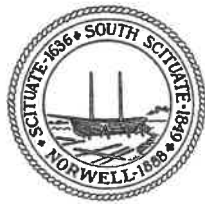


TOWN OF NORWELL
TOWN CLERK

2024 MAY -1 AM 11:32

RECEIVED



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. 24-05

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:

Judith Kelly
105 Grove Street
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 add a 35' x 28' two-car garage and breezeway to the right side of the existing single-family dwelling, situated on a .66-acre lot, where one acre is required. The property is located at **105 Grove Street** in Residential District B as shown on Assessor's Map 6C, Block 13 Lot 19, and recorded at the Plymouth County Registry of Deeds, Land Court Certificate # 103363. The dwelling was constructed in 1920.

The application was duly noticed in *The Mariner* on April 3, 2024, and April 10, 2024, and posted at the Norwell Town Hall to fulfill requirements of the Open Meeting Law.

The Applicant Mr. Christopher O'Donnell presented the application to the Board and responded to member questions. The Owner Judith Kelly and members of the public were present at this meeting. Mr. Joseph Ciardi of 117 Grove Street appeared in person and spoke in favor the application and the Board is in receipt of an email dated 4/20/24 and stamped by the Town Clerk on 4/22/24 from Denis and Kelly Egerov of 101 Grove Street, also in support of the application.

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

1. Application, dated 3/2/24, signed by the owner, Judith Kelly, on 3/2/24 and the Applicant, Christopher O'Donnell on 3/5/24, received and stamped by the Town Clerk on 3/5/24.
2. Town of Norwell Assessors FY 2024 property tax record for 105 Grove St.
3. Proposed Site Plan, 105 Grove St, Norwell MA, signed and stamped by James E. McGrath, PLS, dated 01/31/24, received and stamped by the Town Clerk 3/5/24.
4. Plan set of five (5) drawings (unsigned), stamped by the Town Clerk 3/5/24, entitled "Kelly Residence, 105 Grove St., Norwell, MA, Elevations – Two-Car Garage/Storage" dated 8/21/23 and revised 1/4/24, as prepared by Bob Burgess, 781-724-8752, as follows:
 - Pg 1 of 5 Front Elevation
 - Pg 2 of 5 First Floor Plan
 - Pg 3 of 5 Second Floor Plan
 - Pg 4 of 5 Foundation Plan
 - Pg 5 of 5 Framing, Footing, Cross Section Plans
5. An email dated 4/20/24 and stamped by the Town Clerk on 4/22/24 from Denis and Kelly Egerov of 101 Grove Street in support of the application.

FINDINGS: The Board made the following findings:

1. The existing single-family, one-story dwelling is located at 105 Grove Street in Residential District B and was built in 1920.
2. The subject property known and numbered 105 Grove Street consists of a 0.66-acre lot, where one acre is required.
3. The Application proposes to add 35' x 28' two-car garage and breezeway to the right side of the existing single-family dwelling.
4. The proposed garage addition front setback will be 35.6' and the side setback will be 20.4', in conformity to 35' front and 20' side setbacks respectively. Rear setback of the proposed garage is 86.43' where 20' is required.

TOWN OF NORWELL
TOWN CLERK

2024 MAY - 1 AM 11:32

RECEIVED

TOWN OF NORWELL
TOWN CLERK

2024 MAY - 1 AM 11:32

RECEIVED

5. The Board may issue a Section 6 finding pursuant to M.G.L. c. 40A and Special Permit under § 201-3.3B 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 of a 35’ x 28’ two-car garage and breezeway 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 approved 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, Lazzaro and Lynch **VOTED** to grant a **Section 6 Finding and Special Permit** to add a 35’ x 28’ two-car garage and breezeway to the right side of the existing single-family dwelling on property located at **105 Grove Street** in accordance with the submitted plans, as detailed in File Inventory Paragraphs 3 and 4, 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.

----- The remainder of this page is intentionally left blank. -----

TOWN OF NORWELL
TOWN CLERK

2024 MAY -1 AM 11:32

RECEIVED

By unanimous vote of the Board of Appeals at its duly advertised meeting on April 24, 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
Stephen H. Lynch
William J. Lazzaro

TOWN OF NORWELL
TOWN CLERK
2024 MAY -1 AM 11:32
RECEIVED

Ralph J. Rivkind, Clerk

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

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.