

Town of Wenham
Zoning Board of Appeals
Meeting of April 28, 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 Wednesday April 28, 2022 at 7 pm via Zoom. *On February 12, 2022 Governor Baker extended the suspension of certain provisions related to public meetings including members of a public body may continue participating in meetings remotely through July 15, 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 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 7:02 pm announced the meeting was being recorded and those present:* A. Feeherry, Chair; D. Begin; E. Campbell; R. Modiszewski; K. Schmidt (7:06 pm).
Also present: Margaret Hoffman, Planning Coordinator Catherine Tinsley, Recording Secretary

Continued Public Hearings

- 7 Longfellow Road - be on the petition of Chris Woods and Ellen Scannell, 7 Longfellow Rd. Wenham, MA, 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 3/30/22
 - Ms. Hoffman read the public hearing notice as published in the HW Transcript on September 2 & 9, 2021.
 - Certified Plot Plan, 7 Longfellow Road, April 11, 2022
 - Savoie Nolan architectural plan June 28, 2021
 - Email: Feeherry, Hoffman & Town Counsel, R. Stein April 28, 2022
 - Wenham Town Bylaw 255-4.4.c3b

Mr. Feeherry summarized that the Building Commissioner has not granted a building permit for 7 Longfellow Road citing his uncertainty of the property boundaries. The Zoning Board previously requested a certified plot plan for 7 Longfellow Road be submitted with the application, specifically showing the house in relation to Longfellow Road. Chris Woods, homeowner/ applicant, 7 Longfellow Road was present and confirmed the certified plot plan was submitted.

Mr. Feeherry observed the plan showed the existing structure partially on the private way (Longfellow Road) and noted this was in contradiction with the mortgage plot plan and historic plans provided by the applicant.

Mr. Woods briefly described the proposed project to close in the existing carport and incorporate it into the living space and add a full second floor; this does not expand the current footprint of the house. The original plan shows the addition of a carport but the petitioners agreed this did not need to be built.

Abutters Tim & Amy Parziale spoke briefly on their support for the project and clarified they would not appeal the ZBA's decision to approve the plan.

The Board members each spoke positively on the project and in support to reach a solution to allow the petitioner to move forward. It was noted the current boundaries and position of the houses in this area have been this way for quite a while and the work proposed by the petitioner is on the existing footprint.

The Board acknowledged the history of Longfellow Road and their awareness of the complexities of the neighborhood and the location of the paved way (Longfellow Road) has been accepted as "the way" with no objection for years and recently paved.

The applicant was encouraged to seek legal counsel before proceeding and .Mr. Feeherry clearly stated for the record that no legal advice was given to the applicant regarding this matter.

Vote: The Board voted unanimously by roll call to grant, in part, the requested relief for 7 Longfellow Road to construct an addition to an existing nonconforming single family residence, having made the finding that the proposed addition to the house, not including the new carport, is not substantially more detrimental to the neighborhood than the current none conforming use and acknowledged the existence of competing plot plans and the neighbor most immediate affected by the structure expansion has stated their support and further the petitioner was encouraged to seek legal counsel before proceeding and the Board offered no legal advice.

If the Building commission does not issue a building permit – this application may be back in front of the ZBA on appeal.

Public Hearings

- 15 Howard Street - on the petition of Dan and Rebecca Draper of 15 Howard Street, Wenham, MA for a special permit under Wenham Zoning Bylaws Section 4.4.C.(3).(b) (Reconstruction of a Non-conforming Structure), and Section 13.4 (Special Permits) for the expansion of a non-conforming structure at 15 Howard Street (Assessor's Map 013, Lot 093).
 - Ms. Hoffman read the legal ad as published in the Salem news April 16 & 21, 2022
 - Plot Plan dated march 27, 2022

Dan & Rebecca Draper homeowners & petitioners were present with their contractor Ryan Penney.

Mr. Draper spoke on the application to expand a non-conforming structure by adding a dormer on the rear of the house and two cables in the front and relief from the required 15 foot set back to 7.4 feet from the side yard; this is consistent with other homes on the street.

It was noted many letters of support of the proposed project were submitted including direct abutters.

James Murphy 17 Howard Street was present and stated their support in the proposed plan.

The petitioners were reminded this plan must conform to the Board of Health regulations; the house will remain a 3 bedroom home.

Vote: The Board voted unanimously by roll call that the proposed reconstruction is not substantially more detrimental to the neighborhood and to grant the requested relief for Dan and Rebecca Draper, 15 Howard Street to build in substantial conformity as submitted and get all approvals necessary as part of the building permit process.

Other business

- 25 Larch Row – The ZBA granted an accessory apartment be a part of a new home at 25 Larch Row. The accessory apartment was built first to provide the owners a place to live during the construction of the main house. The Building Commissioner issued a Cease & Desist order in part due to the owners including one of the three garage bays as finished living space for the main house. This will be on the next meeting agenda for the Board's consideration.
- Ms. Hoffman reported that JM Goldson was awarded the contract for the Master Plan. Ms. Hoffman explained the process of the Master Plan which is under the Planning Board.
- The new Town Administrator, Steve Poulos is starting May 23, 2022

Administrative

- Meeting Minutes: The Board voted unanimously by roll call to approve the meeting minutes of March 30, 2022.
- Next meeting: May 3, 2022

Adjourn – *The Board voted unanimously by roll call to adjourn at 7:58 pm*

Respectfully Submitted By
Catherine Tinsley
5.17.22