

Town of Wenham
Zoning Board of Appeals
Meeting of January 20, 2022
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 Thursday January 20, 2022 at 7 pm via Zoom. *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.*

The Wenham Zoning Board of Appeals exercises all powers granted to it by Massachusetts General Laws, Chapters 40A, 40B and 41 and the Town of Wenham Zoning Bylaw. The Board hears and 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 announced the meeting was being recorded and those present: A. Feeherry, Chair; D. Begin; E. Campbell; R. Modiszewski. Not present: K. Schmidt*
Also present: Margaret Hoffman, Planning Coordinator; Catherine Tinsley, Recording Secretary

Public Hearings

- 10 Cedar Street - on the petition of Gregory Gonyea, 10 Cedar Street, Wenham for a Special Permit under Zoning Bylaw Sections 255.4.4.C.1 (Nonconforming Structures) and Section 255.13.4 (Special Permits) to allow the expansion of a non-conforming structure by remodeling an existing garage to create a finished living space at 10 Cedar Street (Assessor's Map 18 Lot 018).
 - Certified Plot Plan, Gloral Associates Wakefield 11.24.21
 - Proposed Plans Functional Design Works, Inc. Somerville October 15, 2021
 - Applications including plan for existing garage and proposed layout.
 - Ms. Hoffman read the legal notice as posted in the Salem News, January 6, 2022 & January 13, 2022

The hearing was open at 7:04 pm. Gregory Gonyea, applicant/homeowner was present.

The Building Commissioner felt this projected needed relief under section 255.5.5.C.1 The garage is non-conforming and within the required setback. 11.3” at the closest; The lot is non-conforming with 75.19-8 feet of frontage and only 13,100 s.f of area. The request for relief to improve an existing detached garage, add dormers and expand the usable space above garage from an office and bathroom to a playroom and upgraded bathroom. There are no changes proposed to the footprint. The applicant confirmed the intention of the use did not include an apartment, or use as Air B&B. Mr. Feeherry reviewed the additional steps following a Special Permit including approval from any other boards, committees, and public safety.

The hearing was open for public comments/questions; there were none.
No comments were received at the time of this meeting.

Vote: The Board voted unanimously by roll call to grant the request for a Special Permit for 10 Cedar Street to allow construction in substantial compliance with plans (dated October 15, 2021) So as to allow an office, playroom and bathroom, restricted as apartment, bedroom or rental use without further action of the Zoning Board of Appeals. And pending compliance with Fire, BOH, and all other relevant town departments.

The 20 day appeal period starts when the written decision is signed and filed with the town clerk.
The public hearing was closed at 7:24 pm.

19 Bruce Lane - on the petition of **Brendon Bioren, 19 Bruce Lane, Wenham MA** for a Special Permit under Sections 255.4.4.C.1 (Non-conforming Structures) and 255.13.4 (Special Permits) to allow the reconstruction and addition to an existing non-conforming structure at **19 Bruce Lane (Assessor's Map 13 Lot 060).**

- Application -December 9, 2021 including renderings
- Certified Plan Gateway Consultants, Gloucester November 1, 2021

- Ms. Hoffman read the legal notice as posted in the Salem News, December 30, 2021 & January 6, 2022.

The hearing was open at 7:26 pm.

Brendon Bioren was present, represented by Counsel, Attorney Charles Clapp and General Contractor, Sean Costello.

The request is for relief required per section 255.4.4.C.1. The lot is non-conforming with only 84' frontage and 10,117 sq ft lot.

The proposed project is to renovate an existing non-conforming structure. The existing house sits within the required setbacks;

13.2 feet at the closest. The proposed project includes the addition of three dormers in the front of the house and a dormer in

the rear of the structure. This will increase the living area by 27% (2,041 sq ft to 2,588 sq ft). The new building height will be

27'3". It was noted the maximum height for any building in Wenham is 35 feet.

The Board noted their concern with a 2,588 sq ft house only having 2 bedrooms. Mr. Costello reiterated, per the Board of

Health, this is a 2 bedroom home. There is a new (approved) septic system being installed, appropriate for dwelling and lot.

A Deed Restriction will be required.

The hearing was open for comment/questions.

It was noted there are the stairs on the second floor to access the attic and it was confirmed the attic is for storage only and there is no intention to add living space.

The hearing was open for public comments/questions; there were none.

Vote: The Board voted unanimously by roll call to grant the Special Permit for 19 Bruce Lane, with the provision the construction is in substantial compliance with plans (dated 11.11.21) submitted to the ZBA, there will be a deed restriction for a 2 bedroom house, the Board of Health approves the renovation, and any further renovation to the third floor attic space must be reviewed by the Zoning Board of Appeals.

The 20 day appeal period starts when the written decision is signed and filed with the town clerk.

The hearing was closed at 7:42 pm.

Administrative

- Update on MBTA Communities Housing Choice Bill Legislation

Ms. Hoffman summarized the MBTA Communities Housing Choice Bill. The intent is not to construct housing but for towns to designate as area of 50 acres within ½ mile of the MBTA train station that will allow multi- family housing "by right" (with may exceptions, yet to be finalized). Ms. Hoffman noted the regulations have not been finalized by the state to date and there are many nuances. The state continues to work on the guidelines and are welcoming comments on their web site.

Currently, in order for a community to be in compliance, information must be provided to the Select Board and a state form filled out. Towns that do not comply may not receive their funding from Mass Works, Housing Choice, or the Capital Funds .

Ms. Hoffman noted it does not appear Wenham receives any of these funds.

- The RFP for the Master Plan went out yesterday (1.19.22). Proposals are due by February 9. It is anticipated a consultant will be in place by the end of February.
- Meeting Minutes December 15, 2021 – *The minutes were held for review.*
- Calendar
Next meeting: February 22 – Continued Hearing for 7 Longfellow Road
- Other matters, as may not have been reasonably anticipated by the Chair (Discussion Only)
- Adjourn- *The Board voted unanimously by roll call to adjourn at 7:58 pm.*

Respectfully Submitted By

Catherine Tinsley

1.21.22