

Town of Wenham  
Zoning Board of Appeals  
Meeting of November 30, 2021  
Wenham Town Hall, 138 Main Street

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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 Tuesday November 30, 2021 at 7 pm.

*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 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 Board of Selectmen 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 7:05 pm announced the meeting was being recorded and those present:* A. Feeherry, Chair; D. Begin; E. Campbell; Associate members: K. Schmidt; R. Modiszewski  
Also present: Margaret Hoffman, Planning Coordinator; Catherine Tinsley, Recording Secretary

There were many residents from the Longfellow Road neighborhood present for the public hearing.

**Continued Public Hearing** - October 13, 2021; November 9, 2021

- 21 Longfellow Road - On the petition of Pamela & Yianni Katsiris, 26 Ravenwood Rd, Peabody for an amendment to a Special Permit dated July 5, 2017 for property at 21 Longfellow Road Wenham (Assessors Map 7, Lots 50 and 52) to allow for an adjustment to the location of the structure, size of the garage and associated landscaping, septic and other site improvements.

- Site Plan, 21 Longfellow Rd., November 17, 2021
- Tree warden letter re Hemlock, November 29, 2021
- 2017 approved plan for 21 Longfellow
- M. Hoffman memo re outstanding items, November 23, 2021

The applicants, Pamela and Yianni Katsiris, and the project Engineer, Giovanni Fodera, were present.

Mr. Feeherry gave an overview of the hearing and invited the petitioners to present their revised and updated plan from the November 9, 2021 hearing. Mr. Fodera reported the following changes:

- The lot coverage was reduced to 19.9%. This is under the 20% maximum in an Aquifer protection area.
- The metal patio roof & trellis removed
- Driveway scaled back “a little bit”
- Reduce rip rap slope scaled “a little bit”
- Added: Extended pervious landing (6 x 12) in the rear off the master bedroom to accommodate the 10 foot wide door
- Added: Stone steps from driveway to rear on grass area
- Pervious steps and pervious asphalt to be used.

Mr. Fodera commented that neither the patio size, driveway, or garage was changed due to cost.

Ms. Katsiris read a statement. Summarized for the minutes, she stated this has been an exhausting process since selling their home 5 years ago, and has put their life on hold; the ups and downs have been quite an ordeal. The error of the surveyor is a cumbersome hurdle and very challenging, but as a result, the house is almost out of the wetlands and alleged the Conservation Commission allowed the changes as presented and reiterated the position of the garage was dictated by slope of land and drainage of the new location. Ms. Katsiris alleged the (previous) building inspector’s input and professional capacity was relied on when changes were made on site. She opined 2 vehicles in the garage are off the street and allows for better snow removal space.

The Tree Wardens’ response\* to the hemlock tree on abutting town property, impacted by the over excavation was referenced. It is the Tree Warden’s preference the tree be saved with added (native) soil and the retaining wall be no less than 6 feet from the tree. Ms. Katsiris cited a small back yard and proposed the wall, if needed/required be 5 feet from the tree.

Ms. Hoffman added the Building Commissioner asked that the plans show the elevation of the property, including the other side of the retaining wall. She also confirmed the understanding that the DPW will plow Longfellow and push the snow off to ZBA 11.30.21

the left and turn around in the hammerhead, and the Board of Health Agent indicated he will approve the septic plan tomorrow.

Mr. Feeherry opened discussions with the Board with his concerns:

- The garage was supposed to be a one car garage located on the corner of where the previous house set on the lot.
- The difference in distance of the hemlock tree from the retaining wall: 6 feet vs 5 feet Warden petitioner (Tree
- Size and location of patio because the house was moved.
- Retaining wall instead of fence

Mr. Campbell agreed and added his concern the electric pole guidewire is located in the hammer head and was a possible obstacle.

The Board discussed the proposed changes and how to make sense out of the current situation

Mr. Evans noted the project needs to be completed but opined how moving the house did provide the space needed to curve the driveway for a 2 car garage but accepted the applicants reason of error, but asked the applicant provide an affidavit attesting to this.

The Board reviewed the special permit considerations that were approved in 2017 after a series of contentious hearings, including police presents. The 3600 sq ft house proposed w/ 2 car garage was reduced to 2482 sq feet with a one car garage (this replaced a 900 sq ft house) to better fit into the neighborhood; litigation followed.

The location of the house was decided according to conservation of the land.

The Special Permit requires that no more than 3 vehicles be on site, and no boats, and no trailers.

Anthony Karamas, Attleboro Mass, brother of Petitioner was recognized and spoke on behalf of his sister, Pam Katsiris, in favor of the 2 car garage.

It was noted that any future changes must come back before the ZBA and that this decision may be appealed.

The Board reiterated their concern that this sets precedence for the town.

The hearing was open to the public.

- Andrea Collins opined the ZBA was hung up on minor details and asked that the Katsirises be told what to do and the project be completed.
- Linda Medeiros observed there is no parking on Longfellow Road, everyone parks on their property and opined there was no benefit to adding a 2 car garage and is not beneficial to getting cars off the street. She also agreed the project needs to be done but the over excavation on site need to be restored and referenced the project began with fines for tree removal on town property and now more trees are proposed to be removed and a new section that needs to be excavated for the hammerhead. She requested no more excavation and tree removal be allowed.

Mr. Feeherry stated that work on paper streets must go through the Planning Board.

- Jessica and Matt Baker noted they had to adhere to what the town approved and the Katsirises should stick with their approved plan and supported a one car garage and smaller patio. The commented that the neighbors all noticed the foundation was off right away.
- Larry Oak spoke in support of a 2 car garage to get car off the street – especially during plowing.

Public comment was closed. The Hearing was open to the Board for discussion.

Mr. Campbell said he had no problem with plan but that they did not follow requirements of special permit. Because this was due to a technical error and false information from a building inspector, he supported the proposed plan but that this be clearly stated for the record.

Ms. Begin noted her concern about retaining wall/ tree as unresolved but because the garage was minimally expanded and would not look different whether a single or 2 car garage, and the neighbors were not terribly opposed she supported the 2 car garage.

Ms. Schmidt noted the abutters voiced concerns at the last meeting and she was not in total agreement to a two car garage or expanded patio. It was noted as an associate member, Ms. Schmidt would vote but her vote did not apply to the required unanimous vote of the Board for the amendments to be approved .

Mr. Ferrara recognized the cost and reconstruction of changing the garage.

Amendments to the Special Permit:

- The Board unanimously agreed to accept the altered location of building.
- The Board unanimously agreed on the septic location pending the Board of Health Agent approval; this is a two bedroom home and the leaching field was agreed to be sized for a 2 bedroom house.
- The Board unanimously agreed to approve a rip rap wall instead of block retaining wall.
- The Board unanimously agreed the Tree Warden make the final decision regarding the Hemlock tree and retaining wall.

Approved 12.15.21

*\*Due to the excavation along the property line, by the homeowner or its agents, the roots around a semi mature Hemlock tree were disturbed to within 3' of its trunk. It is formally and immediately requested that this native soil be replaced to the existing grade and to a distance no less than 6' from the trunk with an appropriate descending grade. It is further requested that mulch or aged wood chips be applied over this disturbed area at a depth of no less than 4" as soon as possible before the onset of Winter. Win Mulry*

In summary:

- The metal roof was removed.
- The driveway changed from gravel to bituminous material. It was noted the Conservation Commission only approved that portion of the driveway in their jurisdiction.
- The Board expresses no legality regarding the work on Oak St & cautioned this may need review by the Planning Board.
- The adjusted location of dry wells was under the Conservation Commission's jurisdiction and approved.
- The (storage) Pod not shown on the plan as required- The Board agreed unanimously that the pod may stay on the site for the duration of the construction and must then be promptly removed.
- The board returned to the discussion regarding the garage and if it should be reduced to the approved single car garage and agreed it be approved as built.

The Board had no objections:

- To the 6 x 12 deck off the master bedroom; to be shown on the plan.
- To the rock steps to the back yard.

The Katsirises confirmed their understanding that the town plows will push, and leave snow, on their property.

The deadline for construction was extended from February 2021 to May 2022 due to the Cease & Desist order issued by the town. This is not a violation.

The plan, detail sheets will be updated prior to the next meeting.

*Note: The Board voted unanimously by roll call to conditionally grant the amendments to the Special Permit consistent with the discussion, contingent on receiving an approved plan from the Tree Warden for the Hemlock Tree, the applicants' engineer submitting a plan that reflects the changes as discussed and an affidavit is submitted by the applicant explaining the changes to the plan were technical errors and no false information has been given.*

*Note: The Board voted unanimously by roll call to continue the public hearing to a date certain of December 15, 2021 at 7 pm on Zoom.*

### **Administrative**

- Meeting Minutes: *The Board voted unanimously by roll call to approve the minutes of **November 9, 2021** as amended.*
- Other matters, as may not have been reasonably anticipated by the Chair (Discussion Only)  
Harborlight has pulled a foundation permit for Maple Woods.
- Next Meeting: December 15, 2021
- Adjourn – *The Board voted unanimously by roll call to adjourn at 8:58 pm.*

Respectfully Submitted By  
Catherine Tinsley  
12.1.21