

Approved 8.6.14

TOWN OF WENHAM
Zoning Board of Appeals
Meeting of July 9, 2014
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 Zoning Board of Appeals (ZBA) was held on July 9, 2014 at 7:30 PM in the Selectmen Chambers.

With a quorum present, Mr. Feeherry called the meeting to order at 7:30 PM.

Board Members Present: Jeremy Coffey, Anthony Feeherry, Timothy Mansfield

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

Officials present but not participating: Selectmen Catherine Harrison, and Ken Whittaker

Public Information:

Agenda

New Cingular Wireless – Anderson & Kreiger letter dated July 8, 2014

28 Parson’s Hill- Application/Draft Plans

35 Arbor Street – Application/Draft Plans; Abutter’s letters

1 Nelson Ave- Letter to Withdraw

Minutes – June 2014

Continued Public Hearings

Location: 32 Monument Street (Map 12 Lot 25) WITHDRAWN

Applicant: New Cingular Wireless (AT&T)

Project: Wireless Service Facility

Mr. Feeherry took the agenda out of order to announce that the Town received a request from Attorney Brian Grossman, Anderson & Kreiger, LLP for New Cingular Wireless requesting permission to withdraw, without prejudice, its application for relief for a wireless communications facility to be located on the property of 32 Monument Street. It was noted the request could be renewed at another time.

The Board confirmed no representative needed to be present.

Mr. Mansfield moved, and it was seconded to allow New Cingular Wireless to withdraw the application for a wireless communications facility at 32 Monument Street, without prejudice. The motion carried unanimously.

Location: 28 Parson’s Hill Road (Map 45 Lot 39)

Request for Variance Section 5.1 Dimensional Requirements–Boundary: Side yard setback

Applicant: Robert Saunders

Project: Construction of detached two-car garage (oversized)

The proposed garage is 5’8” from the lot line; 15 feet is required.

The applicant was present with his contractor, Jeffrey Chabot of Homes by Jeff and Sons.

At the last meeting, the Board recommended that Mr. Saunders consider reducing the scale and/or an alternate location on his property. The Board members have since individually done a site visit.

Brad Counihan, Lafayette Lane, President of the Parson’s Hill Home Owners’ Association was present and stated that according to the Homeowner’s Covenants, no garage shall accommodate more than four cars. He noted concern that this detached garage would set precedence, and would alter the appearance of the neighborhood.

Mr. Saunders reiterated his hardship to be that according to the Homeowner’s Covenants, recreational vehicles, boats, cars, etc. may not be stored openly on the property and therefore he needs to build this additional garage for storage. The ZBA responded that the hardship is due more do to the topography of a property; to prove it cannot be built to adhere to the Zoning Laws.

Mr. Saunders asked the hearing to be continued to work with his contractor.

Mr. Mansfield moved, and it was seconded, having received the applicant’s permission, that the hearing be continued to a date certain of August 6. The motion carried unanimously.

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Location: 35 Arbor Street (Map 13 Lot 6)

Request for Special Permit under Section 4.3.2 Accessory Apartment

Applicants: Alison Tyack-Standley and Dave Standley

Project: Construction of new two-car attached garage with second story, accessory apartment to be contained within the new construction; this is a two family home; according to the Assessor's record, existed before special permitting and is considered "grandfathered".

The applicants were present.

The Board acknowledged a letter of support and a letter of oppositions from neighbors.

The Board collectively agreed that the town bylaw is written to accommodate accessory apartments in a single family home; to be a secondary unit of a primary home and to maintain the character of a single family home.

It was the consensus of the Board that a special permit could not be granted as this home is a two family dwelling.

The applicant requested to withdraw the application for a special permit.

Mr. Mansfield moved, and it was seconded, to accept the applicant's request to withdraw and take no further action. The motion carried unanimously.

New Public Hearing

Location: 1 Nelson Ave Extension (Map 37 Lot 21) WITHDRAWN

Request for a Special Permit under Section 4.3.4.2 Accessory Use: Home Occupation

Applicant: Mathew Power

Proposal: Dog Day Care facility to be operated in an accessory building – to be built

The Board acknowledged a letter from the applicant, Mathew Power requesting to withdraw his application.

Mr. Mansfield moved, and it was seconded, to accept the applicant's request to withdraw the application. The motion carried unanimously.

Administrative Items

Membership - The Board continues to seek alternate members.

Minutes – June 2014

*Mr. Mansfield moved, and it was seconded, to approve the minutes of the **June 2014** meeting. The motion carried unanimously.*

The Board signed the application for 4 Sias Lane as approved at the June 2014 meeting.

Meeting Schedule - The next ZBA meeting date is August 6, 2014. Ms. Cademartori noted that the Department of Housing and Community Development is holding a site visit at the Maple Street property for public officials on July 14, 2014. This triggered a brief side discussion that the BOS Chair received a letter requesting comments from the Town with a return date of June 16, 2014. The ZBA were also informed of an upcoming Selectmen Meeting to discuss lots 4 & 5 of the William Fairfield development with the abutters so the Selectmen can gain a better understanding of the abutters' willingness to accept a single home on these parcels; this is potentially a legal matter for the town. Ms. Cademartori made the Board aware that there is a potential buyer interested in the Mullen property. Additional information is forthcoming; updates will be provided at the next meeting.

Mr. Mansfield moved to adjourn at 8:20 PM and it was unanimous to do so.

Respectfully submitted by

Catherine Tinsley

7.17.14