

Town of Wenham
Zoning Board of Appeals
Meeting of August 23, 2021
Wenham Town Hall, 138 Main Street

Pursuant to the Open Meeting Law, MGL Chapter 30 A, §18-25, written notice posted by the Town Clerk delivered to all Board members, a meeting of the Zoning Board of Appeals (ZBA) was held on Monday August 23, 2021 at 7pm.

The Governor extended the suspension of certain provisions of the open meeting law that authorizes all members of a public body to continue participating in meetings remotely until April 1, 2022. This meeting took place via Zoom.

The Wenham ZBA exercises all powers granted to it by Massachusetts General Laws, Chapters 40A, 40B, & 41 and the Town of Wenham Zoning Bylaw. The Board hears & decides applications for special permits, appeals or petitions for variances from regulations governing dimensions of land or structures, appeals taken by any aggrieved by reason of his inability to obtain a permit or enforcement action under the provisions of MGL 40A and applications for comprehensive permits. Members are appointed by the Select Board for a term of three-years from July 1 – June 30.

The Zoning Board consists of three Board members: Evan Campbell (2022); Dana Begin (2023) Anthony Feeherry (2024) and (up to) three Associate members: Kelly Schmidt (2022) Richard Modiszewski (2023); one open seat

- Call to Order - *With a quorum present Mr. Feeherry called the meeting to order at 7:02 pm and announced the meeting was being recorded and those present: A. Feeherry, Chair; D. Begin; E. Campbell & Associate members: R. Modiszewski*
Not Present: K. Schmidt, Associate
Also present: Margaret Hoffman, Planning Coordinator; Catherine Tinsley, Recording Secretary

Administrative

- Request for extension to Variance for 96 Maple Street
The applicant will reapply for a variance. No action was required

- Academy at Penguin Hall - Determination on the need for a Site Plan Review

The Building Commissioner suggested the ZBA determine whether a new application for site plan approval was required, or the 2016 approved site plan site plan could be amended, or no action was needed.

A building permit application was submitted August 23, 2021. No building permit will be issued pending the Zoning Board's decision.

- Letter from M. Martins, to ZBA - August 19, 2021
- Email from H. Davis in support of Site Plan Review – August 23, 2021
- Site Plan Approval under Zoning Bylaw Section 13.5.1 - February 2016

Molly Martins, President of Academy at Penguin Hall, was present and gave an overview of the proposed plan to add a weekday boarding program at the Academy at Penguin Hall. As required by the Zoning Bylaw, this expansion of use requires a site plan review.

Ms. Martins reviewed in 2016 the Academy was issued a Site Plan approval to convert the building at 36 Essex Street to an educational use. Ms. Martins reported the Academy currently has 160 day students and occupies 75,000 square feet of space within the 115,000 square foot building. The campus sits on 50-acres.

The Academy is initiating a pilot boarding program this fall to allow six students and one adult to stay on campus Monday through Friday and is working with an architect to convert rooms to dormitories. The entire building was brought up to educational codes and is fully sprinkled and alarmed.

It was noted that the previous business, Mullen Advertising, had about 475 employees and the septic system is appropriate for the Academy which uses about one-third of the full capacity of the system.

The Academy uses Wenham water exclusively and a residential program will impact the water usage.

Ms. Martins confirmed that Martins Construction does not park their vehicles on the campus but is present to do maintenance for the Academy.

Ms. Martins questioned that since this was a continued educational use under the Dover Amendment and there are no alterations or changes to the exterior or interior of the building, if a site plan review was required.

Town Counsel advised the Board regarding the language of the bylaw this was a change within the educational use.

The Board determined the bylaw intercedes with the Dover Amendment and that a site plan review was needed to allow resident to be informed and to maintain precedence.

Ms. Martins requested the hearing be held prior to school starting.

Due to the posting requirements to hold a public hearing, the earliest date for the site plan review was September 20, 2021. Ms. Martins declined the offer to pay the increased cost to publish the public notice in the Salem News and hold the hearing a week earlier.

Ms. Martins was cautioned that any work done prior to approval was at her own risk and to consult with her counsel.

- Update on Regulation Project and Master Plan

Ms. Hoffman reported that Weston and Sampson completed the first draft of the Subdivision Rules and Regulations with a new template that incorporates new best practices.

She is expecting the draft Zoning Bylaw update this week and will email it to the Board for review.

Regarding the Master Plan, the Planning Board is meeting September 9 and will discuss whether to work directly with the consultant or appoint a Steering Committee. Ms. Hoffman is working with the Town Administrator on the RFP for consulting services to be issued by the second week of September.

- Meeting Minutes – *The Board voted unanimously by roll call to approve the meeting minutes of July 21, 2021.*
- Other matters, as may not have been reasonably anticipated by the Chair (Discussion Only)
- Next Meeting: September 20, 2021
- Adjourn – *The Board unanimously adjourned by roll call at 8:10 pm.*

Respectfully Submitted By
Catherine Tinsley
8.30.21