
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 November 17, 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

- Meeting with Water Superintendent/Water Commissioner/Ipswich River Watershed Assoc. Discussion on water resources and water usage in Wenham.

Present: Water Commissioners Ernest Ashley, Chair; Diane Dixon; Marc Liphardt; Erik Mansfield, Wenham Water Superintendent; Patrick Lynch

Mr. Ashley began by reviewing that Wenham's only water source is a confined aquifer. The aquifer extends (approximately) from Wenham Lake to the Ipswich River. There are two 24-inch gravel packed wells, 60 to 80 feet deep, in the vicinity of Pleasant Pond that extract water from the aquifer; this system is maintained by the Water Superintendent. Mr. Ashley noted that "this is a sustainable source of water, until it's not". The overuse of water, i.e., by irrigation, or a severe drought, like 2020, brings challenges. Outdoor water use is the primary issue and the most taxing on the system. There are no plans to develop new well fields and this would not change the DEP water usage permit.

Mr. Mansfield addressed questions and concerns from the Planning Board to better understand Wenham's water resource, operations, and constraints on usage and future strategy.

The Ipswich River basin has limited capacity. Wenham has a permit issued by the Department of Environmental Protection, to withdraw 105.85 million gallons per year with a buffer of 36.5 million gallons making the maximum water withdrawal for Wenham up to 142.35 million gallons per year.

Regarding the new sub-division's usage of water, Wenham Pines will not use town water for irrigation and has an estimated use of 800 gallons a year; this is an over 55 community. Spring Hill has no restriction for using town water for irrigation. The increase water usage is potentially 6 million gallons per year from this development alone.

The Water Department is not in the position to impose development restriction but encourage residents to conserve water, use environmentally friendly landscaping and avoiding chemicals.

Mr. Ashley noted the Water Commissioners will coordinate with Planning Board regarding what additional developments for the use of town water for non-essential outdoor use, i.e., irrigation. A potential bylaw to restrict town water from being connected to irrigation was mentioned.

The Planning Board will review & update regulations and zoning bylaws next year to reflect concerns about climate adaptability and sustainability; the Commissioners will be asked to participate in this review.

It was suggested that a packet be prepared for real estate agents to provide to new residents regarding guidance on water restrictions and bans in Wenham.

The City of Beverly is on a reservoir system which includes Wenham Lake. This water system is governed by the Salem Beverly Water Supply Board. This system is not subject to DEP restrictions and able to draw on the reservoirs, which Wenham is not. discussion followed.

Continued Public Hearings

o 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 October 8, 2020)

➤ Decoulos & Company Re. 60 Arbor Street Wenham Assessor Map 13, Parcels 84 84A, October 7, 2020

Approved 12.10.2020

- Definitive subdivision plan 60 Arbor Street, October 7, 2020
- Letter from abutter Ann Weeks and Eric Lustig in opposition of the proposed subdivision
- Letter from EBI Consulting re Peer Review of Definitive Sub-Division Application, 60 Arbor St. November 17, 2020 EBI project # 1620000014. Including EBI and Decoulos responses.

- Planning Board members Ms. Weeks and Mr. Pasquarello recused themselves as abutters to 60 Arbor Street. Ms. Rogers chaired this agenda item.

Present for the hearing: Michael Clark, EBI Consulting, peer reviewer for the Town; John Decoulos, Engineer Decoulos & Company, representing the applicant; Susan Hamilton, 60 Arbor Street, petitioner.

Residents present: Mark Liphardt; Amy Richardson; Charles Congdon; Ann Weeks; Dan Pasquarello; Mariann Cannon

Mr. Clark spoke on the peer review of the Definitive Sub-Division Application, 60 Arbor Street and observed that the letter from Mr. Decoulos did not tie things together but Mr. Clark believed he had what he needed to address questions. Mr. Clark presented his report and identified each contested point of the plan along with the response from Decoulos Engineering.

Mr. Clark confirmed that the lots appear to have enough footage and confirmed the calculation used.

- Lot 6: 80,063 Square Feet which proposed to be limited to one single family home dwelling
- Lot 7: 516 square feet. This is a non-buildable lot.
- Lot 5: 60 Arbor Street, (existing dwelling) is 43,150 square feet* (shown on sheet C3 as having 48,292 square feet. Mr. Decoulos is to provide these calculations.

*Mr. Clark further explained that according to the regulations the requirements *of land to not be included in the lot size area it must either be a wetland or narrower than 50 feet and has a perimeter great than 150 feet.*

In summary, Mr. Clark noted the 5 small wetland areas on the borders of lot 5 & lot 6 that were less than 50 feet wide but have a perimeter (around a triangle or curve on the lot line) that was less than 150 linear feet and therefore does not meet the bylaw for definition to remove it from the total lot area count and may be used in the lot size calculation in this situation.

Mr. Decoulos is to provide the following on the drawings:

1. Slope stabilization for the 50% slope proposed along the northerly portion of the private way.
2. Elevations of existing and proposed grades at 50-foot stations.
3. Permanent granite monument location.
4. Tree & Landscaping plan was incomplete. Trees to be removed are to be identified and a list of plantings.
5. Letter from Water Department permitting the use of a one-inch water line.
6. Street sign to read "Private Way."
7. Drainage calculations need to be provided and stormwater reconciliation.
8. Planning Board should have a copy of the home owner association of the maintenance plan for the site.
9. Conflicting lot areas on sheets for Lot 6 and Lot 5

Mr. Decoulos was given the opportunity to respond to the EBI report and stated these issues would be addressed and shown on the drawings for consideration and vote.

Mr. Decoulos noted the calculations on drawing Sheet C3 are not accurate. The lot areas on Sheet C2 are correct as follows:

Lot 5 is 43150 sq. ft

Lot 6 is 80063 sq. ft

Lot 7 is 728 sq. ft

Ms. Hoffman observed the applicant did not meet the submittal deadline for this meeting and the information discussed was received just before the meeting. Ms. Hoffman went on to recommend the hearing for 60 Arbor Street be continued to January to allow time for the applicant to meet the deadline and allow the Board members time to review the information to be discussed. The next Planning Board meeting is December 10.

Mr. Decoulos responded that he could submit the drawings by Friday, November 20. Mr. Clark agreed to review those submittals by November 23.

Ms. Hoffman reiterated that she would send the December meeting packets to the Planning Board by December 3.

Ms. Rogers cautioned that the Board members may have other concerns not covered by the peer review and suggested the Board members to direct those comments/questions to Mr. Clark directly.

Ms. Rogers opened the hearing for comments and questions starting with the Board members.

Ms. Rogers reiterated the landscape plan was confusing and did not identify tree removal or a planting plan.

It was noted that Sheet C5 shows the existing trees; a revised sheet will show the trees proposed to be removed.

Approved 12.10.2020

Mr. Decoulos reviewed the species proposed in the planting plan that included Eastern Hemlock and American Elm; the existing 18-inch Yellow Birch on the left side of the cul-de-sac is slated to be saved. The applicant was directed to consult the Tree Warden.

Ms. Rogers referenced the impervious pavement and opined that this was an excessive amount of pavement for this project and the impact on the street scape. She opined a more artful presentation was needed of how this would impact the neighborhood. Mr. Decoulos noted the drive to the cul-de-sac drive is 16 feet wide with a 20-foot wide pavement around the cul-de-sac to meet the requirements for a fire truck to make a 360 degree turn. Turning templates will be provided with the next submission and reviewed by the fire department. Mr. Decoulos agreed with Ms. Rogers but referenced the requirements for subdivisions.

Mr. Anderson confirmed the applicants are requesting a waiver from the requirement to install sidewalks. He also stressed the importance of including public comment and encouraged members of the public to submit their comments by December 3 for the next meeting.

Mark Liphardt, Arbor Street, noted that there was no way to make comments without seeing the final plans.

Ann Weeks, Foster Street, concurred that final plans were necessary to make comments.

Ms. Hoffman reminded the applicant that she works on Tuesdays and Thursdays and would post the final plans on the town's web site. Ms. Rogers asked that only final plans and documents being discussed during the meeting be posted.

Mr. Decoulos said he would submit the final plans by December 1.

Ms. Weeks referenced the Subdivision section 3.2.1.2.9 and 3.3.3.6 and 4.5 and 5.10.5 and zoning bylaw section 9.3 sub 3 and 10.1.2 that requires preliminary definitive plans show all large trees, wooded areas ridges and identify all areas of clearing, back filling, and cutting of natural vegetation. Additionally, she stressed that care must be used to preserve existing trees and no clearing, earth stripping for grading of the amount the applicant claims (35,000 square feet) could be done without a special permit. Ms. Weeks questioned if the large existing oak trees in the rear of the property would be saved.

Ms. Weeks reiterated her concern that existing trees on the ridge would be removed and the area disrupted or stripped that would impact the stability of the ridge.

Ms. Cannon echoed this concern of the disturbance on the ridge area and stressed the importance this plan be in writing.

Note: The Board members voted unanimously by roll call to continue the hearing for 60 Arbor Street to a date certain of Thursday December 10, 2020 at 7:30 pm.

Ms. Weeks and Mr. Pasquarello returned to the meeting at 9 pm.

Ms. Weeks resumed chairing the meeting.

Administrative

- Update on Planning Grant and next steps for Regulation Update project

Ms. Hoffman informed the Board that the Town was awarded a grant from the Executive Office of Entergy and Environmental Affairs for to fund the Rules & Regulation update.

The grant is for \$18,000. This is an accumulative grant; the first installment is \$10,000.

The focus of the update is to confirm regulations are up to date and reflect current best practices, is consistent and moves forward in way that allows for sustainable development and addresses climate change.

Ms. Hoffman will prepare a scope of services to send to three perspective contractors. A core committee will be formed that consists of different departments to oversee the project,

- Meeting Minutes – October 8, 2020

The minutes were unanimously held for review.

- Other matters, as may not have been reasonably anticipated by the Chair (Discussion Submission deadlines will be looked into by Ms. Hoffman to be included in the Rules & Regulations.

- Adjourn - *The Board members unanimously adjourned by roll call at 9:24pm.*

Respectfully Submitted By

Catherine Tinsley

12.2.2020