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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. 23-23

A public hearing was held on December 13, 2023, by the Norwell Zoning Board of Appeals under MA General Laws, Chapter 40A, Sections 6 and 9, in person at the Norwell Town Library, 64 South Street, Norwell, MA and broadcast live on Comcast Channel 1072 and Verizon Channel 39, on the application of:

Terry Green
11 Bridge Ave.
Scituate, MA 02066

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 a 12.9' x 7.9' deck with stairs measuring 6.3' x 5' to the rear of the existing dwelling, with an existing rear setback of 112' and proposed 109', and existing and proposed side setbacks of 51' on the left and 61' on the right, and to replace the front 4' x 6' concrete landing with a 4' x 6' wood deck, with existing and proposed setbacks of 31.7'. The building 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 *The Mariner* on 11/22/23 and 11/29/23, and posted at the Norwell Town Hall to fulfill requirements of the Open Meeting Law. The Applicant, Terry Green, 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 October 11, 2023, signed by Terry Green the Applicant, received and stamped 11/2/23 by the Town Clerk.
2. Site plan signed and stamped by Jason Scott, Registered Land Surveyor of Morse Engineering Co., Inc., Scituate MA, dated 10/24/23, received and stamped 08/23/23 by the Town Clerk.
3. Plan of Rear Deck and Front Porch Existing and as Proposed, received and stamped 11/14/23 by the Town Clerk.
4. As built plan of the Existing Rear Deck and Front Porch, received and stamped 11/2/23 by the Town Clerk.
5. Plan of the Proposed Rear Deck and Front Porch, unstamped.
6. Public Notice Authorization, signed by the Applicant, Terry Green.

FINDINGS: The Board made the following findings:

1. The property is located in Residential District B.
2. The Applicant is seeking approval to add a 12.9' x 7.9' deck with stairs measuring 6.3' x 5' to the rear of the existing dwelling, with an existing rear setback of 112' and proposed 109', and existing and proposed side setbacks of 51' on the left and 61' on the right, and to replace the front 4' x 6' concrete landing with a 4' x 6' wood deck, with existing and proposed setbacks of 31.7'.
3. The dwelling is located on a .50-acre lot, where one acre is required. The dwelling was built in 1961.
4. According to the plans, there is no nonconformity with the proposed construction and the porch is 45' from the street, including a 14' landscape buffer.
5. 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, the Board finds the proposed use will not be detrimental to the neighborhood and zoning district in a neighborhood of similar dwellings.
 - 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 proposed use will not alter the character of the zoning district.

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- 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 is a residential dwelling the Board finds the proposed use will not be injurious, noxious, or offensive to the neighborhood.
6. 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 Rivkind, Lazzaro and Lynch **VOTED** unanimously to grant a **Special Permit** and **Section 6 Finding** to add a 12.9' x 7.9' deck with stairs measuring 6.3'x 5' to the rear of the existing dwelling, and to replace the front 4' x 6' concrete landing with a 4' x 6' wood deck on property located at **75 Ridge Hill Road**, in accordance with the submitted plans, dated October 24, 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.
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.

SPECIAL CONDITIONS: 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.

By unanimous vote of the Board of Appeals at its duly advertised meeting on October 25, 2023, its Clerk or Assistant Clerk is authorized to sign decisions on behalf of the panel members, which in this instance are:

Ralph J. Rivkind
William J. Lazzaro
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.