

From: [Ron Gauthier](#)
To: [Margaret Hoffman](#); [permitting](#)
Cc: [Gauthier, Roger](#); [Ron Gauthier](#); nate@kerimurrayarchitecture.com
Subject: ZBA - Application for Public Hearing - 8 South St Wenham MA
Date: Tuesday, June 27, 2023 10:54:32 AM
Attachments: [Gauthier Residence_ISSUED FOR CONSTRUCTION \(1\).pdf](#)
[GAUTHIER 2023 Plan of Land_8South06-01-23.pdf](#)
[Gauthier ANR Plan 6 & 8 South St Recorded.pdf](#)
[DEED RESTRICTION 2003 image \(12\).pdf](#)
[ZBA Application for Hearing - Gauthier 8 South St.pdf](#)

From: Roger J. Gauthier
Sent: Tuesday, June 27, 2023
To: Town of Wenham Zoning Board of Appeals
138 Main Street
Wenham, MA 01984

Subject: ZBA - Application for Public Hearing

Request: ZBA Approval Special Permit for 8 South Street, Wenham, MA

Attachments:

1. Application for Public Hearing - Signed by Roger J. Gauthier
2. Construction Documents - Gauthier House - Single Family Residence - 8 South Street, Wenham, MA
3. Certified Plot Plan - 8 South Street, Wenham, MA - Prepared by LeBlanc Survey Associates, Inc. on June 1, 2023
4. Certified Plot Plan - 6 & 8 South Street, Wenham, MA - Recorded 04/07/2021 in Bk:39744 Pg: 542 - Prepared by LeBlanc Survey Associates, Inc. on January 28, 2021
5. Declaration of Restriction - 8 South Street, Wenham, MA - Recorded 11/03/2002 in Bk:22010 Pg:249

Check for \$250 Fee for Special Permit for Single Family Residence made payable to the Town of Wenham delivered with the 4 hard copy packets.

Nature of Application:

Roger Gauthier is the sole owner of the property at 8 South Street, Wenham, MA, having purchased the property on March 7, 2005. His late spouse, Lisa Marie Gauthier, passed away on May 11, 2021 and an affidavit under M.G.L. c. 65C, Section 14(a) was filed in September 2021 at Essex Probate Court in regard to her ownership interest in the property. Roger continues to reside at the property with his twin 18-year-old sons who have been diagnosed with autism spectrum disorder.

The property is in a residence district and is assessed as a single-family building (Assessor's Map 7, Lot 27). The original structure was constructed in 1920 per the property record card

and was renovated in 2004. Building Permit #2450 was issued to the prior owner on November 13, 2003 and provided for the renovation of the first floor, the removal of the second floor, and adding a second story addition with 2 bedrooms and 1 bath. The Declaration of Restriction (**Attachment #5**), recorded in 2003 to conform to the Board of Health regulations, provides a deed restriction limiting the structure to two bedrooms. In connection with Roger's purchase in March 2005, a Title 5 Subsurface Sewage Disposal System Inspection was prepared in February 2005 and certified the system passing the inspection.

This application for a Special Permit to expand a pre-existing, non-conforming structure on a non-conforming lot is being submitted under Wenham Zoning Bylaws Section 255-4.4 C (1) "Reconstruction, extension or structural change", Section 255-4.4 C (3) (b) "Special Permit", and Section 255-13.4 "Special Permits".

The Construction Documents - Gauthier House (**Attachment #2**) have been prepared by Keri Murray Architecture in Sharon MA. The proposed project plans include construction of an additional room on the second floor above the existing first-floor kitchen area. This expansion on the second floor will be used for family activities and office use. There will remain only two bedrooms as required under the Declaration of Restriction. The contractor is Frerk Carpenters in Beverly MA who has extensive experience with this project type. Earlier in June, the contractor indicated to the Wenham Building Inspector that the farmers porch would not be constructed because of budget.

The building footprint will remain unchanged as part of the renovation and the overall height of the building will remain unchanged as indicated for the existing structure. The current height of the building is 18' which is well below the height limit of the Bylaw. The roof lines will remain the same. The size of the living area in the property will be increased from 1,032 SF to 1,360 SF, resulting in an increase of 328 SF or 24%. The increase in square footage is accomplished by adding a second floor "Bonus" room above the existing first floor kitchen area. The applicant seeks a Special Permit to make the proposed structural change to a pre-existing non-conforming structure on a non-conforming lot.

Certified Plot Plan dated June 1, 2023 was prepared by LeBlanc Survey Associates, Inc. (**Attachment #3**) The existing lot is 12,915 SF (0.30 acres) after conveyance of the small parcel land swap with 6 South Street in 2021 that was approved by the Town. Prior lot was 12,513 SF (0.29 acres) as indicated on the Certified Plot Plan - 6 & 8 South Street dated January 28, 2021 (**Attachment #4**). The building is nonconforming dimensionally both due to the size of the lot and the setbacks. The structure is set back 102.7' from South Street while the setbacks on the side are 24.3' feet on the left and 48.1' feet on the right. The rear of the structure is on the property line at Pine Avenue (a "paper" street"), which is consistent with the neighborhood, and does not meet the setback requirement of 15'.

The property is in a neighborhood which consists of single-family homes. There is ample off-street parking which will remain unchanged as part of this renovation. South Street is a private way that has been accepted as "the way" with no objection for years and was recently repaved. Site is adequately served by utilities and other public services.

The applicant feels that the proposed project will not be substantially more detrimental than the existing nonconformity use to the neighborhood. The proposed changes will not affect the neighborhood character. There are no adverse effects of the proposed renovation on the neighborhood or the Town of Wenham. As previously stated, the footprint of the building is not being increased and the overall height of the building will remain unchanged. Further, the proposed project is in accordance with the existing deed restriction limiting the structure to two bedrooms.

The applicant asks the Zoning Board of Appeals to grant the Special Permit to allow for the proposed expansion project that includes construction of the second-floor room for family activities and officed use above the existing first-floor kitchen. There will remain only two bedrooms as required under the Declaration of Restriction.

Please let us know if any other items / information will be needed.

Thank you.

<u>APPLICANT</u>	<u>PREPARED BY</u>
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