

TOWN OF NORWELL
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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. 23-20

A public hearing was held on September 27, 2023, by the Norwell Zoning Board of Appeals under MA 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 1072 and Verizon Channel 39 with a Zoom option, on the application of:

M. H. O. C. LLC
323 Cash Memorial Blvd.
Forest Park, GA 30297

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), 201-9.2 (Lot area) of the Norwell Zoning Bylaw to add dormers on the right and rear of the building. The building is located at **687 Main Street** in Business District A as shown on Assessor's Map 15C, Block 48 Lot 3 and recorded at the Plymouth County Registry of Deeds Book 57705, Page 76. The lot consists of 0.24-acres where one acre is required. The building was constructed in 1848.

The application was duly noticed in the *Patriot Ledger* on 9/7/23 and 9/14/23, and posted at the Norwell Town Hall to fulfill requirements of the Open Meeting Law. The Applicant's attorney, Walter Sullivan, presented the proposed project to the Board. No one spoke in favor of or in opposition to this application at the public hearing.

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

1. Application, dated August 21, 2023, signed by William B Sullivan, the Attorney for the Applicant, received and stamped 08/23/23 by the Town Clerk.
2. Quitclaim deed dated 2/27/23 signed by Christine Guerrier, Notary Public, received and stamped 08/23/23 by the Town Clerk.
3. Interior floor plan of 2nd floor Existing and as Proposed, received and stamped 08/23/23 by the Town Clerk.
4. Interior floor plan 2nd floor layout with proposed Roof plan showing one existing dormer and showing two new dormers as Proposed, received and stamped 08/23/23 by the Town Clerk.
5. Architectural plan AA showing exterior and interior cross sections with photographs showing existing front and left side aspects, received and stamped 08/23/23 by the Town Clerk.
6. Architectural plan BB showing exterior and interior cross sections with photographs showing existing back and left side aspects, received and stamped 08/23/23 by the Town Clerk.
7. Site plan signed and stamped by Brendan P Sullivan, Registered Land Surveyor of Merrill Engineers, Hanover MA, dated 8/19/23, received and stamped 08/23/23 by the Town Clerk.
8. "Company Resolutions" document appointing Melissa McNamara as its authorized agent for all matters related to real property in the State of Massachusetts, effective through December 31, 2024, signed by Michael P. Medici, CEO of Medici Holdings, signed and dated 8/24/23.
9. Business Entity summary, dated 9/27/23, for "M.H.O.C. Realty Holdings" from a MA Corporations search on the Secretary of the Commonwealth's website, as submitted to the Board.

FINDINGS: The Board made the following findings:

1. The property is located in Residential District A and includes a mixed-use building with commercial use on the first floor and a proposed residential apartment on the second floor. The Applicants are seeking approval to construct shed dormers on the second floor of the dwelling right and rear sides to accommodate a third bedroom.
2. The dwelling is located on a .24-acre lot, where one acre is required. The dwelling was built in 1848 and is a legally pre-existing nonconforming lot.

3. According to the plans, the addition of shed dormers does not expand the existing building footprint.
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 in part, as a dwelling unit, an allowed use in Business District A that allows mixed use, the Board finds the proposed addition will not be detrimental to the neighborhood and zoning district in a neighborhood of similar buildings.
 - b. “. . . the proposed use will not significantly alter the character of the zoning district”.
Finding: The Board finds, as the property is located in Business District A, where mixed use 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 currently has retail business on the first floor with a residential unit on the second floor, as allowed by right, the Board finds the proposed dormer additions will not be injurious, noxious, or offensive to the neighborhood.
5. There was no objection to the proposed construction plans submitted to the Board either through testimony or in writing.

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 Rivkind **VOTED** unanimously to grant a **Special Permit** and **Section 6 Finding** to add dormers on the second floor to the right and rear of the building on property located at **687 Main Street**, in accordance with the submitted plans, dated September 27, 2023 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.

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 ZONING BOARD

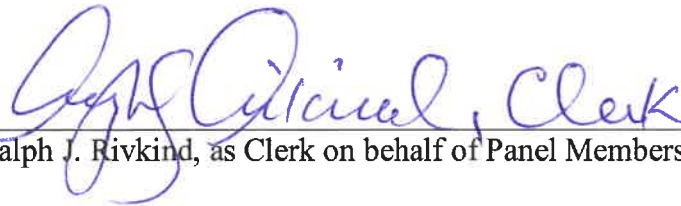
2. **RECORDING RECEIPT:** A copy of the recording fee receipt must be returned to the Board of Appeals. **NOTE: No building permit shall be issued without such evidence.**
3. **EFFECTIVE DATE OF APPROVAL:** The zoning relief granted by this Decision shall take effect only at such time as a copy of this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

Stephen H. Lynch
Lois S. Barbour
Ralph J. Rivkind


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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TOWN OF MIDDLEBURY

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.