

TOWN OF WENHAM  
Planning Board  
Meeting Minutes of March 9, 2017  
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 March 9, 2017 at 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; Steven Kavanagh; Don Killam; Virginia Rogers  
Also present: Margaret Hoffman, Planning Coordinator; Catherine Tinsley, Recording Secretary

The meeting was recorded with permission by HWCAM

### Old Business

#### Continued Public Hearing – Wenham Pines Flexible Subdivision Application

(Continued from February 15, 2017)

The Trustees of the Flynn Family Enterprises Irrevocable Trust

Location: 56 -60 Main Street; Assessors' Map 27, Parcels 44 and 36 (also known as Lakeview Golf Course)

Zoning District: Residential; Aquifer Protection, Historical District

Special Permit /Site Plan Approval Special Conditions dated March 9, 2017

Request to approve under section 13.5.2 with authorization for the proposed construction in accordance with the above referenced and approved plans subject to special and general conditions.

Mr. Tambone was present with Counsel, Attorney Gooding.

Ms. Hoffman, Attorney Quirk, Gooding met and discussed the Special Permit /Site Plan Approval Special Conditions  
Attorney Quirk was present and reviewed the amendments to the Special Conditions:

1. Paragraph 24: Additional language regarding the Age Restriction be in the Condo documents and in a separate legal instrument.
2. Paragraph 32: Affordable Housing Restriction- Ability for the Town to enforce the affordable housing. Department of Housing & Community Development willing to have the affordable housing restriction in the Regulatory Agreement; even if the Regulatory Agreement expires, the Town has the ability to enforce the affordable housing restriction. This is a separate document recorded against the property at Registry of Deeds.
3. Paragraph 31: Conservation Restriction recorded against the property before building permits are issued for work to be done as shown on the plans.

Amended and Restated Host Community Agreement:

- New Trust entity substituted as the seller Flynn Family Enterprise Irrevocable Trust substituted formal requesting to amend the special permit to substitute the sellers as owners and co applicants
- Certification required by Special Permit decision both parties obliged to comply with conditions of special permit
- Attorney titles certification with respect to the Title Trustee certificate with respect to Flynn Family Trust

General Condition No. 1 - Required Certification: Language change by removing "to the best of our ability" to now read: "I/We agree to comply fully with all aspects of the approved Special Permit/ Site Plan and with all Special & General Conditions of the Decision."

Attorney Quirk confirmed these documents are in order.

The applicant requested the Board close the hearing.

The Chairman opened the hearing for questions or comments. Seeing none, he asked for a motion to close the hearing.

*Vote: Mr. Killam moved to close the public hearing on Wenham Pines and it was unanimous to do so.*

*Vote: Mr. Killam moved, and it was seconded, to approve the Special Permit relief / Site Plan application for Wenham Pines LLC as set forth in draft decision dated March 9, 2017 with additions discussed with the Board this evening. The motion carried unanimously.*

The 20-day appeal period begins.

**Continued Public Hearing** – Request for Modification to previously approved Special Permit Under Zoning Bylaw Section XVIII – Residential Open Space Communities” Dated September 10, 1992. Continued from January 12, 2017.

The applicant is on the agenda for the next Conservation Commission meeting and requested the hearing be continued to the next Planning Board meeting.

The Chairman declared the hearing open to continue the hearing to the next meeting, at the request of the applicant.

*Vote: Ms. Rogers moved, and it was seconded, to continue the hearing for 213 R Larch Row, to a date certain of April 12, 2017 at 7:30 pm in Town Hall. The motion carried unanimously.*

The Peer Review is ongoing.

## **New Business**

### Approval not Required Plan

Julian Rex, 174 Cherry Street, Wenham

Virginia Place & Cherry Street – Assessor Map 17 lot 32 Assessors Map 16 Lot 22A

Proposed to combine two lots, the corner of Virginia Place and 174 Cherry Street, and re-divide the property to create 2 full size lots.

- Frontage on Virginia Place – 475 feet
- Frontage on Cherry Street- 233 feet

A rough building envelop was identified by the applicant; plans are in the preliminary stage. There are wetlands on the property.

*Vote: Mr. Killam moved, and it was seconded, to endorse the Plan of Land for 174 Cherry Street & Parcel B, Virginia Place land of Julian Rex dated March 2, 2017. The motion carried unanimously.*

This vote does not confirm buildable lots, and is not considered a sub division.

### **Discuss 65-67 Arbor Street** - Definitive Subdivision (Suminsby)

Ms. Hoffman did some research on the decision for 65-67 Arbor Street; there is no signed or recorded decision. A 2008 draft decision was provided to the Board for review.

There was no indication in the Special Conditions that specific work was to be done on the temporary construction opening to Arbor Street.

Mr. Geikie reviewed that the applicant, David Suminsby, requested to breach the stone wall for construction to move materials onto the property. Permission was granted for a temporary access and that Mr. Suminsby was to rebuild the wall after construction, adding the house was allowed under a single curb cut/shared driveway.

terms (#4) access to both lots shall be a common shared driveway with a single curb cut on Arbor Street with temporary access.

The Board members recalled that they were vehement that there be one single driveway for 65-67 due to site lines/crest of the hill on Arbor Street and location near Settlers Lane and this was to be a temporary construction access area.

Mr. Suminsby did not apply for a curb cut, and is therefore trespassing on town property.

*Approved 4.12.17*

The Board asked a demand letter be sent to Mr. Suminsby ordering him to close the temporary emergency construction access and that he replant this area with appropriate trees and shrubs.

It was thought Mr. Suminsby renewed his permit within the past 2 years and was issued a temporary occupancy permit at that time.

Ms. Hoffman referenced a letter from Mr. Suminsby in 2008 requesting to grass over this area; this request was denied at that time.

**Minutes** - February 15, 2017

*Vote: Mr. Kavanagh moved to accept the minutes of February 15, 2017 and it was unanimous to do so.*

**Adjournment** – The Planning Board unanimously adjourned at 8:28 pm.

Respectfully Submitted By

Catherine Tinsley

3.12.17