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**TOWN OF WRENTHAM
ZONING BOARD OF APPEALS**
WRENTHAM TOWN HALL
79 SOUTH STREET
WRENTHAM, MASSACHUSETTS 02093
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**DECISION
ZBA CASE # 2020-10 SP-ADU**

Location of Property:
25 Lafayette Avenue
Wrentham, MA 02093

Assessor's Reference:
Assessor's Map: K-13
Block/Lot: 2-23

Owner Information:
Joanne McQuilkin, Stephanie & Anthony Castagno
25 Lafayette Avenue
Wrentham, MA 02093

Name of Applicant:
Meridian Custom Homes, Inc.
1 Richmond Sq., Ste 117C
Providence, RI 02906

DECISION of the Wrentham Zoning Board of Appeals (hereinafter the "Board") on the petition of Meridian Homes, Inc. (hereinafter the "Applicant") for a SPECIAL PERMIT under Section 4.11 of the Wrentham Zoning Bylaw (hereinafter "ZBL") to construct an Accessory Dwelling Unit at 25 Lafayette Avenue, Wrentham, Massachusetts and shown as Wrentham Assessor's Map K-13, Block 5, Lot 35 (hereinafter the "Site"), owned by Joanne McQuilkin, Stephanie & Anthony Castagno (hereinafter the "Owner") by deed recorded in the Norfolk Registry of Deeds Book 37595, Page 348.

BACKGROUND

The above referenced application for a SPECIAL PERMIT was formally received on June 24, 2020. Notice of the public hearing and the subject matter thereof was published in the Sun Chronicle on July 7 & 14, 2020, posted with the Town Clerk's office on June 24, 2020 and abutters were notified by First Class Mail. The public hearing on the application was opened on July 29, 2020 (remote participation*). During the public hearing all those wishing to speak to the petition were heard. Following public input the hearing was closed on July 29, 2020.

The following members were present and voting at the hearing: Chairman Keith Langer, Clerk Walter Pelrine, Members John Redman, Williams Burns and Jennifer Savickis. Member Shaun Gough was absent and Member William Casbarra was present but unable to sign. At the hearing Alex Mitchell of Meridian Custom Homes, Inc. presented the application.

SUBMITTALS

The following items were submitted as Exhibits to the Board for its consideration of this Application:

1. Application for Hearing, dated June 18, 2020, received June 24, 2020, 2 pages.
2. Certified Abutters List, Wrentham; dated/received June 24, 2020, 2 pages.
3. Project Narrative, 1 page.
4. Quitclaim Deed, Norfolk County Registry of Deeds Book 37595, Page 348, 4 pages.
5. Affidavit of Residence, dated June 18, 2020, received June 24, 2020, 1 page.

**Pursuant to Governor Baker's March 12, 2020 Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, the Town of Wrentham Planning Board conducted their public hearings via remote participation.*

6. Architectural Plan Set “2019-0074 Castagno (Lot 33 The Preserve at Mill Pond – Wrentham, MA)”, prepared by ClearVue Designs Inc., dated June 12, 2020, received June 24, 2020, 24”x36”, color, 8 sheets consisting of:
 - A-1, Title Sheet
 - A-3, 1st Floor Layout Plan
 - A-4, In-law Layout Plan
 - A-5, 2nd Floor Layout Plan
 - A-7, Exterior Elevation – Front View
 - A-8, Exterior Elevation – Rear View
 - A-9, Exterior Elevation – Left Side View
 - A-9, Exterior Elevation – Right Side View
7. Wrentham Board of Health – Disposal System Construction Permit No. DWCP20-060, Approved May 27, 2020, 1 page.
8. Plan entitled “Sewage Disposal System Plan”, prepared by ASE, Inc., last revision date of June 5, 2020, 24”x36”, black & white, 1 sheet.

FINDINGS

At their meeting of July 29, 2020, after due consideration of the Exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Wrentham Zoning Board of Appeals voted (MOTION by Mr. Mr. Redman, SECOND by Mr. Pelrine) by Roll Call vote: Mr. Langer-Aye, Mr. Burns-Aye, Mr. Pelrine-Aye, Mr. Redman-Aye, Ms. Savakis -Aye to make the following Findings:

1. The Applicant seeks a SPECIAL PERMIT under Section 4.11 of the ZBL to construct an 864 square foot Accessory Dwelling Unit (ADU) as part of a proposed new construction single family home consisting of 4,022 square foot (Exhibit #3 & #6).
2. The proposed ADU will be occupied by the Owners’ parent, Joanne McQuilken (Exhibit #3).
3. With regard to Section 4.11.a. of the ZBL, the Board finds that there will be only one (1) ADU created as part of this Decision (Exhibit #3 & #6).
4. With regard to Section 4.11.b. of the ZBL, the Board finds that the Owners will occupy the main single family home.
5. With regard to Section 4.11.c. of the ZBL, the Board find that the occupant of the ADU, Joanne McQuilken is related by blood / marriage to the Owners (Exhibit #3).
6. With regard to Section 4.11.d. of the ZBL, the Board finds that the ADU will be secondary in nature to the principal dwelling unit and does not exceed the allowed 900 square feet. (Exhibit #3 & #6).
7. With regard to Section 4.11.e. of the ZBL, the Board finds that there will be no more than one bedroom in the ADU.
8. With regard to Section 4.11.f. of the ZBL, the Board finds that the ADU will be connected and accessible to the principal dwelling unit by an entrance through a common wall (Exhibit #6).
9. With regard to Section 4.11.g. of the ZBL, the Board finds that there is adequate off-street parking and will not require an additional curb cut (Exhibit #8).

10. With regard to Section 4.11.h. of the ZBL, the Board finds that the lot is new construction and has been approved by the Board of Health for a 5-bedroom septic system which is adequate to handle the proposed construction (Exhibit #7 & #8).
11. With regard to Section 4.11.i. of the ZBL, the Board finds that the utilities to the unit shall be connected to the primary home and not on a separate meter.
12. With regard to Section 4.11.j. of the ZBL, the Board finds that the Applicant submitted a Sewage Disposal Plan, Architectural Floor Plans and Elevations in order to show that the location and proposed façade (Exhibit #6 & #8) are in keeping with the neighborhood.
13. With regard to Section 4.11.5.a. of the ZBL, the Board finds that the proposed ADU will not exceed 40% of the gross floor area of the main dwelling (Exhibit #3 & #6).
14. With regard to Section 4.11.5.b. of the ZBL, the Board finds that the ADU is part of new construction and has been designed and will be constructed with the main house.
15. With regard to Section 4.11.5.c. of the ZBL, the Board finds that the dwelling is consistent with typical nearby single-family dwellings.
16. With regard to Section 9.1. of the ZBL, the Board finds that the proposed use will be conducted in a manner consistent with the land use objectives of the Town of Wrentham.
17. With regard to Section 9.2. of the ZBL, the Board finds that the proposed use is in harmony with the intent and purpose of the ZBL as set forth in Article 1, s.1.2, is not in conflict with public health, safety, convenience and welfare project, will not adversely affect the neighborhood.

CONDITIONS OF APPROVAL


At their meeting of July 29, 2020 after due consideration of the documents and plans submitted and the entire record of proceedings introduced and accepted in this matter, the Wrentham Zoning Board of Appeals voted (MOTION by Mr. Mr. Redman, SECOND by Mr. Pelrine) by Roll Call vote: Mr. Langer-Aye, Mr. Burns-Aye, Mr. Pelrine-Aye, Mr. Redman-Aye, Ms. Savakis -Aye to **GRANT** the **SPECIAL PERMIT** for an **Accessory Dwelling Unit** subject to the following conditions:

1. This Special Permit specifically authorizes the construction of an 864 square foot Accessory Dwelling Unit.
2. The proposed construction and activity shall be conducted substantially in accordance with the Plan and Application as submitted. Changes to the plan presented in this Application may be made only upon the authorization from the Zoning Board of Appeals provided that the change requested is not substantially different than the plan presented within the Exhibits of this Decision and is consistent with the intent and purpose of the Decision.
3. The authorized occupants of the ADU shall be Joanne McQuilken and this Special Permit shall be rescinded once she move out.
4. There will only be one ADU created and allowed for in this single-family dwelling.
5. The Owners shall occupy one of the dwelling units.
6. There shall be no more than two bedrooms in this ADU.

7. This Special Permit shall not take effect until a copy of this Decision bearing the Town Clerk certification that twenty (20) days have passed and no appeal or if appealed has been dismissed or denied, has been recorded in the Norfolk County Registry of Deeds. Proof of recording including the Norfolk County Registry of Deeds Book and Page Number and/or Instrument Number shall be submitted to the Building Commissioner and Board of Appeals prior to application for Building Permit.
8. In accordance with ZBL Section 9 and Massachusetts General Law c. 40A, Section 9, this Special Permit shall lapse after two years from the date of the recording of the signed Decision if substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended by the Zoning Board of Appeals upon the written request of the Owner / Applicant and by modification of this Special Permit.
9. By recording this Special Permit Decision at the Norfolk County Registry of Deeds, the Applicant / Owner agrees to and accepts the conditions set forth in this Decision.

DECISION OF THE BOARD

On July 29, 2020, the Wrentham Zoning Board of Appeals voted (MOTION by Mr. Mr. Redman, SECOND by Mr. Pelrine) by Roll Call vote: Mr. Langer-Aye, Mr. Burns-Aye, Mr. Pelrine-Aye, Mr. Redman-Aye, Ms. Savakis -Aye to **APPROVE with Conditions** the Special Permit pursuant to Section 4.11 of the Wrentham Zoning Bylaws for an Accessory Dwelling Unit at 25 Lafayette Avenue based on the information received at the public hearing and the aforementioned findings.




Keith Langer, Chairman




William Burns, Member



Walter Pelrine, Clerk



Jennifer Savakis, Member



John Redman, Member

- cc:
- Applicant
 - Assessor
 - DPW
 - Owner
 - Building Commissioner
 - Board of Health

A true copy attest:

Cynthia L. Thompson, CMC/CMMC, Town Clerk

Date