

Town of Wenham
Zoning Board of Appeals
Meeting of May 26, 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 May 26, 2022 at 7pm 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 Feeherly (2024) and (up to) three Associate Members: **Kelly Schmidt (2022)**; Richard Modiszewski (2023); one open seat

Call to Order - *With a quorum present Mr. Feeherly called the meeting to order at 7:03 pm announced the meeting was being recorded and those present:* A. Feeherly, Chair; D. Begin; R. Modiszewski; K. Schmidt (A-7:32 pm) *Not present:* E. Campbell
Also present: Margaret Hoffman, Planning Coordinator; Catherine Tinsley, Recording Secretary

The agenda was taken out of order with permission. Discussion regarding possible minor amendment to 21 Longfellow Road Site Plan*

Public Hearing

• 3 Lake Avenue - On the petition of David & Kristen Harnisch of 3 Lake Ave, Wenham for a special permit under Wenham Zoning Bylaws Section 255.4.4.C.1.(a) (Non-conforming Structures; Reconstruction, Extension or Structural Change) and Section 255.13.4 (Special Permits) to renovate and expand the home at 3 Lake Ave (Assessor's Map 027, Lot 016).

- Application
 - Signed Plot Plan – Hancock Associates dated April 19, 2022
 - Architectural Drawings – D. Gjerde, SeaGlass Architects LLC
- Ms. Hoffman read the legal notice as published Salem News May 12 & 19, 2022
- The hearing was open at 7:18 pm and Mr. Modiszewski was designated a voting member.

- The lot is non-conforming: 98' of frontage 10,841 sq ft
- Addition is greater than 25% of existing house: 3,163 sq ft to 7,704 sq ft
- Current setback non-conformance is at the front porch – currently 11.4 from front lot line. (The addition is within the allowable setback.)
- No letters or communications opposing the project were received from abutters.

The property owner/applicant David Harnisch was present with the project Architect Eric Gjerde, SeaGlass Architects. Mr. Gjerde referenced the existing layout and proposed plan to expand the American Foursquare home located at 3 Lake Avenue and spoke in detail on the design to maintain the historic style and character of the home. This is an existing non-conforming property and a special permit is required to renovate and expand the existing house and add a two car garage; the existing detached garage will be razed. Mr. Harnisch confirmed the attic (3rd floor) is included in the finished space (no bedrooms) but the basement will not be finished living space.

The plans were shared informally with the neighbors without objection.

The hearing was open to the public.

Abutter Olivia Shouvlín, 61 Main Street, stated they did not receive the hearing notification but confirmed she saw/discussed the proposed plans and commented the historic components of the plan were appreciated. She voiced a concern that safety measures be taken with the demolition of the garage that abutters her property. Mr. Harnisch responded to assure Ms. Shouvlín safety measures would be taken.

The hearing was closed at 7:50 pm

Note: The Board voted unanimously by roll call to grant the requested relief provided it is consistent with and in compliance with the plans submitted to the Board and that any material changes be brought back to ZBA and the existing wood garage will be a part of the construction process and demolished/ removed and the Building Commissioner be asked to recommend construction fencing in connection with the removal of the garage so as to protect the immediate abutters and the petitioner adhere to all provision of zoning the bylaw and other department requirements as needed.

Administrative

- Discussion regarding possible minor amendment to 21 Longfellow Road Site Plan - The Applicant is requesting change to rear patio area to enlarge it and add steps.

The Katsirises, property owners/applicant were present.

Mr. Feeherry stated the Katsirises are requesting a grant of a variance as well as amendment to the special permit for the addition of a 8 foot retaining wall. He reviewed the town's bylaw requires a formal public hearing for a structure (wall) within the 15 foot set back and proposed this matter be continued as a formal public hearing on June 22.

Ms. Katsiris asked if the addition of window wells, rather than the retaining wall, would require a public hearing. Mr. Feeherry asked them to determine specifically what they want to do and to file appropriately and present to the Board during the meeting on June 22.

Larry Oak, 19 Longfellow Road, spoke his concern with the boundary between 19 & 21 Longfellow Road. He noted the bench mark between the properties is visible and both 19/21 Longfellow gave up 7.5 feet for the paper street, which was paved for the construction storage pod for 21 Longfellow Road. Mr. Oak stated his intention to dig up his portion of that paved space and return it to a natural state. The Board took no position on this matter.

Linda Medeiros, Longfellow Road, referenced the plot plan as show and mentioned the plan calls for the trees to be maintained in the right of way. However, the property owners at 22 Longfellow Road were notified by National Grid seeking permission to remove these trees to put up a utility pole. Ms. Medeiros provided National Grid with the ZBA approved plans that these trees not be disturbed.

Ms. Katsiris responded they have no further plans with National Grid and all their utilities for 21 Longfellow will be underground. She believed the Town of Wenham was having issues getting electricity/ phone to the lifeguard shack at Pleasant Pond Beach and suggested this was the reason for that letter.

Mr. Feeherry asked National Grid be present at the June 22 meeting.

- Meeting Minutes – May 3, 2022

The minutes were held for review.

Meetings: June 22, 2022

- Adjourn – *The Board voted unanimously by roll call to adjourn at 7:57 pm.*

Respectfully Submitted By

Catherine Tinsley

6.14.22