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**TOWN OF WRENTHAM
ZONING BOARD OF APPEALS**

WRENTHAM TOWN HALL
79 SOUTH STREET
WRENTHAM, MASSACHUSETTS 02093
P 508-384-5441 | F 508-384-3174

www.wrentham.ma.us | planning@wrentham.ma.us

DECISION

ZBA CASE # 2020-11 SP-ADU

Location of Property:
95 Warren Drive
Wrentham, MA 02093

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

Owner Information:
Kristyn & Daniel Kennedy
95 Warren Drive
Wrentham, MA 02093

Name of Applicant:
Mountain Dog Development Corp.
962 West Street
Wrentham, MA 02093

DECISION of the Wrentham Zoning Board of Appeals (hereinafter the "Board") on the petition of Bryon Aaron of Mountain Dog Development Corp. (hereinafter the "Applicant") for a SPECIAL PERMIT under Section 4.11 of the Wrentham Zoning Bylaw (hereinafter "ZBL") to construct an Expanded Accessory Dwelling Unit at 95 Warren Drive, Wrentham, Massachusetts and shown as Wrentham Assessor's Map K-13, Block 2, Lot 23 (hereinafter the "Site"), owned by Kristyn & Daniel Kennedy (hereinafter the "Owner") by deed recorded in the Norfolk Registry of Deeds Book 37437, Page 162.

BACKGROUND

The above referenced application for a SPECIAL PERMIT was formally received on August 13, 2020. Notice of the public hearing and the subject matter thereof was published in the Sun Chronicle on August 25 & September 1, 2020, posted with the Town Clerk's office on August 17, 2020 and abutters were notified by First Class Mail. The public hearing on the application was opened on September 9, 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 September 9, 2020.

The following members were present and voting at the hearing: Chairman Keith Langer, Vice Chairman William Casabara, Clerk Walter Pelrine, Members Shawn Gough and John Redman. At the hearing the Bryon Aaron of Mountain Dog Development Corp. presented the application.

SUBMITTALS

The following items were submitted as Exhibits to the Board by the Applicant on August 13, 2020 to include the following:

1. Unbound Application for Hearing with Zoning Board of Appeals packet:
 - a. Application for Special Permit Accessory Dwelling Unit; dated 8/11/2020; 2 pages
 - b. Affidavit of Residence by Kristyn Kennedy; dated 8/14/2020; 1 page
 - c. Project Narrative; dated 8/12/2020; 1 page
 - d. Correspondence Board of Health Agent; dated 8/12/2020; 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.*

- e. Wrentham Certified Abutters List; dated 8/12/2020; 3 pages
- f. Norfolk Abutters List; dated 8/11/2020; 2 pages
- 2. Certified Plot Plan prepared by Christopher C. Charlton, PLS; dated 8/11/2020; 4 sheets including the following:
 - Proposed Accessory Dwelling Plan
 - Proposed Main House Addition and Accessory Dwelling Plan
 - Foundation Plan, no date; 1 page
 - Elevation Plans, no date; 1 page
- 3. Hearing Notice; dated 8/17/2020; 1 page
- 4. Plan, entitled “Proposed Main House Addition and Accessory Dwelling Unit”, no date received 9/4/2020, black & white, 8” x11”, 1 sheet

FINDINGS

At their meeting of September 9, 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. Pelrine, SECOND by Mr. Redman) by Roll Call vote: Mr. Casbarra-Aye, Mr. Gough-Aye, Mr. Langer-Aye, Mr. Pelrine-Aye, Mr. Redman-Aye to make the following Findings:

- 1. The Applicant seeks a SPECIAL PERMIT under Section 4.11 of the ZBL to construct a 900 square foot Accessory Dwelling Unit (ADU) off of the existing 3,078 square foot single family house (Exhibit #1).
- 2. The proposed Expanded ADU will be occupied by the Owners’ parents, Thomas & Susan Connelly (Exhibit #1).
- 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 #2).
- 4. With regard to Section 4.11.b. of the ZBL, the Board finds that the Owners occupy the main single family home.
- 5. With regard to Section 4.11.c. of the ZBL, the Board find that the occupants of the ADU, Thomas & Susan Connelly are related by blood / marriage to the Owners (Exhibit #1).
- 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, does not exceed the 900 square feet and is under 40% of the existing dingle family home (Exhibit #1, #2 & #4).
- 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 (Exhibit #2 & #4).
- 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 #1 & #4).
- 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 #2).

10. With regard to Section 4.11.h. of the ZBL, the Board finds that the lot is connected to a private wastewater treatment facility and has the capacity to handle the extra bedroom (Exhibit #1d).
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 Site Plan, Architectural Floor Plans and Elevations in order to show the location and proposed façade (Exhibit #2).
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 #2 & #4).
14. With regard to Section 4.11.5.b. of the ZBL, the Board finds that the ADU will be located in a proposed new addition to the main house (Exhibit #2 & #4).
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 September 9, 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. Pelrine, SECOND by Mr. Gough) by Roll Call vote: Mr. Casbarra-Aye, Mr. Gough-Aye, Mr. Langer-Aye, Mr. Pelrine-Aye, Mr. Redman-Aye to **GRANT** the **SPECIAL PERMIT** for an **Accessory Dwelling Unit** subject to the following conditions:

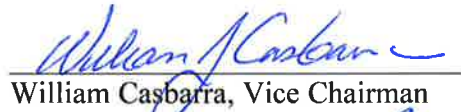
1. This Special Permit specifically authorizes the construction of a 900 square foot Accessory Dwelling Unit.
2. The proposed construction and activity shall be conducted substantially in accordance with the Plan and Application as submitted. Changes to the plan presented in this Application may be made 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 Thomas & Susan Connelly and this Special Permit shall be rescinded once they no longer reside in the unit.
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. The utilities for the ADU shall be off the main house and shall not be on a separate meter.

8. Validity: In accordance with Massachusetts General law c. 40A, Section 9, this Special Permit shall lapse after two years from the date 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. 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.
10. 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.

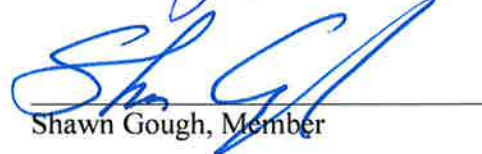
DECISION OF THE BOARD

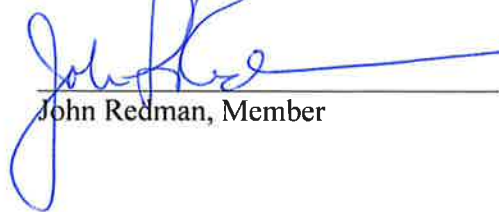
On September 9, 2020, the Wrentham Zoning Board of Appeals voted (MOTION by Mr. Pelrine, SECOND by Mr. Gough) by Roll Call vote: Mr. Casbarra-Aye, Mr. Gough-Aye, Mr. Langer-Aye, Mr. Pelrine-Aye, Mr. Redman-Aye to **APPROVE with Conditions** the Special Permit pursuant to Section 4.11 of the Wrentham Zoning Bylaws for an Accessory Dwelling Unit at 95 Warren Drive based on the information received at the public hearing and the aforementioned findings.


Keith Langer, Chairman


William Casbarra, Vice Chairman


Walter Pelrine, Clerk


Shawn Gough, Member


John Redman, Member

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