

TOWN OF WENHAM

Zoning Board of Appeals  
Meeting of Wednesday, January 28, 2015  
Wenham Museum, 132 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 January 28, 2015 at 7:30 PM in Burnham Hall

With a quorum present, Mr. Feeherry called the meeting to order at 7:33 PM.

Board Members Present: Jeremy Coffey, Anthony Feeherry, Shaun Hutchinson, & Associate Member Chris Vance

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

Officials present but not participating: Selectmen Catherine Harrison

Public Information:

Agenda

Maple Woods supplemental Traffic Review, Civil Review

Ipswich River Watershed Association letter

The Board acknowledged requests from 41 Cherry Street and 76 Topsfield Road to continue their hearings to the next meeting date and voted unanimously to continue the hearings to a date certain of February 25, 2015 at the Bessie Buker Multi Purpose Room, at 7:30 PM.

**Location: 41 Cherry Street (Map 18 Lot 25)**

Request for Variance Section 5.1 Dimensional Requirements- Frontage

Applicant: Adam Ricci on behalf of owner Jack Pedra

Nature of request: Variance from the minimum frontage requirement of 170 feet on an existing non conforming lot for a proposed new residence to be built at 41 Cherry Street.

**Location: 76 Topsfield Road (Map 25 Lot 17)** Applicant: Benjamin Tymann on behalf of Lawrence Miller & Allison and Dennis

Maguire Nature of hearing: An Appeal filed, pursuant MGL c 40A, ss. 8 & 15, of the Zoning

Enforcement Officer's September 11, 2014 decision granting reasonable accommodation under the federal Fair Housing and Americans with Disabilities Acts, to 110, Inc. allowing the operation of the Cross Keys Retreat at 76 Topsfield Road.

**Location: 62 Maple Street (Map 23 Lot 16)**

Request for a Comprehensive Permit pursuant to MGL ch 40B

Applicant: Maple Woods Housing LLC

Proposal: Construction of 60 age-restricted rental units in a single structure, constructed in two phases on land comprised of approximately 3.5 acres

Present for the applicant: Andrew DeFranza, Executive Director Harborlight Community Partners

Counsel - Attorney Theodore Regnante, Regnante, Sterio, and Osborne, LLP, Wakefield

Chief Design Engineer - Charles Wear, III P.E., Meridian Associates, Beverly

Traffic Consultant - Daniel Mills, MDM Transportation Consultants, Marlborough

Wastewater Consultant - Chuck Johnson, CG Johnson Engineering, Hamilton

Also Present: Janet Bernardo, PE LEED AP, Horsley Witten Group, Peer Review Consultant

The applicant's consultants addressed concerns and questions raised in the Peer Review.

Dan Mills provided the exact distance of the sight lines from the proposed driveway for Maple Woods, which was not

included in the original traffic study. Mr. Mills confirmed that the posted speed limit signs on Maple Street are 30 miles per hour (mph) but 85 percent of the vehicles traveled at 39 miles per hour (mph) in the area of 62 Maple Street. One a side note, Mr. Mills reported that the legal speed limit for the stretch of Maple Street in the area of 62 Maple Street is 35 mph. The minimum sight distance required for 40 mph is 305 feet. Reaction time is included in the calculations. The following sight lines were presented as actual distance: From the east, (Danvers) the sight line is 720 feet and from the west, (Route 97) the sight line is 570 feet.

He observed that there are hedges in the right of way at the proposed site of the driveway that would be removed, the following sight lines were measured exiting from the (proposed) driveway onto Maple Street: To the left the sight line is 305 feet and to the right the sight line is 445 feet. A measuring wheel was used to determine the distances.

Ms. Cademartori summarized her meeting with the Police Chief saying that the Wenham Police Department's data does not show a difference in speed after the repaving of the street last fall. Regarding a speed sign, Chief Perkins recommended waiting until the project is completed to verify if one is actually needed, and if one is needed, he suggested a mobile one be considered.

The hearing was open to the public.

Attorney Dan Hill was present to represent some neighbors/abutters. Attorney Hill asked clarifying questions about the study, the sight lines and confirmed the hedges could be removed in the right of way.

Charles Wear, III, Meridian Associates, addressed two issues from the peer review.

Regarding the types of soil on the property, he reported that additional borings were done last week to verify the data and a less conservative infiltration rate (how quickly the water drains into the ground) was recorded and the data recalculated. As a result, a second infiltration system was added.

Mr. Wear reported the emergency outlet pipe to the wetlands was removed from the plan and details were added to the erosion control procedures on site, to be in conformance with the peer review.

Janet Bernardo will review in full the applicant's response to the peer review and write a (third) letter to the ZBA confirming her findings. Regarding the stormwater review, not all standards of the Massachusetts storm water handbook were applicable to the proposed project.

The intention is not to increase storm water off property or into the wetlands, greater than under present conditions. All runoff from the site remains on the property, but treated differently depending on the phase of the project. The final plan is to filter and clean all runoff through the filtration system.

Ms. Bernardo stated that the waivers seem to be straightforward. She noted a significant number of trees are to be removed and dirt moved around to flatten the property, which served as a gravel pit, at one time.

The hearing was opened to the public.

Attorney Hill said he had not seen the revised plans and was informed the revisions were just filed; Mr. Wear agreed to send electronic copies to Attorney Hill. These documents will be posted to the Town's web site.

Attorney Hill stated that he has hired a civil engineer to review these plans on behalf of his clients. The Board asked him to provide the Board with a written report prior to the next meeting. It was agreed by all parties that information to be discussed at a meeting be submitted to the Board the weekend before the meeting to allow for the review of materials. The Board asked that Ms. Bernardo review the civil engineer's report.

Attorney Hill questioned where generators were located and was told that individual heat pumps would be in each unit that does not require mechanical rooms. The back up generator is the farthest corner away from the neighbors and other than being cycled once a week for 20 minutes, it would only be used during power outages.

Mr. DeFranza added that Harborlight could control the pick up times for the dumpsters.

Attorney Hill asked about the waivers, and if the ZBA would question the standards. The ZBA confirmed they would impose appropriate conditions if the permit were approved.

Attorney Regnante stated that no waivers were being sought from the Board of Health. He went on to identify one of the two waivers requested has to do with bonding and the other is to grade 50 feet within the Border Vegetative Wetlands. He reiterated the entire septic system is outside the buffer zone.

Mr. DeFranza observed that because the proposed project abuts the wetlands in the Ipswich River Watershed area, Harborlight has been in communication with the IRWA regarding the proposed project and what steps could be taken to minimize the

impact of the project on the area. The IRWA responded with thirteen recommendations in a letter dated January 16, 2015. Mr. DeFranza stated that Harborlight would comply with all the recommendations:

1. Reduce and off set water use
2. Use highly efficient toilets, faucets, showerheads
3. Plan for a gray water system for the toilets. Mr. DeFranza spoke in detail about the idea of a gray water system saying the estimated cost is \$300,000. Harborlight has agreed to double pipe the toilets during construction at this time and privately raise funds for pay for the system
4. Use native plants
5. No outside irrigation
6. Stormwater recharged
7. Improve Water quality and treat/filter all run off water
8. No fertilizer/ pesticides used
9. Limit impervious surfaces and use of grass pavers where possible i.e. fire road
10. Limit the amount of buffer space used and commit to off set of land in the buffer zone at 1 ½ times
11. Provide educational materials to residents about proper disposal of medications (not down the toilet) and provide medicine disposal receptacles
12. Use effective superior septic system (Waterloo Biofilter system)
13. Contract with a third party to maintain storm water and wastewater systems, in perpetuity

Mr. Johnson talked briefly about wastewater system, noting that this property is not in a nitrogen sensitive area, and is no longer in a Zone 2 (well protected area) since the Patton well was abandoned in 2013. He provided data on the Waterloo Biofilter system and nitrogen removal at The Maples, Main Street, Wenham. In closing, he said that he spoke with Mr. Castonguay and nitrogen is not a concern to him.

The hearing was open to the public

Phillip Magee, 72 Maple Street said he had concerns with the scope of the project and the impact on his property that directly abuts the project. Specifically he noted concern with rising water tables negatively affecting his septic system. Mr. Johnson responded that the waste water system would not affect the water table because the soil drains so well.

Attorney Hill asked about the fire lane and why it did not go all the way around the building. Mr. DeFranza responded that the Fire Department submitted input on the design and was satisfied with the plan. He noted that grass pavers would be used behind the building. The Board asked that the Fire Department provide a letter confirming the plan as drawn. It was observed that the building would have a sprinkler system.

The Board asked that the Architectural Peer Review include the landscape plan, privacy screening, lighting, materials, and design. Mr. Vance will give input on the scope of the review.

In closing the ZBA asked that Attorney Hill provide the engineer's review report to the Board the last week of February to allow the board members two weeks to review the information.

The Board requested the applicant provide a three dimensional views of the project, specifically from the abutters perspective. The applicant confirmed that the 180 day deadline to approve the application is April 8, 2015 and that if necessary, the applicant was willing to waive that deadline and extend the date.

The motion passed unanimously to continue the hearing to March 11, 2015 at Burnham Hall, noting final location will be verified at the February 25 meeting.

#### Administrative Items

Review/approve minutes January 14, 2015 – No action was taken.

The ZBA will meet next on February 25, 2015 at Buker School Multi Purpose Room. The ZBA unanimously adjourned at 9:10 PM.

Respectfully submitted by

Catherine Tinsley  
1.30.15