



**TOWN OF WRENTHAM**  
**ZONING BOARD OF APPEALS**  
WRENTHAM TOWN HALL  
79 SOUTH STREET  
WRENTHAM, MASSACHUSETTS 02093  
(508) 384-5400 ext. 5441 • Fax: (508) 384-3174  
[planning@wrentham.ma.us](mailto:planning@wrentham.ma.us) • [www.wrentham.ma.us](http://www.wrentham.ma.us)

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**DECISION**  
**ZBA 2020-24(SP)**

Location of Property:  
510 Washington Street  
Wrentham, MA 02093

Assessor's Reference:  
Assessor's Map: O-07  
Block-Lot: 3-3

Applicant:  
510 Wash, LLC  
415 Neponset Avenue  
Dorchester, MA 02122

Owner of Record:  
510 Wash, LLC  
415 Neponset Avenue  
Dorchester, MA 02122

**DECISION** of the Zoning Board of Appeals (hereinafter the "Board") on the petition of John Carroll of 510 Wash, LLC (hereinafter the "Applicant/Owner") for a SPECIAL PERMIT under Section 3.4 & 9 of the Wrentham Zoning Bylaw (hereinafter "ZBL") and M.G.L. Ch. 40A, Sec. 6, for the Alteration of a Pre-Existing Non-Conforming Structure at 510 Washington Street, Wrentham, Massachusetts which is located in the Commercial Route 1 South (C-1S) Zoning District and shown on Wrentham Assessor's Map O-07, Block-Lot 3-3 (hereinafter the "Site"). The Site is owned by 510 Wash, LLC by deed recorded in Land Court, Document Number 1339344.

**BACKGROUND**

The above referenced application for a SPECIAL PERMIT was formally received on December 16, 2020. Notice of the public hearing and the subject matter thereof was published in the Sun Chronicle on December 29, 2020 and January 5, 2021, posted with the Town Clerk's office on December 21, 2020 and abutters were notified by First Class Mail. The public hearing on the application was opened on January 13, 2021. During the public hearing all those wishing to speak to the petition were heard. Following public input the hearing was closed on January 27, 2021.

The following members were present and voting at the hearing: Chairperson William Casbarra, Vice Chairperson Walter Pelrine, Clerk John Redman, Members Shawn Gough and Keith Langer. At the hearing the Daniel Merrikin of Legacy Engineering presented the application.

**SUBMITTALS**

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

*\*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 Zoning Board of Appeals conducted their public hearings via remote participation.*

1. Application packet dated & received 12/16/20 to include following:
  - Legacy Engineering Submission Letter dated 12/16/20 1 page
  - Application for Hearing dated 12/16/20; 2 pages
  - Certified Abutters List and Locus dated 9/24/20; 3 pages
2. Site Plans, prepared by Legacy Engineering, including the following;
  - Legacy Engineering Site Plan dated 11/24/20; 1 page
  - Photo of proposed canopy; no date; 1 page
3. Public Hearing Notice dated 12/21/20; 1 page
4. Dean Johnson, DPW Comments dated 12/29/20; 2 pages
5. Wade Saucier, BOH Agent Comments dated 1/6/21; 1 page
6. Abutter (Miner) Comments dated 1/12/20; 1 page
7. Continuance Request dated 1/14/21; 1 page
8. Legacy Engineering Site Plan of Land Revised Canopy Location dated 1/20/21; 1 page
9. Legacy Engineering Revised Canopy dated 1/25/21; 2 pages
10. Legacy Engineering Revised Site Plan dated 1/27/21; 1 page

## **FINDINGS**

At their meeting of January 27, 2021 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 made the following Findings:

1. That determinations regarding the Following Findings are based upon the documents and plans identified in this Decision, as well as the information and Exhibits submitted and presented in association with the Application.
2. That determinations regarding the following Findings are also predicated upon the maintenance of the Site in accordance with this Decision, as well as all applicable Federal, State and Local regulations except where modified by this Decision.
3. That the Applicant seeks a SPECIAL PERMIT in accordance with ZBL Section 3.4.b for the construction of a 26' x 16'; 416 square foot (s.f.) free standing, open sided canopy to an existing 1,830 s.f. restaurant building located at 510 Washington Street (Exhibit #9 & #10).
4. The Site is located within the Commercial Route 1 South (C-1S) zoning district which has minimum lot requirements of (Exhibit #10):
  - Area: 80,000 s.f., where 96,364 s.f. is existing,
  - Frontage: 150 feet where 334.75 feet is provided,
  - Setbacks: Front: 50' where 17.3' is existing, Side: 25' where southern existing is 17.3', Rear: 25' where 184' is existing,
  - Stories/Feet: 6 stories/72' where 1 story/32' is existing
  - Lot Coverage: 50% for Zone II where 21.2% is existing
5. The Site is located in a Zone II and therefor the Aquifer Protection Overlay District regulation of 15% lot coverage applies. The Board further notes that the proposed canopy will be built over an existing concrete patio which would not increase the existing lot coverage of 21.2% (Exhibit #10).
6. That during the public hearing the Board and Applicant reviewed the proposed canopy layout as shown in Exhibit #2. The Board noted that if the canopy were rotated 90 degrees and pushed back the provisions of Article 3.4.b would apply as the canopy would no longer create a new non-conformity.

7. That Board finds that the Applicant revised the plans to show the canopy in a location that was not more detrimental than the existing non-conformity of the building. The Board further finds that a Special Permit could be sought for this change (Finding #6, Exhibit #2 & #10).
8. The Board noted that the Applicant is not proposing to enclose the canopy area which would not increase the building's footprint. The Board further notes that the revised canopy layout would not alter the pre-existing non-conforming setback of 17.3 feet (Exhibit #9 & #10).
9. That the Board received comments from the DPW Water Division Manager that care should be taken with performing work in this area (Exhibit #4).
10. That the Board received comments from the Board of Health Agent stating that the Applicant will have to adhere and obtain authorization from the Board of Health through their food safety program to ensure compliance with the local and state food code and local permits (Exhibit #5).
11. That 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.
12. That 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 and will not adversely affect the neighborhood.

#### **CONDITIONS OF APPROVAL**

At their meeting of January 27, 2021 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 **GRANTED** the **SPECIAL PERMIT** for the **Alteration of a Pre-Existing Non-Conforming Structure** subject to the following conditions:

1. This SPECIAL PERMIT specifically authorizes the construction of a 26' x 16'; 416 square foot (s.f.) free standing, open sided canopy on the Site as shown on the Plans identified as Exhibit #10 of this Decision, or as modified by the Conditions of this Special Permit.
2. The canopy shall not be improved so as to be considered weather tight / climate controlled and shall only be allowed to install temporary plastic coverings along the sides for protection during inclement weather.
3. The work authorized by this Special Permit shall be solely for the purposes as presented by the Applicant and as amended by this Decision and shall run with the land and be binding upon the property owners and as well as their administrators, successors and assigns.
4. The Applicant shall adhere to the Wrentham Zoning Bylaws and all other applicable provisions of municipal law and regulations, Federal and State statues and related regulations promulgated by Federal and State agencies.
5. The proposed construction and activity shall be conducted substantially in accordance with the Plan and Application as submitted or as amended by this Decision. 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.
6. In accordance with Section 9.4 of the ZBL and Massachusetts General Law C.40A, Section 9, this Special Permit shall lapse after 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 an extension of said period of validity shall be considered a Modification of this Special Permit, and shall be submitted in writing to the Board prior to the expiration for review and approval.

7. This Special Permit shall not take effect until the Decision, bearing the Town Clerk's Certificate of No Appeal statement have been recorded at the NCRD within thirty (30) days following the expiration of the appeal period. Proof of recording of the Decision, including Deed Book and Page or Instrument Number shall be submitted to the Zoning Board of Appeals within thirty (30) days of recording.
8. By recording this Special Permit in the NCRD, the Applicant agrees to and accepts the Conditions set forth in this Special Permit Decision. Any inability, failure or refusal by the Applicant to comply with the Conditions of this Decision, when notified of failure of compliance, shall be grounds for immediate denial of building, construction or occupancy permits with respect to this project.
9. This approval shall not be construed as final approval of any on- or off-site improvements or work (such as water, sewer, drainage, or other utility installation) associated with this project and shown on the Plans. All applicable Federal, State and Local approvals/permits shall be obtained by the Applicant prior to the construction of any portion of the development or off-site improvements that warrant such approval/permits. All applicable requirements of the Wrentham Board of Health, Wrentham Public Works and all other utilities are hereby incorporated by reference as a requirement of this Decision.
10. The Applicant shall take all necessary measures to minimize dust from rising and blowing across the site and onto roads and adjacent properties. Any sediment or dirt tracked onto public ways shall be swept prior to the end of the construction day.
11. Hours of construction shall occur Monday through Friday between the hours of 7 a.m. and 5 p.m., and Saturdays from 8 a.m. to 5 p.m. There shall be no construction activity on Sundays or Federal and State Holidays.
12. All grading and construction shall in compliance with the approved Plans and the Conditions of this Special Permit, as well as all applicable Federal, State and Local regulations, and shall be accomplished so as not to discharge any pollutants or siltation into waterways or resource areas from the site and its associated improvements during construction and after completion.

#### DECISION OF THE BOARD

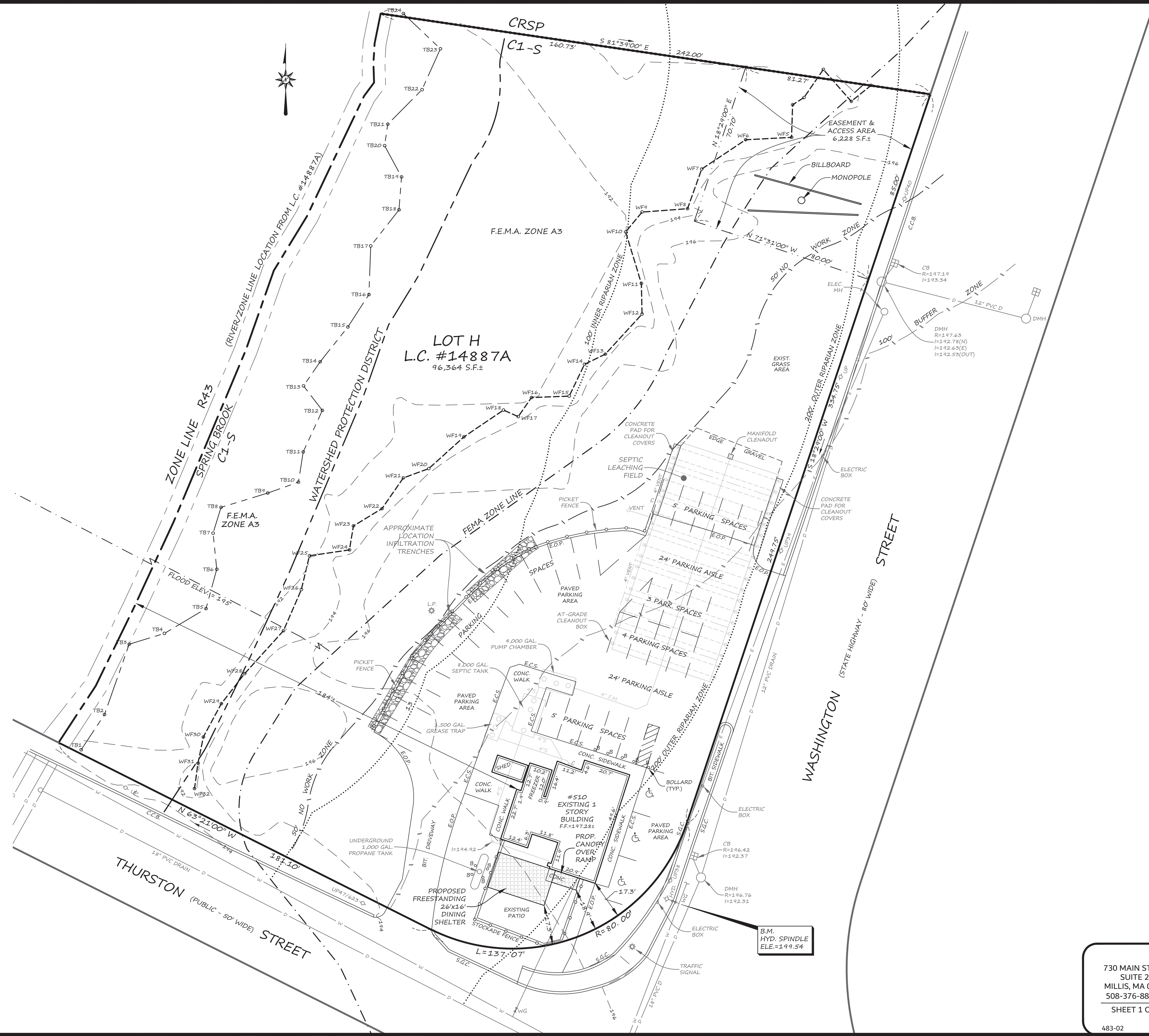
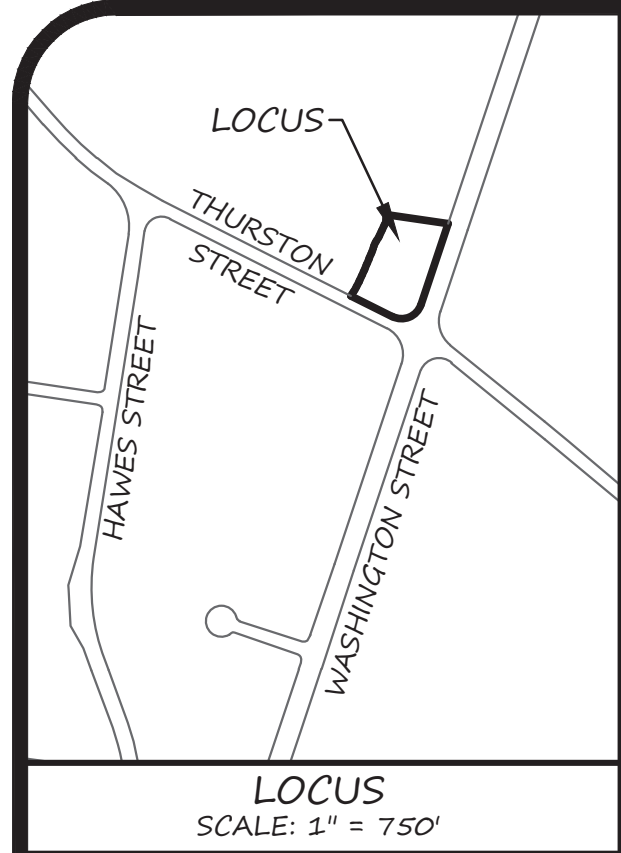
On January 27, 2020, the Wrentham Zoning Board of Appeals voted 5-0 (MOTION by Mr. Redman, SECOND by Mr. Langer) by Roll Call vote: Mr. Casbarra – Aye, Mr. Gough – Aye, Mr. Langer – Aye, Mr. Pelrine – Aye, Mr. Redman – Aye to **APPROVE with Conditions** the Special Permit pursuant to Section 3.4 of the Wrentham Zoning Bylaws for the Alteration of a Pre-Existing Non-Conforming Structure at 510 Washington Street based on the information received at the public hearing and the aforementioned findings.

BY ORDER OF THE BOARD:

  
William Casbarra, Chairperson

  
Walter Pelrine, Vice Chairperson

cc: ● Applicant / Owner ● Assessor ● Building Dept. ● DPW ● Board of Health ● ConsCom

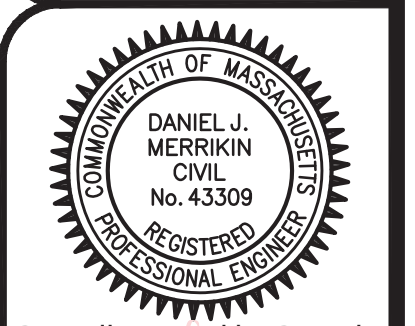


OWNER & APPLICANT  
 510 WASH, LLC  
 415 NEPONSET AVENUE  
 DORCESTER, MA 02122

ZONING DISTRICT  
 C1-S  
 AQUIFER PROTECTION  
 DISTRICT ZONE II

ASSESSORS PARCEL  
 0-07-3-3

PLAN & DEED REFERENCE  
 LAND COURT PLAN 14887A  
 DOC. NO. 1331544  
 CERT. NO. 191954



Digitally signed by Daniel J. Merrikin, P.E.  
 Date: 2021.01.27 13:15:57 -05'00'

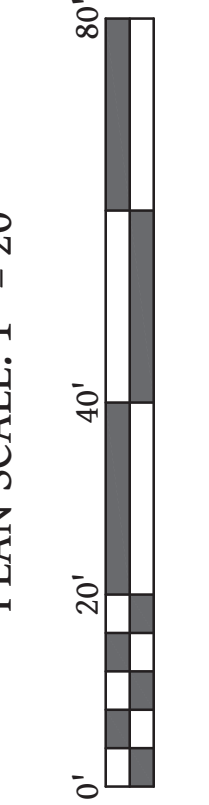
**ZONING NOTES**

USE:  
 RESTAURANT

LOT FRONTAGE:  
 REQUIRED: 200'  
 PROVIDED: 334.75'

LOT AREA:  
 REQUIRED: 80,000 S.F.  
 PROVIDED: 96,364 S.F.±

SETBACKS:  
 FRONT YARD:  
 REQUIRED: 50'  
 PROVIDED: 17.3'  
 COVERAGE:  
 MAX. ALLOWED: 50%  
 PROVIDED: 21.2%



REVISION	DATE	BY
REVISED CANOPY LOCATION	2021-01-14	D.J.M.
REVISED CANOPY LOCATION	2021-01-20	D.J.M.
ADDED CANOPY OVER RAMP	2021-01-27	D.J.M.

PLAN DATE: NOVEMBER 24, 2020

510 WASHINGTON STREET  
 SITE PLAN  
 PLAN OF LAND  
 IN  
 WRENTHAM, MA

730 MAIN STREET  
 SUITE 2C  
 MILLIS, MA 02054  
 508-376-8883(o)  
 SHEET 1 OF 1

