

TOWN OF WENHAM
Planning Board
Meeting of April 15, 2021
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 April 15, 2021 at 7 pm. *Due to the COVID19 Virus pandemic & restrictions concerning in-person gatherings ordered by the Governor, this meeting took place virtually on Zoom. The chair identified the meeting was being recorded and those present.*

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 pm.*

Board members present: Ann Weeks, Chair; David Anderson; Peter Clay; Dan Pasquarello. Not present: Virginia Rogers
Also present: Margaret Hoffman, Planning Coordinator; Catherine Tinsley, Recording Secretary
Select Board member Catherine Harrison

Administrative

- 60 Arbor St Appeal - Informing Board that appeal has been taken – No discussion of legal strategy

➤ Notice of Appeal: Susan M. Hamilton, et al. v. Ann B. Weeks, et al, Land Court Docket No. 21 MISC 000184

Ms. Hoffman informed the Board that Attorney Donald Pinto, Pierce Atwood LLP, Attorney for the Hamiltons, 60 Arbor Street, issued a letter to the Town Clerk of the filing on April 1, 2021, in the Massachusetts Land Court, appealing the March 16 decision of the Wenham Planning Board denying approval of a Definitive Subdivision Plan for Land at 60 Arbor Street in Wenham and enclosed the complaint.

Town Counsel, Attorney Robin Stein, KP Law, will attend and discuss the appeal in executive session at the next meeting on May 13, 2021. The Board was invited to send questions to Attorney Stein prior to the meeting.

- Discuss Regulation Update Project

The Land Use Department is working with Caroline Wells, Planner for Weston & Sampson, to advance innovative local efforts to increase awareness of climate impacts, identify vulnerabilities and risks, and implement measures to increase community resilience. This is a grant funded initiative. Ms. Hoffman stated a core team is being assembled to work with Weston & Sampson. The first core team meeting was held and included the DPW, Water Department, Tree Warden, and Ms. Wells. Ms. Hoffman requested a liaison from the Planning Board to be on the core team; Peter Clay and Dan Pasquarello will represent the Planning Board.

There was a brief discussion on the crisis of the Ipswich River watershed recently identified by American Rivers, and publicized in the media, and by the Ipswich River Watershed association. This publication reiterated that the water in Wenham Lake, which is fed by the Ipswich River, supplies water solely for the cities of Beverly and Salem, and is overseen by the Salem Beverly Water Supply Board and not the other towns in the Ipswich River watershed. The Salem Beverly Water Supply Board has not established water bans in Beverly or Salem as are required in the other towns in the Ipswich River watershed municipalities. It was noted that even though Wenham draws its water within its permitted amount each year, the Ipswich River watershed system, as a whole, involves other communities and was identified as one of the top 10 endangered rivers in the nation according to American Rivers. There was discussion of the Town's directions to developers concerning water use and discouragement of sprinkler systems. The Planning Board recognized that this is a significant issue that should be addressed in the Master Plan.

- Discuss Master Plan next steps

Ms. Hoffman advised that the Master Plan is proposed within the FY22 Budget for \$125,000. The budget will be voted at the Annual Town Meeting on May 1, 2021. If the budget is approved, the funding will be available July 1, 2021 and a consultant will be hired.

- Introduction to new General ECode on website

Approved 5.13.21

Ms. Hoffman shared the town web site live on Zoom and gave an overview of the newly codified Codes and explained the format changes. The Codes are accessed through another website and are now searchable. (this does not include the Rules & Regulations which are still in their original form as printed).

- Update on Spring Hill progress

Ms. Hoffman gave the Board members a brief update on the progress at Spring Hill since the discussions with the Developer, Michael McNiff, at the March 11, 2021 meeting to remove the sprinkler heads from the town property, continue to address and control erosion, and plant two street trees in front of each house.

At the meeting, Mr. McNiff agreed to remove the sprinkler heads along the street in Spring Hill and from the one lot where they installed them, but the sprinklers have not been removed to date.

Ms. Hoffman and the Tree Warden met on site and discussed the two street trees required to be planted in the front of each house as per the Spring Hill plan approval. The Tree Warden provided a list of approved species to the Developer. Although the approved plan requires two street trees in front of each house, there was a question about whether a homeowner does not want both or even one tree planted or has done their own landscaping.

Ms. Hoffman reported that the contractor seems to have addressed the erosion; this will be monitored.

There was one applicant for the lottery for the affordable unit in the existing house on Dodges Row. The applicant was approved and is going forward with the purchase.

Habitat for Humanity is still waiting to close on the Spring Hill lot (17) dedicated for the affordable unit(s) and still does not know how much of the funding for the construction of the unit(s) the contractor will provide. Ms. Hoffman will continue to follow up with the contractor and Habitat for Humanity on this matter.

Ms. Hoffman mentioned that there is one lot, lot 6, that has not been prepped or built on.

- Information on possible development in Beverly at Boulder Lane

Ms. Hoffman gave a brief history of the Town's interest in Boulder Lane and an overview of recent activity on the abutting property off Boulder Lane in Beverly.

Ms. Hoffman referenced an aerial map of the area. Boulder Lane is a narrow access road located off Grapevine Road and runs parallel with Route 128. It is the only access to this wooded area. The land in Wenham has multiple lots owned by the town, the Brady family, and the Frangos family who also owns a parcel in Beverly. The City of Beverly also owns land in Beverly. The parcels are land locked except for access via Boulder Lane.

There was a report from a resident about chain saw noises emanating from the property in Beverly, which initiated the investigation.

Ms. Hoffman discovered that about 20 acres at the end of Boulder Lane in Beverly were sold to Boulder Lane LLC.

Ms. Hoffman reported there was a large amount of clearing on the Beverly side, and because there are many wetlands and vernal pools in this area. the City of Beverly issued a Cease & Desist order to Boulder Lane LLC until the wetlands are flagged.

The Beverly Planning Board is unaware of any permits, or plans for this property.

It was noted that there is a 200-foot scenic easement along State highway Route 128 that may have been infringed upon.

Extremely large and heavy equipment was observed using the Boulder Lane access road. The Brady family that owns the land that Boulder Lane is on, is seeking legal advice from their attorney.

A lengthy discussion ensued. The Planning Board noted their concerns, especially if the land is stripped before action can be taken. The Building Inspector is monitoring the work as well as the DPW. The Police Department will be consulted and the Town Counsel will be contacted.

Ms. Hoffman will send the Board members the feasibility study on Boulder Lane. The study focused on the challenges of the site due to wetlands and the difficult topography.

Ms. Harrison gave a brief overview of the past decade history on Boulder Lane as it related to Wenham.

- Meeting Minutes – February 11 and March 11, 2021

*Note: The Board members voted unanimously by roll call to accept the minutes of **February 11, 2021** as edited.*

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- Other matters, as may not have been reasonably anticipated by the Chair (Discussion Only)
- Next Meeting May 13 at 7 pm.
- Adjournment – *The Board members voted unanimously by roll all to adjourn at 8:20pm.*

Respectfully Submitted By

Catherine Tinsley

4.16.21