



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

**79 SOUTH STREET
WRENTHAM, MASSACHUSETTS 02093
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**DECISION
ZBA CASE # 2020-18 SP-ADU**

Location of Property:
83 Thurston Street
Wrentham, MA 02093

Assessor's Reference:
Assessor's Map: N-09
Block-Lot: 20-2

Owner Information:
Mark R. & Lynne-Marie Dubeau
83 Thurston Street
Wrentham, MA 02093

Name of Applicant:
Mark R. & Lynne-Marie Dubeau
83 Thurston Street
Wrentham, MA 02093

DECISION of the Wrentham Zoning Board of Appeals (hereinafter the "Board") on the petition of Mark R. Dubeau & Lynne-Marie Dubeau (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 83 Thurston Street, Wrentham, Massachusetts and shown as Wrentham Assessor's Map N-09, Block 20, Lot 2 (hereinafter the "Site"), owned by Mark R. Dubeau & Lynne-Marie Dubeau (hereinafter the "Owner") by deed recorded in the Norfolk Registry of Deeds Book 20465, Page 286.

BACKGROUND

The above referenced application for a SPECIAL PERMIT was formally received on October 8, 2020. Notice of the public hearing and the subject matter thereof was published in the Sun Chronicle on October 13 & 20, 2020, posted with the Town Clerk's office on October 8, 2020 and abutters were notified by First Class Mail. The public hearing on the application was opened on October 28, 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 28, 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 the Applicant 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 10/1/20; 2 pages
2. Project Narrative dated 10/1/20; 1 page
3. Affidavit of Residence dated 10/1/20; 1 page
4. Certified Abutters List dated 9/23/20; 5 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 Site Plan dated 9/30/20; 1 page
6. JP Rodgers Architectural Plans, no date, including the following:
 - Sheet 1 Front Elevation
 - Sheet 2 Rear Elevation
 - Sheet 3 Right Side Elevation and Cross Section
 - Sheet 4 Addition First Floor Plan
 - Sheet 5 Addition Foundation Plan
 - Sheet 6 Addition Roof Layout
7. Public Hearing Notice dated 10/8/20; 1 page
8. Wade Saucier, Board of Health Agent Comments dated 10/16/20; 1 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. Pelrine, SECOND by Mr. Redman) 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. The Applicant seeks a SPECIAL PERMIT under Section 4.11 of the ZBL to construct a 574 square foot Accessory Dwelling Unit (ADU) off an existing single family home consisting of 1,731 square feet (Exhibit #3 & #6).
2. The proposed ADU will be occupied by the Owners' mother, Judith Dubeau (Exhibit #2).
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 #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 finds that the occupant of the ADU, Judith Dubeau, is related by blood / marriage to the Owners (Exhibit #2).
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 #6).
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).
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 from the main dining area (Exhibit #6).
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 #8).

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 Site Plan, Architectural Floor Plans and Elevations in order to show that the location and proposed façade are in keeping with the neighborhood (Exhibit #5 & #6).
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 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. Pelrine, SECOND by Mr. Redman) 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 Dwelling Unit** subject to the following conditions:

1. This Special Permit specifically authorizes the construction of a 574 square foot Accessory Dwelling Unit at 83 Thurston 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 Judith Dubeau 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 one bedroom 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 28, 2020, the Wrentham Zoning Board of Appeals voted (MOTION by Mr. Pelrine, SECOND by Mr. Redman) 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 4.11 of the Wrentham Zoning Bylaws for an Accessory Dwelling Unit at 83 Thurston 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, Member



Keith Langer, Member

Not acting on application

William Burns, Member

Not acting on application

Jennifer Savickis, Member

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