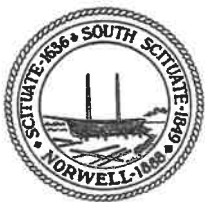


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OFFICE OF
BOARD OF APPEALS

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. 23-24

A public hearing was opened on December 13, 2023 at the Norwell Public Library, continued and closed on January 17, 2024 by the Norwell Zoning Board of Appeals (the Board) under Massachusetts 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 9 and Verizon Channel 40 with a Zoom option on the Application of:

Andrew Smith and Lindsey Charon
24 John Adams Drive
Norwell, MA 02061

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), and a Variance under Sections 201-3.2B and 201-9.4 (Front yard setbacks) of the Norwell Zoning Bylaw to add an 18' x 4' porch to the front of the existing dwelling, with a proposed front setback of 32'9" where the current front porch setback is 33'.

The dwelling is located at **24 John Adams Drive** in Residential District B as shown on Assessor's Map 18A, Block 32 Lot 24, Land Court Certificate # 118604. The lot consists of 0.51-acres where one acre is required. The dwelling was built in 1967.

The application was duly noticed in *The Mariner* on November 22, 2023, and on November 29, 2023, and posted at the Norwell Town Hall to fulfill requirements of the Open Meeting Law.

The Applicant's representatives, John Crowley, Jr. and John Crowley, Sr., presented the application to the Board and responded to member questions.

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

1. Application, dated 10/24/23, signed by the owners, Andrew Smith and Lindsey Caron, and the applicant's representative John Crowley, dated 10/22/23, received and stamped by the Board of Appeals on 11/6/23 and by the Town Clerk on 11/6/23.
2. Proposed plot plan filed with the Application, entitled "24 John Adams – Plot Plan in Norwell, Mass", as prepared by Webby Engineering Associates, Plympton, MA and signed and sealed by Joseph Webby, Registered Land Surveyor, received and stamped by the Town Clerk on 11/6/23.
3. Existing Mortgage inspection plan filed with the Application, prepared by L.G. Brackett CO, Winchester, MA, and signed and sealed by Talmadge McNeely, Registered Land Surveyor, dated 6/30/1965 received and stamped by the Town Clerk on 11/6/23.
4. Hand drawn plan detail entitled "New Porch – 24 John Adams Drive" with no signature or seal, received and stamped by the Town Clerk on 11/6/23.
5. Revised plan with requested clarifying information was submitted 12/28/23.

FINDINGS: The Board made the following findings:

1. The dwelling is located at **24 John Adams Drive** in Residential District B and includes an existing single-family, one-story dwelling that was built in 1967.
2. The subject property consists of a 0.51-acre lot, where one acre is required.
3. The original Application showed that the Applicants are seeking to add an 18' x 4' porch to the front of the existing dwelling, with a proposed front setback of 32'9" where the current front porch setback is 33' to the single-family dwelling.
4. According to the revised plan, modifications of the original porch plan from 18' x 4' to 19' x 40", the existing front porch setback will be increased to 33'6" from 33'. As the proposed porch construction meets front setback requirements and would not increase non-conformity, no Variance is required. The Applicant subsequently withdrew their request for variance relief with Board assent without prejudice.
5. 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:

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- 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 porch complies with front setback requirements and will not 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 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.

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 Lynch, Rivkind, and Senteno were **VOTED** to grant a **Section 6 Finding and Special Permit** to add a 19' x 40" porch to the front of the existing dwelling on property located at **24 John Adams Drive** in accordance with the revised plans, as detailed in File Inventory 5, subject to the following:

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.

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 October 25, 2023, its Clerk or Assistant Clerk is authorized to sign decisions on behalf of the panel members, which in this instance are:

Stephen H. Lynch
Ralph J. Rivkind
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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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.