

TOWN OF WENHAM
Planning Board
Meeting of April 12, 2017
Wenham Town Hall, 138 Main Street

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 Planning Board was held on Wednesday April 12, 2017 at 7:30 PM in the Selectmen's Meeting Room.

With a quorum present, Mr. Geikie called the meeting to order at 7:30 pm.
Board Members Present: David Geikie, Chair; Steven Kavanagh; Don Killam; Virginia Rogers
Not present: Minot Frye, Vice Chair
Also present: Margaret Hoffman, Planning Coordinator; Catherine Tinsley, Recording Secretary

Old Business

- Continued Public Hearing – Request for Modification to previously approved “Special Permit Under Zoning Bylaw Section XVIII – Residential Open Space Communities” dated September 10, 1992
Location - 213R Larch Row (Continued from January 12, 2017)
Mr. Geikie opened the hearing.
The applicant requested the Board continue the hearing to the next meeting.
There was no public comment or questions. The hearing was closed.

Vote: Mr. Killam moved, and it was seconded, to continue the hearing to a date certain of May 11, 2017 at 7:30 pm in Town Hall. The motion carried unanimously.

New Business

- Public Hearing – request for a Special Permit under Zoning Bylaws Section 5.2.2.1 (Hammerhead Lot)
Location - 8 Danes Way, Wenham MA, Assessor's Map 32, Lot 4.
Ms. Hoffman read the public notice as published in the Salem News March 29, 2017 and April 5, 2017 to hold a hearing for a Special Permit under Zoning Bylaws Section 5.2.2.1 to divide and create a hammerhead lot on property located at 8 Dane Way.

Present: Applicant Peter Klopotek
Ann Marton, LEC Environmental Consultant, Inc. Wetlands Scientist
Peter Smyrniotis, Superintendent Salem Beverly Water Supply Board (SBWSB)
Attorney John Darling, Counsel for the SBWSB

Danes Way is a cul de sac located off Rubby Road and services 4 homes. Mr. Klopotek's property is at the end of Danes Way and has total of 180 feet of frontage on Grapevine Road.

The proposal is to divide the lot to create two separate lots and donate the wetlands between the two (proposed) lots to conservation. The hammerhead lot would be created on the lot of the existing house leaving it with 50 feet of frontage on Grapevine Road; this would not be used for access as access would continue to be by Danes Way. There are no plans to alter the existing house or surrounding property.

Mr. Klopotek referenced a plan of the property, noting it was professionally surveyed including the wetlands. The wetlands on the property have the ability to hold water unless there is a very dry spell or a very cold winter.

Mr. Geikie opened the meeting for public comments/questions.

Attorney Darling asked the Board to require the delineation of Zone A on the plan submitted to know the full impact on that property to the water as required by the State and the SBWSB Regulations to properties with proposed changes of use. Zone A is considered the area near a public water supply within 200 feet of a tributary or 400 feet from a river/stream bank.

Approved 5.11.17

Attorney Darling further cited that it is important to locate the stream stating that septic and drainage may not be constructed in Zone A areas. This is important for the viability of the lot as a number of criteria, in reviewing this plan, have an impact on the natural environment. The sub division Rules & Regulations require the location of brooks and other natural waterways. Ms. Marton would serve as the wetland consultant for the BSWSB.

Attorney Darling emphasized this is a reasonable request and asked for the board grant this request.

Ms. Marton provided the Board with a 2008 Google aerial map of the area showing the stream channel running through the property; GIS mapping indicates there is intermittent stream that runs through this wetland.

The Chair reviewed that no building is being proposed at this time and is only to divide the land with a so called "hammerhead lot". The ANR cannot be endorsed without the frontage until the special permit is granted and the appeal period passes. With no further public comment, the hearing was closed.

Motion: Mr. Killam moved, and it was seconded, to approve the special permit for the hammerhead lot at 8 Danes Way as requested.

Under discussion Mr. Geikie did not believe the request for a wetland delineation was appropriate. He referenced a statement by Mr. Klopotek that the back land would never be used. The Board observed that any plans would go before the Conservation Commission.

There were no additional opinions offered by the Board.

Vote: The motion carried unanimously.

There is a 20-day appeal period once the decision is written and submitted to the Town Clerk.

Administrative

- Minutes from the meeting of March 9, 2017

Vote: Mr. Killam moved to accept the minutes as edited and it was unanimous to do so.

- Ms. Hoffman updated the Board on Wenham Pines Host Community Agreement saying the Agreement was amended to reflect the change of the property ownership which included all the Trustees. No action was required by the Board.
- Jeffrey Hamilton, Arbor Street, is suing the Planning Board on the denial of a Special Permit. Town Counsel K P Law is advising the Town. It was noted that many documents were requested and although granted, were overly broad.

The Board unanimously adjourned at 8:20 pm.

Respectfully Submitted By
Catherine Tinsley
4.13.17