

TOWN OF WENHAM

Zoning Board of Appeals  
Meeting of August 6, 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 on August 6, 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 not participating: Fire Chief Blanchard; Selectman Harrison

Continued Public Hearing

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 Board acknowledged receipt of a letter from Mr. Saunders dated July 31, 2014, requesting to withdraw his application for a variance.

*Vote: Mr. Mansfield moved, and it was seconded, to accept the applicant's request to withdraw his application and take no further action. The motion carried unanimously 3-0 in favor.*

New Public Hearing

Location: 36 Essex Street (Map 40 Lot 3)

Request for Special Permit under Section 4.4.2 Change in Non-conforming use and Section 4.2.3 Educational Non Exempt use

Applicant: RCA Group LP; Brian O'Neil Principal

Proposal: To repurpose existing structures and parking areas for use as a mental health, substance abuse, and rehabilitation-counseling center, which would provide educational, counseling, and treatment services to persons afflicted with addiction and mental health issues

The applicant's attorney, Attorney James Ward, Nutter, McClennen, & Fish, of Boston was present to answer questions. The letter dated July 25, 2014 was accepted as part of the application and narrative of the project. The property is currently zoned residential but has a special permit for commercial use.

James Mullen, the current property owner, was present and briefly addressed the Board saying that the property has been vacant for five years. He supported the RCA Group as making good use of the property and continuing as a tax paying entity to the Town. Mr. Mullen noted that there has been other interest in the property, including a 40b development with the potential of 200 or more units.

Attorney Ward stated that he was not going to make a presentation at this time and requested the hearing be continued to a future date. He agreed to give a basic overall summary of the proposed project, noting he is the land attorney.

This is a 200 plus patient high end, cash only, "in patient" educational center for additions including drug, alcohol, gambling and psychiatric disorders e.g. eating disorders.

The Board asked that the following questions be answered at the time of the presentation; this will be done through the Peer Review.

1. Traffic impact on the neighborhood
2. Financial Impact on the community
3. Legal Counsel

Approved 11.5.14

Mr. Mullen requested the Board take action without his payment towards the Peer Review at that time, saying he would bring the check tomorrow. It was the consensus of the Board to go forward with the commitment of Mr. Mullen as indicated.

Mr. Feeherry opened the meeting to public comments and questions, noting many questions should be addressed during the formal presentation.

- Judy Brigham, Grapevine Road, asked to hear the history of the properties zoning changes and for clarification if this is an appeal or a request for a new permit.
- Sheila Carlton, Grapevine Road, asked if this is a non-profit organization, what other uses were possible i.e. single-family housing, and the zoning requirements.
- David Fehnel, Essex Street, agreed this is a beautiful property, and although he is sensitive to patients needs, he went on to question if an “in-patient hospital in Wenham, in the middle of a community, is in the best interest of the town. He voiced his concern for the safety of the community and did not agree with the proposed in patient hospital as being the best use for the property.
- Sister Barbara Beauchamp informed the Board of the School (Notre Dame, Grapevine Road) of her presence in her representation and that the administration will attend the next hearing.
- Ted Bachelor, Grapevine Road questioned the impact on the environment, and if there were, plans to expand in the future. Mr. Mullen responded that the best wastewater filtration system would be installed. It is expected the hospital will use half the permitted water.
- Lucy Frederickson, Monument Street, asked if these are locked wards and the staffing ratios. Mr. Feeherry noted this type of question would be answered at the next meeting on August 21, 2014.
- Joan Lovejoy, Grapevine Road, shared her concern about the safety of the neighborhood and community.

A report will be done to include how medications/drugs will be filtered out of the water.

*Vote: Mr. Mansfield moved the ZBA go forward with the Peer Review as discussed and it was unanimous to do so.*

*Vote: Mr. Mansfield moved to continue the Public Hearing to a date certain of August 27, 2014 at 7:30 PM in Town Hall. The motion carried unanimously 3-0 in favor.*

#### Project Update

Ms. Cademartori updated the Board on the Burley Street project saying seven units have sold, the fifth building is almost completed and a foundation is in for a sixth building. A hold was put on the permit for the sixth building until the worked requested by the Town to be done is completed.

#### Membership

The Board of Selectmen have appointed Shaun Hutchinson as an Associate (alternate) member. Mr. Hutchinson was present in the audience.

#### Minutes – July 9, 2014

*Vote: Mr. Mansfield moved to accept the ZBA meeting minutes of July 9 2014 as written. The motion carried unanimously 3-0 in favor.*

The ZBA will meet on Thursday, August 21, 2014 to for a Public Hearing regarding Cross Keys, Topsfield Road. Cross Keys’ Attorney, Ben Fierro, was in the audience.

Adjournment - The Board unanimously adjourned at 8:27 PM

Respectfully submitted by

Catherine Tinsley  
8.11.14