

TOWN OF WENHAM

Planning Board  
Meeting of April 9, 2015  
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 APRIL 9, 2015 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; Minot Frye, Stephen Kavanagh, Don Killam, Virginia Rogers,  
Also present: Emilie Cademartori, Planner/Coordinator; Catherine Tinsley, Minutes Secretary

Public Information:

Agenda

Minutes - March 26, 2015

Public Hearing – Proposed Bylaw Amendments

Grapevine Road – Copy site plan

**Minutes - March 26, 2015**

*Mr. Kavanagh moved to accept the Planning Board meeting minutes of March 26, 2015 and it was unanimous to do so.*

**Continued Public Hearing – Proposed Zoning Amendment**

The Chair re opened the public hearing at 7:32 for the Proposed Zoning Amendment.

It was noted that there was no one in the audience.

Having been properly posted in the Hamilton Wenham Chronicle on March 12, 2015 and March 19, 2015, Mr. Geikie opened the public hearing for the Proposed Zoning Amendment - Changes to Section 13.5 - Site Plan Review:

Notice is hereby provided that the Wenham Planning Board will conduct a hearing pursuant to M.G.L. c.40A, Sec. 5, on the following warrant articles to amend the Zoning Ordinance of the Town of Wenham. The public hearing will be held on Thursday, April 10, 2015 at 7:30 p.m. at the Wenham Town Hall, 138 Main Street, Wenham, Massachusetts, at which time all interested persons may appear and be heard in relation thereto.

ARTICLE XX: To see if the Town will vote to amend the zoning by-law by adding the following provisions to section 13.5, governing site plan review:

Item 1. At the end of Section 13.5.1, add the following:

The following types of activities and uses require site plan approval by the Zoning Board of Appeals:

3) Construction, exterior alteration or exterior expansion of, or change of use within an educational use, religious use, or child care center, otherwise subject to G.L. c. 40A, s. 3.

Item 2. At the end of Section 13.5.3, add the following:

3) In the case of site plan review of an educational use, religious use, or child care center, otherwise subject to G.L. c. 40A, s. 3, the references in this Section 13.5 to the "Planning Board" or "Board" shall be construed to refer to the "Zoning Board of Appeals." The Zoning Board of Appeals shall hold a public hearing for such site plan applications after notice is provided pursuant to G.L. c. 40A, s. 15. The decision of the Zoning Board of Appeals shall be filed with the Town Clerk within ninety (90) days of the date of application, unless such time is extended as set forth herein.

Item 3. At the end of Section 13.5.6, add the following:

In the review of an educational use, religious use, or child care center, otherwise subject to G.L. c. 40A, s. 3, it is expected that a waiver or waivers will be granted as long as sufficient evidence is submitted to enable the Board to make the determination called for in Section 13.5.7.9, below.

Item 4. At the end of Section 13.5.7, add the following:

9) The site plan review for an educational use, religious use, or child care center, otherwise subject to G.L. c. 40A, s. 3, shall be limited in scope to the determination of "reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements" as set forth in the statute. Or to take any other action relative thereto.

Town Counsel, Paul Weaver, was present for the public hearing and gave an overview of the proposed amendments to Section 13.5 Site Plan Review. Mr. Weaver explained in detail that when an application is submitted to the Town seeking a Religious, Educational, or Child Care exemption from the bylaw, the application, triggered by construction, alteration of the property or change of use, will first be heard by the Zoning Board of Appeal in a public hearing, citing the legal expertise of the ZBA is more appropriate for this decision.

If it qualifies for the exemption, the Planning Board is limited in the site review as stated in 13.5.7 (9):

*9) The site plan review for educational use, religious use, or child care center, otherwise subject to GL c 40A, s.3, shall be limited in scope to the determination of eligibility of the proposed use for protection, determination of reasonable regulations concerning the bulk, and height of structure and determining yard size, lot area, set back, open space, parking, and building coverage requirements as set forth in the statute.*

Approved 5.14.15

The ZBA will not make a ruling to a site plan without first referring to the Planning Board, which has 45 days to reason. The Chairman commented the amendment strengthens what the Town has in place and follows the process that has historically been followed, and supported the change being presented at Town Meeting in Article 14.

The hearing was opened for public comment and seeing none, the Chairman closed the hearing at 8:14 PM.

*Mr. Kavanagh moved, and it was seconded, the Planning Board recommends favorable action on Article 14 of the Annual Town Meeting. The motion carried unanimously.*

Mr. Weaver left the meeting.

Ms. Cademartori reviewed Article 19 of the Town Meeting warrant that asks the Town to accept MGL Chapter 40 Section 22F that would allow the Town's boards, committees, and department heads, to adjust fees generated in their departments associated with actual costs to the town for generating the permit. Ms. Cademartori cited the application for a cell tower on Monument Street saying the Town was unable to collect attorney fees because the Cell Tower Bylaw did not state that legal fees could be collected.

Ms. Cademartori also provided the Board with a draft copy of a proposed amendment to the Rules and Regulations to raise the sub division fee. This change does not need to go to Town Meeting, but a public hearing must be held. This will be on a future meeting agenda.

### **Continued Public Hearing**

Definitive Subdivision - Location: 79 Dodges Row (Map 39 lots 8, 8A, 8B, 8D) Applicant: Spring Hill Ventures LLC  
At the March 26, 2015 meeting the Planning Board continued the hearing to May 14, 2015.

### **Other Business/ Updates - if any**

72 Grapevine Road - Input for Zoning Board Site Plan Review

The Town received an application from Michael Bresnan, for 72 Grapevine Road, seeking a religious/educational exemption. Ms. Cademartori explained that as soon as a legal notice is published to amend the Zoning Bylaws, an application is treated as though that it has been adopted.

The Board was provided with a copy of the site plan dated February 18, 2015. Because the plan was reduced in size and not to scale, the Board was unable to verify specific calculations.

They noted general concern with the lighting, paving, parking, fuel storage, the cesspool, and questioned the three wells on site. Additional information regarding the wells was requested.

It was noted because the intended use if public assembly for a fee, the fire code will apply, therefore the entire building must have a sprinkler system.

The ZBA will be made aware of the Planning Board's concerns before the hearing on April 15, 2015.

### **Administrative**

- Ms. Rogers as the Planning Boards representative on the Community Preservation Committee, she gave an overview on the CPC's recommendations for town meeting, saying she plans on speaking against the pool at Town Meeting, as an individual. There was no opposition from the Board in her doing so.
- The Planning Board's next regularly scheduled meeting is May 14, 2015.

*Mr. Kavanagh moved to adjourn at 9:03 PM and it was unanimous to do so.*

Respectfully submitted by

Catherine Tinsley

4.10.15