

DECOULOS & COMPANY

ENVIRONMENTAL ENGINEERING & LAND PLANNING

VIA EMAIL AND HAND DELIVERY

Tuesday, August 17, 2021

Ms. Virginia L. Rogers, Acting Chairman
Wenham Planning Board
138 Main Street
Wenham, MA 01984

RE: *Definitive Subdivision of 60 Arbor Street, Wenham;
Wenham Assessor Map 13, Parcels 84 and 84A*

RECEIVED-TOWN CLERK
WENHAM, MA 01984
2021 AUG 17 PM 2:36

Dear Chairman Rogers and members of the Board:

On behalf of Susan M. Hamilton and Jeffrey P. Hamilton, enclosed herewith is an application and supporting materials for approval of the definitive subdivision of land located at 60 Arbor Street pursuant to the requirements of the Subdivision Control Law, G.L. c. 41, §§ 81K-81GG; the Wenham Zoning Bylaws; the Rules and Regulations Governing the Subdivision of Land dated 1984 (the "Regulations"); and, the Wenham Planning Board Administrative Rules and Regulations, as amended.

The property is described by the Wenham Assessors on Map 13 as Parcels 84 and 84A. It is further described in a deed recorded at the Essex South Registry of Deeds in Book 31953, Page 274; as Lot 1 on Land Court Plan 20396B; and, as Lot 3 on Land Court Plan 20396C (the "Site").

The following exhibits are enclosed:

- A. Signed application for Approval of Definitive Plan, Town of Wenham¹;
- B. Certified abutters' list ²;
- C. Check in the amount of \$500.00; and
- D. Two sets of plans entitled "Definitive Subdivision at 60 Arbor Street; property of Susan M. Hamilton and Jeffrey R. Hamilton; Civil Engineer: Decoulos & Company, LLC; Date: August 16, 2021" (the "Plans").

¹ The application was provided by Planning Coordinator Margaret Hoffman and is intended to replace the Form C application in the Regulations.

² Principal Assessor Steven Ozahowski emailed a certified list of abutters on August 17, 2021, but it failed to include abutters to Map 13, Parcel 84A or abutters within 300 feet of the Site. Accordingly, we are using a certified abutters' list from 2020.

Ms. Virginia L. Rogers, Acting Chairman
Wenham Planning Board
Tuesday, August 17, 2021

The application is similar to a definitive subdivision application filed by the Hamiltons on February 18, 2020. That application was denied by the Planning Board on March 11, 2021. The present application is submitted without prejudice to the Hamiltons' prior application and the positions asserted in their pending Land Court appeal.

The March 11th decision relied on nineteen reasons for the denial of the previous definitive subdivision application. Each of the nineteen reasons have been addressed in the attached Plans. The specific action taken on each cause of denial is as follows:

1. Monuments and benchmarks are shown on Sheet C1 of the Plans. No groundwater was observed from any soil tests conducted at the Site. Sheet C1 notes that FEMA has identified the entire Site as an area of minimal flooding, Zone X. Lastly, one-foot contours are shown on Sheet C1 of the Plans;
2. A separate utility plan has been added to the Plans – Sheet C5. Soil test pit data is shown on Sheet C1;
3. A typical roadway cross section is shown on Sheet C8;
4. The centerline of the proposed roadway has been staked at 100-foot intervals showing the cut and fill at each location, as well as the lot frontage of the newly created lot;
5. Test pits for the storm water system are provided on Sheet C1 and a subsurface test pit program will provide additional data;
6. Test pits have been submitted and stamped by a Registered Professional Engineer;
7. A subsurface test pit program has been presented on Sheet C3 and the test pits will be inspected by the Health Agent;
8. The Hamiltons specifically request approval for the division of the Site into two residential building lots that conform with the Zoning Bylaws (Lots 5 and 6) and one substandard lot that is non-conforming (Lot 7);
9. The property line radius at the street intersection is 40 feet. See Sheet C2;
10. The profile includes vertical curvature. See Profile on Sheet C6;
11. The Plans show a cross slope of 2% on the pavement on Sheets C4 and C8;
12. The Plans show a maximum slope of 3% for the first 75 feet of the proposed pavement from Arbor Street. See Sheet C4;

Ms. Virginia L. Rogers, Acting Chairman
Wenham Planning Board
Tuesday, August 17, 2021

13. Section 4.3.1 of the Regulations does not apply along existing public ways and is intended to be applied for curb cuts within new subdivisions. To create the greatest separation possible, we have split the difference between the existing driveways on Arbor Street and have placed the centerline of the proposed pavement 75 feet from the driveways at 60 and 70 Arbor Street. See Sheet C5;
14. Catch basin number 1 has been moved to the south and is no longer within a driveway cut section. See Sheet C4;
15. The extent of work is in compliance with Schedules A, B and C of the Regulations. A typical cross section is provided on Sheet C8;
16. A level area of at least two feet is provided from the shoulders of the proposed road to the toe of the proposed slopes. See Sheets C4 and C8;
17. The standard sump depth of the proposed catch basins is four feet. See Sheet C8;
18. Reinforced concrete pipe is used for all drainage piping. See Sheet C4; and
19. Street trees have been proposed at forty-foot intervals. See Sheet C7.

The Hamiltons rely on the Stormwater Management Report dated October 30, 2020 to satisfy the drainage requirements of Section 3.3.3.18 of the Regulations; and, the Environmental Assessment dated February 10, 2021 to satisfy the environmental requirements of Section 3.3.3.21 of the Regulations. Both of these reports were submitted as part of the definitive subdivision application filed by the Hamiltons on February 18, 2020. We would be glad to provide additional hard copies or email the documents under separate cover.

Please feel free to contact us if you have any other questions or concerns. Thank you.

Very truly yours,



James J. Decoulos, PE, LSP
jamesj@decoulos.com

cc: Trudy Reid, Wenham Town Clerk (*cover letter and application only*) *via hand delivery*
Dr. Andrew Ting, Chairman, Wenham Board of Health *via email*
Margaret Hoffman, Planning Coordinator *via email*
Donald R. Pinto, Jr., Esq., Pierce Atwood, LLP *via email*
Susan M. Hamilton and Jeffrey P. Hamilton *via email*

EXHIBIT A

HAMILTONS' APPLICATION FOR
DEFINITIVE SUBDIVISION APPROVAL

APPLICATION FOR APPROVAL OF
DEFINITIVE PLAN
Town of Wenham, Massachusetts

For Town Clerk Date Stamp

To the Planning Board:

The undersigned herewith submits the accompanying Definitive Plan of property located in the Town of Wenham for approval as a subdivision as allowed under the requirements of the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land of the Planning Board of the Town of Wenham.

1. Name of Subdivision Definitive Subdivision at 60 Arbor Street

2. Name of Applicant Susan M. Hamilton and Jeffrey R. Hamilton

Address 60 Arbor Street, Wenham, MA

Phone 978-500-4761

Email sueham@comcast.net

3. Name of Engineer or Surveyor Decoulos & Company, LLC

Address 185 Alewife Brook Parkway, Cambridge, MA

Phone 617-489-7795

Email jamesj@decoulos.com

4. Name of Owner same as Applicant

Address _____

Phone _____

Email _____

5. Deed of Property recorded in South Essex Registry,

Book 31953 Page 274 (see also Land Court Doc #366821)

6. Location and description of Property:

- Assessors Map 13 Assessors Lot 84 and 84A
- Street Address 60 Arbor Street
- Property Description 3.14 acre parcel of land improved by a single family house with an attached garage.
Frontage along Arbor Street is 263.50 feet.

7. Check one:

- ☐ Said Plan has evolved from a Preliminary Plan that was submitted and approved by the Planning Board.
- Submitted to the Board on _____
 - Approved by the Board on _____
- ☒ Said Plan has not evolved from a Preliminary Plan that was submitted and approved by the Planning Board.

8. Title of Plan Submitted Definitive Subdivision at 60 Arbor Street by Decoulos & Company, LLC.

9. Date of Plan Submitted August 16, 2021


Signature of Applicant



Signature of Owner if Different from Applicant

EXHIBIT B

CERTIFIED ABUTTERS' LIST



300 foot Abutters List Report

Wenham, MA

May 04, 2020

Subject Property:

Parcel Number: 013-0084
CAMA Number: 013-0084
Property Address: 60 ARBOR ST

Mailing Address: HAMILTON JEFFREY R
60 ARBOR ST
WENHAM, MA 01984

Abutters:

Parcel Number: 008-0001
CAMA Number: 008-0001
Property Address: 65 ARBOR ST

Mailing Address: SUMINSBY DORIS R TR
65 ARBOR ST
WENHAM, MA 01984

Parcel Number: 008-0001-000A
CAMA Number: 008-0001-000A
Property Address: 67 ARBOR ST

Mailing Address: SUMINSBBY J DAVID & JULIANA RUTH
TR
67 ARBOR ST
WENHAM, MA 01984

Parcel Number: 008-0002
CAMA Number: 008-0002
Property Address: 13 FOSTER ST

Mailing Address: CANNON EMILY O'CONNELL & C
TIPMORE BROWN
13 FOSTER ST
WENHAM, MA 01984

Parcel Number: 008-0003
CAMA Number: 008-0003
Property Address: 12 FOSTER ST

Mailing Address: MOLONEY JOSEPH F JR KRISTEN J TR
12 FOSTER ST
WENHAM, MA 01984

Parcel Number: 008-0004
CAMA Number: 008-0004
Property Address: 15 FOSTER ST

Mailing Address: MCNALL CAMERON A & NANCY D
15 FOSTER ST
WENHAM, MA 01984

Parcel Number: 008-0005
CAMA Number: 008-0005
Property Address: 10 FOSTER ST

Mailing Address: CALANDRA MARK R & ALISON T
10 FOSTER ST
WENHAM, MA 01984

Parcel Number: 008-0011
CAMA Number: 008-0011
Property Address: 65 HOWARD ST

Mailing Address: PADLEY SIMON
65 HOWARD ST
HAMILTON, MA 01982

Parcel Number: 008-0012
CAMA Number: 008-0012
Property Address: HOWARD ST

Mailing Address: ESCH RYAN J & MEGAN E
59 HOWARD ST
HAMILTON, MA 01982

Parcel Number: 008-0013
CAMA Number: 008-0013
Property Address: 70 ARBOR ST

Mailing Address: CONGDON, CHALMERS
70 ARBOR ST
WENHAM, MA 01984

Parcel Number: 008-0014
CAMA Number: 008-0014
Property Address: 74 ARBOR ST

Mailing Address: RICHARDSON JON S JR
74 ARBOR ST
WENHAM, MA 01984



www.cai-tech.com

5/4/2020

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

Page 1 of 3



300 foot Abutters List Report

Wenham, MA

May 04, 2020

Parcel Number: 008-0015
CAMA Number: 008-0015
Property Address: 1 SETTLER'S LANE

Mailing Address: PAYNE CHRISTOPHER K & KATHRYN
CARR
1 SETTLERS LANE
WENHAM, MA 01984

Parcel Number: 008-0016
CAMA Number: 008-0016
Property Address: ARBOR ST

Mailing Address: WALSH LAURA
HIGHLAND ST
SO HAMILTON, MA 01982

Parcel Number: 013-0007
CAMA Number: 013-0007
Property Address: 49 ARBOR ST

Mailing Address: HATCH GEORGE W M
49 ARBOR ST
WENHAM, MA 01984

Parcel Number: 013-0008
CAMA Number: 013-0008
Property Address: 5 JUNIPER ST

Mailing Address: TOBEY STEPHEN M
5 JUNIPER ST
WENHAM, MA 01984

Parcel Number: 013-0013
CAMA Number: 013-0013
Property Address: 6 JUNIPER ST

Mailing Address: SWINNERTON PAUL W & LINDA P TR
6 JUNIPER ST
WENHAM, MA 01984

Parcel Number: 013-0014
CAMA Number: 013-0014
Property Address: 4 JUNIPER ST

Mailing Address: MONTANARI MARC A & LYNNE T TR
4 JUNIPER ST
WENHAM, MA 01984

Parcel Number: 013-0015
CAMA Number: 013-0015
Property Address: 63 ARBOR ST

Mailing Address: DONAHUE ANTHONY J & EDNA F
63 ARBOR ST
WENHAM, MA 01984

Parcel Number: 013-0016
CAMA Number: 013-0016
Property Address: 2 JUNIPER ST

Mailing Address: COLLINS HUGH J JR & JOHN J TRSTS
2 JUNIPER ST
WENHAM, MA 01984

Parcel Number: 013-0017
CAMA Number: 013-0017
Property Address: 55 ARBOR ST

Mailing Address: SPRAGUE PHINEAS S
55 ARBOR ST
WENHAM, MA 01984

Parcel Number: 013-0079
CAMA Number: 013-0079
Property Address: 11 PORTER ST

Mailing Address: LOCKE PETER B
11 PORTER ST
WENHAM, MA 01984

Parcel Number: 013-0080
CAMA Number: 013-0080
Property Address: 7 PORTER ST

Mailing Address: FERRIS PETER G & MURRAY GAIL A
7 PORTER ST
WENHAM, MA 01984

Parcel Number: 013-0081
CAMA Number: 013-0081
Property Address: 5 PORTER ST

Mailing Address: DUFFY JOHN P & NANCY A
5 PORTER ST
WENHAM, MA 01984



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

5/4/2020

Page 2 of 3



300 foot Abutters List Report

Wenham, MA

May 04, 2020

Parcel Number: 013-0082
CAMA Number: 013-0082
Property Address: 1 PORTER ST

Mailing Address: IRELAND DAVID R
1 PORTER ST
WENHAM, MA 01984

Parcel Number: 013-0083
CAMA Number: 013-0083
Property Address: 56 ARBOR ST

Mailing Address: DOLAN JAMES M & SHERRILYN
56 ARBOR ST
WENHAM, MA 01984

Parcel Number: 013-0089
CAMA Number: 013-0089
Property Address: 7 FOSTER ST

Mailing Address: LECLERC DANIEL & KARA
7 FOSTER ST
WENHAM, MA 01984

Parcel Number: 013-0090
CAMA Number: 013-0090
Property Address: 9 FOSTER ST

Mailing Address: ASHLEY ERNEST C & LINDA A
9 FOSTER ST
WENHAM, MA 01984

Parcel Number: 013-0091
CAMA Number: 013-0091
Property Address: 11 FOSTER ST

Mailing Address: LUSTIG ERIC A
11 FOSTER ST
WENHAM, MA 01984

Parcel Number: 013-0092
CAMA Number: 013-0092
Property Address: 17 FOSTER ST

Mailing Address: MAUNSELL WILLIAM A & COURTNEY C
17 FOSTER ST
WENHAM, MA 01984

Parcel Number: 013-0142
CAMA Number: 013-0142
Property Address: 58 ARBOR ST

Mailing Address: LIPHARDT MARC
58 ARBOR ST
WENHAM, MA 01984



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

5/4/2020

Page 3 of 3

EXHIBIT C

COPY OF CHECK FOR APPLICATION FEE

CASH ONLY IF ALL CheckLock™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

Hamilton Builders LLC
PO Box 245
Wenham, MA 01984

Salem Five Cents Savings Bank
210 Essex Street
Salem, MA 01970
53-7055/2113

3642

8/17/2021

PAY TO THE
ORDER OF

TOWN OF WENHAM

\$**500.00

Five Hundred and 00/100*****

DOLLARS

TOWN OF WENHAM

MEMO

60 Arbor St



⑈003642⑈ ⑆211370558⑆ 0899037618⑈

EXHIBIT D

DEFINITIVE SUBDIVISION PLANS