



**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
2020 SEP 30 AM 8:43

**DECISION
ZBA CASE # 2020-13 SP-ADU**

Location of Property:
195 Beach Street
Wrentham, MA 02093

Assessor's Reference:
Assessor's Map: L-06
Block/Lot: 2-7

Owner Information:
Nancy Bethoney & David Fricker
195 Beach Street
Wrentham, MA 02093

Name of Applicant:
Nancy Bethoney & David Fricker
195 Beach Street
Wrentham, MA 02093

DECISION of the Wrentham Zoning Board of Appeals (hereinafter the "Board") on the petition of Nancy Bethoney and David Fricker (hereinafter the Owner/Applicant) for a SPECIAL PERMIT under Section 4.11 of the Wrentham Zoning Bylaw (hereinafter "ZBL") to construct an Accessory Dwelling Unit at 195 Beach Street, Wrentham, Massachusetts and shown as Wrentham Assessor's Map L-06, Block 2, Lot 7 (hereinafter the "Site"), owned by the Applicants by deed recorded in the Norfolk Registry of Deeds Book 33591, Page 178.

BACKGROUND

The above referenced application for a SPECIAL PERMIT was formally received on August 26, 2020. Notice of the public hearing and the subject matter thereof was published in the Sun Chronicle on September 8 & 15, 2020, posted with the Town Clerk's office on August 27, 2020 and abutters were notified by First Class Mail. The public hearing on the application was opened on September 23, 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 23, 2020.

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 Owners presented the application.

SUBMITTALS

The following items were submitted as Exhibits to the Board by the Applicant on August 26, 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 7/1/2020; 2 pages
 - b. Wrentham Certified Abutters List; dated 8/25/2020; 4 pages
 - c. Project Narrative; dated 8/12/2020; 1 page
2. Plans, to include the following sets:

**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.*

- a. Certified Plot Plan prepared by Continental Land Survey, LLC; dated July 1, 2020; black & white, 11"x17", 1 sheet
 - b. Architectural Plans showing room square footage, prepared by Konosky Associates, Inc.; dated August 14, 2020; color, 24"x36"; 2 sheets
 - c. Architectural Plan set prepared by Konosky Associates, Inc.; dated August 14, 2020, 24"x36"; 5 sheets
3. Hearing Notice; dated August 27, 2020; 1 page
 4. Correspondence, Email from Gary & Stephanie Duquette of 252 Beach Street, RE: 195 Beach Street Special Permit, dated/received: 9/13/2020; 1 page.

FINDINGS

At their meeting of September 23, 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 an 896.6 square foot Accessory Dwelling Unit (ADU) off of the existing 1,057 square foot single family house (Exhibit #2b).
2. The proposed Expanded ADU will be occupied by the Owners' mother, Isabella Bianco (Exhibit #1c).
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 #2b & #2c).
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 occupant of the ADU, Isabella Bianco are related by blood / marriage to the Owners (Exhibit #1c).
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. The Board further finds that the proposed ADU of 896.6 s.f. does not exceed the maximum of 900 square feet but is 42% of the existing single family home where 40% is required. However, the Applicant has indicated on the plans that along with the ADU addition they will be adding 925 s.f. of living space to the main house which will bring the ADU to 33% of the main house (Exhibit #2b & #2c).
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 #2b & #2c).
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 #2b & #2c).
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 #2a).

10. With regard to Section 4.11.h. of the ZBL, the Board finds that the lot currently has a septic system rated for three (3) bedrooms and is not sufficient for the additional one (1) bedroom ADU. The Board further finds that the Applicant will need to upgrade their septic or remove a bedroom from the main house to comply with the local and state septic requirements (Exhibit #2b).
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 #2a-c).
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 #2b).
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 #2a-c).
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 and will not adversely affect the neighborhood.

CONDITIONS OF APPROVAL

At their meeting of September 23, 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. Redman) 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 not to exceed construction of an 896.6 square foot Accessory Dwelling Unit.
2. The existing septic system is currently rated for a three (3) bedroom and as such will need to be upgraded to handle the proposed one (1) bedroom ADU in accordance with local and State regulations as authorized by the Board of Health. A copy of the Board of Health authorization shall be provided to the Building Commissioner and the Board of Appeals prior to obtaining a Certificate of Occupancy.
3. 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.
4. The authorized occupant of the ADU shall be Isabella Bianco and this Special Permit shall be rescinded once they no longer reside in the unit.

5. There will only be one ADU created and allowed for in this single-family dwelling.
6. The Owners shall occupy one of the dwelling units.
7. There shall be no more than one bedroom in this ADU.
8. The utilities for the ADU shall be off the main house and shall not be on a separate meter.
9. 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.
10. 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.
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 September 23, 2020, 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 **APPROVE/~~DENY~~ with Conditions** the Special Permit pursuant to Section 4.11 of the Wrentham Zoning Bylaws for an Accessory Dwelling Unit at 195 Beach Street based on the information received at the public hearing and the aforementioned findings.



William Casbarra, Chairperson

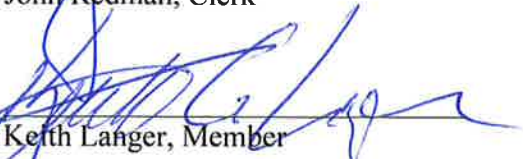


Walter Pelrine, Vice Chairperson



John Redman, Clerk

Shawn Gough, Member



Keith Langer, Member

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