

TOWN OF WENHAM
Planning Board
Meeting of June 8, 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 Thursday June 8, 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; Stephen Kavanagh; Don Killam; Virginia Rogers

Also present: Margaret Hoffman, Planning Coordinator; Catherine Tinsley, Recording Secretary

Attorney Ilana Quirk, Town Counsel K & P Law

Candidate for Planning Board, Ann Weeks was present.

Public Information

Meeting Packet 6.8.17

New Business

• Public Hearing

Petition by Spring Hill Ventures, LLC for a modification to a previously approved Definitive Subdivision Plan located at 79 Dodges Row, Wenham, Massachusetts (Map 39 Lots 8, 8A, 8D & 8B). Modifications are being proposed per a Superseding Order of Conditions issued by the Department of Environmental Protection.

This is a new public hearing based on modifications made to the plan.

Present: Albert Ellis, applicant; Angus West, property owner

Peter Ogren, Hayes Engineering representing the applicant

Ms. Hoffman read the public hearing notice as published in the Hamilton Wenham Chronicle May 25 & June 1

The Definitive Plan dated 3.7.17 was referenced.

The DEP issued their Superseding Order of Conditions under the Wetlands Protection regulations for the Spring Hill Subdivision on Dodges Row.

The applicant was required to make the following modifications

- Eliminate catch basins at the intersection of Spring Hill Road and Dodges Row
- Addition of drainage swells flowing in a north westerly direction to provide the same function of the proposed roadway intersection catch basins
- Grading modifications to the easterly retention basin
- Amendments to the treatment train of the westerly retention basin

Mr. Ogren reviewed the revised plans with the Planning Board. Of importance, Mr. Ogren pointed out that one building lot was eliminated from the subdivision plan. Mr. Ellis spoke to the loss of the building lot saying a zoning change would be required to build a duplex unit. Lot 17 is 155,000 square feet, 25% is wetland. Mr. Ellis stated he would continue to discuss options with the Affordable Housing Trust Chairman.

The perk tests done on site, as shown on the plan, were approved by the Board of Health.

The new Hydraulic Study was submitted and approved by the DEP. The land cover changes are included in the hydraulic study; there are open space easements on the property that no trees can be cut.

The hearing was open to the public, there were no comments or questions.

It was noted that modifications and special decision would not take effect until recorded at the Registry of Deeds.

The hearing was closed.

Note: Mr. Kavanagh moved and it was seconded to approve the modification for the Definitive Subdivision for Spring Hill as presented. The motion carried by majority vote 3-0-1 with Ms. Rogers abstaining citing that it has been a while and she did not feel well informed enough to make decision. It was noted the date of the original plan was May 21, 2014 with a revision date of March 7, 2017.

- Approval Not Required Endorsement Request

8 Danes Way Assessor's Map 32, Lot 4

This is a hammerhead lot approved by the Planning Board and filed with the Town Clerk. The 20-day appeal period expired with no appeal made.

Note: Mr. Killam moved, and it was seconded, to endorse the ANR plan for 8 Danes Way as presented. The motion carried unanimously.

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 / 215 Larch Row

The hearing was declared open.

Present for the applicant was Tom Ellis and Bob Griffin, Engineer.

The Conservation Commission approved the plan.

The draft of the Special Conditions was provided to the Board for review. Mr. Ellis has requested:

Number three be changed from a building permit to an occupancy permit - To record drive/ utility prior to issue of building permits Mr. Ellis wants to change building permit to later in time before occupancy permit

Number 11 instead of providing a traffic management plan to just meet with town highway superintendent

Ms. Hoffman read through conditions attached to the special permit, including that a traffic management plan would be required and a pre-construction meeting be held at town hall with all departments that has anything to do with the project with the applicant, engineer, & onsite manager. The applicant confirmed he was aware of the special conditions as read and agreed to the terms.

Mr. Ellis confirmed that there would not be any lighting and that this is a common driveway not a private way.

The hearing was closed.

Note: Mr. Kavanagh moved, and it was seconded, to approve the subject application for a modification to the Special Permit issued by the Planning Board in 1992 under the then pertinent Zoning Bylaw Section XVIII – Residential Open Space Communities issued to Mrs. E. Mauran Beals on September 10, 1992 as presented. The motion carried unanimously.

Administrative

- Review and possible vote on Wenham Pines Legal Documents

DECLARATION OF TRUST & MASTER DEED
COVENANT

Attorney Miranda Gooding, Glovsky & Glovsky

Applicant – Anthony Tambzone

The Board was asked to vote on whether or not to approve, as to the form, of the Special Permit Surety Covenant. The document would be signed by the Board after the Covenant is signed by the property owners and Lienholders and a title certificate is provided.

Attorney Quirk confirmed the Board vote on the form of the documents.

Note: Ms. Rogers moved, and it was seconded, the Planning Board approve, as to the form and compliance, the Master Deed (marked as document # WENH/ 584680/ 0007) and the Declaration of Trust (marked as document # 584861/ WENH/ 0007) for Wenham Pines Development located at 56– 60 Main Street recorded copies of which be provided to the Planning Board within 15 days from the sale of the first market rate unit, as

set forth more particularly in the Special Permit and Site Plan Approval Decision of the Wenham Planning Board dated March 9, 2017. The motion carried unanimously.

Attorney Gooding requested an amendment to the Covenant #5 to allow the applicant to file for a building permit before the Covenant is recorded, therefore she asked the language be amended to read ... ***“prior to the issuance of a building permit”** *The undersigned shall duly record this Covenant with the Essex Southern District Registry of Deeds concurrently with the recording I’ll be March 13, 2017 Special Permit Decision, and Shell make a marginal reference to the covenant in the recording of the 2017 special permit decision, and provide proper evidence of said filing to the planning board *prior to filing any application for a building permit, together with the necessary title certification that all owners and mortgagees of record has duly executed the Covenant.*

Attorney Quirk stressed the importance that the Planning Board understood the possible legal ramifications of this change, albeit unlikely, should they vote to accept the amendment. A discussion followed.

Vote: Ms. Rogers moved, and it was seconded, to accept the amendment to #5 of the Covenant proposed by Attorney Gooding on behalf of the applicant to allow the applicant to apply for a Building Permit prior to the recording of the Covenant with the Essex Southern District Registry of Deeds. The motion carried unanimously.

Vote: Ms. Rogers moved, and it was seconded, that the Planning Board vote to approve, as to form, a document entitled “Town of Wenham Planning Board March 13, 2017 Special Permit Surety Covenant for Wenham Pines” a six paged document, with one exhibit, and a document reference number of page 5 of 584846/ WENH/ 0007, and with the Covenant to be accepted and signed by the Planning Board at a future point, once the Covenant has been executed by all owners and lienholders of record and there is a title certificate provided buy one of the owners or lienholders that all necessary entities have signed the covenant and provided that the covenant as signed by the Planning Board then shall be held in escrow and delivered for recording subject only to a final title rundown and certificate by one of the owners or lienholder, at the time of recording, to clarify that all owners and lienholders of record have signed. The motion carried unanimously.

It was noted that there is a sales/marketing trailer on the Main Street property.

The Planning Board had no concerns with this being there but asked that the Historic District and Building Inspector be made aware of the trailer.

- Meet potential candidates for open Planning Board position

Present: Ann Weeks

Ms. Weeks spoke to her interest in serving on the Planning Board and her experience that she thought would be an asset to the Planning Board in their consideration of applications.

Ms. Weeks was asked to write a letter of interest to the Board of Selectmen.

The Planning Board would attend the June 20, 2017 BOS meeting to participate in a joint discussion/vote to fill the vacant seat through the next annual election.

- Minutes from the meeting of May 11, 2017

VOTE: Mr. Kavanagh moved to approve the minutes of May 11, 2017 and it was unanimous to do so.

Next Meeting - The Planning Board’s next regularly scheduled meeting was confirmed for July 13, 2017.

Adjournment - The Board unanimously adjourned at 9:33 pm.

Respectfully Submitted By
Catherine Tinsley
7.5.17