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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. 23-12***

A PUBLIC HEARING was held on July 19, 2023, by the Norwell Zoning Board of Appeals under MA General Laws, Chapter 40A, Sections 6 and 9, at the Norwell Town Offices, 345 Main Street, Norwell, MA, on the application of:

**Peter & Jessica Zaval  
857 Main Street  
Norwell, MA 02061**

For a Section 6 Finding and Special Permit under Sections 201-3.3, 201-4.4 B(1)(c) (Nonconformance), and 201-9.2 (Lot area) of the Norwell Zoning Bylaw to add a second floor within the existing footprint of the single-family dwelling, situated on a .80-acre lot, where one acre is required. The property is located at 857 Main Street in Residential District A as shown on Assessor's Map 15D, Block 51 Lot 21, and recorded at the Plymouth County Registry of Deeds in Book 57185, Page 311. The dwelling was constructed in 1830.

The application was duly noticed in *The Mariner* on 6/28/23 and 7/5/23 and posted at the Norwell Town Hall to fulfill requirements of the Open Meeting Law.

The Applicant's representative from Rossmore Construction, LLC, Joseph Hackett, presented the application and responded to member questions. Steve Bjorklund of 671 Main Street spoke in favor of this application either in person or in writing.

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

1. Application, dated 5/30/23, signed by the property owners, Peter and Jessica Zaval, as received and stamped by the Board of Appeals and by the Town Clerk on 6/1/23.
2. Homestead Declaration for 857 Main Street, Norwell MA, signed by the property owners, Peter and Jessica Zaval, 8/30/22 and notarized by Danielle Dallin, as received and stamped by the Board of Appeals and by the Town Clerk on 6/1/23.
3. Quitclaim Deed for 857 Main Street, Norwell, AM, conveyed by Cordelia T. Ryan, f/k/a Cordelia K. Tallman to Peter Zaval and Jessica Zaval, notarized 8/12/22 by Sharon J Gasbarro.
4. Certificate of Title, signed by Peter Zaval and Jessica Zaval, 8/30/22
5. Mortgage Inspection Plan, Boston Survey, Inc. Charlestown, MA, signed and stamped by George C. Collins PLS, dated 7/6/2021, as received and stamped by the Town Clerk on 6/1/23.
6. Plan reference showing new work, setbacks and garage, as received and stamped by the Town Clerk on 6/1/23.
7. New construction plans to include Cover page, Page 1 showing side elevation and rear elevation views, Page 2 Existing first and second floor plans, prepared by Design by SAMI, LLC, 81 Oceanside Drive, Scituate MA 02066, signed and stamped by Sami E Kassis, PE dated 5/11/2023, as received and stamped by the Town Clerk on 6/1/23.
8. Existing conditions photograph, as received and stamped by the Town Clerk on 6/1/23.

**FINDINGS:** The Board made the following findings:

1. The property is located at 857 Main Street in Residential District A and includes an existing single-family, one-story dwelling that was built in 1830.
2. The lot consists of .80 acres with an existing setback from the street of 34'
3. The Applicant is seeking to add a second floor within the existing footprint of the single-family dwelling on an existing nonconforming .80-acre lot, where one acre is required.
4. 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 A, the Board finds the proposed addition complies with the front, side, and rear 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 A, 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 Rivkind, Lynch, and Senteno **VOTED** unanimously to grant a **Section 6 Finding and Special Permit** to add a second floor withing the existing footprint of the single-family dwelling on an existing nonconforming .80-acre lot, where one acre is required. The dwelling is located at **857 Main Street**.

**SPECIAL CONDITION:** 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 May 19, 2021, its Clerk or Assistant Clerk is authorized to sign decisions on behalf of the panel members, which in this instance are:

Ralph J. Rivkind  
Daniel M. Senteno  
Stephen H. Lynch

  
\_\_\_\_\_  
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.