



**TOWN OF WRENTHAM
ZONING BOARD OF APPEALS**

WRENTHAM TOWN HALL
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**DECISION
ZBA CASE # 2020-19 V**

Location of Property:
201 Wampum Street
Wrentham, MA 02093

Assessor's Reference:
Assessor's Map: K-10
Block-Lot: 1-9

Applicant:
Ramben LLC
28 Tia Place
Franklin, MA 02038

Owner of Record:
Ramben LLC
28 Tia Place
Franklin, MA 02038

DECISION of the Zoning Board of Appeals (hereinafter the "Board") on the petition of Ramben LLC (hereinafter the "Applicant") for a VARIANCE under Section 10 of the Wrentham Zoning Bylaw (hereinafter "ZBL") and M.G.L. Ch. 40A, Sec. 10, to allow for a reduced frontage of 140.05 feet where 200 feet is required for the property located at 201 Wampum Street, Wrentham, Massachusetts and shown on Wrentham Assessor's Map L-03, Block-Lot 2-12 (hereinafter the "Site") located in the R-87 zoning district. Said parcel is owned by Ramben LLC (hereinafter "Owner") by deed recorded in the Norfolk Registry of Deeds Book 21935, Page 281.

BACKGROUND

The above referenced application for a Variance 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 Shaun Gough and William Burns. At the hearing the Applicant and Jim Susi of United Consultants, Inc. 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. Certified Abutters List dated 10/1/20; 5 pages
3. Variance Request; no date; 1 page
4. Project Narrative; no date; 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 Planning Board conducted their public hearings via remote participation.*

5. United Consultants Plans dated 7/17/20; consisting of the following:
 - Sheet 1 – Existing Conditions
 - Sheet 2 – Layout Plan
 - Sheet 3 – Grading Plan
 - Sheet 4 – Driveway Profile
6. Public Hearing Notice dated 10/8/20; 1 page
7. Wade Saucier, Board of Health Agent comments dated 10/16/20; 1 page
8. United Consultants Plan of Land for Plainville dated 7/17/20; 1 page
9. United Consultants Progress Prints Revised 10/27/20; consisting of the following:
 - Sheet 1 Existing Conditions
 - Sheet 2 Layout Plan
 - Sheet 3 Grading Plan
 - Sheet 4 Driveway Profile

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 finds that:

1. That the Applicant seeks a VARIANCE under Section 10 of the Zoning Bylaw and M.G.L. Ch. 40A s. 10, to allow for a reduced frontage of 140.05 feet (Exhibit #1, #3-#5, #8 & #9).
2. That the Site is split by Wrentham's town line with Plainville; with approximately 190,960 square feet in Plainville and 117,954 square feet in Wrentham (Exhibit #8).
3. That the Applicant seeks to construct a single detached dwelling on a split lot; with conforming frontage for Plainville, but nonconforming frontage in Wrentham as required in ZBL Section 6, Dimensional Regulations for the R-87 zoning district.
4. That during the public hearing the Board discussed the ownership of the 177 Wampum St parcel. The Board was concerned that granting a Variance without the Applicant legally owning the parcel was pre-emptive and the Applicant should have applied for a Variance once they obtained legal ownership.
5. That during the public hearing 181 Wampum St stated they were concerned about the drainage and the existing access path. Mr. Susi reviewed the plans and stated that the new driveway will be constructed of previous material.
6. That during the public hearing Mr. Quinn of 179 Wampum St. stated he was concerned with the existing drainage that runs into his lot. Mr. Susi reviewed the proposed drainage design and stated that it will consist of an earthen berm, a "plunge pool" and yard drain with piping to collect and move the water away from his and other properties (Exhibit #9).
7. That the Site is proposing to gain its frontage from 177 Wampum Street in Plainville, where 140 feet is the required minimum frontage. The Board further finds that due to the location of the structure and septic being proposed on the Wrentham portion of the Site a variance is requested to allow for the reduced frontage to make the lot conforming to Wrentham standards.

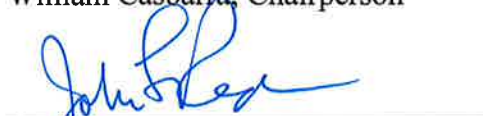
8. The proposed activity which is the subject of this application is to allow for the construction of a single detached dwelling on a vacant parcel of land.
9. The literal enforcement of the provisions of the bylaw would not involve a substantial hardship, financial or otherwise, to the Applicant, as a conforming house can be built on the Plainville portion of the Site.
10. The hardship is not owing to circumstances relating to the soil conditions, shape or topography of such land or structures and is not unique to the neighborhood or the zoning district in which the Site is located. The abutting parcels are of different ownership which gain their frontage on Wampum Street in Plainville and most have their houses located in Plainville, where they meet the Plainville frontage requirement. The Board further finds that the lot was created after the zoning bylaw was adopted in Wrentham and is a self-made hardship.
11. That desirable relief cannot be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the bylaw (Finding #5 & #6).

DECISION OF THE BOARD

On October 28, 2020, the Wrentham Zoning Board of Appeals made a motion to approve the Variance as requested with conditions by Roll Call vote: Mr. Burns-Nay, Mr. Casbarra-Nay, Mr. Gough-Aye, Mr. Pelrine-Aye, Mr. Redman-Aye, where the motion failed to gain the required four affirmative votes to pass. as a result, the Application for a VARIANCE was **DENIED**. In accordance with 40A, Section 16, no appeal, application or petition which has been unfavorably and finally acted upon by the Board of Appeals shall be acted upon favorably within two (2) years after the date of final unfavorable action unless said permit granting authority finds, by a unanimous vote of four members or a five-member board, that specific and material changes in the conditions upon which the precious unfavorable action was based have occurred.


William Casbarra, Chairperson


Walter Pelrine, Vice Chairperson


John Redman, Clerk

Shawn Gough, Member

Not acting on this application
Keith Langer, Member


William Burns, Member

Not acting on this application
Jennifer Savickis, Member

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