

Approved 6.18.15

TOWN OF WENHAM  
Planning Board  
Meeting of May 14, 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 May 14, 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; Stephen Kavanagh, Don Killam, Virginia Rogers,

Not Present: Minot Frye

Also present: Emilie Cademartori, Planner/Coordinator; Catherine Tinsley, Minutes Secretary

Public Information:

Agenda

Minutes - April 9, 2015

### **Continued Public Hearing**

#### Definitive Subdivision

Location: 79 Dodges Row (Map 39 lots 8, 8A, 8B, 8D) Applicant: Spring Hill Ventures LLC

The applicant submitted a written request to continue the hearing to the first meeting of the Planning Board in June. The applicant's Engineer is working on a stormwater design and awaiting information from Department of Environmental Protection.

*Mr. Kavanagh moved and it was seconded, to continue the hearing to June 11, 2015 at 7:30 PM in the Selectmen's meeting room. The motion carried unanimously.*

### **New Public Hearing**

#### **Definitive Subdivision**

Location: for land located at 158 and 164 Topsfield Road (Map 16 Lots 110 & 111). Applicant: KBK Trust

Present for KBK Trust: Attorney William Heney, Heney & Associates, LLC. Beverly; Brian Kelley

For the record, Ms. Rogers identified that she was an abutter to the property. She stated she has no financial gain, and it was not necessary for her to recuse herself. The applicant agreed that Ms. Rogers participate in the hearing and vote on the application.

Mr. Heney gave a brief overview of the history of the 1980 sub division on William Fairfield Drive that was permitted in 1980 with restrictive no build covenants filed on lots 4 & 5 (corner of William Fairfield/Topsfield Road) on April 1981 and August 1981; due to the process in which they were filed, the covenant maintaining these lots as agricultural and recreational, expired after 30 years.

The proposal combines lots 4 & 5 (referred to as lot 4.1) into one buildable parcel with a total of 5 acres.

Proposed changes to the subdivision are listed in the notes as well as requirements being carried forward:

- Removal of the covenants on lots 4 & 5
- Combining of lots 4 & 5 to one lot
- The no disturb area as identified on the deed (200 feet restriction from the stonewall along Topsfield Road) is drawn on the recorded plan which makes it hold beyond the other covenants
- KBK is a third party purchaser and relies what is in record at the Registry of Deeds
- Screening as identified carried forward
- Removal of agricultural/ recreational restriction (lapsed)

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- The intent of the no-disturb area was/is to be kept as an attractive field, mowed, and maintained as a rural field. There is no formal agreement. Mr. Kelley stated he has no intention to build a house there at this time, but that he is preserving his right that his family benefit from the lots he purchased 30 years ago and it would be maintained to the standard of the neighborhood.

Engineer Peter Pommersheim, Meridian Associates, was present to talk about the site and answer questions. He said based on the results soil testing for the septic system, providing stormwater infiltration is not an issue and would be under the review of the Conservation Commission.

- The soil testing results:
- Loamy sands
- Perk rates: 6 min / per inch and 20 min / per inch
- There is a transformer pad in the far corner (William Fairfield Drive) that has never flooded

It was reiterated that this is a conceptual plan only; the house shown on the lot is for illustrative purpose only and the driveway material has not been decided.

The hearing was open for public comment and/or questions.

Steve Doroff, William Fairfield Drive, noted as a direct abutter across the street, he prefers a single home that abides by the restrictions, noting it will generate new taxes and therefore supported the plan.

The Chairman declared the hearing closed at 8:05 PM.

Regarding the approval of a Definitive Plan, the Planning Board will issue a written decision, to approve the plan and the plans endorsed after the appeal period expires on this decision, 20 days.

A discussion followed if the Planning Board wanted additional restrictions to be incorporated into a written decision.

*Mr. Killam moved the Planning Board issue a written decision to approve the plan as presented for 158/164 Topsfield Road as prepared by Meridian & Associates, dated April 14 2015 to include the reinstatement of the restrictions on the original plans. The motion carried unanimously.*

## **Site plan review 72 Grapevine Road**

Present: James Kroesser

Ms. Cademartori reviewed that under the new zoning bylaw, any use proposed that is an exempt use under section 3 /40a requires the ZBA to declare if it is exempt, but is still subject to a site plan review by the Planning Board. The Planning Boards recommendations go back to the zoning Board for the final incorporation into decision

The ZBA has declared the application as filled, is exempt as a church under the Dover Amendment, in their decision dated May 8, 2015.

Attorney Kroesser reviewed the plan to add a great room that meets all zoning and set back; the building permit has been issued for the addition of a meditation hall, as a conforming structure.

The Planning Board's review is limited to parking.

Attorney Kroesser explained the driveway for 72 Grapevine Road is a shared driveway with the Notre Dame school having an easement.

An agreement between the School and the owner of 72 Grapevine Road has been reached; a copy of this agreement was provided to the Planning Board. The services at 72 Grapevine Road will not interfere with the pick-up/ drop-off times of the school.

The proposed parking spaces are 10 feet x 20 feet in size; eleven are located along the driveway, with an overflow parking area of gravel spaces on the corner of Grapevine Road.

A handicapped space is located beside the ADA handicapped access ramp.

The draft lighting plan was reviewed to include landscape lights along the pathways, and downcast lights used for the parking lot, and a pole lanterns at the corner of the over flow lot.

It is unknown if there would be a sign.

The septic is a cesspool and passed the Title V. Due to the public use, the number of bedrooms were reduced from four to three.

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Attorney Kroesser said it is his understanding that the owner intends to pay real estate taxes as an LLC owner.

The Board requested the following changes be made, and the applicant agreed to:

1. The plan to show the pedestrian path from the parking lot
2. The radius of the entrance to overflow parking area be increased to a 12-foot radius on the outside curb and 6 to 8 “ radius on the inside
3. Reduce the parking space (11) reducing the spaces to 10 to make a walkway to the entrance
4. Swap the handicapped space with the cross hatched area (parking spot 3) to connect to ADA entrance
5. Make a pathway to the entrance from the street
6. The lighting plan to be updated as discussed

*Mr. Geikie moved, and it was seconded, to approve the Plan dated February 18, 2015 as amended and approve the lighting plan of April 30, 2015. The motion carried unanimously.*

#### **Administrative Material**

- The Board of Selectmen requested that those up for reappointment confirm their desire to be reappointed. Ms. Rogers has been the Planning Board’s representation on the Community Preservation Committee, and with no other interest from the board, Ms. Rogers agreed to serve again at the request of the Board.

*Mr. Killam moved Virginia Rogers represent the Planning Board on the Community Preservation Committee and it was unanimous to do so.*

- Minutes - *Mr. Killam moved to approve the April 9, 2015 minutes and it was unanimous to do so.*

The Planning Board unanimously adjourned at 9:01 PM.

Respectfully submitted by

Catherine Tinsley  
5.16.15