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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
Sthefano Piassa

FINDINGS AND DECISION **OF** **THE NORWELL BOARD OF APPEALS**

File No. 24-02

To correct Scrivener's Error

Replaces Decision filed with the Norwell Town Clerk on 5/6/2024

No additional appeal period applies

A public hearing was held on April 24, 2024, by the Norwell Zoning Board of Appeals under Massachusetts General Laws, Chapter 40A, Sections 6 and 9, in person at the Norwell Public Library, 64 South Street, Norwell, MA, and broadcast live from the Library Meeting Room on Comcast Channel 9 and Verizon Channel 40 with a Zoom option on the Application of:

Timothy & Sally Godin
5 Madison Court
Norwell, MA 02061

For a **Section 6 Finding** and **Special Permit** under Sections 201-3.3, 201-9.2 (Lot area) and 201-4.4 B(1)(c) (Nonconformance) of the Norwell Zoning Bylaw to increase the roofline of the single-family dwelling within the existing footprint by adding a second floor above the garage to include a new primary bedroom suite with bath and separate laundry room. The front yard

setback of the existing dwelling is 33.6 ft, where 35 ft is required. The Applicant also proposes adding a cantilevered roof over the existing first-floor main entrance that would be 31.5 ft. from the street. The property is located at **5 Madison Court** on a 0.50-acre lot, where one acre is required, in Residential District B as shown on Assessor's Map 18A, Block 32 Lot 01, and recorded at the Plymouth County Registry of Deeds, Land Court Certificate # 111194. The dwelling was constructed in 1967.

The application was duly noticed in *The Patriot Ledger* on April 8, 2024, and *The Mariner* on April 17, 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 2/6/24, signed by the owner, Sally Godin, received and stamped by the Town Clerk on 2/29/24
2. Public Notice Authorization form
3. Certified Abutter's List as prepared by the Board of Assessors
4. Copy of Assessors Field Card for the property
5. Quitclaim Deed transferring the property to the Applicants on 10/15/2007
6. Plan set of eleven (11) drawings (unsigned) for 5 Madison Court, as prepared by OCO Architects, 80 Front Street, Scituate, MA 02066, as follows:
 - EX01 Basement Plan
 - EX02 First Floor Plan
 - EX03 Roof Plan
 - EX04 Elevations (front and right side)
 - EX05 Elevations (rear and left side)
 - A01 Basement Plan
 - A02 First Floor Plan
 - A03 Second Floor
 - A04 Roof Plan
 - A05 Elevations (front and right side with proposed)
 - A06 Elevations (rear and right side with proposed)
7. Plot Plan prepared for Timothy Godin, dated 1/18/24, as prepared by Webby Engineering Associates, Inc, of 180 County Road, Plympton, MA 02367, as signed and sealed by Joseph Webby, Jr., R.P.L.S.

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FINDINGS: The Board made the following findings:

The front yard setback of the existing dwelling is 33.6 ft, where 35 ft is required. The property is located at **5 Madison Court** on a 0.50-acre lot, where one acre is required, in Residential District B as shown on Assessor's Map 18A, Block 32 Lot 01, and recorded at the Plymouth County Registry of Deeds, Land Court Certificate # 111194. The dwelling was constructed in 1967.

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1. The existing single-family, one-story dwelling is located at 5 Madison Court in Residential District B and was built in 1967.
2. The subject property known and numbered as 5 Madison Court consists of a 0.70-acre lot, where one acre is required.
3. The Application proposes increase the roofline of the single-family dwelling within the existing footprint by adding a second floor above the garage to include a new primary bedroom suite with bath and separate laundry room.
4. The existing and proposed front setback of 33.6' will remain unchanged, except the Applicant also proposes adding a cantilevered roof over the existing first-floor main entrance that would be 31.5 ft. from the street that will not affect the overall building setback.
5. As the proposed construction will be within the footprint of the existing dwelling, the side and rear setbacks will remain unchanged.
6. 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 will remain within the original footprint 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 and proposed 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, Rivkind, and Lazzaro **VOTED** to grant a **Section 6 Finding** with **Special Permit** to expand the existing dwelling on property located at **5 Madison Court** in accordance with the submitted plans, as detailed in File Inventory Paragraphs 6 and 7, 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:

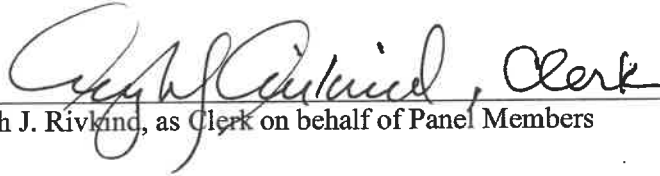
1. **RECORDING OF THE DECISION:** After receiving certification from the Town Clerk that no appeal has been taken within twenty days, or if appealed than dismissed or denied, a copy of the Board’s decision must be filed with either the Registrar of the Plymouth County Registry of Deeds to be recorded 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:

Lois S. Barbour
Ralph J. Rivkind
William J. Lazzaro


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.