
Pursuant to the Open Meeting Law, M.G.L. 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 July 21, 2021 at 7pm
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 and this meeting took place via Zoom. The Chair announced the meeting was being recorded and those present.

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 7:02pm.*

Board members present: A. Feeherry, Chair; D. Begin; E. Campbell & Associate members: K. Schmidt; R. Modiszewski
Also present: Margaret Hoffman, Planning Coordinator; Catherine Tinsley, Recording Secretary

Mr. Feeherry gave a brief introduction and overview of the Zoning Board and welcomed the new associate members.

This meeting was originally posted for July 14, 2021, but due to an error in the posting, the meeting was changed to July 21, 2021.

Public Hearing

- On the petition of Jerome and Marcie Hunsaker, 16 Larch Row Wenham MA for a variance from Sections 5.2.2.1 (3) (Hammerhead Lot); 4.4.3 (Nonconforming Structures); per Section 4.4.3.2 (Variance Required); 13.6 (Variances) to allow a reduced setback for a house and a shed after the issuance of a Special Permit from the Planning Board for a Hammerhead Lot (Section 5.2.2.1) at 16 Larch Row (Assessor's Map 19 Lot 055).
 - Ms. Hoffman read the Public Hearing notice as published in the Chronicle & Transcript June 24 & July 1
 - Variance application June 15, 2021
 - Plan of land showing existing and proposed dwellings.

Applicants Marcie & Jerome Hunsaker, 16 Larch Row, were present and represented by Deb Colbert, Senior Project Manager, Hancock Associates.

Ms. Colbert gave an overview of the property at 16 Larch Row, a 5 -acre property with 297 feet of frontage on Larch Row. There is an existing 2 ½ story wooden colonial house with a barn, shed, and inground pool. The Hunsaker's have resided at 16 Larch Row for 37 years and would like to remain on the property and create a 1-acre lot (40,100 SF/0.92 acres) to build a new, smaller home for themselves. The main estate is to be preserved and sold. The plan is to share the existing driveway for both homes to minimize the impervious surface and curb cuts, therefore, creating a hammerhead lot. The mature trees along the street and driveway will be preserved.

Ms. Colbert stated the hammerhead lot meets all requirements (5.2.2.1) with one exception. The proposed house will be 6.6 feet shy of the required 50-foot setback from the property line on the northly side. The request is for a variance from the side yard setback. Based on the wording of the bylaw, Ms. Colbert questioned if the setback applied only to existing homes or new homes as well and was told the bylaw pertains to both existing structures and new construction.

The proposed plan will need to go before the Planning Board for a Special Permit; this application will be submitted pending the approval of the variance.

Ms. Colbert gave an overview of the details of the plan. The new, smaller lot (20 larch Row), will have 186 feet of frontage on Larch Row, and the existing property (16 Larch Row), will be reduced to 110.68 feet of frontage.

The existing historical shed (historic cobbler shed) will be relocated on the property (in compliance).

The hearing was open to the board for questions / comments. There was none.

The hearing was open to the public. There was none.

Ms. Hoffman reported that the Land Use office received two letters from abutters. These were read into the record.

1. Joe Hosler, 19 Larch Row abutter, letter of opposition requested to be a part of these minutes, July 13, 2021
2. Richard Quinn, 14 Larch Row abutter, letter of support, July 1, 2021

The Board members reviewed and reiterated:

- The proposed house must remain, and be located, in the approximate location as shown on the plan as presented, without material change
- The trees along the driveway and Larch Row are to be preserved
- There is to be a common shared drive for 16 & 20 Larch Row
- The Hammerhead is not near the existing structure and maintains minimal impact, as intended.

The public hearing was unanimously closed at 7:38 pm.

Note: The Board members and associate members voted unanimously by roll call to grant the requested variance for Marcie & Jerome Hunsaker for 20 Larch Row, from the 50-foot setback and to allow the new dwelling to be built 43.6 feet off the side lot line.

Mr. Feeherry observed that there is an appeal period to the ZBA's decision and that the Board has 90 days to file the decision with the Town Clerk. Ms. Hoffman will have the decision filed in the first week of August. The applicants were advised to wait for written decision and appeal period to laps before applying to Planning Board for a Special Permit

Administrative

- Update on 21 Longfellow Road (Pamela and Yiannis Katsiris, 26 Ravenwood Road, Peabody)

Ms. Hoffman gave a brief summary on the history of 21 Longfellow Road for those new members, saying that after the small dwelling burned down, the property was sold/purchased and the new owners were given permits, & variances from the Zoning Board, Planning Board, and Conservation Commission to build a large home.

The Land Use department was recently made aware of many inconsistencies between the approved plan and the as built plan and the Building Inspector issued a cease and desist order on April 7, 2021. The Board permitted only work be done to protect the partially completed structure from the elements and no other work be done until the applicants/property owners submitted updated plans. No additional work, including interior work, was permitted.

The Katsiris's submitted a partial application with inadequate plans. The plans submitted were not stamped by a registered engineer. Ms. Hoffman noted the house/garage has been built in the wrong location and expanded, the septic system will have to be moved to another locational together as the house was built over the approved location, and it is unclear whether it can be built on the property outside the 200 ft buffer to the pond. The as built shows dry wells being built in the buffer to the wetland and to the pond. We are unsure of how much excavation and fill has occurred on the property that may be in the Commission's jurisdiction. They are requesting a revised slope, removing the retaining wall, adding a walkway and landscaping. The Conservation Commission has a public hearing scheduled on Monday, July 26.

Ms. Hoffman recommended the town have a peer review done due to the amount of changes. A site visit is scheduled with the Building Inspector, tomorrow, July 21. The Katsiris's will be required to stake the property bounds, wetlands, buffer zones.

Ms. Begin observed that a lot of alterations were made to the approved plans and that this is a sensitive area under the jurisdiction of the Conservation Commission and noted her concerns with drainage, and added impervious surfaces.

Mr. Campbell commented that he was surprised all the applicant went through and then made changes to the plans that are now not accurate.

- Meeting Minutes – April 29, 2021

Note: The Board voted unanimously by roll call to adopt the ZBA meeting minutes of April 29, 2021.

- Other matters, as may not have been reasonably anticipated by the Chair (Discussion Only)

Ms. Hoffman updated the Board that the new Town Administrator Ryan Ferrara started July 6 but had a previously scheduled vacation the week of July 12. She hoped he will be meeting with Boards/ Committees in August.

- The next ZBA meeting will be scheduled as needed.

- Adjournment – *The Board members voted unanimously by roll call to adjourn at 8:01 pm.*

Respectfully Submitted By
Catherine Tinsley
7.27.21