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TOWN OF WRENTHAM
ZONING BOARD OF APPEALS
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C O P Y
pfanning@wrentham.ma.us • www.wrentham.ma.us

Decision Case #2020-02 (SP)
Date of Decision: March 11, 2020

Registry of Deeds Book No. 37362 & Page No. 492, Zoning District of Parcel R-30

Decision of the Board of Appeals on the application of Carol Felix (applicant/owner) at 137 Gilmore Road, Wrentham, MA.

Background

By the application dated January 22, 2020 and filed in the Town Clerk's office on February 19, 2020, a Special Permit is requested to demolish the existing structure and construct a new 41' x 22' with an 8' x 22' deck at 137 Gilmore Road, Wrentham, MA.

The hearing was advertised on February 25, 2020 and March 3, 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 February 19, 2020. A public hearing notice was posted at Town Hall February 19, 2020.

Public Hearing – March 11, 2020

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

Submittal Information:

- Application; dated 1/22/20; 2 pages
- Building Commissioner letter; dated 2/6/20; 1 page
- United Consultants Site Plans; dated 1/17/20; 3 pages
- JP Architects house plans; dated 1/22/20; 3 pages

Deliberations/Findings

Jim Susi of United Consultants appeared before the Board. Mr. Langer informed Mr. Susi and the applicant of a short Board of only four member, which would require a unanimous vote to pass. He further noted that the hearing can be postponed to the next meeting. Mr. Susi and applicant opted to continue with testimony this meeting. Mr. Langer confirmed that there was no conflict of interest.

Mr. Susi reviewed the site plan describing location of existing house and relocation of new house, which will be shifted slightly away from the lake, with sand joint paver patio on the lake side. The new setbacks will decrease the existing non-conformity. Mr. Susi noted that project has been reviewed by the Board of Health and currently under review by the Conservation Commission. Based on Conservation comments and site review, revised plans will submitted to Conservation for final approval.

Mr. Langer inquired as to Conservation issues. Mr. Susi explained that there were two trees that were requested to remain on site and will not be taken out. A designed new retaining wall has been removed from the plan since there was no wall existing on the lake side and a new wall would not be allowed. Mr. Susi also noted a swale design to divert rain water away from the patio.

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Mr. Langer stated that there are no increased non-conformities and impervious coverage has improved. Mr. Susi described new recharge system with water deflection to catch basin and rain garden. The Board confirmed that their vote will be based on the plans as submitted and discussion. Mr. Susi confirmed and noted PDF with paper copies will be submitted to the Town Planner for decision records. Mr. Langer confirmed that the revised plans and previous plans do not have bearing on Zoning Board's purview. The revised plan was based upon Conservation Board comments. There were no further comments from the Board and no comments from the audience. Ms. Benson noted calculation for the building height. Mr. Susi stated that he would confirm and submit to Ms. Benson.

Mr. Pelrine moved to approve the application with the condition that building height verification will be submitted by end of week. Mr. Gough as second. No further discussion Yea-4, Nay-0, Abstentions-0 (6/0/0)

Mr. Pelrine noted the following R-30 requirements, existing conditions and proposed conditions.

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>	
Area	30,000 SF	7,960 SF	7,960 SF	
Frontage	125'	65.22'	65.22'	no change
Setbacks				
Front	40'	53.1'	46.4'	conforming
LH Side	20'	17.9'	18.7'	decreasing non-conformity
RH Side	20'	23.1'	23.2'	decreasing non-conformity
Rear	40'	25.2'	32.8'	decreasing non-conformity
Lot Coverage	25%	15.9%	13.1%	decreasing coverage

The non-conformities will be diminished or remain the same.

Mr. Pelrine made the following motions with Mr. Gough as second.

- Moved that the Board find that the proposed structure will not be substantially more detrimental to the neighborhood than the existing structure.
- Moved that the Board find the application meets the requirements of Article 3.4.b.1 and in accordance with Article 3.4.c of the Wrentham Zoning By-Laws.
- 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.
- Moved that the proposed structure will not be in conflict with public health, safety, convenience and welfare, and will not adversely affect the neighborhood.
- Moved that the Board find that the proposed structure 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.
- Moved that the Board grant the applicant a Special Permit per Article 3.4.c.1 for the relief requested per submitted plans, to be revised and received by the Zoning Department no later than March 15, 2020.

No discussion on the above motions. Vote of all motions: Yea-4, Nay-0, Abstentions-0 (4/0/0)

Decision

N O T

N O T

Based upon the findings discussed and the review of the Wrentham Zoning By-Laws, the Board of Appeals voted **four (4) in favor, zero (0) opposed and zero (0) abstained** to approve this application for a Special Permit. This Special Permit is granted in accordance with Section 9 of MGL 40A.

Keith Langer (Chairman), Aye

William Casbarra (Vice-Chair), Aye

Walter Pelrine (Clerk/Secretary), Aye

Shawn Gough (Member), Aye

By order of the Board:



Rachel Benson, Director of Planning

March 17, 2020
Date

Appeals, if any, shall be made pursuant to Massachusetts General Laws, Chapter 40A, and Section 17. Notice of such Appeal shall be filed within twenty days of this decision in the office of the Town Clerk.

A Special Permit shall not take effect until the Town Clerk has certified pursuant to Massachusetts General Laws, Chapter 40A, Section 11 that within 20 days of filing the Decision no Appeal has been filed, or if an Appeal has been filed that it has been dismissed or denied.

In accordance with Wrentham Zoning By-law Article 9, this Special Permit shall lapse within two (2) years from the date of the expiration of the appeal period if substantial use, or construction, has not been commenced except in accordance with the law. Any request for extension of said period of validity shall be considered a modification of this Special Permit, and shall be submitted in writing to the Zoning Board of Appeals.

Any modifications to the record plan submitted may only be made upon authorization from the Zoning Board of Appeals. The Board may grant the change(s) provided that the modification is not substantially different than the plan presented in the record, is consistent with the intent and purpose of this Decision. Requests for such change(s) shall be submitted in writing to the Zoning Board of Appeals and may require a public hearing if the Board finds that the proposed change(s) are significant in nature and of public concern, and substantially alter the plans and information used in making this Decision.

Wrentham Zoning Board of Appeals
A N
O F F I C I A L
Certificate of Granting of Special Permit

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

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

To: Carol Felix (applicant/owner)
Address: 62 Leonard Street
City or Town: Foxboro, MA 02035

Affecting the rights of the owner(s) with respect to land or structures at 137 Gilmore Road, per the submitted plans and conditions contained in this Decision.

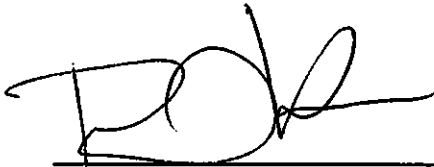
And the said Board of Appeals further certifies that the Decision attached hereto is a true and correct copy of its decision granting said Special Permit, and that copies of said Decision, and of all plans referred to in the Decision, have been filed with the Zoning Board and the Town Clerk.

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), Ave

Walter Peirine (Clerk/Secretary), Ave

By order of the Board:

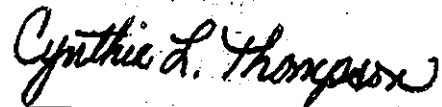


Rachel Benson, Director of Planning

March 17, 2020
Date

NO NOTICE OF APPEAL RECEIVED 20 DAYS
FOLLOWING RECORDING OF NOTICE AND
APPROVAL OF PLANS FROM PLANNING
BOARD OR BOARD OF APPEALS. APR - 7 2020

A TRUE COPY, ATTEST:



TOWN CLERK