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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. 24-01

A public hearing was held on March 6, 2024 by the Norwell Zoning Board of Appeals 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 1072 and Verizon Channel 39 with a Zoom option on the Application of:

Anne and Christopher Brennan
11 Tyler Street
Norwell, MA 02061

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 rebuild and expand the existing left side of dwelling, proposing a 21'6" by 22'9" unfinished basement; reconstruct the first floor family room and kitchen and add a 21'6" by 12'8" second floor to include a bedroom and office, expand the existing one car garage to a 22' by 24' 2-car garage with a second floor primary suite, and add a 33' by 11' back deck and a 21'5" by 3' front deck. Existing and proposed front setback is 25' and proposed left setback is 12'9" and proposed right setback is 22'7".

The dwelling is located at **11 Tyler Street** in Residential District B, as shown on Assessor's Map 18A, Block 32, Lot 77 and recorded at the Plymouth County Registry of Deeds Book 46125, Page 267. The dwelling was built in 1952.

The application was duly noticed in *The Mariner* on February 14, 2024, and February 21, 2024, and posted at the Norwell Town Hall to fulfill requirements of the Open Meeting Law.

The Applicants presented the application to the Board and responded to member questions. No member of the public was present at this meeting or submitted a letter or email in support of or in opposition to this application by the time this public hearing was held.

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

1. Application, dated 1/24/24, signed by the owners, Anne and Christopher Brennan, received and stamped by the Town Clerk on 2/2/24
2. Public Notice Authorization form
3. Certified Abutter's List as prepared by the Board of Assessors
4. Drawing entitled "Certified Location Plan/Showing Proposed Addition/11 Tyler Street/Norwell, MA/Parcel 32-077", prepared by Stenbeck & Taylor, Inc., signed and sealed by Richard V. Servant, Professional Land Surveyor, on 12/20/23
5. Plan set of five (5) drawings (unsigned), entitled "Brennan Residence/11 Tyler St./Norwell, MA, Proposed Floor Plan", labeled "Preliminary Set/08-08-23/Not for/Construction", as prepared by Main Street Architects, 25 Mathewson Dr., Suite 120, Weymouth, MA 02189-2945, as follows:
 - A-1 First Floor Plan
 - A-2 Second Floor and Roof Plan
 - A-3 Building Elevations for Front Side View and Rear Side View
 - A-4 Basement Floor Plan, Left Side View, and 3D View
 - EX-1 Existing 1st Floor, Existing Basement, and Existing 2nd Floor Plans

FINDINGS: The Board made the following findings:

1. The existing single-family, one-story dwelling is located at 11 Tyler Street in Residential District B and was built in 1952.
2. The subject property known and numbered as 11 Tyler Street consists of a 0.29-acre lot, where one acre is required.
3. The Application proposes to rebuild and expand the existing left side of dwelling, adding a 21'6" by 22'9" unfinished basement; reconstruct the first-floor family room and kitchen and add a 21'6" by 12'8" second floor to include a bedroom and office, expand the existing one-car garage to a 22' by 24' 2-car garage with a

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second-floor primary suite, and add a 33' by 11' back deck and a 21'5" by 3' front deck.

4. The existing and proposed front setback of 25' will remain unchanged.
5. As the lot shape is triangular, no rear setback applies and only sideline requirements of 10' apply in accordance with NZBL 201-9.4 B.
6. The proposed left setback is 12'9" and proposed right setback is 22'7".
7. 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 B, the Board finds the proposed addition complies with front and sideline setback requirements and will not be more detrimental to the neighborhood and zoning district in a neighborhood of similar residences that have also constructed additions to their existing properties.

- 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 Barbour, Senteno, and Lazzaro **VOTED** to grant a **Section 6 Finding and Special Permit** to expand the existing dwelling on property located at **11 Tyler Street** in accordance with the submitted plans, as detailed in File Inventory Paragraphs 4 and 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.

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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 March 6, 2024, its Clerk or Assistant Clerk is authorized to sign decisions on behalf of the panel members, which in this instance are:

Lois S. Barbour
Daniel M. Senteno
William J. Lazzaro



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.