



**TOWN OF WRENTHAM
ZONING BOARD OF APPEALS**

WRENTHAM TOWN HALL
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**DECISION
ZBA CASE # 2020-16 SP**

Location of Property:
121 East Street
Wrentham, MA 02093

Assessor's Reference:
Assessor's Map: M-09
Block-Lot: 3-10

Owner Information:
Nassim Farhat & Majlinda Shehi
121 East Street
Wrentham, MA 02093

Name of Applicant:
Nassim Farhat & Majlinda Shehi
121 East Street
Wrentham, MA 02093

DECISION of the Wrentham Zoning Board of Appeals (hereinafter the "Board") on the petition of Massim Farhat & Majlinda Shehi (hereinafter the Owner/Applicant) for a SPECIAL PERMIT under Section 13.4 of the Wrentham Zoning Bylaw (hereinafter "ZBL") for the Conversion of a Single Detached Dwelling to Double Attached Dwelling at 121 East Street, Wrentham, Massachusetts and shown as Wrentham Assessor's Map M-09, Block 3, Lot 10 (hereinafter the "Site"), owned by the Applicants by deed recorded in the Norfolk Registry of Deeds Book 38063, Page 165.

BACKGROUND

The above referenced application for a SPECIAL PERMIT was formally received on September 17, 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*) and continued to October 28, 2020. During the public hearing all those wishing to speak to the petition were heard. Following public input the hearing was closed on October 28, 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 Applicants.

SUBMITTALS

The following items were submitted as Exhibits to the Board by the Applicant on September 17, 2020:

1. Application packet received 9/17/20 including the following:
 - Application for Hearing dated 9/15/20; 2 pages
 - Certified Abutters List and Locus dated 9/15/20; 5 pages
2. Change of Use Plan by United Consultants Inc. dated 8/12/18; 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 Zoning Board of Appeals conducted their public hearings via remote participation.*

3. Plan Set by Dizdarson Construction dated 8/18/20 including the following:
 - Sheet A-0 Existing First Floor Plan and Proposed Basement Plan
 - Sheet A-1 Existing Second Floor Plan
 - Sheet A-2 Proposed First Floor Plan and Proposed Second Floor Plan
4. Public Hearing Notice dated 9/23/20; 1 page
5. Correspondence from Wade Saucier, BOH Agent, dated 9/30/20; 2 pages
6. Correspondence from John Naff, Bldg. Commissioner, dated 9/23/20; 1 page
7. Request for Public Hearing Continuance to 10/28/20 dated 10/19/20; 1 page
8. United Consultants, Inc. correspondence including the following:
 - letter dated 10/26/20; 1 page
 - Parking Plan; one page

FINDINGS

At their meeting of October 28, 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 Ms. Savickis) by Roll Call vote: Mr. Casbarra-Nay, 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.A.4 in the Residential 30 (R-30) zoning district for the Conversion of an existing Single Detached Dwelling to Double Attached Dwelling pursuant to Section 13.4 of the ZBL (Exhibit #1-#3 & #8).
2. That the Application proposes two Units;
 - a. Unit #1 will be on the first floor and include two bedrooms, one bathroom, one living room, one kitchen, one laundry room / utility room totaling 962 square feet.
 - b. Unit #2 will be two stories and include a kitchen, dining room, breakfast nook, one bathroom and an entrance through the garage on the first floor totaling 1,119 square feet and three bedrooms, one bathroom, one den, one laundry room and two attic storage spaces totaling 1,200 square feet. Unit #2 shall be approximately 2,319 square feet.
3. That the Application has adequate parking for the proposed use which is accessible from the existing driveway via a proposed gravel access.
4. That the Board received comments from the Board of Health Agent noting that the Applicant is currently upgrading the on-site septic system to accommodate the proposed use (Exhibit #5). The Board further finds that the Applicant will be required to adhere to the State Title V regulations and those as approved and conditioned by the Board of Health in regards to the septic construction and maintenance.
5. That the Board received comments from the Building Commissioner stating that the conversion shall be built in accordance to the Massachusetts Building Code 780 CMR (Exhibit #6).
6. That during the public hearing Ms. Lee Cantwell of 109 East Street was concerned about the lack of parking for the potential vehicles that could come from a five (5) bedroom double attached

dwelling. She asked about the septic tank and leaching field location being under the gravel driveway and the capability to allow for vehicles passing over it.

7. That during the public hearing Mr. Susi reviewed the septic tank and leaching field location and explained that the tank was rated to handle vehicle loads passing over top. Mr. Susi submitted a revised plan which graphically showed the parking locations; one in the garage and two in the front driveway, and four in the back gravel parking area to be accessed by proposed gravel driveway from the front driveway (Exhibit #3 & #8).
8. That during the public hearing the Board reviewed the existing Variance #2018-02(V) granted on the lot which allowed for the reduced lot size of 20,715 square feet in the R-30 zoning district.
9. That with regard to Section 13.4 of the ZBL, the Board finds that the Application does not propose to significantly alter the exterior of the building and will not detract from the character of the neighborhood (Exhibit #2 & #3).
10. 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.
11. 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 October 28, 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 Ms. Savickis) by Roll Call vote: Mr. Casbarra-Nay, Mr. Langer-Aye, Mr. Pelrine-Aye, Mr. Redman-Aye, Ms. Savickis-Aye to **GRANT the SPECIAL PERMIT for the Conversion of a Single Detached Dwelling to a Double Attached Dwelling** subject to the following conditions:

1. This SPECIAL PERMIT specifically authorizes the Conversion of a Single Detached Dwelling to a Double Attached Dwelling consisting of five bedrooms, two kitchens and three bathrooms at 121 East Street with no significant alteration to the exterior of the existing building as presented in the documents and plans submitted.
2. The parcel shall remain in single ownership with the Owner occupying one of the units.
3. The parcel shall only allow parking for seven (7) vehicles as shown on the submitted plans (Exhibit #8).
4. 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.

5. Validity: In accordance with Massachusetts General law c. 40A, Section 9, this Special Permit shall lapse after two (2) 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.
6. 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.
7. 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 28, 2020, the Wrentham Zoning Board of Appeals voted (MOTION by Mr. Redman, SECOND by Ms. Savickis) by Roll Call vote: Mr. Casbarra-Nay, Mr. Langer-Aye, Mr. Pelrine-Aye, Mr. Redman-Aye, Ms. Savickis-Aye to **APPROVE with Conditions** the SPECIAL PERMIT pursuant to Section 13.4 of the Wrentham Zoning Bylaws for the Conversion of a Single Detached Dwelling to a Double Attached Dwelling at 121 East Street based on the information received at the public hearing and the aforementioned findings.



William Casbarra, Chairperson




Walter Pelrine, Vice Chairperson



John Redman, Clerk

Not acting on application

Shawn Gough



Keith Langer

Not acting on application

William Burns

Jennifer Savickis

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