



TOWN OF WRENTHAM
ZONING BOARD OF APPEALS
79 South Street, Wrentham, Massachusetts 02093
OFFICE: 508-384-5441 • FAX: 508-384-3174
planning@wrentham.ma.us • www.wrentham.ma.us

RECEIVED
TOWN CLERK'S OFFICE
WRENTHAM, MA
2020 MAY -6 AM 11:27

Decision Case #2020-04 (SP)
Date of Decision: April 22, 2020

Registry of Deeds Book No. 37444 & Page No. 281, Zoning District of Parcel R-87

Decision of the Board of Appeals on the application of Jason Lawton (applicant/owner) for property at **1576 West Street, Wrentham, MA.**

Background

By the application dated March 4, 2020 and filed in the Town Clerk's office on March 16, 2020, a Special Permit is requested to add an Accessory Dwelling Unit (ADU) to the existing basement at 1576 West Street, Wrentham, MA.

The hearing was advertised on April 7, 2020 and April 14, 2020 in *The Sun Chronicle*. All parties of interest on the official abutters' list obtained from the board of assessors, were mailed a notice of the public hearing on April 8, 2020. A public hearing notice was posted at Town Hall April 3, 2020.

Public Hearing – April 22, 2020

Board Members seated for this hearing were, Keith Langer (Chairman), William Casbarra (Vice-Chair), Walter Pelrine (Clerk/Secretary), and Shawn Gough (Member), John Redman (Member), William Burns (Associate Member), and Jennifer Savickis (Associate Member)

Submittal Information:

- Application; dated 3/4/20; 2 pages
- Foundation & Basement plans; no date; 2 pages
- GW Solutions Site Plan; dated 4/6/17; 1 page

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

CERTIFY

William P. O'Donnell
WILLIAM P. O'DONNELL, REGISTER

Deliberations/Findings

Mr. Langer confirmed that the application is to add an Accessory Dwelling Unit (ADU) in the existing basement. Mr. Langer also confirmed that there was no conflict of interest between the applicant and the Board members.

Mr. Lawton, attending remotely, stated that he is seeking to renovate the basement as an apartment for his father, which would include a kitchenette, bedroom, living room, and bathroom. He further noted that there would be no expansion to the existing house, only finishing the basement as shown on the submitted plans. Mr. Casbarra noted that the finished area calculations exceeded the 900 gross sq.ft. allowed per the Bylaw.

Mr. Langer confirmed that there were no public comments sent to the Board and were no persons present via remote participation.

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Mr. Langer stated that the utility and game room should not be included in the calculations. Mr. Casbarra noted that per the Bylaw there should be a common wall as separation, which was not shown on the plan. Mr. Lawton stated that there will be a wall and door. Mr. Langer stated that it should be shown on the plans to separate the apartment from stairs and game room. Mr. Casbarra preferred a submitted set of plans showing the separation and correct square footage of living space for the apartment to conform to the Bylaw requirements.

Mr. Langer inquired if the Board would accept the approval of Special Permit subject to a conditional approval of a revised set of plans being submitted. Discussion ensued. Mr. Gough was in favor of condition and suggested the revision should calculate at or under the 900 sq.ft. required.

Mr. Casbarra was hesitant to vote on a conditional approval since this is a new Bylaw and he does not agree that the first application should require conditions. Further discussion ensued for total square footage and to accept the condition or continue the hearing to May.

Ms. Benson inquired if this could be approved under the Bylaw requirement of Expanded Accessory Dwelling Unit, which allows for expansion for person(s) with physical disabilities, which allows for greater than 900 sq.ft. The Board did not agree that this option would fit the criteria of the application.

Mr. Redman moved that the Board accept the application and plans as submitted with the condition that the applicant submit a revised plan designating correct dimensions with a total square footage, not to exceed 900 sq.ft. with notation of a common wall with door at the stairs to separate the game room. Mr. Gough as second.

Discussion followed. Mr. Pelrine noted being in favor of acceptance with condition. Mr. Burns and Mr. Casbarra noted disapproval based on the current plan submission not meeting Bylaw requirements. Mr. Gough stated his opinion of being in favor of approval with condition based on the adjustment being minimal and could be resolved without having the applicant wait to May to return given the current COVID-19 circumstances. Mr. Langer confirmed there was no public comments or submissions and no further comments from the Board.

Yea-4, Nay-1 (Mr. Casbarra), Abstentions-0 (4/1/0)

Mr. Redman moved that the Board approve the application for Special Permit conditionally as noted and discussed. Mr. Pelrine as second. Yea-4, Nay-1 (Mr. Casbarra), Abstentions-0 (4/1/0)

Mr. Pelrine made the following motions:

- Moved that the Board find that the proposed structure will not be substantially more detrimental to the neighborhood than the existing structure. Mr. Redman as second. Yea-5, Nay-0, Abstentions-0 (5/0/0)
- Moved that the Board find the application meets the requirements of Article 4.11.3 of the Wrentham Zoning Bylaws. Mr. Gough as second. Yea-5, Nay-0, Abstentions-0 (5/0/0)
- Moved that the Board find that the proposed structure meets all the requirements of the Article 9.2 in that it will be in harmony with the intent and purpose of the Wrentham Zoning By-Laws. Mr. Redman as second. Yea-5, Nay-0, Abstentions-0 (5/0/0)
- Moved that the proposed structure will not be in conflict with public health, safety, convenience and welfare, and will not adversely affect the neighborhood. Mr. Redman as second. Yea-5, Nay-0, Abstentions-0 (5/0/0)

- Moved that the Board find that the proposed use meets all the requirements of Article 9.1 in that it will be conducted in a manner that is consistent with the land use objectives of the Town of Wrentham. Mr. Redman as second. Yea-5, Nay-0, Abstentions-0 (5/0/0)

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- Moved that the Board grant the applicant a Special Permit per Article 4.11.3 for an Accessory Dwelling Unit with the condition that the applicant submit a revised plan designating correct dimensions with a total square footage, not to exceed 900 sq.ft. and with notation of a common wall with door at the stairs to separate the game room. Mr. Casbarra as second. Yea-4, Nay-1 (Mr. Gough), Abstentions-0 (4/1/0)

Wrentham Zoning Board of Appeals

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Certificate of Granting of Special Permit L

O F F I C I A L

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C O P Y

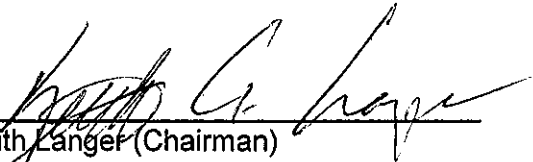
The Board of Appeals of the Town of Wrentham hereby certifies that a Special Permit has been granted

To: Jason Lawton (applicant/owner)
Address: 1576 West Street
City or Town: Wrentham, MA 02093

Affecting the rights of the owner(s) with respect to land or structures at **1576 West Street**, per the submitted plans and conditions contained in this Decision.

And the said Board of Appeals further certifies that the Decision attached hereto is a true and correct copy of its decision granting said Special Permit, and that copies of said Decision, and of all plans referred to in the Decision, have been filed with the Zoning Board and the Town Clerk.

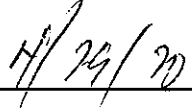
The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the Decision bearing the certification of the town clerk that 20 days have elapsed after the Decision has been filed in the office of the town clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the Registry of Deeds for the County and District in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's Certificate of Title. The fee for such recording or registering shall be paid by the owner or applicant.



Keith Langer (Chairman)

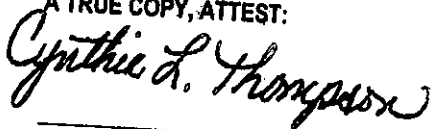


Walter Pelrine (Clerk/Secretary)



Date

JUN - 4 2020

A TRUE COPY, ATTEST:


TOWN CLERK

NO NOTICE OF APPEAL RECEIVED 20 DAYS FOLLOWING RECORDING OF NOTICE AND APPROVAL OF PLANS FROM PLANNING BOARD OR BOARD OF APPEALS.

RECEIVED 4/23/20 via email
per Condition of Decision for
Special Permit approved on
4/22/20.

Jason Lawton
1576 West St.
Wrentham, MA
02093

N O T
A N
O F F I C I A L
C O P Y

Garage

N O T
A N
O F F I C I A L
C O P Y

Fire Rated
Door

836

JLawton@flexera.com

