



TOWN of WENHAM
Planning Board
Meeting February 29, 2024

Pursuant to the Open Meeting Law, MGL Chapter 30 A, §§18-25, written notice posted by the Town Clerk delivered to all Planning Board members, a meeting of the Planning Board was held in Town Hall on Thursday February 29, 2024 at 7pm Wenham Town Hall, 138 Main Street. The meeting was also on live/recorded on Zoom & HWCAM.

The Planning Board oversees the Rules & Regulations governing the subdivision of land, site plan review, and special permits according to the Wenham Zoning By-Law and Massachusetts General Laws, Chapter 41, §81. The Board consists of five elected members, with one member to be elected each year during the annual elections to a five-year term: Peter Clay (2024); David Anderson (2025); Ann Weeks (2026); Rick Woodland (2027)/CPC Representative; Dan Pasquarello (2028).

Call to order- *With a quorum present, Chair Weeks called the meeting to order at 7pm identified the meeting was being recorded and those present.* A. Weeks, Chair; D. Pasquarello, Vice Chair; P. Clay; R. Woodland; D. Anderson.

Also present: M. Hoffman, Planning Coordinator and others as noted.

Officials present not participating: Select Board member Ben Tymann (L-8:13pm); S. Poulos, Town Administrator via Zoom.

Public Hearing

- A hearing pursuant to M.G.L. c.40A, Sec. 5, on the following warrant articles to amend the Zoning Bylaw of the Town of Wenham. **Article XX:** To see if the Town will vote to Amend the Town of Wenham Zoning Bylaws Article 9 (Additional Performance Standards) by adding a new section 255.9.9 (Outdoor Storage or Stockpiling of Junk) ~~and Section 255.2.2 Definitions - Junkyard.~~

- A. Weeks read the Public Hearing Notice as published in the Salem News February 15 & 22, 2024 and opened the public hearing.
- DRAFT PROPOSED ZONING BY-LAW AMENDMENT – For possible inclusion in Article 9, Additional Performance Standards (§255-9.9 is next available section number) “In the Residential District, outdoor storage or stockpiling of junk, discarded materials, refuse, scrap metal, scrap vehicles or vehicle parts, inoperable electronics or appliances, or construction debris is prohibited: (1) in the Front Yard of any Lot; (2) within the setback areas of any Rear or Side Yard of any Lot; and (3) outside of the setback areas of a Rear or Side Yard of a Lot unless such stored or stockpiled materials do not exceed, in a single location, 200 square feet of ground coverage. Adjacent lots held in common ownership or control shall only be entitled to the same 200-square foot, single-location allowance for Rear and Side Yards outside of their setback areas. For purposes of this provision, “outdoor storage or stockpiling” shall not include, and the prohibitions herein do not apply to: (1) materials stored only seasonally or temporarily (that is, for fewer than four (4) consecutive months at a time), and then put to use during other times of year; (2) construction debris or materials stockpiled in connection with a properly-permitted construction project; (3) any materials stored or stockpiled for less than ten (10) consecutive days during a single calendar year; or (4) materials stored within a structure properly authorized by these By-laws and that fully conceals such materials from the view of abutting Lots.”
- The following proposed amendment, initially included in the proposal, was removed prior to the meeting.
 - ~~Amend the Wenham Zoning Bylaw Section 255 2.2 Definitions~~
 - ~~From~~
 - ~~Junkyard - The use of more than 600 square feet of the area of a lot for the storage or abandonment of junk.~~
 - ~~To:~~
 - ~~Junkyard - The use of more than 200 square feet of the area of a lot for the storage or abandonment of junk.~~

Ben Tymann, Larch Row, Select Board member, spoke on the proposed Zoning Bylaw as a way to help address enforcement issues that have arisen when the definition “junkyard” has come into question. He referenced the Wenham Bylaw, which does not permit junkyards and defines junkyards as the storage or abandonment of more than 600 square feet of “junk”. He noted

there is no additional guidance available for enforcement, which has been problematic, particularly in a residential district; there is no ability to regulate a property with less than 600 square feet of junk. B. Tymann proposed new language to clarify the word “junk” and limit any property in the residential district to up to 200 square feet of junk with restrictions limiting the storage to behind/beside the house but not within the setback areas. Additional exclusions were noted as written in the proposed amendment. He suggested adding another exemption being yard waste /organic compost. During the discussion that followed, it was clarified the intention was not to change the definition of a junkyard to 200 square feet; this was stricken from the draft.

After edits were applied to the proposed language, the Board was asked to support the following language:

“In the Residential District, outdoor storage or stockpiling scrap metal, scrap vehicles or vehicle parts, inoperable electronics or appliances, construction debris or similar materials and junk is prohibited: (1) in the Front Yard of any Lot; (2) within the setback areas of any Rear or Side Yard of any Lot; and (3) outside of the setback areas of a Rear or Side Yard of a Lot unless such stored or stockpiled materials do not exceed, in a single location, 200 square feet of ground coverage.

Adjacent lots held in common ownership or control shall only be entitled to the same 200-square foot, single-location allowance for Rear and Side Yards outside of their setback areas. For purposes of this provision, “outdoor storage or stockpiling” shall not include, and the prohibitions herein do not apply to: (1) materials stored only seasonally or temporarily (that is, for fewer than four (4) consecutive months at a time), and then put to use during other times of year; (2) construction debris or materials stockpiled in connection with a properly-permitted or allowed construction project; (3) any materials stored or stockpiled for less than ten (10) consecutive days during a single calendar year; or (4) compost, brush yard waste and other similar organic materials or (5) materials stored within a structure properly authorized by these By-laws and that fully conceals such materials from the view of abutting Lots.”

With no further discussion from the Board the hearing was open to the public for comment/questions; there was none.

Vote: *The Planning Board voted unanimously by roll call to recommend to the Select Board include the zoning amendment (new section 255.9.9) as amended, in the Warrant Articles for the 2024 Annual Town Meeting.*

Vote: *The Board voted unanimously to close the public hearing.*

Administrative

- Spring Hill Farm Road Subdivision request for street acceptance to be on the Town Meeting Warrant
- Memo from Weston & Sampson re Spring Hill Farms Peer Review Street Acceptance 2.26.24
- Spring Hill Ventures LLC – Street Acceptance Request

Present via Zoom: Will Blais, Weston & Sampson; Albert Ellis, Spring Hill Ventures

M. Hoffman provided an update to the Board regarding the peer review completed by Weston & Sampson as part of the process for the street acceptance of Spring Hill Development off Dodges Row. She reviewed a number of incomplete items in the report, that could however, be addressed in a short period of time. The Board reviewed the memo provided by Weston & Sampson. W. Blais participated in this discussion and said he was in receipt of some updates/photos from the site manager Dan Ouellette. He referenced the list of incomplete items and updated the board on the progress to date; the majority of outstanding work is “fine tuning” on site and including additional details on the drawings as requested. The operation and maintenance documents for Stormwater Management have not been provided, outside of previous documents submitted by Hayes Engineering. It was unknown if the sprinklers in the town right of way (grass strip) have been removed.

Regarding the Affordable Housing units, R. Woodland summarized: Spring Hill Ventures was asked to provide two, or potentially three, affordable units; one unit was an existing dwelling on the property (83 Dodges Row) which was rehabilitated and sold. However, the unit to be built in the development was not built and Spring Hill Ventures deeded over the plot to Habitat for Humanity to build, at their discretion, a single or duplex unit, along with a \$40,000 donation towards the cost of the construction. R. Woodland observed \$40,000 would not cover the cost of building a home as his research determined the average cost for Habitat for Humanity to construct a home is \$310,000, not including the land. R. Woodland added Habitat for Humanity may come back to the Town for funding via the Affordable Housing Trust, or Community Preservation Committee to build the Spring Hill affordable units and questioned if the requirement to provide the affordable housing as recorded in the permit was fulfilled by the Developer.

It was noted no current member of the Planning Board was on the Planning Board at the time of this application. The original condition was referenced: The applicant agreed that two of the 19* permitted lots shall house two, preferably three affordable non-age restricted affordable units and further agreed to make reasonable efforts to build a duplex unit on lot 18* to be administrated the Wenham Affordable Housing Trust for sale or rental units. **It was noted DEP reduced the number of viable lots from 19 to 18 and the lots were renumbered; lot 18 is now lot 17 as the dedicated lot for the affordable unit(s).*

D. Pasquarello suggested the request to accept the street was being rushed in light of these incomplete items and the Board not act on this currently, but update the list of items to include the affordable housing, status of easements, and sprinkler heads removed from the right of way. He noted the town is planning a fall town meeting and the street acceptance could be considered at that time and further suggested documentation be provided by the contractor for all items. The meeting was open for public comment. There was none.

Vote: *The Planning Board voted unanimously by roll call to not recommend acceptance of the Spring Hill street at this time due to multiple issues identified by the peer reviewer Weston & Sampson as inadequacies with the proposed street plan and questions concerning reasonable efforts to build affordable housing units for the subdivision, sprinklers in right of way need to be removed, and uncertain status of easements within the subdivision.*

- MBTA Communities Discussion - D. Pasquarello reviewed the Board previously agreed that the proposed district should be Walnut Street/Larch Row 6.3 acre parcel within the ½ mile radius (73-75 units) of the train station, along with a portion of the Boulder Lane property. The Board acknowledged the downtown property could be zoned for mixed use; the Board supported conceptual drawings be done for the public forum. M. Hoffman suggested the Board focus on the MBTA zoning after the April Annual Town Meeting and have an additional meeting April 25 specifically to discuss MBTA Zoning and the public forum be held in May. It was noted up to 10 percent of the MBTA units may be designated for affordable housing, non-age restricted. The Board asked for any updates from the Town of Hamilton.

Meeting Minutes – *The Board voted unanimously to accept to accept the meeting minutes of **December 14, 2023; January 11, 2024.***

Other matters, as may not have been reasonably anticipated by the Chair (Discussion Only)

R. Woodland reported the Select Board and Finance Committee unanimously supported the eight projects brought forward by the Community Preservation Committee of more than \$2 million of grant funding be reviewed by town counsel to be on the town meeting warrant. Those grant include:

1. Restoration/repair of the Main Street Cemetery granite wall.
2. Restoration of the Karen Wolfe Memorial Garden.
3. Library to start sharing archived records online, i.e., town history .
4. Acquisition fund (\$1.7 million) for Conservation Commission to purchase one of the following three parcels: 9 Maple St.; 212 Topsfield Rd.; 74 Cherry St.
5. Transfer to the Wenham Affordable Housing Trust annual 10 percent.
6. Restoration /preservation of Wenham Tea House for replacement of windows.
7. Conservation Commission for rail signage at Reynold Farm and West Wenham Playground.

D. Anderson reported the second draft of the Master Plan and the first draft of an action plan & implementation spreadsheet have been sent to the committee for review. MPAC has a meeting on March 6 to review/discuss these documents. He noted Cambridge Econometrics provided additional information on fiscal impacts of various development strategies. He stressed this is the time for final comments on the Master Plan draft documents; these are all posted on line.

Next Meeting: March 14; April 11*; April 25

(*April 11 is the town elections and no meeting will be scheduled on that date)

Adjourn - *The Board voted unanimously by roll call at 8:25pm to adjourn until March 14, 2024 at 7 pm.*

*Respectfully Submitted By Catherine Tinsley 3.15.24
The minutes were prepared from video.*