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**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

**DECISION
ZBA CASE # 2020-17 SP-ADU**

Location of Property:
474 Madison Street
Wrentham, MA 02093

Assessor's Reference:
Assessor's Map: N-06
Block-Lot: 1-3

Owner Information:
Timothy Burt & Jennifer Lynne Nieters
474 Madison Street
Wrentham, MA 02093

Name of Applicant:
Timothy Burt & Jennifer Lynne Nieters
474 Madison Street
Wrentham, MA 02093

DECISION of the Wrentham Zoning Board of Appeals (hereinafter the "Board") on the petition of Timothy Burt & Jennifer Lynne Nieters (hereinafter the "Applicant") for a SPECIAL PERMIT under Section 4.11 of the Wrentham Zoning Bylaw (hereinafter "ZBL") to construct an Accessory Dwelling Unit at 474 Madison Street, Wrentham, Massachusetts and shown as Wrentham Assessor's Map N-06, Block 1, Lot 3 (hereinafter the "Site"), owned by Timothy Burt & Jennifer Lynne Nieters (hereinafter the "Owner") by deed recorded in the Norfolk Registry of Deeds Book 38254, Page 219.

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*). 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 the Applicant and 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:

1. Application for Hearing dated 9/10/20; 2 pages
2. Affidavit of Residence dated 9/10/20; 1 page
3. Project Narrative dated 9/15/20; 1 page
4. Certified Abutters List dated 9/8/20; 4 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 Planning Board conducted their public hearings via remote participation.*

5. United Consultants Inc. Site Plan dated 9/16/20; 1 page
6. CME Architects, Inc. Architectural Plans dated 8/24/20 consisting of the following:
 - T1 Title Sheet
 - A1 Exterior Elevations
 - A3 Floor Plans
 - A5 Floor Framing Plans
 - D1 Demolition Plans
 - A2 Exterior Elevations
 - A4 Foundation Plan & Building Section
 - A6 Ceiling & Roof Framing
7. United Consultants Inc. Septic Design dated 6/9/20; 2 pages
8. Public Hearing Notice dated 9/23/20; 1 page
9. CME Architects, Inc. Architectural Plan Sheet A3 Revised dated 8/24/20; 1 page
10. Board of Health Agent Wade Saucier, PSC comments dated 10/2/20; 2 pages

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. Pelrine) 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 under Section 4.11 of the ZBL to construct an 840 square foot Accessory Dwelling Unit (ADU) off an existing single family home consisting of 2,156 square feet (Exhibit #3 & #6).
2. The proposed ADU will be occupied by the Owners' mother, Donna Burt (Exhibit #3).
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 #3 & #6).
4. With regard to Section 4.11.b. of the ZBL, the Board finds that the Owners will 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, Donna Burt is related by blood / marriage to the Owners (Exhibit #3).
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 and does not exceed the allowed 900 square feet. (Exhibit #5, #6 & #9).
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 #6 & #9).
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 #6 & #9).
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 #5).

10. With regard to Section 4.11.h. of the ZBL, the Board finds that the lot has a septic system which is adequate to handle the proposed construction (Exhibit #10).
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 Sewage Disposal Plan, Architectural Floor Plans and Elevations in order to show that the location and proposed façade (Exhibit #5-#7 & #9) are in keeping with the neighborhood.
13. 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.
14. 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 project, 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. Pelrine) 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 an **Accessory Dwelling Unit** subject to the following conditions:

1. This Special Permit specifically authorizes the construction of an 840 square foot Accessory Dwelling Unit at 474 Madison Street.
2. 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.
3. The authorized occupant of the ADU shall be Donna Burt and this Special Permit shall be rescinded once she moves out.
4. There will only be one ADU created and allowed for in this single-family dwelling.
5. The Owners shall occupy one of the dwelling units.
6. There shall be no more than two bedrooms in this ADU.
7. 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.
8. In accordance with ZBL Section 9 and Massachusetts General Law c. 40A, Section 9, this Special Permit shall lapse after two years from the date of the recording 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.

9. 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.

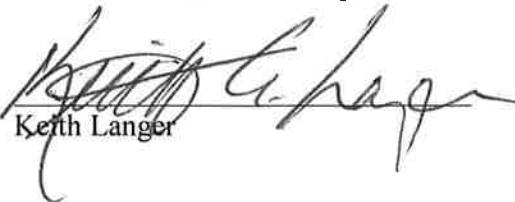
DECISION OF THE BOARD

On October 14, 2020, the Wrentham Zoning Board of Appeals voted (MOTION by Mr. Redman, SECOND by Mr. Pelrine) 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 4.11 of the Wrentham Zoning Bylaws for an Accessory Dwelling Unit at 474 Madison Street based on the information received at the public hearing and the aforementioned findings.


William Casbarra, Chairperson


Walter Pelrine, Vice Chairperson


John Redman, Clerk


Keith Langer


Jennifer Savickis

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