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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. 23-21*

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:

**Michael & Meghan Steinberg**  
**38 Franklin Road**  
**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) (Nonconformance), 201-9.2 (Lot area), 201-9.3B (Lot width) and 201-9.4 of the Norwell Zoning Bylaw to add a 12'8" x 5'1" mudroom to connect the dwelling and the garage. The dwelling is located at **38 Franklin Road** in Residential District B as shown on Assessor's Map 12A, Block 21 Lot 165 and recorded at the Plymouth County Registry of Deeds Book 44712, Page 271. The lot consists of 0.18-acres where one acre is required. The dwelling was built in 1952.

The application was duly noticed in *The Mariner* on 9/6/23 and 9/13/23 and posted at the Norwell Town Hall to fulfill requirements of the Open Meeting Law.

The Applicant's representative, Richard Servant, P.L.S. of Stenbeck & Taylor, Inc., and Megan Steinberg, owner of the property, presented the application and responded to member questions. No member of the public 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 8/21/23, signed by the Applicant's representative, Craig Mitchell of CME Architects, as received and stamped by the Board of Appeals and by the Town Clerk on 8/23/23.
2. Massachusetts Quitclaim Deed conveying property to the current owners, Michael Steinberg and Meghan Steinberg.
3. Mortgage Inspection Plan of 38 Franklin Road, dated 8/20/2014.
4. Architectural Plan set entitled "38 Franklin Road/ Mudroom Renovation", as prepared by Mike Marotta of 6 Thomas Street, Belmont Street, Belmont, MA 02478 (unsigned), dated 5/4/23, as received and stamped by the Town Clerk on 8/23/23, consisting of two (2) drawings, as follows:
  - A1 Floor Plan and Elevation, also showing Existing/Demo First Floor
  - A2 Wall Section
5. Plan entitled "Certified Location Plan/ Showing Proposed Addition/ 38 Franklin Road/ Norwell, MA/ Parcel 21-165" for 38 Franklin Road, signed and sealed by Richard Servant, PLS, on 8/21/23.

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

1. The property is located at 38 Franklin Road in Residential District B and includes an existing single-family, one-story dwelling with detached garage that was built in 1952.
2. The lot consists of .18 acres.
3. The Applicant is seeking to construct a 12'8" x 5'1" mudroom to connect the dwelling and the garage, sited on a nonconforming .19-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 A, the Board finds the proposed addition will not increase the front, side, or rear setbacks beyond the existing dwelling and detached garage footprints and, therefore, will not

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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 mudroom addition connecting the house and detached garage will not change the existing use as a residence as 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 a continuing 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 Rivkind, Lynch, and Barbour **VOTED** unanimously to grant a **Section 6 Finding and Special Permit** to add a 12’8” x 5’1” mudroom to connect the dwelling and the garage in accordance with the submitted plans delineated in File Inventory Paragraphs 4 and 5, on property located at **38 Franklin Road**.

**SPECIAL CONDITIONS:**

- 1. **Prior to issuance of a building permit**, appropriate sign-offs have been received from the Board of Health and Conservation Agent.
- 2. 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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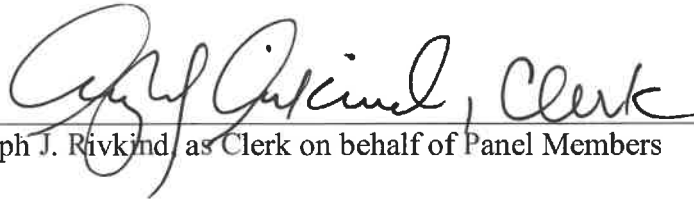
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By unanimous vote of the Board of Appeals at its duly advertised meeting on May 19, 2021, its Clerk or Assistant Clerk is authorized to sign decisions on behalf of the panel members, which in this instance are:

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

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

*This space reserved for  
Date Stamp of Town Clerk*

**Date Filed with 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.