

Horsley Witten Group

Sustainable Environmental Solutions

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January 22, 2014

Emilie Cademartori
Town of Wenham
Zoning Board of Appeals
Wenham Town Hall
2nd Floor
138 Main Street
Wenham, Massachusetts 01938

RE: Peer Review for Maple Woods
Comprehensive Permit Application - Exemptions

Dear Ms. Cademartori and Board Members:

The Horsley Witten Group, Inc. (HW) is pleased to provide the Wenham Zoning Board of Appeals (ZBA) with this peer review of the Maple Woods Comprehensive Site Plan submission located at 62 Maple Street in Wenham, Massachusetts. The proposed Chapter 40B residential development is located on approximately 3.5 acres of undeveloped woodlands. The Applicant proposes a new age-restricted residential community with 60 one-bedroom homes located within one three-story building. The access driveway is approximately 600-feet long, the parking area provides 66 spaces, including 3 handicap accessible spaces, and the stormwater management system includes deep sump catch basins and subsurface infiltration chambers. This review is focused primarily on the Zoning and Other Exemptions listed in Sections 10.0 and 11.0 of the Comprehensive Permit Application; while our review dated January 5, 2015 focused primarily on the stormwater management design for the benefit of the Wenham Conservation Commission. As of this time HW has not received the wastewater design.

The following documents and plans were reviewed by HW:

- Letter/Application to the Wenham Zoning Board of Appeals, prepared by Regnante, Sterio & Osborne LLP, dated October 9, 2014;
- Application for Notice of Intent for 62 Maple Street, Wenham, Massachusetts, prepared by Meridian Associates, dated November 6, 2014;
- Stormwater Management Report for 62 Maple Street, Wenham, Massachusetts, prepared by Meridian Associates, dated November 6, 2014; and
- Permit Site Development Plans for 62 Maple Street, Wenham, Massachusetts, prepared by Meridian Associates, dated November 6, 2014 including:
 - Cover Sheet
 - Record Conditions Plan, Sheet 2 of 6
 - Permit Site Grading Plan, Sheet 3 of 6
 - Permit Site Utility Plan, Sheet 4 of 6

- Permit Site Details, Sheet 5 of 6
- Permit Site Details, Sheet 6 of 6

Exemptions

HW has been asked to evaluate the technical merits of the list of exemptions. The Wenham Zoning By-Laws were revised in 2014, the intent of each requirement is subject to interpretation by the Town of Wenham and the applicable Boards involved. It is not HW's objective to offer a decisive opinion on the listed exemptions but rather to offer technical guidance as is applicable. The following comments are in reference to Sections 10.0 and 11.0 of the Comprehensive Permit Application.

Per 760 CMR 56.05(7)

Waivers from Local Requirements and Regulations. The Applicant may request Waivers, as listed in its application or as may subsequently arise during the hearing, and the Board shall grant such Waivers as are Consistent with Local Needs and are required to permit the construction and operation of the Project. Zoning waivers are required solely from the "as-of-right" requirements of the zoning district where the project site is located; there shall be no requirement to obtain waivers from the special permit requirements of the district. If a Project does not request a subdivision approval, waivers from subdivision requirements are not required (although a Board may look to subdivision standards, such as requirements for road construction, as a basis for required project conditions, in which case the Applicant can seek Waivers from such requirements).

1. 10.0 Zoning Exemptions:

- a. Use: The proposed development is located within a Residential District as noted on the Wenham Zoning Map revised in 2012. Per Section 4.1 of the Zoning By-laws a multi-family use is not permitted in a Residential District. The Applicant has requested a waiver to allow multi-family rental housing.
- b. Frontage: Per Section 5.1 of the Zoning By-laws the required frontage for a lot within the Residential District is 170 feet. The Applicant has requested a waiver to allow a lot frontage of 58.6 feet. The proposed parcel includes a narrow strip of land approximately 50 feet wide for the first 300 feet, at which point the property widens to between 200 and 500 feet. The proposed driveway will be located within the 300 foot narrow strip, while the proposed building sits towards the rear of the parcel.

2. 11.1 Other Exemptions from the local by-laws:

- a. Section 5.2.6.2 – Maximum Distance of Residential Driveway: The By-law states that the maximum distance shall be 500 feet. The Applicant has requested a waiver allowing the access driveway to be approximately 850 feet. The By-law states that the Planning Board is allowed to grant a special permit if said driveway will provide safe and reasonable access for fire, police and emergency vehicles. HW recommends the fire and police

department provide the ZBA with their opinion on whether the proposed driveway will provide safe and reasonable access.

- b. Section 7.1.2 – Allowable Permanent Signs: The By-law states that on any lot there shall be no more than one sign which shall not exceed two (2) square feet (sf) in area. The Applicant has requested a waiver to allow two signs each containing 12 sf in area. It does not appear that the Applicant has provided any details for the proposed signage.
- c. Section 10.1 – Grading and Redistribution of Earth: The By-law states that a project will require a Special Permit from the Planning Board to grade and redistribute greater than 500 cubic yards (cy) of earth on a lot. The Applicant has requested a waiver to allow the anticipated redistributing of approximately 3,700 cy of soil without obtaining a Special Permit from the Planning Board. One area of the proposed site had been a gravel pit and therefore there are significant grade variations throughout the parcel which in some areas appear to be between 10 and 20 feet. It appears that the proposed grading is intended to reduce the steep slopes on the site, is consistent with standard engineering practice, and should not cause an increase in drainage onto adjoining lots.
- d. Section 13.5 – Site Plan Review: The By-law states that a residential structure with two or more dwelling units requires a Site Plan Review by the Planning Board. The Applicant is proposing a residential structure containing 60 dwelling units and has requested a waiver from the ZBA to eliminate the need for Site Plan Approval.

3. 11.2 Other Exemptions from the local Subdivision Rules and Regulations:

- a. Section 5.4.1.1.2(a) – Pipes shall be reinforced concrete pipe (RCP): The Applicant has requested a waiver allowing the use of high-density polyethylene (HDPE) pipe. HDPE pipe is commonly used for drainage systems in place of RCP; HDPE pipe tends to be lighter and easier to install than RCP.
- b. Section 5.4.1.1.2(b) – Requires 3 feet of cover over drain pipes: The Applicant has requested a waiver allowing 2 feet of cover over the HDPE pipes. It is common practice to maintain a minimum cover of 2 feet over HDPE pipes. The HDPE pipe manufacturers have provided documentation which states that HDPE pipes can support H20 loading with 2 feet of cover.
- c. Section 5.5.3.1 – Requires sidewalks adjacent to a street to be separated by a seeded grass plot. The Applicant is requesting a waiver to allow portions of the proposed 6-foot wide concrete sidewalk to be located adjacent to the access driveway.

4. 11.3 Exempt from the Rules and Regulations of the Wenham Board of Health:

The Applicant has stated that the Project shall be exempt from the Rules and Regulations of the Wenham Board of Health. The proposed project includes the installation of a subsurface wastewater disposal system which must be in compliance with 310 CMR 15.000: The

Massachusetts State Environmental Code, Title 5. HW understands that the Wenham Board of Health will be reviewing the subsurface disposal design in accordance with the Title 5 requirements. If desired by the ZBA, HW will also conduct a peer review of the proposed septic system design once it has been submitted by the Applicant.

5. 11.4 Exempt from the Town of Wenham Water Resource Protection Bylaw and the Town of Wenham Water Resources Bylaw Regulations:

The Applicant has stated that the Project shall be exempt from the Town of Wenham Water Resource Protection Bylaw and the Town of Wenham Water Resources Bylaw Regulations. The proposed project includes land alteration within 100 feet of the adjacent bordering vegetated wetlands (BVW) requiring the Applicant to submit a Notice of Intent (NOI) to the Wenham Conservation Commission in compliance with 310 CMR 10.00: The Massachusetts State Wetlands Protection Act Regulations, which they have done. A corner of the proposed building is approximately 50 feet from the BVW, and a portion of the proposed grading is between 30 and 50 feet from the wetland resource area. HW has provided a peer review of the stormwater management design in accordance with the Massachusetts Stormwater Handbook to the Wenham Conservation Commission and the ZBA.

6. 11.5 Exempt from the filing fee requirements of the ZBA, Planning Board, Conservation Commission or other Town entity:

The Applicant has stated the Project is exempt from local filing fees, except for fees specifically related to the Comprehensive Permit Application.

7. 11.6 Exempt from any other applicable zoning or related municipal ordinance:

The Applicant has stated the Project is exempt from other applicable zoning or related municipal ordinances. HW understands that the ZBA has requested all applicable boards and departments to provide their recommendations on the Comprehensive Permit Application.

General

Per the request of the ZBA, HW has also reviewed the following elements of the Comprehensive Plan Application:

1. Site Plan:

The Applicant has provided a set of drawings to the ZBA as part of the Application package. The plans include property boundaries, an access driveway, parking layout, topography, utilities, and landscaping. A number of details have also been included however, additional construction details will be required as part of the construction specifications, including but not limited to: the driveway cross section, underground utility conduit with coordination of providers, parking lot striping, retaining walls, and the subsurface wastewater disposal as approved by the Board of Health. It appears that the abutting properties will be provided access to the proposed driveway. Therefore access easements may be necessary.

2. Stormwater Management:

As noted previously, HW provided a letter dated January 5, 2015 to the ZBA and Conservation Commission regarding the proposed stormwater design and calculations.

3. Wastewater Design:

As noted previously, HW has not received the design plans or calculations for the subsurface wastewater system.

4. Water Design:

The Applicant has proposed a water service on Sheet 4 of 6. The water service should maintain a minimum of 10 feet horizontal clearance from the subsurface disposal system and be installed below the frost line. A second fire pressure line is typically provided for buildings of this size per the local water department specifications. A detail for a fire hydrant is including, however the location of the fire hydrant is not clear on the plan set. HW recommends the Wenham Water Department and the Wenham Fire Department provide their recommendation on the water layout.

5. Utilities:

A proposed telephone, electric, and cable line is shown on Sheet 4 of 6. Prior to finalizing the construction documents the Applicant should coordinate with the various utility providers to verify the appropriate location and size of the transformer pads, manholes, handholes, and connections are provided.

6. Wetlands:

The Applicant has obtained an Order of Resource Area Delineation (ORAD) through the Wenham Conservation Commission dated January 27, 2014. The ORAD is valid for a period of three years. The Applicant has submitted a NOI to the Wenham Conservation Commission for the proposed work within the buffer zones of the BVW; the NOI is currently under review.

7. Vehicle and Pedestrian Circulation:

The proposed driveway and parking aisles are labeled on Sheet 4 of 6 as maintaining a minimum width of 24 feet, which is a common practice. As stated previously HW recommends the fire and police department provide the ZBA with their opinion on the safe and reasonable access of the development. A 6-foot wide sidewalk has been proposed from the primary building to provide pedestrian access to Maple Street.

8. Parking Layout:

The Applicant proposes one three-story building with 60 one-bedroom units targeted to seniors over the age of fifty-five earning substantially below the standard affordable threshold of 80% AMI. The project proposes 66 parking spaces, providing 1.1 spaces per unit. Three spaces are labeled as handicap accessible in compliance with the Americans with Disabilities Act. The typical spaces are labeled as 9 feet wide by 18 feet long maintaining a minimum aisle width of 24 feet.

Conclusion

After reviewing the technical merits of the proposed development, HW believes that technically the design appears to incorporate sound engineering practices though we defer to the Wenham ZBA and other applicable local Boards on the decision to grant the requested waivers. The Applicant is advised that provision of these comments does not relieve him/her of the responsibility to comply with all Commonwealth of Massachusetts laws, and federal regulations as applicable to this project. Please contact Janet Carter Bernardo at 857-263-8193 or at jbernarado@horsleywitten.com if you have any questions regarding this review.

Sincerely,

HORSLEY WITTEN GROUP, INC.



Janet Carter Bernardo, P.E., LEED AP
Senior Project Manager

Cc: Meridian Associates