

Town of Wenham  
Zoning Board of Appeals  
Meeting of December 15, 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 Wednesday December 15, 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 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 7:25 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

*\* The delay in the start of the meeting was due to a Zoom meeting scheduling conflict.*

### Continued Public Hearings

- **7 Longfellow Road** -for a variance per Section 255.4.4.C.2 (Variance Required) and Section 255.13.6 (Variances) of the Wenham Zoning Bylaw to construct an addition to an existing nonconforming single family residence at 7 Longfellow Road (Assessor's Map 7, Lot 025). **Continued from October 13, 2021**

Mr. Feeherry opened the public hearing. This application is for a variance to expand a preexisting, non-conforming structure on a non-conforming lot in the front of the property in the right of way.

The applicant has been unable to provide a certified plot plan as required by the Building Commissioner/ZBA at the October 13, 2021 meeting. Chris Wood, applicant & homeowner, was present with his architect, Samuel Robertson.

Mr. Robertson informed the Board that a number of surveyors have been contacted since September. Those that responded declined to do the survey citing lack of accuracy and markers in the Longfellow Road area.

Mr. Feeherry said he, the Planning Coordinator and Building Commissioner met and discussed the application and issues impacting the project. Although a certified plot plan would still be required for a building permit, Mr. Feeherry said in an effort to reach a solution, the petitioner may want to submit A Notice Not Required to the Planning Board to request ownership of the paper streets abutting his property to extend the property boundaries. Mr. Feeherry went on to say old maps indicate the existing house is on the paper street, and that it is obvious the house was not built in the middle of a paved road. The ZBA could then consider a variance with zero frontage to allow a building permit for some of the proposed construction requested. Mr. Fodera, present at the meeting for 21 Longfellow Road, was invited comment on the survey since he had recently done survey work for 21 Longfellow Road. Mr. Fodera said he had found iron pins and felt he could provide a survey for Mr. Woods and agreed to follow up with him after the meeting. Mr. Feeherry offered to coordinate a meeting with the petitioner, Building Commissioner, Surveyor, Planning Board, Planning Coordinator, or anyone else to explain what is being done and the challenges.

*Vote: The Board voted unanimously by roll call to continue the public hearing for 7 Longfellow Road to a date certain of February 22, 2022 at 7 pm via Zoom.*

- **21 Longfellow Road** - on the petition of Pamela and Yianni Katsiris, 26 Ravenwood Rd, Peabody, MA for an amendment to a Special Permit dated July 5, 2017 for property at 21 Longfellow Road Wenham, MA (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. **Continued from November 30, 2021**
  - Updated & Revised Site Plan, December 14, 2021

Mr. Feeherry opened the public hearing. Pam Katsiris, applicant, was present with Giovanni Fodera, Fodera Engineering. At their posted meeting of November 30, 2021, the ZBA voted 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.

Ms. Hoffman confirmed a revised plan was received and consistent with votes taken to amend 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.
- 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.

Ms. Hoffman reviewed she met with the Tree Warden on site. The Tree Warden confirmed the Hemlock Tree could be saved and provided a plan including the retaining wall in the rear of the property be changed; this is shown on the revised plan. A letter from an abutter was received asking the ZBA that the vegetation on the paper street be preserved and there be no additional clearing of trees or vegetation. The Board supported this request and Ms. Katsiris agreed. The language in the ZBA's draft decision will be amended to include there be no cutting of trees or removal of vegetation within the paper street (7.5 feet to center).

Mr. Feeherry reiterated and stressed that the applicant must be in strict compliance with the ZBA decision and if anything deviates from what is approved the applicant must come back to the ZBA with a revised proposed plan.

The affidavit explaining the changes to the plan were technical errors and no false information has been given, was submitted by Ms. Katsiris as requested.

*The Board voted unanimously by roll call to grant the amended Special Permit for 21 Longfellow Road, and that the Special Permit on record remains in full force, except as amended, and the applicant is to comply with plan including the newly added provision prohibiting the cutting and removing of trees / vegetation on the paper street and that all construction be in strict compliance with the approved plans and any changes be approved by the ZBA.*

#### **Administrative**

- Meeting Minutes **November 30, 2021**

*Vote: The Board voted by roll call to approve the meeting minutes of November 30, 2021.*

- Calendar – Next scheduled meeting is January 20, 2022.
- Adjourn - *The Board voted to adjourn unanimously by roll call at 8:05 pm.*

Respectfully Submitted By  
Catherine Tinsley  
12.16.21