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OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

345 MAIN STREET, P.O. BOX 295
NORWELL, MASSACHUSETTS 02061
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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. 23-15

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:

Greg Mathieu and Morgan Gould
53 River Street
Norwell, MA 02061

For a **Section 6 Finding** under M.G.L. c. 40A and **Special Permit** under Sections 201-3.2A, 201-3.3, and a **Variance** under Section 201-3.2B and 201-9.4 A(1)(Front Yard Setback) of the Norwell Zoning Bylaw to build a 920 sq ft two-floor addition to include 2 bedrooms and 2 bathrooms to the left side of the existing dwelling. The front yard setback of the existing dwelling is approximately 43' from the street; the setback of the proposed addition would be 45'4" from the street.

The property is located at **53 River Street** in Residential A as shown on Assessor's Map 21A, Block 60 Lot 25, and recorded at the Plymouth County Registry of Deeds book 56586 Page 257. The dwelling was constructed in 1790.

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 Applicants presented the proposed project and responded to Board members' questions.

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

1. Application, dated July 10, 2023, signed by the Applicants, Gregory Mathieu and Morgan Gould, received and stamped 07/10/23 by the Town Clerk.
2. Quitclaim Deed showing conveyancing of the subject property to the applicants, as recorded at the Plymouth Country Registry of Deeds at Bk: 56586 Pg: 257 (1 of 2).
3. Letter of 8/2/23 from the Norwell Historical Commission, stating the project "will not significantly alter the historical resources of the Town of Norwell".
4. Letter of 5/4/23 from *The Trustees* relating to the existing Deed Restriction on the subject property, noting per the submitted plans the proposed addition complies with requirements of the deed restriction, as recorded on 10/1/2013 at the Plymouth Country Registry of Deeds at Book 43670, Page 331.
5. Board of Health approval
6. Conservation Commission Order of Conditions, dated 3/28/23, under MassDEP: SE52-1268 and NCC# 6(23).
7. Assessors Department Field Cards for 53 River Street and Immediate Abutters
8. Plan consisting of one drawing, entitled "Plot Plan for Addition/ 53 River Street/ Assessors Map 21A Block 60 Lot 25/ Norwell, Massachusetts", as prepared by Grady Consulting, LLC, signed and sealed by Timothy R. Bennett, P.L.S. on 2/17/2023
9. Building Plan Set (hand-drawn, undated, and unsigned), consisting of three (3) drawings, entitled:
 - DWG 1 "Plans & Wall Sections"
 - DWG 2 "Elevations"
 - DWG 3 "Building Cross Section"

FINDINGS: The Board made the following findings:

1. The property is located at and known and numbered as 53 River Street in Residential District A that includes an existing single-family dwelling built in 1790, predating the effective date of the Norwell Zoning Bylaw in April 1952.
2. The dwelling is located on a 3.04-acre lot with an existing setback of 45'4" where 50' is required. The nonconformity results from the dwelling's setback distance to the street and otherwise complies with current zoning.

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3. The proposed construction includes a 920 sq. ft. two-floor addition with two (2) bedrooms and two (2) bathrooms to the left side of the existing dwelling.
4. The current setback from River Street is 43' with the proposed addition setback of approximately 45' 4". Therefore, a Variance is not required to provide the requested relief.
5. Approvals have been received from the Norwell Board of Health, the Norwell Historical Commission, and from *The Trustees* for the proposed project.
6. The Applicant appeared before the Norwell Conservation Commission that issued an Order of Conditions that has been filed with the Registry of Deeds, relating to the proposed construction.
7. 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 A, the Board finds the proposed addition will not be detrimental to the neighborhood and zoning district in a neighborhood of similar residences. In fact, the proposed addition will be setback further from the street than the existing dwelling by approximately two (2) feet.
 - 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 will not be injurious, noxious, or offensive to the neighborhood, as an allowed use.
8. No member of the public spoke in favor of or in opposition to the proposed construction 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 an addition to the existing dwelling on property located at **53 River Street** in accordance with the submitted plans, dated August 16, 2023, with a Variance not required to provide requested relief, 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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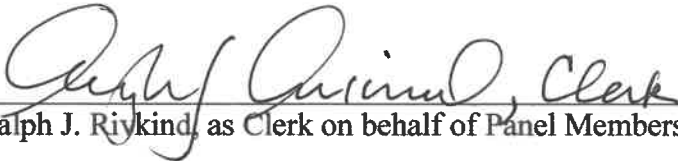
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By unanimous vote of the Board of Appeals at its duly advertised meeting on May 19, 2021, its Clerk or Assistant Clerk is authorized to sign decisions on behalf of the panel members, which in this instance are:

Lois S. Barbour
Stephen H. Lynch
Daniel M. Senteno


Ralph J. Rzykind, as Clerk on behalf of Panel Members

This space reserved for
Date Stamp of Town Clerk

Date Filed with Office of the 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.

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