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**TOWN OF WRENTHAM  
ZONING BOARD OF APPEALS  
WRENTHAM TOWN HALL**

79 SOUTH STREET  
WRENTHAM, MASSACHUSETTS 02093  
(508) 384-5400 ext. 5441 • Fax: (508) 384-3174  
[planning@wrentham.ma.us](mailto:planning@wrentham.ma.us) • [www.wrentham.ma.us](http://www.wrentham.ma.us)

**DECISION  
ZBA 2020-22(SP)**

Location of Property:  
352 Forest Grove Avenue  
Wrentham, MA 02093

Assessor's Reference:  
Assessor's Map: M-13  
Block-Lot: 16-9

Applicant:  
Nancy K. Yannuzzi  
352 Forest Grove  
Wrentham, MA 02093

Owner of Record:  
Nancy K. Yannuzzi  
352 Forest Grove  
Wrentham, MA 02093

**DECISION** of the Zoning Board of Appeals (hereinafter the "Board") on the petition of Nancy Yannuzzi (hereinafter the "Applicant/Owner") for a SPECIAL PERMIT under Section 3.4 & 9 of the Wrentham Zoning Bylaw (hereinafter "ZBL") and M.G.L. Ch. 40A, Sec. 6, for the Expansion of a Pre-Existing Non-Conforming Single Detached Dwelling at 352 Forest Grove Avenue, Wrentham, Massachusetts which is located in the Residential 43 (R-43) Zoning District and shown on Wrentham Assessor's Map H-04, Block-Lot 5-6 (hereinafter the "Site"). The Site is owned by Nancy K. Yannuzzi deed recorded in the Norfolk Registry of Deeds Book 32410, Page 307.

**BACKGROUND**

The above referenced application for a SPECIAL PERMIT was formally received on November 16, 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 18, 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 Casbarra, Vice Chairperson Walter Pelrine, Clerk John Redman, Members Shawn Gough and Keith Langer. At the hearing the Jim Susi of United Consultants presented the application.

**SUBMITTALS**

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

*\*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.*

1. Application packet received 11/12/20 dated 11/9/20; 2 pages
2. United Consultants Project Narrative; no date; 1 page
3. Certified Abutters List dated 9/2/20; 4 pages
4. United Consultants Site Plan dated 6/12/17; 1 page
5. Bailow Architects Proposed First Floor Plan dated 3/26/17; 1 page
6. Zoning Board of Appeals Public Hearing Notice dated 11/18/20; 1 page
7. Dean Johnson, DPW Water Div. Mgr. Comments dated 11/18/20; 2 pages
8. Wade Saucier, Agent BOH comments dated 11/23/20; 1 page
9. Architectural Plan Set, prepared by Stephen P. Hamilton, Architect, dated Oct. 12, 2018, received 12/1/2020, black & white, 11" x 17", 5 sheets consisting of:
  - First Floor Plan
  - Second Floor Plan
  - Southeast Elevation
  - Southwest Elevation
  - Section

## **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. Casbarra) 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 seeks a SPECIAL PERMIT in accordance with ZBL Section 3.4 for the construction of a 12' x 30'; 320 square foot (s.f.) addition to an existing 1,208 s.f. single detached dwelling located at 352 Forest Grove Ave. Said addition would bring the total of the dwelling to 1,528 s.f. and will not create a new non-conformity (Exhibits #1, #2, #4 & #5).
2. That the Board reviewed the existing non-conformities versus the proposed which are:
  - a. Left side yard: 2.6' existing, 2.6' proposed
  - b. Right side yard: 7.1', existing, 7.1' proposed
  - c. Rear yard: 6.6' existing, 6.1' proposed,
  - d. Lot frontage: 40' existing, 40' proposed
  - e. Lot coverage of 35.7%, 34% proposed with roof recharge
3. That the Site is located within the Aquifer Protection Overlay District which restricts the total lot coverage to be not more than 15%. The Board further finds that the existing lot coverage is 35.7% and that the proposed site improvements include the installation of a roof recharge system which would bring the net total impervious area to 34% (Exhibit #4).
4. That the Board received comments from the DPW Water Division Manager that the water line would need to be replaced (Exhibit #7).
5. That the Board received comments from the Board of Health Agent stating that the Site is in a DEP Zone II nitrogen sensitive area of a public water supply and per the State's Title 5 regulations the lot cannot not meet the septic requirements of a two bedroom (Exhibit #8). The Board finds that the Applicant is proposing to only have one bedroom in this structure (Exhibit #9).
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. Casbarra) 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 the **Expansion of a Pre-Existing Non-Conforming Single Detached Dwelling** subject to the following conditions:

1. This SPECIAL PERMIT specifically authorizes an addition not to exceed 12' x 30'; 320 s.f. located at 352 Forest Grove Ave (Exhibit #2, #9).
2. That there shall only be one bedroom on this property (Finding #4).
3. 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.
4. 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.
5. The proposed construction an 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.
6. 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.
7. 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.
8. By recording this Special Permit in the NCRD, the Applicant agrees to and accepts the Conditions set forth in this Special Permit Decision. 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.
9. 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.

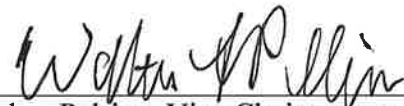
10. The Applicant shall take all necessary measures to minimize dust from rising and blowing across the site and onto roads and adjacent properties. Any sediment or dirt tracked onto public ways shall be swept prior to the end of the construction day.
11. Hours of construction shall occur Monday through 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.
12. 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. Casbarra) 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 3.4 of the Wrentham Zoning Bylaws for the Expansion of a Pre-Existing Non-Conforming Single Detached Dwelling at 352 Forest Grove Avenue based on the information received at the public hearing and the aforementioned findings.



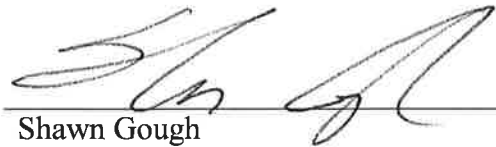
William Casbarra, Chairperson



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