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**TOWN OF WRENTHAM
ZONING BOARD OF APPEALS
WRENTHAM TOWN HALL
79 SOUTH STREET**

WRENTHAM, MASSACHUSETTS 02093

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Location of Property:
60 Cherry Street
Wrentham, MA 02093

Assessor's Reference:
Assessor's Map: H-04
Block-Lot: 5-6

Applicant:
RJG Atlas, LLC
65 Summer Street
Franklin, MA 02038

Owner of Record:
RJG Atlas, LLC
65 Summer Street
Franklin, MA 02038

DECISION of the Zoning Board of Appeals (hereinafter the "Board") on the petition of RJG Atlas, LLC (hereinafter the "Applicant/Owner") for a Special Permit under Section 6.9 & 9 of the Wrentham Zoning Bylaw (hereinafter "ZBL") and M.G.L. Ch. 40A, Sec. 9, for an Accessory Building in excess of 1,200 square feet in gross floor area on the property located at 60 Cherry Street, Wrentham, Massachusetts which is located in the Residential 87 (R-87) Zoning District and shown on Wrentham Assessor's Map H-04, Block-Lot 5-6 (hereinafter the "Site"). The Site is owned by RJG Atlas, LLC by deed recorded in the Norfolk Registry of Deeds Book 36985, Page 323.

BACKGROUND

The above referenced application for a Special Permit was formally received on October 27, 2020. Notice of the public hearing and the subject matter thereof was published in the Sun Chronicle on November 24 and December 1, 2020, posted with the Town Clerk's office on November 9, 2020 and abutters were notified by First Class Mail. The public hearing on the application was opened on December 9, 2020. During the public hearing all those wishing to speak to the petition were heard. Following public input the hearing was closed on December 9, 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 Rick Goodreau of United Consultants presented on behalf of the Applicant.

SUBMITTALS

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

1. Application packet received 10/26/20 including the following:
 - a. Application for Hearing dated 10/26/20; 2 pages

**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.*

- b. Certified Abutters List and Locus dated 8/19/20; 5 pages
2. United Consultants Inc. Plot Plan and Barn Special Permit Plan dated 10/23/20; 1 page
3. Dennis Colwell Architects Plan Set dated 10/9/20 including the following:
 - a. Drawing A1.0 Floor Plans
 - b. Drawing A2.0 Elevations
 - c. Drawing A2.1 Elevations
4. Public Hearing Notice, stamped by Town Clerk's office on November 9, 2020
5. Wade Saucier, Board of Health Agent Comments dated 11/16/20; 1 page

FINDINGS

At their meeting of December 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 5-0 (MOTION by Mr. Redman, SECOND by Mr. Pelrine) 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. That the Applicant/Owner seeks to construct a two-story Accessory Building at the Site with a footprint of 1,500 square feet and a gross floor area of 3,000 square feet. Said Accessory Building would be used for storage of vehicles and a personal workshop (Exhibit #1-#3).
2. That the Board received comments from the Board of Health Agent that he had no concerns with the project as submitted (Exhibit #6). The Board further noted that there would be no water service to the building.
3. That during the public hearing the Board and the representative discussed that the Owner is not proposing a water service to this structure and did not design the septic system for an additional bathroom within this structure.
4. That with regard to Section 6.9 of the ZBL, the Board finds that the Applicant is allowed to request a SPECIAL PERMIT issued by the ZBA, to construct an Accessory Building greater than 1,200 square feet.
5. That with regard to Section 6.9 of the ZBL, the Board finds that the Accessory Building shall not be located nearer to the side of rear lot line than the greater of the average height of such Accessory Building. The Board further finds that per the architectural plans (Exhibit #3) the Accessory Building shall be no closer than 21' feet from the side property line. The Board further finds that the Applicant is proposing a 26' side yard setback for this structure.
6. 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.
7. 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 December 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 5-0 (MOTION by Mr. Redman, SECOND by Mr. Pelrine) 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 Building in excess of 1,200 s.f. subject to the following conditions:

1. This SPECIAL PERMIT specifically authorizes a two-story 1,500 SF & 3,000 GFA Accessory Building for personal vehicle and personal workshop. Said construction shall not exceed those amounts as presented in the Application.
2. In accordance with Section 6.9 of the ZBL and as presented in the plans, the side yard setback for this structure shall be 26' feet.
3. This Accessory Building shall not be improved so as to be considered a habitable space.
4. The site work for this building shall not commence before approval of a building permit for the proposed single family house. A copy of the Building Permit shall be forwarded to the Zoning Board for its records.
5. 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.
6. 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.
7. The proposed construction 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 that then plan presented within the Exhibits of this Decision and is consistent with the intent and purpose of the Decision.
8. 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.
9. 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.
10. By recording this Special Permit in the NCRD, the Applicant agrees to and accepts the Conditions set forth in this Special Permit Decision.
11. 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.
12. 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.

13. 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.
14. 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.
15. 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 December 9, 2020, the Wrentham Zoning Board of Appeals voted 5-0 (MOTION by Mr. Redman, SECOND by Mr. Pelrine) 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 6.9 of the Wrentham Zoning Bylaws for an Accessory Building at 60 Cherry 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



Keith Langer

Not acting on this permit

William Burns

Not acting on this permit

Jennifer Savickis

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