

SPECIAL PERMIT
41 -43 Grapevine Road

DATE: October 8, 2020

RECEIVED-TOWN CLERK
WENHAM, MA 01984

2020 NOV -3 AM 10:41

PLANNING BOARD
TOWN OF WENHAM
MASSACHUSETTS
RECORD AND DECISION
41 -43 Grapevine Road

LOCUS: 41 - 43 Grapevine Road
Wenham MA 01984
Assessor's Map 30, Lots 18 and 15

ZONING DISTRICT: Residential Zoning District

OWNER: John E. Coughlin
41 Grapevine Road
Wenham, MA 01984

APPLICANTS: Jay Coughlin
41 Grapevine Road
Wenham, MA 01984

ENGINEER: Thomas Manna Inc.
28 Forest Ridge Drive
Rowley, MA 01969

DRAWINGS & REPORTS: *(ALL INCORPORATED HEREIN BY REFERENCE)*

- A one (1) page Site Plan entitled "Site Plan of Land at 43 Grapevine Road in Wenham, MA" Prepared by Thomas Manna Incorporated, 28 Forest Ridge Drive, Rowley, MA 01969 dated 8/2/2020 with a latest revision date of 10/14/20 scale 1" = 20'
- Definitive Plan, Grapevine Way in Wenham, Massachusetts created by Hancock Survey Associates 235 Newbury Street, Danvers, MA dated 7/24/1996 recorded at the Essex Registry of Deeds Plan Book 311, Plan 75.
- Document entitled "Agreement For Improvements to Grapevine Way" recorded at the Essex Registry of Deeds Book 34365 Page 226.

SPECIAL PERMIT APPROVAL
41 - 43 Grapevine Road

The Planning Board of the Town of Wenham, Massachusetts held a Public Hearing in accordance with MGL Chapter 40A, Section 11 and the Town of Wenham Zoning Bylaw Section 5.2.6 (Residential Driveways- Maximum Distance) and Section 13.4 (Special Permits) on Thursday October 8, 2020 at 7:30 p.m. at the TOWN HALL, 138 MAIN STREET, Wenham, Massachusetts. This meeting was held virtually via Zoom. This hearing was on the petition of Jay Coughlin of 41 Grapevine Rd. Wenham, Massachusetts, for a Special Permit to allow access to 41 Grapevine Road via a driveway through 43 Grapevine Road in excess of 500 feet at 41 and 43 Grapevine Road (Map

30, Lots 18 and 15).

A notice of public hearing on this application was advertised as follows, a true copy of which is on file in the office of the Planning Board:

- 1) Published in Chronicle and Transcript, a newspaper of general circulation in the Town of Wenham on Thursday September 24, 2020 and Thursday October 1, 2020.
- 2) Posted at the Town Clerk's office September 17, 2020.
- 3) Mailed September 17, 2020 to the petitioner, abutters, owners of the land directly opposite the property in question on any public or private street or way, abutters to abutter within 300 feet of the subject property.

The public hearing on the special permit application opened on Thursday October 8, 2020 virtually via the Zoom platform. The Board closed the hearing and voted on the application that evening.

The following members attended each session of the public hearing where evidence was given: Virginia Rogers, Ann Weeks, Daniel Pasquarello, Peter Clay, and David Anderson.

ACTION ON APPLICATION FOR SPECIAL PERMITS: APPROVED WITH CONDITIONS

VOTE: (Yes) Ann B. Weeks (Yes) Daniel J. Pasquarello (Yes) Virginia Rogers
(Yes) Peter Clay (Yes) David B. Anderson

(A) = Absent or not present during the entire hearing process and therefore not eligible to vote.

FINDINGS

After thorough analysis and deliberation, the Planning Board finds that the Applicant has complied with all pertinent provisions of the Town of Wenham Zoning Bylaws Section 5.2.6 (Residential Driveways- Maximum Distance) and Section 13.4 (Special Permits).

Specifically, the Planning Board finds that the Applicant has submitted plans and accompanying documents requesting approval for a Special Permit under the Town's Residential Driveways provision. The driveway as proposed exceeds the maximum distance (500 ft) allowed under Section 5.2.6.2. The proposed driveway is 642 feet from the intersection at Grapevine Road and follows an existing driveway at 43 Grapevine Road. The Applicant has purchase 43 Grapevine Road and demolished the existing single family home in order to increase his privacy and construct an access to his property at 41 Grapevine.

The house at 41 Grapevine is currently accessed by a driveway that also serves 37 Grapevine Road, and that is shown on a plan entitled "Definitive Plan Grapevine Way" dated October 17, 1996, which was endorsed by the Planning Board on October 17, 1996, and recorded at the Essex Registry of Deeds Plan Book 311 Plan 75. The decision for this subdivision is recorded at the Essex Registry of Deeds in Book 13813 Page 563. Both lots are subject to the conditions of the recorded decision. The Board found no condition which would restrict the Applicant from constructing a new driveway

from Grapevine Road to his property at 41 Grapevine, through the property at 43 Grapevine Road which is now in the Applicant's possession.

The Board received notice from the Fire Department that so long as the current 41 Grapevine Road connection to the driveway known as "Grapevine Way" is not abandoned then the Fire Department has no issues with the current proposed driveway. The Applicant has applied to the Conservation Commission and received a negative Determination of Applicability for construction of the new driveway.

The Board took into consideration the following criteria as outlined in Section 13.4.3:

1. Community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impacts on the natural environment; and
6. Potential fiscal and economic impact, including impact on town services, tax base, and employment.

The Board finds that the proposed driveway is in accordance with the approval criteria listed above and that its adverse effects will not outweigh its beneficial impact to the Town or neighborhood. There is currently a driveway, located between Grapevine Road and the house that was demolished at 43 Grapevine Road, and in approximately the same location which the Applicant's proposed driveway would lie. Although the Planning Board was concerned that the driveway as proposed might impact the wetlands on the 43 Grapevine Road property, the Conservation Commission was satisfied with the proposal. The Planning Board has reinforced the need for the Applicant to adhere to the requirements of the Conservation Commission's decision.

DECISION

Now, therefore, by a vote of 5 to 0, a unanimous vote, the Planning Board hereby approves the subject application for Town of Wenham Zoning Bylaw Section 5.2.6 (Residential Driveways- Maximum Distance) and Section 13.4 (Special Permits) subject to the below Special and General Conditions:

SPECIAL CONDITIONS

1. Applicant must adhere to all requirements of the Conservation Commission Determination of Applicability issued to Jay Coughlin, 41 Grapevine Road, Wenham, MA 01984 which was filed with the Conservation Commission on August 24, 2020.
2. In order to adhere to the requirements of the Fire Department the use of the current driveway access to the house at 41 Grapevine Road, as shown on the plan entitled "Definitive Plan Grapevine Way" shall not be abandoned and will continue to be maintained per the current Agreement For Improvements to Grapevine Way recorded at the Essex Registry of Deeds Book 34365 Page 226.

GENERAL CONDITIONS

1. **RECORDING AT REGISTRY OF DEEDS:** Within sixty (60) days of the expiration of the twenty (20) day appeal period, the Applicant shall record the endorsed Decision at the Registry of Deeds. Evidence of such recording shall be submitted to the Planning Department and to the Building Commissioner prior to the initiation of any construction activities.
2. **NO DEVIATION FROM APPROVED PLAN:** There shall be no deviation from the approved Site Plan and Conditions of this Decision without prior written approval of the Planning Board. Any modifications to the Final Development Plans may be allowed subject to the review and approval of the Planning Board. In the event that the Applicant anticipates that some deviation is either necessary or desirable, he (she) shall notify the Planning Board in writing requesting modification of the Plan or the Conditions. No such request may be granted until after a subsequent Public Hearing before the Planning Board is conducted for the purpose of fully discussing such modification.
3. **ZONING ORDINANCE COMPLIANCE:** No aspect of this Special Permit decision or of any Condition of Approval shall be construed in such a manner so as to alleviate an owner, Applicant, assign, or successor from full compliance with all other pertinent provisions and requirements of the Town of Wenham Zoning Bylaw.
4. **REVIEW BY OTHERS:** The Applicant shall secure all requisite permits prior to commencing any construction on the site. We specifically call your attention to the possibility of need for permits or other approvals from the Board of Health, Conservation Commission, Wenham Historical Commission, Affordable Housing Trust and the Building Department. Additionally, regulatory agencies of the Commonwealth may have jurisdiction over this project. The Applicant shall address any other outstanding issues that may have been raised in the interdepartmental review of the proposed project.
5. **PLAN MODIFICATION BY OTHERS:** Should a permit from any other entity include provisions which require a revision of the Plan, such revision shall be submitted to and approved by the Planning Board prior to the start of any construction activities in accordance with General Condition 2, above.
6. **LAPSE:** Special permits shall lapse if substantial use or construction as granted under a permit has not commenced without good cause within one year from granting. This time limit excludes the time required to pursue or await the determination of an appeal.

SPECIAL PERMIT
41-43 Grapevine Road

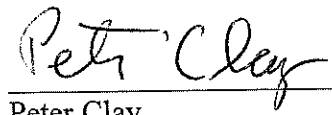
DATE: October 8, 2020

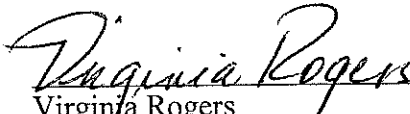
The Board affirms that all provisions of Sections 9 & 11, Chapter 40A of the General Laws and Wenham Zoning Bylaw Section 13.4 (Special Permit) were complied with as regards procedures.

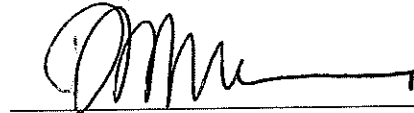
The Decision shall not take effect until recorded in the Essex County Registry of Deeds and/or Land Court after certificate by the Town Clerk, as required by MGL, Chapter 40A, Section 11. Appeals from this Decision, if any, shall be made pursuant to MGL, Chapter 40A, Section 17 and shall be filed within 20 days after the date of the filing of this Decision in the office of the Town Clerk.

WENHAM PLANNING BOARD


Ann B. Weeks


Peter Clay


Virginia Rogers


David Anderson


Daniel Pasquarello

Date: Nov 2, 2020

FILED IN THE OFFICE OF THE
TOWN CLERK ON

November 3, 2020
BY Deanna H. Bucar

I hereby certify that 20 days have elapsed from the date this decision was filed with this office and no notice of appeal was received during that period.

ATTEST

TOWN CLERK DATE