



**TOWN OF WRENTHAM
ZONING BOARD OF APPEALS**

79 South Street, Wrentham, Massachusetts 02093

P 508-384-5441 • F 508-384-3174

planning@wrentham.ma.us • www.wrentham.ma.us

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Decision Case #2020-05 (SP)

Date of Decision: April 22, 2020

Registry of Deeds Book No. 32461 & Page No. 586, Zoning District of Parcel R-30

Decision of the Board of Appeals on the application of Eamonn Lynch (applicant/owner) for property at **149 Lakeside Avenue, Wrentham, MA.**

Background

By the application dated March 5, 2020 and filed in the Town Clerk's office on March 16, 2020, a Special Permit is requested to remove existing roof and build new roof an additional six feet ten inches with an 18 foot long dormer on one side to accommodate stairs and living room on the third floor at 149 Lakeside Avenue, 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 3/5/20
- RJD Architectural Designs plans dated 9/17/15; 3 pages

Deliberations/Findings

Mr. Langer confirmed that there was no conflict of interest between members of the Board members and applicant. Mr. Lynch, attending remotely, stated that he is seeking to remove the existing roof and build a new roof with a dormer to accommodate a new third floor living room area.

Mr. Lynch noted that the plans as submitted were drawn to meet zoning requirements. Mr. Lynch confirmed that the new building height will be 29' 6", which is lower than the 35 feet allowed. Mr. Pelrine inquired as to the current height and Mr. Lynch confirmed it is 23 feet.

Mr. Redman inquired as to the size of the new room. Discussion ensued and it was confirmed that the new room will be 395 sq.ft. Mr. Lynch confirmed that the existing first and second floor area is 1,206 sq.ft. Mr. Casbarra clarified that if the new area increases the habitable area by more than 25% it becomes a Special Permit for approval by the Board. Mr. Casbarra noted that the added space

increases by approximately 33%, which is more than the 25% allowed per the Bylaw. There was no public input via correspondence and no remote public participation.

Mr. Pelrine moved to close the public hearing. Mr. Redman as second. No further discussion. Yea-5, Nay-0, Abstentions-0 (5/0/0)

Deliberations ensued. Mr. Pelrine noted it is a reasonable application and had no issues. Mr. Gough agreed. Mr. Redman agreed that it meets requirements with exception of the 25% overage and inquired as to other similar applications before the Board in the past. Mr. Casbarra noted that there have been other similar applications that did not intensify the pre-existing non-conformity. Mr. Langer inquired if the Board agreed the addition would enhance the neighborhood and Board members agreed that it would. Mr. Casbarra noted that other homes in the neighborhood have already been upgraded and this revision would also improve the neighborhood.

Mr. Pelrine moved to approve the Special Permit to raze existing roof and add new roof with dormer for third floor living area. Mr. Gough as second. Yea-5, Nay-0, Abstentions-0 (5/0/0)

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 3.4.c.1 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)
- Moved that the Board grant the applicant a Special Permit per Article 3.4.c.1 for the relief requested per submitted application and plans. Mr. Casbarra as second. Yea-5, Nay-0, Abstentions-0 (5/0/0)

Decision

Based upon the findings discussed and the review of the Wrentham Zoning By-Laws, the Board of Appeals voted **five (5) 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)

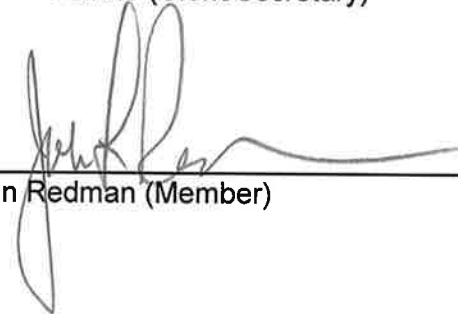


William Casbarra (Vice-Chair)




Walter Pelrine (Clerk/Secretary)

Shawn Gough (Member)



John Redman (Member)



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

Certificate of Granting of Special Permit

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

To: Eamonn Lynch (applicant/owner)
Address: 149 Lakeside Avenue
City or Town: Wrentham, MA 02093

Affecting the rights of the owner(s) with respect to land or structures at **149 Lakeside Avenue**, 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)

May 6, 2020
Date