

2022 JUL -6 AM 9:03

**TOWN OF WENHAM  
ZONING BOARD OF APPEALS**

**RECORD AND DECISION**

9 Batchelder Park, Wenham Massachusetts

Petitioner: David and Patricia Cook

The Zoning Board of Appeals for the Town of Wenham, Massachusetts, conducted a Public Hearing on **Wednesday June 22, 2022 at 7:00 p.m.** on the petition on **David and Patricia Cook** of 9 Batchelder Park, Wenham, MA for a special permit under Wenham Zoning Bylaws Section 255.4.4.C.1.(a) (Non-conforming Structures; Reconstruction, Extension or Structural Change) and Section 255.13.4 (Special Permits) to construct a shed on an existing foundation within side setbacks at **9 Batchelder Park (Assessor's Map 007, Lot 061 )**. This hearing was held virtually via Zoom platform. Present at all hearings were the following members of the Board:

Anthony M. Feeherry (Chairman)  
Dana Begin  
Kelly Schmidt (Associate Member)  
Richard Modliszewski (Associate Member)

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 Zoning Board of Appeals:

1. Published in *The Salem News*, a newspaper of general circulation in the Town of Wenham on Wednesday June 8, 2022 and Wednesday June 15, 2022
2. Posted at the Town Clerk's office on May 26, 2022.
3. Mailed May 26, 2022 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 was opened and closed on June 22, 2022. Evan Campbell was not present and Kelly Schmidt was appointed by the chair to act as a voting member on this case.

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

- A one (1) page Site Plan entitled "Sanitary Disposal System Plan Upgrade #9 Batchelder Park". Prepared by Hayes Engineering, Inc. 603 Salem Street, Wakefield, MA 01880 dated August 25, 2010.
- A one page diagram showing the dimensions of the proposed shed.

**RELEVANT FACTS AND BYLAW PROVISIONS**

With respect to the requested Special Permit, the relevant provisions in the Zoning Bylaws are Section 255.4.4.C.1.(a) (Non-conforming Structures; Reconstruction, Extension or Structural Change) and Section 255.13.4 (Special Permits). David and Patricia Cook are the owners of 9 Batchelder Park, consisting of a single family home on a 40,028± sq. ft. conforming lot with 216 feet of frontage. There is an existing 24 x 16 ft foundation on the property where a small garage once stood. A corner of the

foundation extends 2 feet into the side setback at the southwest edge of the property. The owner wishes to construct a 24 x 16 foot shed on the existing foundation to be utilized for storage and to house the pump for their in-ground pool.

The site is served by municipal water and an on-site wastewater disposal system. No comments were received from abutters in opposition or in favor. The Board confirmed with the Petitioner that the structure would not be used as living area and would not have plumbing, but does have electricity for the pool pump.

### **DECISION**

**Action on Application for Special Permit under Wenham Zoning Bylaws Section 255.4.4.C.1.(a) (Non-conforming Structures; Reconstruction, Extension or Structural Change) and Section 255.13.4 (Special Permits): APPROVED WITH CONDITIONS**

**VOTE:** (Yes) Anthony M. Feeherry (Chairman) (Yes) Kelly Schmidt (Yes) Dana Begin

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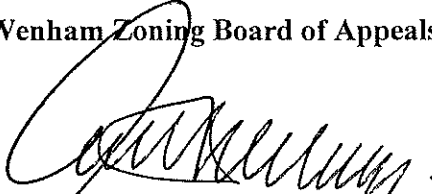
With respect to the requested Special Permit for 9 Batchelder Park, on Wednesday June 22, 2022 the Board unanimously approved the requested Special Permit to allow for the construction of a shed within the required side setback. The Board has determined that the proposed expansion is not substantially more detrimental than the existing nonconforming structure to the neighborhood.

### **SPECIAL CONDITIONS**

- The Petitioner has agreed that the structure shall be used as a shed for storage purposes only and will not be expanded to an inhabitable structure without proper relief from appropriate Boards.
- The Petitioner shall secure all requisite permits prior to commencing any use under this Special Permit. The Zoning Board of Appeals specifically calls Petitioner's attention to the possibility of the need for permits or other approvals from the Board of Health, Fire Department, Water Department, Conservation Commission, Tree Warden and the Building Department.
- This 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.


The Board affirms that all provisions of MGL Chapter 40A, Sections 9 and 11 were complied with as regards procedures and we attest that this decision accurately reflects the Boards determinations for a Special Permit pertaining to 9 Batchelder Park, Wenham, MA.

Wenham Zoning Board of Appeals



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Anthony M. Feeherry (Chairman)



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Dana Begin



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Kelly Schmidt

DATE: July 5, 2022

FILED WITH THE TOWNCLERK ON: July 6, 2022

Notice to Petitioners and Interested Parties on: July 6, 2022

**Any appeal, by an aggrieved party, shall be filed within twenty days of the filing of this decision with the Town Clerk, in accordance with the requirements of G.L. c.40A, §17.**

I hereby certify that either: (i) 20 days have elapsed from the date this decision was filed with the Office of the Town Clerk and no notice of appeal was timely received; or (2) a notice of appeal was timely received and I have been afforded evidence that the appeal is final and affirmed the decision.

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Wenham Town Clerk