

TOWN OF WENHAM

Planning Board
Meeting Minutes of September 15, 2016
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 Thursday, September 15, 2016 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, Vice Chair

Also present: Margaret Hoffman, Planning Coordinator; Catherine Tinsley, Recording Secretary

New Business

Public Hearing – Request for Modification to previously approved “Special Permit Under Zoning Bylaw Section XVIII – Residential Open Space Communities” dated September 10, 1992

Location – 213 R Larch Row

Ms. Hoffman read the legal notice and the Chair opened the public hearing

Bob Griffin, Griffin Engineering and Tom Ellis, Principal were present for 213R Larch Row.

Mr. Griffin briefly summarized the history of the property since 1992 when Mr. Ellis attained property from the Beal's Estate, including the house at 213 Larch Row and created three additional building lots, obtained a driveway approval, preserved open space, and created easements for the bridle trails.

The land in the area of Walnut Road / Larch Row corner of the property is in conservation held by Essex County Greenbelt.

Mr. Griffin went on to review the changes to the plan since 1992 including:

- Widening of the driveway from 20 feet to 24 feet with 16 feet of pavement and 4 feet of shoulder on each side with a slight crown; there are no curbs. The Planning Board specifically did not want berms.
- Two houses are proposed within the approved building envelopes with one shared driveway
- The driveway has been altered to reduce the curve and distance it from the wetlands and limit the impact on the wetlands.
- Proposing to relocated the driveway entrance west 100 feet toward the Walnut Road / Dodges Row/ Larch Row intersection; this is within the Borderline Vegetation Wetlands. This proposal has been reviewed with the DPW director and Greenbelt.
- Creating an additional 5,000 square feet of wetland; this will be done by Bill Manuel.
- The driveway will remain a private drive (not to be a street)

The Board asked the applicant to return after the as-built of the driveway is completed, adding that the 1992 restriction does not apply to the relocation of driveway.

The original decision was referenced and it was noted that the 1992 Planning Board decision has no expiration date; the permit remained open for construction. The houses are to be set in the most beneficial, attractive way.

Ms. Rogers requested the 1992 regulations from which decisions were based and all original documents, observing that many approvals would not be possible under the current rules.

It was noted that the ANR approval did not anticipate changes of the opening for the driveway.

The calculations of the water run off were reviewed. The applicant noted that original use of four – 12 inch pipes at the driveway crossing of the wetlands have been replaced with two – 18 inch pipes.

Mr. Geikie questioned if wetland replication is good for the development by way of a better plan and if it is within accordance with the original decision.

Vote: Mr. Kavanagh moved, and it was seconded, to continue the hearing until a date certain October 13, 2016 at 7:30 pm at town hall to give Planning Board a chance to review old decisions and resolve outstanding issues. The motion carried unanimously.

There was no public comment.

APPROVED 10.13.16

Old Business

Continued Public Hearing - Wenham Pines Flexible Subdivision Application Location - 56-60 Main Street

(Continued from September 8)

The Chairman called the hearing to order.

The Planning Board's Peer Review flexible development zoning review was just received and a copy provided to the applicant. The applicant has requested a hearing be continued to October 13, 2016 to give them time to respond to the information in the report.

The Chairman observed the yield plan specifically needs clarification regarding the 18 building blocks and the wetland boundaries. Additionally, the phasing acquisition plan for the property is being reviewed by town counsel.

This applicant this before the Conservation Commission on September 26.

Three peer reviews have been requested including traffic, wetlands/ conservation commission and engineering

Vote: Ms. Rogers moved and it was seconded to continue the public hearing at the request of the applicant to a date certain of October 13 2016 at 7:30 PM in town Hall. The motion carried unanimously.

Continued Public Hearing - Definitive Subdivision Plan Location – 60 Arbor Street (Continued from September 8)

Present: Jeffrey Hamilton, Principle / applicant and John Decoulos, Engineer

The chairman provided a copy of the email from Town Council advising The Planning Board on a matter regarding the 60 Arbor St. application.

Vote: Mr. Kavanagh moved and it was seconded the email from Town Counselor K & P, Attorney Barbara J. Saint André Dated Friday, August 19, 2016 be made a part of the public record. The motion carried unanimously.

A copy of this email was provided to the applicant.

Mr. Geikie read the opinion from Town Counsel. In summary, the Planning Board was informed that the driveway would not provide adequate frontage even if considered a "street" with a comment that this is a strained definition of a street. Counselor went on to say without frontage a frontage variance is required through the zoning Board of appeals and the applicant must meet all requirements.

The chairman further stated paper streets are not allowed until all subdivision requirements have been met for a non-standard cul-de-sac. The Planning Board does not have the authority to grant frontage.

An email from abutter at 11 Foster Street who has concerns with the proposed plans, was read into the record.

Mr. Decoulos conferred with the applicant and requested to withdraw the plans without prejudice.

After further consideration and consultation and at the request of Mr. Hamilton, the plans were not withdrawn.

The plans submitted for consideration by the Planning Board for 60 Arbor Street were dated July 20, 2016

Definitive Sheets 1-6

Revised 9/15/16

Topography map dated July 20, 2016

Changes to page 2 of definitive plan

Sheet 4 topographical changes

The hearing was opened to the public. The Chairman solicited comments or questions, seeing none the Chairman called for a vote.

Vote: Mr. Geikie moved and it was seconded, to deny the original plan (60 Arbor Street) as submitted originally dated July 20, 2016 with latest revision dates of Sept 15, 2016. The motion carried unanimously.

Minutes – September 8, 2016; August 11, 2016

The minutes were held for review.

The Board unanimously adjourned at 9:15 pm.

Respectfully submitted by

Catherine Tinsley

9.26.16