



**TOWN OF WRENTHAM
ZONING BOARD OF APPEALS**
WRENTHAM TOWN HALL
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**DECISION
ZBA CASE # 2020-01 SP-HO**

Location of Property:
84 Archer Street
Wrentham, MA 02093

Assessor's Reference:
Assessor's Map: L-10
Block/Lot: 3/12

Owner Information:
Michael & Kendra Preite
84 Archer Street
Wrentham, MA 02093

Name of Applicant:
Kendra Preite
84 Archer Street
Wrentham, MA 02093

DECISION of the Wrentham Zoning Board of Appeals (hereinafter the "Board") on the petition of Michael & Kendra Preite (hereinafter the Owner/Applicant) for a SPECIAL PERMIT under Section 4.5 of the Wrentham Zoning Bylaw (hereinafter "ZBL") to operate a Beauty Parlor Home Occupation at 84 Archer Street, Wrentham, Massachusetts and shown as Wrentham Assessor's Map L-10, Block 3, Lot 12 (hereinafter the "Site"), owned by the Applicants by deed recorded in the Norfolk Registry of Deeds Book 26397, Page 327.

BACKGROUND

The above referenced application for a SPECIAL PERMIT was formally received on September 16, 2020. Notice of the public hearing and the subject matter thereof was published in the Sun Chronicle on September 29 & October 6, 2020, posted with the Town Clerk's office on September 23, 2020 and abutters were notified by First Class Mail. The public hearing on the application was opened on October 14, 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 October 14, 2020.

The following members were present and voting at the hearing: Chairperson William Casbarra, Vice Chairperson Walter Pelrine, Clerk John Redman, Members Keith Langer and Jennifer Savickis. At the hearing Jim Susi of United Consultants Inc. presented the application on behalf of the Applicant.

SUBMITTALS

The following items were submitted as Exhibits to the Board by the Applicant on September 16, 2020:

1. Application packet received 9/16/20 including the following:
 - Application for Hearing dated 9/10/20; 3 pages
 - Certified Abutters List and Locus dated 8/12/20; 5 pages
2. Plan Set including the following:
 - United Consultants Addition Site Plan dated 7/20/20

**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.*

- SPB Designs Sheet A1 Elevations dated 4/27/20
 - SPB Designs Sheet A2 Foundation, First Floor Framing, Proposed First Floor, and Proposed Second Floor plans dated 4/27/20
 - SPB Designs Sheet A3 Section A, Roof Framing, and Second Floor Framing plan dated 4/27/20
3. Public Hearing Notice dated 9/23/20; 1 page
 4. Correspondence from John Naff dated 9/23/20; 2 pages
 5. Board of Health Agent, Wade Saucier comment dated 9/20/20; 2 pages
 6. United Consultants Inc. Project Narrative undated, received 10/4/20; 1 page
 7. Kendra & Mike Preite Project Narrative dated 10/4/20; 1 page
 8. Brian Muchnick Support Letter not dated; 1 page
 9. Robert Silvia, Sr. Support Letter not dated; 1 page
 10. Jo-Ann & Peter Russo Support Letter dated 10/2/20; 1 page

FINDINGS

At their meeting of October 14, 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. Redman, SECOND by Mr. Langer) by Roll Call vote: Mr. Casbarra-Aye, Mr. Langer-Aye, Mr. Pelrine-Aye, Mr. Redman-Aye, Ms. Savickis-Aye to make the following Findings:

1. The Applicant seeks a SPECIAL PERMIT as allowed for under Section 4.2.H.3 in the Residential 30 (R-30) zoning district in accordance with Section 4.5 of the ZBL to operate a Beauty Parlor Home Occupation at their main residence of 84 Archer Street (Exhibit #2). The Board further finds that the addition will be a two story 21 foot by 12 foot the first floor will have the Beauty Parlor and the second will be to expand their existing master bedroom. The Beauty Parlor shall not exceed 252 square feet.
2. That the Board received comments from the Building Commissioners stating that the entrance and restroom have to be constructed to provide adequate access in accordance with ADA standards or 521 CMR MAAB and 780 CMB, Building Code (Exhibit #4).
3. That the Board received comments from the Board of Health Agent confirming the Applicant has an approved septic design from the Board of Health for the intended use (Exhibit #5).
4. The Applicant has approved plans to upgrade their septic system to allow for the separate holding and removal of the chemicals that are a product of this type of use (Exhibit #2, #5 & #6).
5. That during the public hearing the Board reviewed the existing parking and noted that the driveway should be extended to allow for clients and the homeowners to safely pass each other. The Board further noted that Archer Street is too narrow to allow for safe on street parking and so the Applicant would have to add the parking to their lot.
6. That with regard to Section 4.5.a.2 of the ZBL, the Board finds that the Beauty Parlor Home Occupation does not exceed the maximum allowed square footage of 500 square feet (Exhibit #2 & #6, Finding #1).

7. That with regard to Section 4.5.a.2 of the ZBL, the Board finds that the proposed addition will not be constructed of a material or designed in a way that will detract from the existing single family home and the neighborhood (Exhibit #2).
8. That with regard to Section 4.5.a.3 of the ZBL, the Board finds that the Applicant is not proposing to utilize any signage (Exhibit #2).
9. That with regard to Section 4.5.a.4 of the ZBL, the Board finds that the Applicant has submitted that she will be the only stylist operating out of the Beauty Parlor Home Occupation Unit (Exhibit #6).
10. That with regard to Section 4.5.a.5 of the ZBL, the Board finds that the Applicant is not proposing to utilize outside storage or display of any goods, material or equipment to include more any vehicles of 15,000 or lower gross vehicle weight and that the before mentioned is prohibited.
11. That with regard to Section 4.5.a.6 of the ZBL, the Board finds that there shall be no retail sales, except those that are manufactured, crafted or produced by the resident at this location.
12. 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.
13. 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.
14. That the Board received comments from the following abutters supporting the Application:
 - a. Brian Mushnick of 80 Archer Street (Exhibit #8)
 - b. Robert Silvia, Jr. of 90 Archer Street (Exhibit #9)
 - c. Jo-Ann & Peter Russo or 87 Archer Street (Exhibit #10)

CONDITIONS OF APPROVAL

At their meeting of October 14, 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. Redman, SECOND by Mr. Mr. Langer) by Roll Call vote: Mr. Casbarra-Aye, Mr. Langer-Aye, Mr. Pelrine-Aye, Mr. Redman-Aye, Ms. Savickis-Aye to **GRANT** the **SPECIAL PERMIT** for a **Beauty Parlor Home Occupation** subject to the following conditions:

1. This SPECIAL PERMIT specifically authorizes Kendra Preite, Owner of 84 Archer Street to operate a Beauty Parlor Home Occupation in a space not to exceed 252 square feet.
2. This SPECIAL PERMIT shall be for not longer than two years; shall not be transferrable to a person other than to whom this permit is issued; and shall terminate immediately if/when Kendra Preite discontinues her residency at 84 Archer St.
3. In accordance with Section 4.5.a.6 of the ZBL, there will be no retail sales allowed at this location (Finding #11).

4. The driveway shall be widened with a pervious material to allow for the additional vehicles visiting the site (Finding #5).
5. 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.
6. 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.
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. 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 October 14, 2020, the Wrentham Zoning Board of Appeals voted (MOTION by Mr. Redman, SECOND by Mr. Langer) by Roll Call vote: Mr. Casbarra-Aye, Mr. Langer-Aye, Mr. Pelrine-Aye, Mr. Redman-Aye, Ms. Savickis-Aye to **APPROVE with Conditions** the Special Permit pursuant to Section 4.5 of the Wrentham Zoning Bylaws for a Beauty Parlor Home Occupation at 84 Archer Street based on the information received at the public hearing and the aforementioned findings.



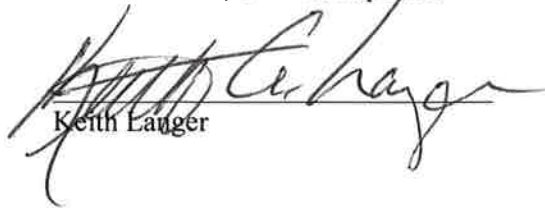
William Casbarra, Chairperson



Walter Pelrine, Vice Chairperson



John Redman, Clerk



Keith Langer



Jennifer Savickis

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