



**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

RECEIVED
TOWN CLERK'S OFFICE
WRENTHAM, MA
2021 JAN 14 AM 10:18

**DECISION
ZBA CASE # 2020-23 SP-ADU**

Location of Property

105 Beach Street
Wrentham, MA 02093

Assessor's Reference

Assessor's Map: L-07
Block-Lot: 5-2

Owner Information

Edward F., Nancy M. & Brendan E. O'Neil
7 Tremont Street
Walpole, MA 02081

Applicant Information

Lorusso Building Inc.
P.O. Box 332
Norfolk, MA 02056

DECISION of the Wrentham Zoning Board of Appeals (hereinafter the "Board") on the petition of Lorusso Building 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 105 Beach Street, Wrentham, Massachusetts and shown as Wrentham Assessor's Map L-07, Block 5, Lot 2 (hereinafter the "Site"), owned by Edward F., Nancy M. & Brendan E. O'Neil (hereinafter the "Owners") by deed recorded in the Norfolk Registry of Deeds Book 38846, Page 360.

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 & 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 (remote participation*). During the public hearing all those wishing to speak to the petition were heard. Following public input the hearing was closed on January 13, 2021.

The following members were present and voting at the hearing: Chairperson William Casbarra, Vice Chairperson Walter Pelrine, Clerk John Redman, Members Shaun Gough and Keith Langer. At the hearing the Applicant presented the application on behalf of the Owner.

SUBMITTALS

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

1. Application packet received 12/16/20 including the following:
 - Application for Hearing dated 12/15/20; 2 pages
 - Affidavit of Residence dated 12/15/20; 1 page
 - Certified Abutters List and Locus dated 12/15/20; 4 pages
2. United Consultants Inc. Site Plan dated 10/27/20; 1 page
3. Dennis Colwell Architects Plan Set dated 12/14/20; including the following:

**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.*

- Sheets A1.0, A1.1, A1.2 Floor Plans
 - Sheets A2.0, A2.1 Building Elevations
4. United Consultants Inc. Site Plan Revised dated 10/27/20; 1 page
 5. Public Hearing Notice dated 12/21/20; 1 page
 6. Dean Johnson, DPW Comments dated 12/28/20; 1 page
 7. Wade Saucier, BOH Agent Comments dated 1/6/21; 1 page
 8. Quitclaim Deed dated 1/8/21 NCRD; 2 pages

FINDINGS

At their meeting of January 13, 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. The Applicant seeks a SPECIAL PERMIT under Section 4.11 of the ZBL to construct an 853 square foot Accessory Dwelling Unit (ADU) as part of a proposed new construction single family home totaling 3,305 square feet (Exhibit #2-#4).
2. The proposed ADU will be occupied by two of the Owners, Edward & Nancy O’Neil.
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).
4. With regard to Section 4.11.b. of the ZBL, the Board finds that two of the Owners, Edward F. & Nancy M. O’Neil will occupy the ADU, and their son Brendan E. O’Neil will occupy the main single family home.
5. With regard to Section 4.11.c. of the ZBL, the Board finds that the occupant of the ADU, Edward & Nancy O’Neil are related by blood / marriage to the main house occupant, Brendan O’Neil, their son.
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).
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 #3).
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 #3).
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. The Board notes that this is new construction and the additional parking has been accounted for in the design (Exhibit #2 & #4).
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 4-bedroom septic system which is adequate to handle the proposed construction. The Board further finds that the Applicant will be required to submit an updated site plan to the Board of Health showing the revised building layout for their septic permit to stay valid (Exhibit #7).

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 Architectural Floor Plans and Elevations in order to show that the proposed location and façade are in keeping with the neighborhood (Exhibit #3).
13. With regard to Section 4.11.5.a. of the ZBL, the Board finds that the proposed ADU will be 25% of the gross floor area will not exceed 40% of the gross floor area of the main dwelling (Exhibit #3).
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 (Exhibit #1).
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 January 13, 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 voted 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 853 square foot Accessory Dwelling Unit as presented by the Applicant and as shown on the Plans presented (Exhibit #3 & #4).
2. The proposed construction and activity shall be conducted substantially in accordance with the Plan and Application as submitted unless modified 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.
3. The authorized occupants of the ADU shall be Edward F. & Nancy M. O'Neil and this Special Permit shall be rescinded once they 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. The Applicant shall submit updated plans to the Board of Health for their septic permit and provide a copy to the Zoning Board.
8. The Applicant shall conform to the Wrentham Water Department regulations.
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. 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.
11. 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 January 13, 2021, 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 and 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 105 Beach Street based on the information received at the public hearing and the aforementioned findings.

BY ORDER OF THE BOARD:



Rachel Benson, Director of Planning & Economic
Development

1/14/2021

Date

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