

TOWN OF WENHAM

Planning Board
Meeting Minutes of January 12, 2017
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, 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; Minot Frye, Vice Chair; Stephen Kavanagh; Don Killam; Virginia Rogers
Also present: Margaret Hoffman, Planning Coordinator; Catherine Tinsley, Recording Secretary
Attorney Ilana Quirk, Town Counsel K & P

Public Information:

Recorded with permission by HWCAM

Old Business

- Continued Public Hearing – Request for Modification to previously approved “Special Permit Under Zoning Bylaw Section XVIII – Residential Open Space Communities” dated September 10, 1992
Location - 213R Larch Row (Continued from December 8, 2016)

The applicant has requested the hearing be continued to March, to allow for the process with the Conservation Commission to be done.

Mr. Geikie opened the hearing and asked for a motion to continue the hearing as requested by the applicant.

Vote: Mr. Killam moved, and it was seconded, to continue the hearing for 213R Larch Row to March 9, 2017 at 7:30 pm in Town Hall. The motion carried unanimously.

- Continued Public Hearing - Wenham Pines Flexible Subdivision Application
Location - 56-60 Main Street (Continued from December 8, 2016)
The Chair opened the public hearing for Wenham Pines.

Present for the applicant: Anthony Tambone and Attorney Miranda Gooding, Glovsky & Glovsky

Attorney Gooding summarized that after the peer review, there was an agreement to allow the applicant to submit revised plans as proposed. Plans were submitted in compliance with the schedule on December 22.

The Conservation Commission voted at their meeting to issue an Order of Conditions.

The Board of Health approved the proposed septic system and all town agencies / departments have commented, or failed to comment within the stator time.

The Chairman opened the hearing to the Board for questions/comments. There were none.

The comprehensive Set of Conditions have been discussed with Counsel and are ready for the Planning Board.

There was a lengthy discussion regarding the applicant providing a security bond for the project.

Town Counsel advised the Board to the options available to them, and how the appropriate amount would be figured.

She explained that cash would be subject to appropriation of Town Meeting unless the developer put the money in a gift account. The surety must be in place to be recorded with the sub division plans.

Attorney Gooding noted the Flexible Development Bylaw does not require a surety and is not an obligation as a condition of the permit, therefore a covenant is not needed.

Attorney Gooding proposed a covenant against the entire property that would allow building to commence but that no unit be sold until the infrastructure is completed and the applicant requests and receives a determination from the Planning Board to release the covenant or it is replaced by a money based surety and a tri party agreement.

The Condominium Association is responsible for the property and will be created in the beginning of the project.

Counsel opined a covenant would be appropriate but details need to be worked out with the possibility of a surety for the last items such as road top coat, trees to be planted, lawns loamed, etc.

The draft Condition Letter was reviewed and changes noted:

#6 - Ms. Hoffman confirmed that the requirements of the Host Community Agreement were compared against the Planning Board draft conditions and noted one item was added: That the applicant shall implement all water conservation measures per the Wenham Water Department.

- Of importance, Ms. Hoffman noted that the driveway at 62 Main Street will be used as a construction entrance and an agreement has been drafted and would be recorded as an easement. This remains as a condition.
- The Planning Board noted that there is a reference on the Yield Plan to lot 18 and there is no lot 18 and requested it be removed.
- It was confirmed that Bridge Brook, Wenham Brook, and Alewife Brook all reference the same brook.
- The Chairman requested the data for the lighting to assure the lights shine on the ground and how much of the light hits the ground.

Attorney Quirk summarized that “boiler plate” conditions would be added and C1, the overall lot plan dated December 5, 2016, would be recorded as an exhibit to the Special Permit decision.

Ms. Hoffman briefly reviewed the Planning Board’s special conditions.

- Plans will be on digitally on file in the Town Hall.
- Pre-construction meetings will be held for all departments prior to construction starting.
- Two weeks prior to preconstruction meetings, the Stormwater Pollution Prevention Plan will be submitted.
- Added (1/12/17): # 16 - Fire Hydrants shall be installed and operational as directed by the fire department at the direction and satisfaction of the fire department prior to the start of the construction of the first unit.
- #17 – This condition to submit the Condominium Association Trust documents states a recorded copy must be provided prior to the sale of the first unit, but because the sale/ filing is simultaneously, copies of the recorded documents may not be available. A discussion followed that the Trust be submitted within three days of the filing or before the Occupancy permit is issued for the second unit.
- #19 - As-Built Plan surety was discussed to assure the Town receives the As-Built Plans for the final project, including the tagging of gas lines. Town Counsel will prepare a draft for consideration.
- Ms. Hoffman noted that the Peer Review Account is almost exhausted. Additional funds were requested to be added for construction, stormwater, infrastructure, etc. The Applicant agreed but requested to establish a not to exceed limit on the peer review expenditure. The applicant also requested a delay on funding the account.
- #25 - Adjusted: Conservation Restriction - The CR will be reviewed by Town Counsel and the Planning Board with the Final CR recorded before any units are sold. Although Attorney Gooding question if the CR could be held until the end of the project as construction is against the terms of the CR. Attorney Quirk will look into this further.
- #27 – Added: Wording “*Wenham Pines are age restricted units.*” Two affordable units to be completed prior to the issuance of the occupancy of the 12th market unit.
- The noise restriction for construction activity will be confirmed.

A full decision drafted with all conditions, correct dates of all plans referenced and accompanying documents will be prepared for the next PB meeting, February 9 for review and possible vote. The Chair requested the changes be red lined.

The hearing was open to the Board and public for comments/questions. There were none.

Attorney Gooding requested the hearing be closed, noting it has been open since August.

With no compelling reason to close the hearing, the hearing remained open as recommended by Town Counsel.

Vote: Ms. Rogers moved, and it was seconded, to continue the hearing to a date certain of February 9, 2017 at 7:30 pm in Town Hall. The motion carried unanimously.

Annual Town Report - The Board was provided with the final report prepared by Ms. Hoffman for the Annual Report.

Minutes- *Vote: Mr. Killam moved to approve the minutes of **December 8, 2016**. The motion carried with Ms. Rogers abstaining citing her absence from that meeting.*

Adjournment - The Board unanimously adjourned at 9:06 pm.

Respectfully Submitted By
Catherine Tinsley
1.29.17