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**TOWN OF WRENTHAM
ZONING BOARD OF APPEALS**

WRENTHAM TOWN HALL
79 SOUTH STREET
WRENTHAM, MASSACHUSETTS 02093
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DECISION

ZBA CASE # 2020-14 SP

Location of Property:
23 Lake Street
Wrentham, MA 02093

Assessor's Reference:
Assessor's Map: L-10
Block-Lot: 2-33

Owner Information:
Steven P. Clement, Trustee K&J Realty Trust
P.O. Box 367
Wrentham, MA 02093

Name of Applicant:
Steven P. Clement
P.O. Box 367
Wrentham, MA 02093

DECISION of the Wrentham Zoning Board of Appeals (hereinafter the "Board") on the petition of Steven Clement, Trustee of K & J Realty Trust (hereinafter the Owner/Applicant) for a SPECIAL PERMIT under Section 3.4 of the Wrentham Zoning Bylaw (hereinafter "ZBL") to allow for the Reconstruction of Pre-Existing, Non-Conforming Single Detached Dwelling at 23 Lake Street, Wrentham, Massachusetts and shown as Wrentham Assessor's Map L-10, Block 2, Lot 33 (hereinafter the "Site"), owned by the Applicants by deed recorded in the Norfolk Registry of Deeds Book 38005, Page 391.

BACKGROUND

The above referenced application for a SPECIAL PERMIT was formally received on September 9, 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 24, 2020 and abutters were notified by First Class Mail. The public hearing on the application was opened on October 14, 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 October 14, 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 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 for Hearing including the following:
 - Application for Hearing dated 9/2/20; 2 pages
 - Certified Abutters List dated 8/12/20; 5 pages
2. United Consultants Inc. Site Plan dated 8/31/20; 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. Chris Adcock Architecture, Inc. plans dated 7/21/20 including the following:
 - Sheet A1 Foundation Plan
 - Sheet A2 First Floor Plan
 - Sheet A3 Second Floor Plan
 - Sheet A4 Exterior Elevations
 - Sheet A5 Sections
 - Sheet P1 Exterior Views
 - Sheet T1 Exterior Views
4. Wrentham Zoning Board of Appeals Public Hearing Notice dated 9/24/20; 1 page
5. James & Christine Kearney letter of support dated 8/21/20; 1 page
6. Len Whitney letter of support dated 8/31/20; 1 page
7. Dana Reinhard letter of support dated 9/14/20; 1 page
8. Wade Saucier, BOH Agent Project Comments dated 10/2/20; 3 pages
9. Wade Saucier, BOH Agent Project Additional Comments dated 10/6/20; 1 page

FINDINGS

At their meeting of October 14, 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 Mr. Langer) by Roll Call vote: Mr. Casbarra-Aye, Mr. Langer-Aye, Mr. Pelrine-Aye, Mr. Redman-Aye, Ms. Savickis-Aye to make the following Findings:

1. The Applicant seeks a SPECIAL PERMIT in accordance with ZBL Section 3.4.d. for the demolition of an existing 1,152 square foot single detached dwelling and reconstruction of a 4,970 square foot single detached dwelling (Exhibit #1, #2 & #3) located at 23 Lake Street.
2. That during the public hearing the Board discussed that the site is located in the Aquifer Protection Overlay District which restricts the total lot coverage to not be more than 15%. The Board further discussed the recharge unit design would bring the lot coverage from 21.1% to 13.8% (Exhibit #2).
3. That during the public hearing the Board discussed the Board of Health's letter stating that the septic system that could be built on this lot would not exceed a three bedroom (Exhibit #8 & #9).
4. With regard to Section 3.4.d.1 of the ZBL, the Board finds that the structure shall be located on the same lot so as to increase the conformity of the existing setbacks (Exhibit #2).
5. With regard to Section 3.4.d.2 of the ZBL, that Board finds that the Residential 30 (R-30) zoning district allows for the use of Single Detached Dwellings by right.
6. With regard to Section 3.4.d.3 of the ZBL, the Board finds that the existing structure does not possess any historical significance within the community.
7. With regard to Section 3.4.d.4 of the ZBL, the Board finds that the proposed structure will decrease the non-conformity of the left side yard setback from 15.9 feet to 17.1 feet and all other setbacks will be in conformance, the gross floor area does not exceed 30% of the non-wetland area of the lot, and that the mass and design of the proposed structure is in harmony with the surrounding neighborhood (Exhibit #2 & #3).

8. 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.
9. 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 14, 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 Mr. Langer) by Roll Call vote: Mr. Casbarra-Aye, Mr. Langer-Aye, Mr. Pelrine-Aye, Mr. Redman-Aye, Ms. Savickis-Aye to **GRANT the SPECIAL PERMIT for the Reconstruction of a Pre-Existing Non-Conforming Single Detached Dwelling** subject to the following conditions:

1. This SPECIAL PERMIT specifically authorizes the demolition of an existing 1,152 square foot single detached dwelling and reconstruction of a 4,970 square foot single detached dwelling (Exhibit #1, #2 & #3, Finding #1) located at 23 Lake Street.
2. There shall be a total of three bedrooms located on this lot (Exhibit #8 & #9, Finding #3) and shall not be increased. A copy of the Board of Health authorization and septic as-built plan shall be provided to the Zoning Board of Appeals.
3. The proposed construction and activity shall be conducted substantially in accordance with the Plan and Application as submitted (Exhibit #2 & #3). 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. **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.
5. 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.
6. This Special Permit decision shall run with the land and shall be binding upon the property's owners as well as their administrators, successors and assigns.


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 14, 2020, the Wrentham Zoning Board of Appeals voted (MOTION by Mr. Redman, SECOND by Mr. Langer) by Roll Call vote: Mr. Casbarra-Aye, Mr. Langer-Aye, Mr. Pelrine-Aye, Mr. Redman-Aye, Ms. Savickis-Aye to **APPROVE with Conditions** the SPECIAL PERMIT pursuant to Section 3.4.d of the Wrentham Zoning Bylaws for the **Reconstruction of a Pre-Existing Non-Conforming Single Detached Dwelling** at 23 Lake Street based on the information received at the public hearing and the aforementioned findings.



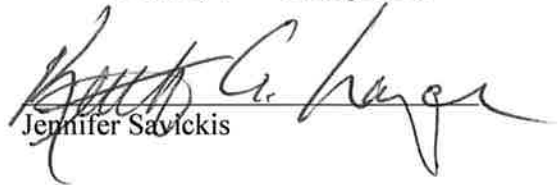
William Casbarra, Chairperson



Walter Pelrine, Vice Chairperson



John Redman, Clerk



Jennifer Savickis



Keith Langer

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