

TOWN OF WENHAM

Zoning Board of Appeals
Meeting Minutes of February 4, 2016
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 Wednesday, February 4, 2016 at 7:30 PM in the Selectman's Meeting Room.

With a quorum present, Mr. Feeherry called the meeting to order at 7:30 PM
Board Members Present: Jeremy Coffey, Anthony Feeherry, Shaun Hutchinson
Not Present: Associate Member Chris Vance
Also present: Emilie Cademartori, Planning Coordinator
Officials present not participating: Selectman Chair Catherine Harrison

First Church
Academy at Penguin Hall
Middlewoods
Minutes

Mr. Feeherry announced the meeting was being recorded in the absence of the Recording Secretary for the purpose of preparing minutes.

New Business

First Church - 1 Arbor Street

Site Plan Review per Section 13.5 (3) Construction, exterior alteration or exterior expansion of, or change of use within an educational use, religious use, or child care center, otherwise subject to MGL c. 40a s. 3

John Harden, Architect with Siemasko and Verbridge, Beverly was present.
Reverend Mike Duda from the First Church in Wenham was also present and asked to briefly review the history of the First Church since 1644.

This noting this is the fifth meeting house of the First Church. Over the years the building has been expanded to include the addition of rooms under the church, a connector and addition to the rear of the building.

The plan is to demolish the back section of the building for a fellowship hall, renovate the connector and renovate the rooms under the Church (sanctuary). This is a \$2.3-million-dollar project supported by both the church membership and the community; financing for the proposed project has been secured.

- Mr. Harden referenced schematic drawings to further describe the proposed construction.
- The church is in the historic district and no alterations will be made on the church sanctuary portion of the church building.
- The main goal of the project is to build a parish hall to meet the needs of the church and that it be on the same level of the sanctuary.
- With construction exceeding 30% of the fair and full value of the property, the entire building will be handicapped accessible
- The kitchen currently in the basement will be relocated upstairs to maintain the level access
- The lower level will have a new chapel and renovated classrooms
- The side / rear setbacks will remain the same
- The building will increase by 10 feet
- The roof height will increase 3 feet on the new addition
- Septic work was done a few years ago in anticipation of the project
- The 384 seating capacity will remain the same in the sanctuary; the parish hall capacity is 100 seated at tables

Approved 8.3.16

The Board discussed if this project as an existing non-conforming structure and if a Special Permit is needed, and if the ZBA would need to make a determination that is it not substantially more detrimental than what there is now. This is under the Dover Amendment. Construction is anticipated to start in June/ July 2016.

The meeting was open for questions and or comments.

VOTE: Mr. Coffey moved, and it was seconded, subject to further review as to the need for a special permit because of the extension of the non-conformity into the side yard setback, the ZBA otherwise approve the project under the site plan review. The motion carried unanimously.

The ZBA will notify the Church if they need to come back before the Board.

Academy at Penguin Hall – 36 Essex Street

Site Plan Review per Section 13.5 (3) Construction, exterior alteration or exterior expansion of, or change of use within an educational use, religious use, or child care center, otherwise subject to MGL c. 40a s. 3

Molly Martins, President of the Academy at Penguin Hall, was present to talk about the proposed plan to open an all-girls secondary school in the fall of 2016. She informed the Board that a 501c3 Non Profit Corporation for an educational use was formed for the Academy at Penguin Hall. The proposed plans are within the Dover Amendment.

Ms. Martins referenced plans of the property and went on to describe the proposed plans to accommodate the full enrollment of 600 students, although the school is expected to open with 100 students. The building has 100,000 square feet of space and is located on 50 acres.

Ms. Martins could not confirm the number of parking spaces but the Board thought to have been last approved a permit for 500 parking spaces, although it was uncertain if the expansion was done. Ms. Martins will confirm this information.

Ms. Martins reported an overall master plan is being created. Partnerships are being considered with Iron rail and Gordon College for athletic fields and the wellness center.

The interior will be renovated in phases. The original manor house does not need any renovations.

The “sixty-two” wing will be converted into classroom space and then work will be done in the “ninety-eight” wing.

It is anticipated the school will be in use from 7 am to 4 pm during the school year.

The school has had initial discussions with Fire and Police and all requirements will be met when the school opens.

The 10,000 gallon septic system is fully approved for the current use; there may be a need to expand the capacity in the future i.e. if the campus/ school.

With enrollment expected from within multiple communities, it is not the intention of the school to provide bus transportation in the first two years; carpooling will be encouraged.

This is a day school, there is no boarding of students - The tuition is \$22,000 per student /per year.

Ms. Martins as asked, and agreed, to update the ZBA regarding the master plan i.e. traffic, noise, athletic fields, lighting etc.

VOTE: Mr. Coffey moved, and it was seconded, that the ZBA acknowledge that this change of use is squarely within the dover amendment because it is an exempt non-profit educational use and the ZBA approval reflect the ZBA request and Ms. Martins consent to come back before the ZBA as the master plan is developed. The motion carried unanimously.

Mr. Feeherry questioned if it is possible that some portion of the 50 acres would be used for anything other than the school such as residential use. Ms. Martins said there is not in the thought process and the 50 acres would support the development of fields, wellness center, theater/ arts building. The intention is for all property to be used for educational purposes.

Old Business

Middlewood request for modification to the Comprehensive Permit Construction status update

Ms. Cademartori reviewed that a letter was submitted to request a change and if that change is substantial to trigger a hearing. She went on to say there are five affordable units designated in the development; 3 are two-bedroom units and 2 are three-bedroom units. All two bedroom units have sold. One of the three bedroom units is currently finished to a two- bedroom

Approved 8.3.16

status. The request is to allow this three- bedroom unit to sell as a two-bedroom. This unit will never be market rate of a three bedroom in the future; the sale price is capped based the purchase price.

It was noted that construction wise this is not substantial but the unit count is what may be substantial.

Ms. Cademartori reported that the contractor has openly acknowledged that there are errors in the plans that have been recorded in the Registry of Deeds to date. These are the as-built drawings. The true as built vs the recorded as built plans needs to be clarified.

Vote: Mr. Coffey moved, and it was seconded, to acknowledged this is not a sub change and that the ZBA has approved the reduction from a three-bedroom unit to a two-bedroom unit for unit number one. The motion carried unanimously.

It was questioned if the Board would allow one of the other two-bedroom affordable units already occupied to increase to a three- bedroom unit. The ZBA will make a decision on this request based on the actual bedroom count of the development being finalized and confirmed.

Ms. Cademartori reported on the construction update:

A list was created in October after a site visit that was to be completed by the owner, applicant, attorney and engineer:

- o The fencing has been installed around retention basins and over the crossing; fencing along Danvers side need to be completed
- o Paved $\frac{3}{4}$ of the road - catch basins on the upper portion of the road should be functioning this winter
- o Engineering as-built are needed
- o Clarification on bedroom count
- o Taxes paid to date
- o Units to be sold: one affordable unit (unit 5); Building 6 is 50 % complete; Building 2 & 4 are 75 % complete; of the seven remaining units- two are under agreement
- o Landscape plan to be approved
- o Occupied unit punch lists - status unknown

Administrative Items

Draft Warrant Articles 2016 ATM proposed Town and Zoning bylaw changes

Ms. Cademartori reviewed the warrant articles pertaining to zoning:

- To correct what the Attorney General did not approve last year that site plan reviews are required for both Dover and non-Dover applications
- To have more than one associate member and have up to three
- Mullen Rule clarification – properly adopted

Annual Report 2015

This is a changed format from last year to include goals and priorities.

Review/Approve minutes - October 21 & 27, 2015

Vote: Mr. Coffey moved to approve the minutes of October 21, 2015 & October 27, 2015 and it was unanimous to do so.

Adjournment - The ZBA unanimously adjourned at 8:42 PM

Respectfully Submitted By

Catherine Tinsley
7.30.16