

TOWN OF WENHAM
Planning Board
Meeting of October 8, 2020
Wenham Town Hall, 138 Main Street

Pursuant to the Open Meeting Law, M.G.L. Chapter 30 A, §§18-25, written notice posted by the Town Clerk delivered to all Board members, a meeting of the Planning Board was held on Thursday October 8, 2020 at 7:30 pm. *Due to the COVID19 Virus pandemic & restrictions concerning in-person gatherings ordered by the Governor, this meeting took place virtually on Zoom.*

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 at the Annual Town Meeting: A. Weeks (2021); V. Rogers (2022); D. Pasquarello (2023); P. Clay (2024); D. Anderson (2025)
Mr. Clay is the Planning Board representative to the Community Preservation Committee.

Call to order - *With a quorum present, Ms. Weeks called the meeting to order at 7:30 pm.*

Board members present: Ann Weeks, Chair; Virginia Rogers, Vice Chair; David Anderson; Peter Clay; Dan Pasquarello
Also present: Margaret Hoffman, Planning Coordinator; Catherine Tinsley, Recording Secretary

Continued Public Hearings

- 60 Arbor Street – Definitive Subdivision – Public Hearing in accordance with the Town of Wenham Rules and Regulations Governing the Subdivision of Land, on the petition of Jeffrey R. & Susan M. Hamilton, 60 Arbor Street, Wenham MA, to approve a Definitive Subdivision Plan for land located at 60 Arbor Street (Map 13, Lots 84 and 84A). Continued from September 10, 2020.
 - Decoulos & Company Re. 60 Arbor Street Wenham Assessor Map 13, Parcels 84 84A, October 7, 2020
 - Definitive subdivision plan 60 Arbor Street, October 7, 2020
 - Letter from abutter Ann Weeks and Eric Lustig in opposition of the proposed subdivision (attached minutes page 4)
 - Planning Board members Ann Weeks and Dan Pasquarello, recused themselves from the Planning Board as abutters to 60 Arbor Street. Ms. Rogers chaired this agenda item.

Present for the hearing: John Decoulos, Engineer Decoulos & Company; Susan Hamilton, petitioner

Residents present: Amy Richardson; Charles Congdon, Arbor Street; Foster Street abutters Ann Weeks, and Dan Pasquarello

Ms. Rogers identified the Planning Board received additional information on the proposed subdivision plan for 60 Arbor Street and stated the discussion at this meeting would be limited to the proposed frontage, lot division size of the two lots (lot 5 & lot 6), and the proposed layout of the street. Ms. Rogers stated that this hearing would be continued and no votes would be taken.

Mr. Decoulos reviewed the Planning Boards comments that the September 3, 2020 plans did not show adequate frontage, the wetlands on lot 5 should not be included in the calculation of the lot area. Mr. Decoulos referenced the revised plan for 60 Arbor Street dated October 7, 2020 and addressed the Board's concerns and stated there were no waiver requests.

- Additional area was added to lot 5 for a total of 43,150 sq. ft. This includes the wetlands 3141 sq. ft.
- Lot 5 has 187.78 feet frontage
- New cul-de-sac meets minor street provisions
- Lot 7 is new and is not buildable but created for adequate frontage
- Lot 6 has 175 feet circumference of cul-de-sac

Mr. Decoulos requested clarification if the layout satisfies the bylaws, requirements for creating a new lot and adequate areas and frontage for the two lots.

The Planning Board observed that the October 7, 2020 plan submitted appears to not provide adequate frontage and area, the required contiguous radii of 40 feet to the road, and if the plan as presented could be built to the standards presented or without waivers.

The hearing was open to the public.

Charles Congdon questioned the previous rulings of the Planning Board regarding the circumference of the proposed drive and observed there was a light pole not shown on the plan that interfered with the drive.

Approved 12.10.2020

Ann Weeks, Foster Street abutter reviewed her letter of record expressing opposition to the proposed project.

This letter is a part of the minutes. *Attached minutes page 4.*

Ms. Weeks alleged 60 Arbor Street did not have the adequate acreage or frontage to develop and called for an end to the years of revised plans. Ms. Weeks also responded to the use of her name as referenced in the approval of 51 Cherry Street as misleading as the decision of the Planning Board was preliminary approval and should not be compared to, nor does it provide any precedent for, 60 Arbor Street.

Mr. Decoulos requested public comment be provided to the applicant prior to the meeting but was reminded that the Board would not vote tonight and there was plenty of time for the applicant to review comments.

Ms. Hoffman mentioned that there is no balance in the account for the peer review and funds need to be in place prior to the peer review starting and that a full set of plans must be submitted well in advance of the November 12 meeting. The applicant was informed that the Planning Board will meet on December 10, if the November meeting did not allow enough time.

Mr. Decoulos agreed to have \$1500 in the account for the peer review by October 15, 2020 and the plans submitted to the Planning Board by October 22, 2020 for the November 12 meeting.

Mr. Decoulos asked if an island in the center of the cul-de-sac would be permitted and if the sidewalks needed to be on the plan.

Ms. Rogers responded that the Board would consider an island and for the sidewalks to be shown on the plan, otherwise it would be a waiver request.

Vote: The Board members voted unanimously by roll call to continue the hearing for 60 Arbor Street to a date certain of November 12, 2020 at 7:30 PM via Zoom.

Ms. Weeks and Mr. Pasquarello returned to the meeting.

Public Hearing

- 41 – 43 Grapevine Rd – 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 the petition of Jay Coughlin of 41 Grapevine Rd 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).

Ms. Hoffman Read legal notice as published September 24 and October 1 Chronicle and Transcript.

Ms. Weeks opened the public hearing.

Present for the hearing: Thomas Mannetta, Incorporated; Petitioners Beth and Jay Coughlin

Jay and Beth Coughlin, 41 Grapevine Road, purchased the abutting property at 43 Grapevine Road and have begun to construct a private driveway. Currently 41 and 37 Grapevine Road share a common drive (Grapevine Way). Grapevine Way meets the standards for the fire department. The proposed driveway will be an 18 wide and 463 feet in length and connect to the Grapevine Way for 179 feet. The total length of the driveway is 642 feet. The common driveway will not be abandoned and continue to be used by 37 Grapevine Road and maintains the access for the fire department to 43 Grapevine Road.

The Board considered the following for a Special Permit:

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

The Board members discussed the proposed driveway in detail with the applicants and Mr. Mannetta. The Board requested the plan be revised to show the proposed new driveway width and connection of the new driveway to Grapevine Way.

The hearing was closed at 8:58 pm.

Vote: The Board members voted unanimously to approve the application for a special permit, 43 Grapevine Road, for a driveway in excess of 500 feet, conditional on the revision to the plan to show the connection of the driveway to Grapevine Way and the paved width be added to the plan, and the applicant adhere to all requirement of the Conservation Commission and do not abandon the use of Grapevine Way.

Administrative

- Approval Not Required Plan (ANR) – 51 Cherry Street Hammerhead Lot

The Planning Board approved the ANR. The Board requested that a notation be added on the mylar referencing that the special permit conditions for the existing shed. Namely that relief from the Zoning Board of Appeals be obtained to allow the continued existence of the shed in its current location or in the alternative, the removal of the shed.

Approved 12.10.2020

Vote: The Board members voted unanimously to endorse the ANR plan for 51 Cherry Street and add the notion reference of the Special Permit and conditions there in for the shed. Mr. Clay was not present at the time of this vote.

- Discussion regarding meeting with Water Superintendent/Water Commissioners and Ipswich River Water Association. at the November meeting, to discuss Wenham's water sources, restrictions, the Salem Beverly Water Supply Board's jurisdiction and potential zoning bylaw changes on sustainability and reduction on aggregate water use. Before inviting the Ipswich River Watershed Association to a meeting, Ms. Hoffman will see if there are any upcoming scheduled seminars or past seminars on line for the Board to watch.

- Meeting Minutes – September 10, 2020

Vote: The Board members unanimously voted by roll call to accept the meeting minutes of September 10, 2020 as edited.

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

- Spring Hill Update

Ms. Hoffman reviewed that the Wenham Fire Department required Spring Hill Development to have a fire access road off Angus Circle. This was possible with a connection to Thaxton Road in Beverly.

Recently the developer proposed a new location for the fire road. Ms. Hoffman met the developer on site and was shown the proposed location with minimal impact to existing trees (many trees had been cleared for this development).

Ms. Hoffman has since received a copy of an approved plan for three new houses being built off Thaxton Road in Beverly.

This directly abuts the homes in Spring Hill and further clears the landscape. There have been several issues with the development including serious erosion issues.

Ms. Hoffman recalled that the City of Beverly had previously refused to allow Wenham an access road connection to Thaxton Circle. With the shown lack of respect/trust by the developer, Ms. Hoffman stressed that any and all changes to the approved plan must come back before the Planning Board.

- Next meeting: November 12, 2020

- Adjourn - *The Planning Board adjourned at 9:47 pm by roll call.*

Respectfully Submitted By

Catherine Tinsley

10.10.2020

October 8, 2020

11 Foster Street
Wenham, MA 01984

By hand and by email

Ms. Margaret Hoffman
Members of the Planning Board
Town of Wenham
138 Main Street
Wenham MA 01984

RE: *Letter of September 18, 2020 from James Decoulos to the Planning Board,
concerning 60 Arbor Street*

Dear Ms. Hoffman (and Members of the Planning Board):

We received the letter submitted September 18, 2020 from Mr. James Decoulos to the Planning Board seeking to halt the incomplete peer review of the current version of the proposed subdivision of 60 Arbor Street, and attaching yet another revised plan, which again is not responsive to the issues presented. I feel compelled to respond, not only as an abutter to the project, but because Mr. Decoulos's letter contains several misleading and incorrect statements concerning a project I voted on as a member of the Planning Board.

After over four years' worth of proposals for 60 Arbor Street, including denials and a round of litigation that was decided against them, the Hamiltons continue to pursue this project, taking up the Board's time, the Town's time and resources, as well as all the abutting neighbors' time and energy. It should be clear by now, however, that the parcel of land the Hamiltons are seeking to develop is simply not the right size or configuration to allow that development consistent with the Town's Zoning By-Laws and Subdivision Rules. The applicants seek many waivers of significant requirements of the rules, because they simply don't have the acreage or frontage to develop the project they want.

The problems with the 60 Arbor Street proposal include insufficient lot frontage for two lots of the required size, even with a fully developed public cul-de-sac, which is clearly not what the proponents intend to build, and therefore is itself an unlawful 'paper street.' Nor does the project meet the frontage requirements – or the other requirements for a project involving a joint driveway or minor street. The property simply does not contain enough acreage to permit a new Zoning Bylaw-compliant hammerhead lot plus remaining lot with the existing home, particularly given the requirement to provide buffers/setbacks from the wetland area the applicant