:** This decision shall in no way be interpreted to allow an "accessory dwelling unit" as defined in the Norwell Zoning Bylaw in effect at the time this decision issues. 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:

Lois S. Barbour  
Stephen H. Lynch  
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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OFFICE OF THE 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.