

**Town of Wenham
BOARD OF SELECTMEN**

AGENDA

Tuesday March 5th

5:00 PM

Wenham Town Hall – 138 Main Street

Notice of public meeting as required by M.G.L. Chpt. 30A §18-25

All audience members wishing to address the Board of Selectmen must go to the podium microphone and give their name & address.

5:00 P.M.

WELCOME: Call to order

Executive Session #3 under M.G.L. Ch. 30A, § 21 – To discuss strategy with respect to collective bargaining or litigation if the chair declares that an open meeting may have a detrimental effect on the bargaining or litigation position of the Town.

- AFSCME Council 93, Local 2905
- Police Benevolent Association of Wenham
- Wenham Call Firefighters Association

Executive Session #3 under M.G.L. Ch. 30A, § 21 – To discuss strategy with respect to litigation if the chair declares that an open meeting may have a detrimental effect on the litigation position of the Town.

- Maple Woods

Executive Session #6 under M.G.L. Ch. 30A, § 21 – To discuss the purchase, exchange, leave, or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the Town.

- Maple Woods

6:30 P.M.

PUBLIC INPUT: ITEMS NOT ON THE AGENDA

ANNOUNCEMENTS

CH

1. Municipal Vulnerability Preparedness Plan Listening Session – Thursday, March 21, 2019 at 7:00pm
2. Warrant Hearing – Monday, April 1, 2019 7:00 pm, Buker Elementary Multi-Purpose Room
3. WVIS Luncheon – Saturday, April 6, 2019 12:00 pm, Buker Elementary Multi-Purpose Room
4. Annual Town Meeting – Saturday, April 6, 2019 1:00 pm, Buker Elementary Perkins Auditorium
5. Annual Town Elections – Thursday, April 11, 2019 7:00 am – 8:00 pm, Town Hall

6:40 P.M.

REPORTS

TOWN ADMINISTRATOR – Update
CHAIRMAN
SELECTMEN

6:45 P.M.

NEW BUSINESS

- A. Appointment: (3 minutes) JC
 - Board of Registrars: Daniel Curran
- B. Vote to Reopen Town Meeting Warrant (2 minutes) JC
- C. Vote to Place School Operating Override Questions on April 2019 Ballot (10 minutes) JC
- D. Other matters, as may not have been reasonably anticipated by the Chair (Discussion Only) CH

7:00 P.M.

OLD BUSINESS

- E. Review of Property Appraisal Report of Maple Wood Project Land (10 minutes) CH
- F. Maple Woods Senior Affordable Housing Project Update (10 minutes) CH
- G. Discussion of Potential Back-up Dates for Town Meeting Continuance (3 minutes) JC
- H. Final Review of and Recommendation Votes on All Warrant Articles (60 minutes) CH
- I. Vote to Close Annual Town Meeting Warrant (2 minutes) JC

8:25 P.M.

EXECUTIVE SESSION

Executive Session #3 under M.G.L. Ch. 30A, § 21 – To discuss strategy with respect to collective bargaining or litigation if the chair declares that an open meeting may have a detrimental effect on the bargaining or litigation position of the Town.

- Interim Town Administrator

8:45 P.M.

ANTICIPATED ADJOURNMENT

Board of Selectmen Meeting Announcements – March 5, 2019

Catherine Harrison

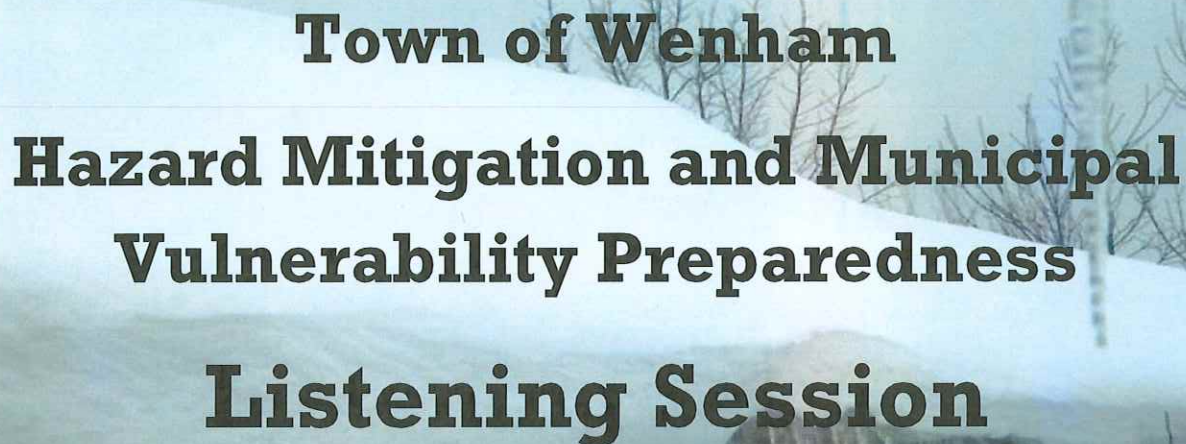
Thursday, March 21st at 7:00pm here in the Selectmen's Room, a Listening Session will be held to present and discuss the Town's Draft Hazard Mitigation Plan and Municipal Vulnerability Preparedness Plan. The Town has been working with Weston & Sampson since last fall and is looking for public input in order to finalize both plans. Questions may be directed to our Planning Coordinator Margaret Hoffman.

The Warrant Hearing for our Annual Town Meeting will be held in the Bessie Buker Elementary Multipurpose Room on Monday April 1st at 7:00pm.

On Saturday April 6th at 12:00pm, the Wenham Village Improvement Society Luncheon will be held in the Bessie Buker Elementary Multipurpose Room prior to our Annual Town Meeting in the Perkins Auditorium which begins at 1:00pm.

Our Annual Town Election will be held at Town Hall on Thursday April 11th from 7:00am to 8:00pm.

Voters must be registered by March 15th to vote in the Annual Town Election. Please contact the Town Clerk's office for information on absentee voting.



Town of Wenham Hazard Mitigation and Municipal Vulnerability Preparedness Listening Session

WHO: The Wenham Land Use
Department

WHAT: A public meeting to present
an overview of Wenham's
draft Natural Hazards
Mitigation and Municipal
Vulnerability Plan.

WHEN: Thursday, March 21, 2019
Time: 7:00 pm

WHERE: Wenham Town Hall
138 Main Street

**PUBLIC IS
INVITED
TO ATTEND**



The plan will identify natural and climate change hazards affecting Wenham. It will also present strategies that the Town can take to reduce the impacts of these hazards.

For more information contact the Land Use Dept. at 978-468-5520 Ext 8

TOWN OF WENHAM **EVENTS**



WARRANT HEARING - MONDAY
APRIL 1, 2019 @7PM
BUKER

WVIS TOWN LUNCH - SATURDAY
APRIL 6, 2019 @12PM
BUKER

TOWN MEETING - SATURDAY
APRIL 6, 2019 @1PM
BUKER

TOWN ELECTION - THURSDAY
APRIL 11, 2019 @7AM-8PM
TOWN HALL

ABSENTEE VOTING WILL BE AVAILABLE FOR THE TOWN ELECTION
CONTACT THE CLERK - DBUCCO@WENHAMMA.GOV

ABSENTEE VOTING IS NOT AVAILABLE FOR TOWN MEETING

BOARD OF SELECTMEN MEETING

March 5, 2019

REPORTS

- TOWN ADMINISTRATOR – Update
- CHAIRMAN
- SELECTMEN

BOARD OF SELECTMEN MEETING

March 5, 2019

NEW BUSINESS

A.

Appointment

(3 minutes)

- Draft Motion
- Board of Registrars Motion to Reappoint Daniel Curran, March 1, 2019
- Email regarding Board of Registrars Appointment from Dianne Bucco, Town Clerk, March 1, 2019
- Email regarding Board of Registrars Appointment from Dianne Bucco, Town Clerk, February 25, 2019
- Email regarding Board of Registrars Appointment from Dianne Bucco, Town Clerk, February 21, 2019
- Email regarding Board of Registrars Appointment from Dianne Bucco, Town Clerk, March 1, 2019

BOARD OF SELECTMEN MEETING

March 5, 2019

DRAFT MOTION

Board of Election Registrars Appointment

- Vote: I move to appoint Daniel Curran to the Board of Election Registrars for a term beginning on March 5, 2019 for the purpose of the voter residency complaint hearing and resolution.

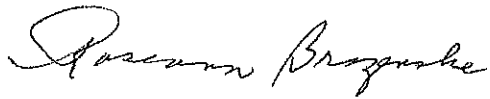
Seconded / Discussion/ Vote

March 1, 2019

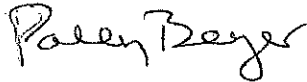
Dianne K. Bucco MOVED that the Board of Registrars request pursuant to G.L. c.51, §20, that the Board of Selectmen appoint a voter registered in the Republican party, who meets the enrollment requirements of G.L. c.4, §12, having been continuously enrolled in the appropriate political party during the immediately preceding two years and not holding any other elected or appointed public office in the Town, to fill the vacancy on the Board of Registrars temporarily for purposes of the voter residency complaint (J. Bertrand) hearing and resolution pursuant to G.L. c.51, §§48, 49 and for purposes of certifying nomination papers and petitions, and further, for the members to sign a copy of this motion and authorize the Town Clerk to submit it to the Board of Selectmen.

Dianne K. Bucco MOVED that the BOS re-appoint **Daniel Curran** to fill the vacancy on the Board of Registrars temporarily for purposes of the voter residency complaint (J. Bertrand) hearing and resolution pursuant to G.L. c.51, §§48, 49, and further, for the members to sign a copy of this motion and authorize the Town Clerk to submit such written and signed document to the Board of Selectmen.

Roseann Brozenski



Polly Beyer



Dianne K. Bucco



Peter Lombardi

From: Dianne Bucco
Sent: Friday, March 01, 2019 11:06 AM
To: Peter Lombardi
Subject: RE: BOS 3/5/2019

Peter,
I do not think it needs to carry over through the election period.
Term would be "for purposes of the voter residency complaint (Bertrand) hearing and resolution.

After the hearing, the BOR will be requesting 2 other registrar appointments – 1 to fill the unexpired term and one for the 3 year term.
We have emails out to both political committees in town and will have a list of candidates for both positions in the next few weeks.

Dianne

Dianne K. Bucco, CMC, CMMC
Wenham Town Clerk
Justice of the Peace
138 Main Street, Wenham, MA 01984
978-468-5520 x1
dbucco@wenhamma.gov
www.facebook.com/WenhamTownClerk

From: Peter Lombardi
Sent: Friday, March 01, 2019 10:50 AM
To: Dianne Bucco; Nicole Roebuck
Subject: RE: BOS 3/5/2019

Thanks Dianne. What should the term be on their motion to appoint? I understand it is a temporary appointment through the pending residency complaint and for certifying nomination papers and petitions, but what about the upcoming local election? Will it expire before then?

Peter Lombardi
Town Administrator

138 Main Street
Wenham, MA 01984
978-468-5520 x.2
<http://wenhamma.gov>

From: Dianne Bucco
Sent: Friday, March 01, 2019 10:44 AM
To: Peter Lombardi; Nicole Roebuck
Subject: BOS 3/5/2019

Please see attached for the motions the BOR took to ask the BOS to re-appoint Dan as a temporary registrar for the 3/6 hearing.

Let me know if you need anything else for the packet

Dianne

Dianne K. Bucco, CMC, CMMC

Wenham Town Clerk

Justice of the Peace

138 Main Street, Wenham, MA 01984

978-468-5520 x1

dbucco@wenhamma.gov

www.facebook.com/WenhamTownClerk

Peter Lombardi

From: Dianne Bucco
Sent: Monday, February 25, 2019 11:21 AM
To: Peter Lombardi
Subject: FW: BOR

Registrar

Dianne K. Bucco, CMC, CMMC
Wenham Town Clerk
Justice of the Peace
138 Main Street, Wenham, MA 01984
978-468-5520 x1
dbucco@wenhamma.gov
www.facebook.com/WenhamTownClerk

From: Dan Curran [<mailto:curran.danielp@gmail.com>]
Sent: Monday, February 25, 2019 10:21 AM
To: Dianne Bucco
Subject: Re: BOR

To whom it may concern,
I am requesting that I be re-appointed to the Wenham Board of Registrars, This would be to fill the seat that I had vacated.
Sincerely,
Daniel P Curran

On Fri, Feb 22, 2019 at 1:08 PM Dianne Bucco <DBucco@wenhamma.gov> wrote:

Hi Dan

So unfortunately you cannot retract a resignation but you can submit another letter of interest to be re-appointed.

We would need that by Monday and an email is fine.

I hope you are ok and that we can get this to work out.

Dianne

Dianne K. Bucco, CMC, CMMC
Wenham Town Clerk
Justice of the Peace
138 Main Street, Wenham, MA 01984
978-468-5520 x1
dbucco@wenhamma.gov
www.facebook.com/WenhamTownClerk

-----Original Message-----

From: Dan Curran [<mailto:curran.danielp@gmail.com>]

Sent: Thursday, February 21, 2019 5:34 PM
To: Dianne Bucco; Peter Lombardi
Subject: BOR

Cab I retract my resignation, i will be staying in town after all

Sent from my iPhone

Peter Lombardi

From: Dan Curran <curran.danielp@gmail.com>
Sent: Thursday, February 21, 2019 8:15 AM
To: Peter Lombardi; Dianne Bucco; rbrozenske@gmail.com; pollybeyer@gmail.com; paul.e.mendonca@gmail.com
Subject: Board of registrars

Hello all,
Effective immediately I will be resigning from the board of registrars for the town of Wenham. My home situation has changed and I am moving to Beverly as of 2/21/19

Sincerely
Dan Curran

Sent from my iPhone

BOARD OF SELECTMEN MEETING

March 5, 2019

NEW BUSINESS

B.

Vote to Reopen Town Meeting Warrant
(2 minutes)

- Draft Motion

BOARD OF SELECTMEN MEETING

March 5, 2019

DRAFT MOTION

Reopen Warrant

- Vote: I move the Board of Selectmen reopen the April 6, 2019 Annual Town Meeting Warrant.

Seconded / Discussion/ Vote

BOARD OF SELECTMEN MEETING

March 5, 2019

NEW BUSINESS

C.

**Vote to Place School Operating Override
Questions on April 2019 Ballot**

(10 Minutes)

- Draft Motion
- Email regarding School Operating Override Ballot Questions from Lauren Goldberg, Esq., KP Law, February 28, 2019

BOARD OF SELECTMEN MEETING

March 5, 2019

DRAFT MOTION

Vote to Place HWRSD School Override on the April 11, 2019 Ballot

- **Vote: I move the Board of Selectmen place the Proposed Form of Proposition 2 ½ Operating Override questions on the on the April 11, 2019 Ballot:**

Shall the Town of Wenham be allowed to assess an additional \$499,145 in real estate and personal property taxes for the purposes of funding the Town of Wenham's annual assessment for the FY 2020 Hamilton Wenham Regional School District operating budget as adopted by the Hamilton Wenham Regional School Committee?

Shall the Town of Wenham be allowed to assess an additional \$116,119 in real estate and personal property taxes for the purposes of funding the Town of Wenham's annual assessment for the FY 2020 Hamilton Wenham Regional School District operating budget, particularly as adopted by the Hamilton Wenham Regional School Committee for Other Post Employment Benefits and a School Resource Officer?

Seconded / Discussion/ Vote

Peter Lombardi

From: Peter Lombardi
Sent: Thursday, February 28, 2019 1:34 PM
To: 'Lauren F. Goldberg'
Subject: School Operating Override Ballot Questions
Attachments: 2019 ATM Warrant WORKING DRAFT 02.28.19.docx

Lauren,

We are going to have another School Operating Override for FY20. This year, the Board wants to split out the (new) costs for OPEB and an SRO separate from their level services budget. See attached draft warrant article summary doc (#3 and 4).

How should each of those ballot questions be worded?

"Shall the Town of Wenham be allowed to assess an additional \$499,145 in real estate and personal property taxes for the purposes of funding the Town of Wenham's annual assessment for the FY 2020 Hamilton Wenham Regional School District budget as adopted by the Hamilton Wenham Regional School Committee?"

Shall the Town of Wenham be allowed to assess an additional \$116,119 in real estate and personal property taxes for the purposes of funding the Town of Wenham's annual assessment for the FY 2020 Hamilton Wenham Regional School District budget as adopted by the Hamilton Wenham Regional School Committee?"

I assume we cannot reference what each amount is for – level services vs. OPEB/SRO – correct?

Thanks,
Peter

Peter Lombardi
Town Administrator

138 Main Street
Wenham, MA 01984
978-468-5520 x.2
<http://wenhamma.gov>

BOARD OF SELECTMEN MEETING

March 5, 2019

NEW BUSINESS

D.

**Other matters, as may not have been reasonably
anticipated by the Chair
(Discussion Only)**

BOARD OF SELECTMEN MEETING

March 5, 2019

OLD BUSINESS

E.

**Review of Property Appraisal Report of
Maple Wood Project Land**

(10 Minutes)

BOARD OF SELECTMEN MEETING

March 5, 2019

OLD BUSINESS

F.

**Maple Woods Senior Affordable Housing Project
Update**

(10 Minutes)

CH

BOARD OF SELECTMEN MEETING

March 5, 2019

OLD BUSINESS

G.

**Discussion of Potential Back-up Dates for Town
Meeting Continuance**

(3 Minutes)

- Email regarding Back-up ATM Date from Peter Lombardi, Town Administrator, March 1, 2019

Peter Lombardi

From: Peter Lombardi
Sent: Friday, March 01, 2019 10:29 AM
To: Catherine Harrison; John Clemenzi; Jack Wilhelm; A Begin; Mike Therrien; Carrie Jelsma; David Molitano; James Purdy; Trudy Reid; Dianne Bucco; 'Lauren F. Goldberg'; Patricia Moore
Cc: Nicole Roebuck; Jacqueline Bresnahan; ultrafinepapers@yahoo.com
Subject: Back-up ATM Date - Thurs April 25

All,
Our back-up ATM date will likely be Thursday April 25. The Board will discuss this at their Tuesday March 5 meeting to confirm. We are working on GOTV mailers that will be sent out to all residents to alert them to the Warrant Hearing and Town Meeting dates and will include this info on that flyer.
Peter

Peter Lombardi
Town Administrator

138 Main Street
Wenham, MA 01984
978-468-5520 x.2
<http://wenhamma.gov>

From: Harvey, Michael [<mailto:M.Harvey@hwschools.net>]
Sent: Thursday, February 28, 2019 2:33 PM
To: Peter Lombardi
Subject: Re: Back-up ATM Date - Wed April 10?

Hi Peter,

The SC is planning on meeting on April 10. They are planning on voting to submit statements of interest for the Winthrop and Cutler Schools to MSBA that night. The SOIs are due April 12.

Thanks,

Mike

From: Peter Lombardi <PLombardi@wenhamma.gov>
Date: Thursday, February 28, 2019 at 12:58 PM
To: "Harvey, Michael" <M.Harvey@hwschools.net>
Subject: Back-up ATM Date - Wed April 10?

Mike,
We are looking to nail down a back-up date for ATM as a contingency in case we lose quorum again. One of the two days that work for a majority of the relevant players is the evening of Wednesday April 10 (night before election). I believe that the School Committee would normally meet on that night. Do you know if the SC will definitely meet that night or if we could use that as our back-up plan?
Thanks,

Peter

Peter Lombardi
Town Administrator

138 Main Street
Wenham, MA 01984
978-468-5520 x.2
<http://wenhamma.gov>

BOARD OF SELECTMEN MEETING

March 5, 2019

OLD BUSINESS

H.

**Final Review of and Recommendation Votes on All
Warrant Articles**

(60 Minutes)

- Potential 2019 ATM Warrant Articles, March 5, 2019 - Placeholder

**WARRANT FOR THE ANNUAL TOWN MEETING
WENHAM, MASSACHUSETTS
Saturday April 6, 2019**

ARTICLE 1: Budget Appropriations

To see if the Town will determine what sum of money (\$19,748,600) may be necessary to defray the Town's expenses of the twelve month period (Fiscal Year 2020) beginning July 1, 2019 and ending June 30, 2020 and to make appropriations for the same and to determine the source thereof.

Or take any other action relative thereto.

Recommendation of the Board of Selectmen: Favorable Action (2-0-0)

Recommendation of the Finance & Advisory Committee: Favorable Action (5-0-0)

Vote needed: Simple Majority

ARTICLE 2: Use of Free Cash to Balance the Budget

To see what sum of money (\$700,000), the Town will vote from FY 2018 Free Cash to be used to balance the budget for the period July 1, 2019 to June 30, 2020.

Or take any other action relative thereto.

Recommendation of the Board of Selectmen: Favorable Action (2-0-0)

Recommendation of the Finance & Advisory Committee: Favorable Action (5-0-0)

Vote needed: Simple Majority

**ARTICLE 3: Hamilton Wenham Regional School District
Operating Override #1**

To see what sum of money (\$499,145), the Town will vote to be used to fund a portion of Wenham's annual assessment for the FY 2020 Hamilton Wenham Regional School District budget as adopted by the Hamilton Wenham Regional School Committee for the period July 1, 2019 to June 30, 2020; provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters at an election of a Proposition 2 ½ override allowing the Town to raise the funds appropriated hereunder outside the limits established by Proposition 2 ½, MGL Chapter 59, Section 21C.

Or take any other action relative thereto.

Recommendation of the Board of Selectmen: Favorable Action (0-2-0)

Recommendation of the Finance & Advisory Committee: Favorable Action (5-0-0)

Vote needed: Simple Majority

ARTICLE 4: HWRSD Operating Override #2 (for OPEB and School Resource Officer)

To see what sum of money (\$89,875 for OPEB + \$26,244 for SRO = \$116,119 for Wenham's share), the Town will vote to be used to fund a portion of Wenham's annual assessment for the FY 2020 Hamilton Wenham Regional School District budget as adopted by the Hamilton Wenham Regional School Committee for the period July 1, 2019 to June 30, 2020, specifically for Other Post Employment Benefits and a School Resource Officer; provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters at an election of a Proposition 2 ½ override allowing the Town to raise the funds appropriated hereunder outside the limits established by Proposition 2 ½, MGL Chapter 59, Section 21C.
Or take any other action relative thereto.

Recommendation of the Board of Selectmen: Favorable Action (0-2-0)

Recommendation of the Finance & Advisory Committee: Favorable Action (1-4-0)

Vote needed: Simple Majority

ARTICLE 5: Cemetery and Other Trust Funds

To see if the Town will vote to accept the Cemetery and other Trust Funds received in FY 2018, as printed in Part I of the Town Report and on file with the Town Clerk.
Or take any other action relative thereto.

Recommendation of the Board of Selectmen: Favorable Action (3-0-0)

Recommendation of the Finance & Advisory Committee: Favorable Action (5-0-0)

Vote needed: Simple Majority

ARTICLE 6: Cemetery Maintenance Fund Transfer

To see if the Town will vote to authorize the Treasurer to withdraw a sum of money, not to exceed \$7,500 from the Sale of Cemetery Lots - Receipts Reserved for Appropriation account, after July 1, 2019 and before June 30, 2020, and transfer and deposit said funds into the General Fund. The purpose of the transfer is to subsidize Highway Department expenditures for the care and operation of the three cemeteries in the Town of Wenham.
Or take any action relative thereto.

Recommendation of the Board of Selectmen: Favorable Action (2-0-0)

Recommendation of the Finance & Advisory Committee: Favorable Action (5-0-0)

Vote needed: Simple Majority

ARTICLE 7: **Road Work – Chapter 90 Funding**

To see if the Town will vote from available funds a sum of money for work on Town Roads, subject to conditions detailed by the Massachusetts Department of Transportation Highway Division, pursuant to MGL Chapter 30, Section 39M; Chapter 149, Section 44J; and Chapter 149, Section 26-27F; said work to conform to the requirements of the Massachusetts Department of Transportation Highway Division.

Or take any other action relative thereto.

Recommendation of the Board of Selectmen: Favorable Action (3-0-0)

Recommendation of the Finance & Advisory Committee: Favorable Action (5-0-0)

Vote needed: Simple Majority

ARTICLE 8: **Transfer from Water Operating Budget to Water Capital Reserve Fund**

To see if the Town will approve the transfer of \$35,000 from the FY 2020 Water operating budget into the water capital reserve account.

Or take any other action relative thereto.

Recommendation of the Board of Selectmen: Favorable Action (3-0-0)

Recommendation of the Finance & Advisory Committee: Favorable Action (5-0-0)

Vote needed: Simple Majority

ARTICLE 9: **Transfer from Water Department Undesignated Fund Balance Surplus to FY19 Water Department Operating Expense**

To see if the Town will vote to transfer a sum of \$20,000 from the water undesignated fund balance surplus account to the water expense account for costs associated with the installation of 39 new water services for the Wenham Pines and Spring Hill subdivisions to be used in this fiscal year (FY 2019).

Or take any other action relative thereto.

Recommendation of the Board of Selectmen: Favorable Action (3-0-0)

Recommendation of the Finance & Advisory Committee: Favorable Action (5-0-0)

Vote needed: 4/5ths Majority

ARTICLE 10: Amend Veterans Property Tax Work-Off Program

To see if the Town will vote to amend the Veterans Property Tax Work-Off Program adopted under Article 17 of the 2016 Annual Town Meeting, by increasing the abatement amount to \$1,500, the maximum currently allowed by law, for veterans who participate in the program under MGL Chapter 59, Section 5N.
Or take any other action relative thereto.

Recommendation of the Board of Selectmen: Favorable Action (3-0-0)

Recommendation of the Finance & Advisory Committee: Favorable Action (5-0-0)

Vote needed: Simple Majority

ARTICLE 11: Bylaw Amendment: Iron Rail Rental Revolving Fund

To see if the Town will vote to amend the Chapter XXVIII, Section 2 of the General Bylaws to increase the fiscal year spending limit of the Iron Rail Rental Revolving Fund to \$30,000.
Or take any other action relative thereto.

Recommendation of the Board of Selectmen: Favorable Action (3-0-0)

Recommendation of the Finance & Advisory Committee: Favorable Action (5-0-0)

Vote needed: Simple Majority

ARTICLE 12: CPA Appropriations

To see if the Town will vote to: hear and act on the report of the Community Preservation Committee ("CPC") for FY 2020; increase the amounts set aside in FY 2019 to reflect higher than forecasted FY 2019 Community Preservation Fund ("CPF") revenues; appropriate from the CPF FY 2020 estimated annual revenues a sum of money to meet the necessary and proper expenses of the Community Preservation Committee for FY 2020; and, further, to expend or set aside, whether from CPF FY 2020 estimated annual revenues or otherwise, as recommended by the CPC, sums of money for: acquisition, creation and preservation of open space; acquisition, creation, preservation, rehabilitation, and restoration of land for recreational use; acquisition, preservation, rehabilitation, and restoration of historic resources; acquisition, creation, preservation and support of community housing; and for the rehabilitation and restoration of open space or community housing acquired under the Community Preservation Act ("CPA").
Or take any other action relative thereto.

Anticipated motions under Article 12:

- 1) Move that the Town vote to transfer from the Community Preservation Fund 2019 estimated annual revenues the additional sum of \$21,867.30, for the purpose of reserving a minimum of 10% of the CPF FY 2019 estimated annual revenue for each of the three purposes of the CPA, as follows:

\$ 7,289.10	Historic Resources Reserve
\$ 7,289.10	Open Space & Recreation Reserve
\$ 7,289.10	Community Housing Reserve

Recommendation of the Board of Selectmen: Favorable Action (3-0-0)

Recommendation of the Finance & Advisory Committee: Favorable Action (5-0-0)

Vote needed: Simple Majority

- 2) Move that the Town vote to transfer from the Community Preservation Fund FY 2020 estimated annual revenue the total sum of \$119,490, for the purpose of reserving a minimum of 10% of the FY 2020 estimated annual revenue for each of the three purposes of the CPA, and to make annual transfers to the Budgetary Reserve (\$271,310) and to the CPC Administrative Account (\$7,500) for the necessary and proper expenses of the CPC for FY 2020, as follows:

\$ 39,830	Historic Resources Reserve
\$ 39,830	Open Space & Recreation Reserve
\$ 39,830	Community Housing Reserve
\$271,310	Budgetary Reserves
\$7,500	Administrative

Recommendation of the Board of Selectmen: Favorable Action (2-0-0)

Recommendation of the Finance & Advisory Committee: Favorable Action (5-0-0)

Vote needed: Simple Majority

- 3) Move that the sum of \$750,000 be transferred from the Community Preservation Fund, of which the sum of \$182,052 shall come from the Community Preservation FUND BALANCE, and the sum of \$373,119 shall come from the COMMUNITY HOUSING RESERVE, and the sum of \$194,829 shall come from the CPA BUDGETARY RESERVES, as a grant to Harborlight Community Partners, Inc., for the acquisition and/or creation of forty-five (45) units of housing for seniors (over the age of 62) earning no more than 80% of the area median income including the Town of Wenham, for the project known as "Maple Woods Senior Affordable Housing," located at 62 Maple Street, Wenham, Massachusetts, and described in the application filed with the CPC on January 23, 2019 (the "Project"), and to authorize the Board of Selectmen to enter into a grant agreement with Harborlight Community Partners, Inc., setting forth the terms and conditions of the grant, including a requirement that the Town be provided with an affordable housing deed restriction or restrictions in such property, in perpetuity, and to authorize the Board of Selectmen to accept such restriction(s), execute any documents and other agreements, and take all other action

necessary to effectuate this vote; provided, however, that the Board of Selectmen shall not expend the funds appropriated hereunder unless the following conditions are met:

- i) A final ruling, settlement, and/or dismissal by the court is reached with respect to the matter of Lou Terranova, et al. v. Crystal Kornegay, Director of the Commonwealth of MA Dept of Housing and Community Development, et al. Essex Superior Court, C.A. No. 1677CV00015, the pending litigation regarding the appeal of the Maple Woods comprehensive permit issued by the Wenham Zoning Board of Appeals;
- ii) The Zoning Board of Appeals issues a comprehensive permit for the Project, which permit is not appealed;
- iii) The Project receives all other necessary permits and Town Department approvals;
- iv) The Project to be undertaken is consistent with the terms and conditions of the fully executed settlement agreement rather than the development already permitted by Maple Woods LLC several years ago;
- v) The acquisition value set forth in the final cost certification of the Project shall not exceed the sum of the As-Is Market Value, as determined by an independent appraisal, and Reasonable Carrying Costs, consistent with the rules and requirements of the Department of Housing and Community Development;
- vi) Harborlight Community Partners, Inc. applies for and receives a building permit from the Wenham Inspector of Buildings within 360 and 364 days of being issued a comprehensive permit by the Wenham Zoning Board of Appeals;
- vii) And further, that said grant award of \$750,000 shall expire three (3) years after a comprehensive permit has been issued by the Wenham Zoning Board of Appeals if a certificate of occupancy has not been issued for the Project by the Wenham Inspector of Buildings by that date certain, said deadline to be extended at the discretion of the Board of Selectmen upon the request of Harborlight Community Partners, Inc., as long as the Board determines that a good faith effort has been made by Harborlight Community Partners, Inc. to advance the Project; and
- viii) The Board of Selectmen or its designee has verified that all of the aforementioned conditions are met.

Deleted: ,

Recommendation of the Board of Selectmen: Favorable Action (1-1-0)

Recommendation of the Finance & Advisory Committee: To be given at Town Meeting

Vote needed: Simple Majority

- 4.) Move that the total sum of \$126,100 be transferred from the Community Preservation Fund, of which the sum of \$99,619 shall come from the HISTORIC RESOURCES RESERVE and the sum of \$26,481 shall come from the CPA BUDGETARY RESERVES, for FY 2020 debt service on the borrowing for the rehabilitation of the historic Town Hall.

Recommendation of the Board of Selectmen: Favorable Action (2-0-0)

Recommendation of the Finance & Advisory Committee: Favorable Action (5-0-0)

Vote needed: Simple Majority

- 5.) Move that the sum of \$60,000 be transferred from the Community Preservation FUND BALANCE as a grant to Habitat for Humanity North Shore, Inc. for the creation of two (2)

affordable housing units developed through the use of a comprehensive permit (“friendly 40B process”) for one 2-bedroom unit and one 3-bedroom unit for the project entitled “40 Hull Street,” located at 40 Hull Street, Wenham, Massachusetts, as described in the application filed with the CPC on January 7, 2019 (the “Project”), and to authorize the Board of Selectmen to enter into a grant agreement with the Habitat for Humanity North Shore, Inc. setting forth the terms and conditions of the grant, including a requirement that the Town be provided with an affordable housing deed restriction in such property, in perpetuity, and to authorize the Board of Selectmen to accept such restriction, execute any documents or other agreements, and take all other action necessary to effectuate this vote; provided, however, that the Board of Selectmen shall not expend the funds appropriated hereunder unless the following conditions are met:

- i) The Zoning Board of Appeals issues a comprehensive permit for the Project, which permit is not appealed;
- ii) The Project receives all other necessary permits and Town Department approvals;
- iii) The Project to be undertaken is consistent with the project as described in the application submitted to the Community Preservation Committee on January 7, 2019; and
- iv) The Board of Selectmen or its designee has verified that all of the aforementioned conditions have been met.

Recommendation of the Board of Selectmen: Favorable Action (2-0-0)

Recommendation of the Finance & Advisory Committee: Favorable Action (5-0-0)

Vote needed: Simple Majority

- 6.) Move that the sum of \$50,000 be transferred from the Community Preservation FUND BALANCE as a grant to the Community House, Inc. for the heating system as part of the preservation and rehabilitation of the historic Community House located at 284 Bay Road, Hamilton, Massachusetts, and to authorize the Board of Selectmen to enter into a grant agreement with the Community House, Inc. upon such terms and conditions as the Board of Selectmen shall deem appropriate, including but not limited to the provision to the Town of an historic preservation restriction, in perpetuity, in such property, and further that historic preservation efforts be documented to the satisfaction of the Board of Selectmen, and to authorize the Board of Selectmen to accept an historic preservation restriction in such property, execute documents, and take all other action needed to effectuate the purposes of this vote: provided, however, that if the project contemplated by this vote has not commenced on July 1, 2020, the appropriation authorized hereunder shall expire, said deadline to be extended at the discretion of the Board of Selectmen upon the request of the Community House as long as the Board determines that a good faith effort has been made by the Community House to advance the Project.

Recommendation of the Board of Selectmen:

Recommendation of the Finance & Advisory Committee: Favorable Action (5-0-0)

Vote needed: Simple Majority

- 7.) Move that the sum of \$6,000 be transferred from the OPEN SPACE AND RECREATION RESERVE for the Open Space Trail Map project, including all incidental and related expenses, which project is described in the application submitted to the Community

Preservation Committee on February 6, 2019, such sum to be expended under the direction of the Town of Wenham Open Space and Recreation Committee.

Recommendation of the Board of Selectmen: Favorable Action (2-0-0)

Recommendation of the Finance & Advisory Committee: Favorable Action (5-0-0)

Vote needed: Simple Majority

- 8.) Move that the sum of \$1,200 be transferred from the OPEN SPACE AND RECREATION RESERVE for the purpose of the purchasing and installing the so-called Wenham Lake Cedar Street Bench, including all incidental and related expenses, which project is described in the application submitted to the Community Preservation Committee on January 7, 2019, such sum to be expended under the direction of the Town of Wenham Open Space and Recreation Committee.

Recommendation of the Board of Selectmen: Favorable Action (2-0-0)

Recommendation of the Finance & Advisory Committee: Favorable Action (5-0-0)

Vote needed: Simple Majority

ARTICLE 13: Bylaw Amendment: Historic District Commission / Historical Commission

To see if the Town will vote to amend the General Bylaw by separating the current Wenham Historical Commission Bylaw into two different bylaws, a Historic District Commission and a Historical Commission, by inserting the bold text and deleting the strikethrough text, all as set forth below:

CHAPTER XXV. ~~I WENHAM HISTORICAL COMMISSION~~ HISTORIC DISTRICT COMMISSION

~~SECTION 1~~

~~This bylaw shall be known and may be cited as the Wenham Historical Commission Bylaw and is adopted pursuant to Chapter 40C of the General Laws of the Commonwealth of Massachusetts, as amended.~~

SECTION 1 2

The purpose of this bylaw is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the Town of Wenham or their architecture [within the Historic District\(s\)](#), and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

SECTION 2 3

There is hereby established under the provisions of Chapter 40C of the General Laws a historic district to be known as the "Wenham Historic District 1972" attached to and made part of this bylaw.

SECTION 3 4

There is hereby established under Chapter 40C of the General **Laws the Wenham Historic District Commission** with all the powers and duties **provided for by statute** ~~of a historic district commission under such statute a Wenham Historical Commission / Historic District Commission~~, consisting of seven members to be appointed **for terms of three years** in accordance with the provisions of such statute; provided, however, that in addition to the organizations which section four of such statute designates, the Wenham Village Improvement Society may submit nominees for membership in the Commission. ~~The initial appointments to membership in the Commission shall be as follows: two members appointed for a term of one year; two members appointed for a term of two years; and three members appointed for a term of three years. Successors shall each be appointed for a term of three years.~~ Vacancies shall be filled by appointment for the unexpired term.

SECTION 4 5

Notwithstanding anything containing in this bylaw to the contrary, the authority of this commission shall not extend to the review of the following categories of buildings or structures or exterior architectural features in the Wenham Historic District.

a. Terraces, walks, driveways and similar structures or any one or more of them, provided that any such structure is substantially at grade level.

b. Storm doors and windows, screens, window air conditioners, lighting fixtures, antennas and similar appurtenances, or any one or more of them.

c. The color of paint

d. The color of materials used on roofs

e. The reconstruction of substantially similar in exterior design of a building, structure or exterior architectural feature damaged or destroyed by fire or storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

SECTION 6

~~The commission established hereunder shall have the powers and duties of an historical commission as provided in chapter 40 section eight D of the General Laws of the Commonwealth of Massachusetts and the commission shall be entitled The Wenham Historical Commission / Historic District Commission.~~

SECTION 5 7

In case any section, paragraph or part of this bylaw be for any reason declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph or part shall continue in full force and effect. (Approved at the Annual Town Meeting 4/5/2014 and accepted by the Attorney General 9/11/2014) Effective 9/16/2014 when posted.

CHAPTER XXV.II WENHAM HISTORICAL COMMISSION

SECTION 1

~~This bylaw shall be known and may be cited as the Wenham Historic District Commission Bylaw and is adopted pursuant to Chapter 40 section 8D of the General Laws of the Commonwealth of Massachusetts, as amended.~~

SECTION 1 2

The purpose of this bylaw is for the preservation, protection and development of the historical or archeological assets of the Town of Wenham. ~~through conducting researches for places of~~ historic or archeological value, shall ~~cooperate with the state archeologist in conducting such~~ researches or other surveys, and shall seek to coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its work.

SECTION 2 3

The Wenham Historic District Commission, established under Chapter XXV.I(3) shall act also as ~~There is hereby established the Wenham Historical Commission~~ **under Chapter 40 section 8D of the General Laws and shall have all the powers and duties provided to historical commissions by said statute.** ~~with all the powers and duties of a historical commission under such statute a Wenham Historical,~~ consisting of no less than three nor more than seven members appointed by the selectmen, excepting towns having a town manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen. Alternate members may be appointed in like manner as provided for in this section not exceeding in number the principal members. In the case of the absence or inability to act on the part of a principal member, the place of the principal member shall be taken by an alternate member designated by the chairman. When a commission is first established, the terms of the members and alternate members shall be for one, two or three years, and so arranged that the terms of approximately one third of the members and alternate members will expire each year, and their successors shall be appointed for terms of three years each. Any member or alternate member of a commission so appointed may, after a public hearing if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall in a city or town be filled for the unexpired term in the same manner as an original appointment.

SECTION 3

The Historical Commission shall make such recommendations as it shall deem appropriate to the Board of Selectmen on matters relating to the preservation, protection and development of historic areas, buildings, structures and sites. In addition, to further its objectives, the commission may hold hearings, and do and perform any and all acts that may be necessary or desirable to carry out the purposes of G.L. c.40, §8D. Further, it may acquire in the name of the city or town by gift, purchase, grant, bequest, devise, and lease or otherwise the fee or lesser interest in real or personal property of significant historical value and may manage the same.

SECTION 4

In case any section, paragraph or part of this bylaw be for any reason declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph or part shall continue in full force and effect.

Or take any other action relative thereto.

Recommendation of the Board of Selectmen:

Vote needed: Simple Majority

ARTICLE 14: Bylaw Amendment: Penalties

To see if the Town will vote to amend the General Bylaw by deleting the text of Chapter VIII and inserting in place thereof the following:

A. General.

1. These bylaws may be enforced by any means available in law or in equity, including but not limited to enforcement by criminal indictment or on complaint before the district court pursuant to MGL c .40, § 21 or by non-criminal disposition pursuant to G.L. MGL c. 40, § 21D. If enforced by criminal indictment or on complaint before the district court, a fine of up to \$300 may be imposed for each violation.
2. The election of one remedy shall not preclude enforcement through any other lawful means. Each day that a violation exists shall constitute a separate offense.

B. Enforcement through Non-criminal Disposition.

1. Any general or zoning by-law of the Town of Wenham, or rule or regulation of its officers, boards or departments adopted at a public meeting for which notice is posted on the Town website for a period of not less than one week prior to such public meeting, may in the discretion of the Town official who is the appropriate enforcing person, be enforced through non-criminal disposition as provided in MGL c.40, § 21D. The specific penalty for purposes of non-criminal disposition for each such violation, if not otherwise specified in the bylaw rule or regulation, shall be as follows, with each day a violation exists constituting a separate violation for purposes of this by-law:

First violation – warning

Second violation - \$50.00

Third violation - \$100.00

Fourth and subsequent violations - \$300.00

Deleted: “

2. The term “enforcing person” as used in this by-law shall mean: any Town of Wenham Police Officer with respect to any offense; as well as the Fire Chief, Town Administrator, Inspector of Buildings, Building Commissioner/Zoning Enforcement Officer, Conservation Commission or its agent, Board of Health or its agent, Sealer of Weights and Measures, Code Enforcement Officer, and their designees, and such other officials as the Board of Selectmen may from time to time designate, each with respect to violation of by-laws, rules and regulations within their respective jurisdictions. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.

Deleted: ”

Or take any action relative thereto.

Recommendation of the Board of Selectmen: Favorable Action (2-0-0)

Vote needed: Simple Majority

ARTICLE 15: Zoning Bylaw Amendment: Site Plan Review Applicability

To see if the Town will vote to amend the Wenham Zoning Bylaw Section 13 as follows, with additions in bold and deletions in strikethrough:

“13.5.1 – Site Plan Review Applicability

1) Construction, exterior alteration or exterior expansion of, or change of use within, a municipal, institutional, commercial, industrial, or residential structure with two or more dwelling units; and

2) any change of use of from residential, including single family, to municipal, institutional, commercial, industrial use, or residences with two or more dwellings; and,”

~~2)3)~~ 3) Construction or expansion of a parking lot for a municipal, institutional, commercial, industrial, or residential structure with two or more dwelling units.

~~3)4)~~ 4) For the following Institutional and Exempt Uses set forth in the Table of Use Regulations: Educational, Religious, and Child Care Facility, see Section 13.7, Site Plan Review for Institutional and Exempt Uses (collectively, “Dover Amendment Uses”), subject to the limitations on the scope of review as set forth hereunder.

“13.5.5 - Contents of Plan

13.5.5.1 - Five (5) separate plans prepared at a scale of one (1) inch equals twenty (20) feet or such other scale as may be approved by the Board. The plans are as follows:

1) Site layout, which shall contain the boundaries of the lot(s) in the proposed development, proposed structures, drives, parking, fences, walls, walks, outdoor lighting, loading facilities, and areas for snow storage after plowing. The first sheet in this plan shall be a locus plan, at a scale of one (1) inch equals one hundred (100) feet, showing the entire project and its relation to existing areas, buildings and roads for a distance of one

thousand (1,000) feet from the project boundaries or such other distance as may be approved or required by the Board.

2) Topography and drainage plan, which shall contain the existing and proposed final topography at two foot intervals and plans for handling storm water drainage.

3) Utility and landscaping plan, which shall include all facilities for refuse and sewerage disposal or storage of all wastes, the location of all hydrants, fire alarm and firefighting facilities on and adjacent to the site, all proposed recreational facilities and open space areas, and all wetlands including floodplain areas.

4) Architectural plan, which shall include the ground floor plan and architectural elevations of all proposed buildings and a color rendering.

5) Landscaping plan, showing the limits of work, existing tree lines, and all proposed landscape features and improvements including screening, planting areas with size and type of stock for each shrub or tree, and including proposed erosion control measures.

6) Dover Amendment Uses shall be required to provide only information that is relevant to the limited scope of site review of the use as provided for under G.L. c.40A, s. 3.

13.5.5.2 The site plan shall be accompanied by:

1) A written statement indicating the estimated time required to complete the proposed project and any and all phases thereof. There shall be submitted a written estimate, showing in detail the costs of all site improvements planned.

2) A written summary of the contemplated projects indicating, where appropriate, the number of dwelling units to be built and the acreage in residential use, the evidence of compliance with parking and off-street loading requirements, the forms of ownership contemplated for the property and a summary of the provisions of any ownership or maintenance thereof, identification of all land that will become common or public land, and any other evidence necessary to indicate compliance with this Bylaw.

3) Drainage calculations by a registered professional engineer. Storm drainage design must conform to the Town's Subdivision Rules and Regulations and **to the Planning Board's Rules and Regulations.**

4) If the Board requires, narrative assessments of the on-site and off-site impacts of the proposed use and structures.

5) Certification that the proposal is fully compliant with the provisions, if applicable, of the Americans with Disabilities Act and the Massachusetts Architectural Barriers Board.

6) Dover Amendment Uses shall be required to provide only information that is relevant to the limited scope of site review of the use as provided for under G.L. c.40A, s. 3.

Or take any other action relative thereto.

Recommendation of the Planning Board: Favorable Action (4-0-0)

Recommendation of the Board of Selectmen: Favorable Action (2-0-0)

Vote needed: 2/3 Majority

ARTICLE 16: Zoning Bylaw Amendment: Signs

To see if the Town will vote to amend Section 7.0 of the Wenham Zoning Bylaws as follows, with additions in bold and deletions in strikethrough:

Section 7.0 Signs

7.1 Purpose.

The purpose and intent of this bylaw shall be to regulate, restrict and place limitations on the size, location, type and illumination of signs, as specified herein, to ensure that they are appropriate to the land, building or use to which they are located, be protective of property values and the public safety and not unnecessarily detract from the historic qualities and characteristics of the Town of Wenham.

7.2 Residential District.

Signs are prohibited in the Residential District, except as described below. All allowable signs are subject to the general standards set forth in 7.43. Any signs found to be in violation of this section are subject to removal by the Town.

A. Allowable temporary signs.

(1) Real estate signs. On any lot there shall be no more than one temporary sign not exceeding seven (7) square feet in area, pertaining to lease or sale of the lot or building on which such sign is placed. The sign shall be permitted for a period not to exceed seven (7) days after such sale or lease execution.

(2) Contractor signs. One temporary sign **not exceeding seven (7) square feet in area** advertising contracted services being provided on site shall be permitted for a period not to exceed seven (7) days after such completion of work.

(3) Non-commercial signs.

(a) On any lot, any non-commercial temporary sign (other than a special event sign addressed under Section 3(b) of this bylaw) shall not exceed seven (7) square feet in area.

(b) Special event signs. On any lot there shall be no more than one temporary sign not exceeding seven (7) square feet in area **providing notice of the date of a special event**, which signs may be erected for a period not to exceed **two (2) weeks** ~~four (4) weeks~~ prior to the event and are to be removed within two (2) business days following the **date of the** event.

B. Allowable permanent signs. On any lot there shall be no more than one such sign pertaining to the use thereof or having the name and occupation of the occupant or occupants, and no such sign shall exceed two (2) square feet in area. All permanent signs located in the Historic District are also subject to Historic District Commission review and approval.

C. Special permit. The Planning Board may, upon a request therefor, issue a special permit for the erection of a temporary or permanent sign under this section 7.1 that is larger, or posted for a longer period of time, than otherwise authorized hereunder, which sign the Planning Board deems not detrimental to the surrounding property nor injurious to the public welfare, provided however that any such permitted sign in the Historic District is also subject to the approval of the Historic District Commission.

7.2.2 Business District.

Signs advertising goods or services offered by an occupant of the premises for sale, hire or use are permitted, provided however that any such sign in the Historic District is subject to the approval of the Historic District Commission and further provided that signs shall not exceed seven (7) square feet in area for one business, or in the case of a building containing more than one business, the following shall apply:

- A. One street side sign not to exceed seven (7) square feet to identify the complex itself.
- B. Individual businesses within the complex identified at street side with signs 12 inches by 36 inches arranged vertically in a single structure.
- C. Each business within the complex may have one two-square-foot sign located at the doorway for business identification.

7.2.3 Senior Housing Overlay District (SHOD).

See 12.3.8 for special requirements for signs located in a Senior Housing Overlay District.

7.3 General Standards For Signs.

The following standards apply to all signs:

- A. No sign shall be erected so as to obstruct any fire escape, window, door, or other opening or so as to prevent free passage from one part of a roof to any other part thereof.
- B. No sign shall be attached in any manner to a fire escape or shall be placed to interfere with an opening which is required for ventilation.
- C. No exposed, un-insulated parts of an electrical sign shall be permitted.
- D. No sign shall be erected that shall in any way create a traffic hazard or in any way obscure or confuse traffic control.
- E. No sign or sign structure shall interfere in any way with a ~~public way~~ paved roadway or sidewalk on a public way, or adjacent public property between a paved roadway and sidewalk.
- F. Letters, figures, characters, or representations in cutout or irregular form, maintained in conjunction with, attached to or superimposed upon any sign, shall be safely and securely built or attached to the sign structure.
- G. Signs shall be designed, constructed, and erected in accordance with the State Building Code.

Deleted: , including sidewalks

H. No sign shall be posted on or attached to utility poles, trees nor attached to any parapet.

I. No non-municipal sign shall be located on public property, ~~including sidewalks, roadsides and roadways,~~ **with the exception of a location to be designated by a policy of the Board of Selectmen, with such policy to be set only after a public hearing process including notification in a newspaper of general circulation at least seven (7) days prior to the date of the public hearing.**

7.4 Illuminated signs.

The following additional standards apply to illuminated signs.

- A. Illuminated signs are not permitted within residential districts without a special permit.
- B. No red or green or other colored lights shall be used on any sign if such light would create a driving hazard.
- C. No sign may be illuminated more than 30 minutes after closing of any store or business or 30 minutes after working hours in a commercial building, except signs identifying public buildings; provided however, that the Planning Board, in granting a special permit, may, for good cause shown, extend the time during which a sign may be illuminated.

7.5 Moving signs.

Swinging signs, flashing signs, revolving signs, and signs consisting of pennants, ribbons, streamers, spinners, strings of light bulbs, revolving beacons, searchlights, animated signs, and signs illuminated to create the illusion of motion are prohibited.

7.6 Maintenance.

Every sign shall be maintained by the owner in a clean, sanitary condition and in good repair. In addition, every freestanding pole or ground sign shall be kept free and clear of all substances, rubbish, and weeds.

7.7 ~~Amortization~~ Removal of Existing Signs.

~~Nonconforming signs shall be amortized over a ten year period, commencing on the effective date of this By Law. Any nonconforming sign in existence at the time of the effective date hereof, shall be brought into compliance with Section 7.0 within ten (10) years thereafter.~~ Nonconforming signs that are enlarged, redesigned, replaced or altered in any way shall comply immediately with all applicable provisions of this Bylaw.

7.8 Special permit.

Notwithstanding the provisions set forth in this article, the Planning Board may authorize nonconforming signs or a greater number of signs by the grant of a special permit, where such relief is not detrimental to the neighborhood or the Town.

- A. Exemptions. No permit is required for the following types of signs:

- (1) Any sign legally erected before the date of the Town Meeting approving this article shall be exempt from the requirements in this article.
- (2) Any sign erected or required by the Town, by the Commonwealth of Massachusetts or by the United States, or any subdivision or agency thereof, or for any sign intended solely for the protection of life or property.

B. Special permit process.

- (1) **Application.** Application for a sign special permit shall be made in writing upon forms furnished by the Planning Board. Such application shall contain the location by street number of the proposed sign, the name and address of the owner of the sign, the name and address of the sign contractor or erector, if any, and a scale drawing showing the construction, the method of installation or support, colors, dimensions, and position of the sign, method of illumination and such other relevant information as may be requested.
- (2) **Fee.** A sign special permit fee shall be paid to the Town for each permit in accordance with the schedule established by the Planning Board.
- (3) **Inspection.** The Building Inspector shall inspect any sign subject to a special permit within 30 days after it is erected and shall report to the Planning Board that said sign has been erected properly and in accordance with the provisions of this article and any other applicable law.
- (4) **Constructive grant.** If a sign special permit has not been denied within 60 days after application has been made, it shall be deemed to be approved.
- (5) **Lapse.** A sign special permit shall become null and void if the work for which the permit was issued has not been completed within a period of 12 months from the date of the permit; provided, however, that the Planning Board may, in its discretion, issue extensions covering a period not to exceed an additional one year from the date of issue of the original permit. The applicant shall notify the Building Inspector of completion of work under a permit within 10 days of completion.

8.0 Administration and Penalties

This bylaw may be enforced by the Building Inspector by any means available in law or in equity in accordance with Chapter VIII of the General Bylaws, including non-criminal disposition.

Or take any other action relative thereto.

Recommendation of the Planning Board: Favorable Action (4-0-0)

Recommendation of the Board of Selectmen: Favorable Action (2-0-0)

Vote needed: 2/3 Majority

ARTICLE 17: Bylaw Amendment: New Associate Planning Board Member

To see if the Town will vote to amend Section 13 of the Zoning Bylaw by inserting the following new sentence at the end of Section 13.3.1:

There shall be one associate member of the Planning Board, to be appointed by the Board of Selectmen for a term of one year, who may, for the purposes of acting on a special permit application, be designated by the Chair of the Planning Board to sit on the board in the case of absence, inability to act, or conflict of interest, on the part of any member of the planning board or in the event of a vacancy on the board.

Or take any other action relative thereto.

Recommendation of the Board of Selectmen:

Vote needed: Simple Majority

Comment [PL1]: This article requires a zoning bylaw change which cannot be done this year due to time constraints.

ARTICLE 18: Acceptance of Settler's Lane as a Public Way

To see if the Town will vote accept as a Town way the roadway known as Settler's Lane, as heretofore laid out by the Board of Selectmen and shown on a plan entitled "Definitive Plans/Settler's Lane/Wenham, Mass.", prepared by Hayes Engineering, Inc., dated June 1, 2007, last revised October 8, 2009, and recorded with the Essex South District Registry of Deeds in Book 423, Page 84, and on file with the Town Clerk, and to authorize the Board of Selectmen to acquire on behalf of the Town, by gift, purchase, and/or eminent domain, the fee to or an easement to use Settler's Lane for all purposes for which public ways are used in the Town of Wenham, and any and all drainage, utility, access, and/or other easements related thereto.

Or take any other action relative thereto.

Recommendation of the Board of Selectmen: Favorable Action (2-0-0)

Vote needed: Simple Majority

ARTICLE 19: Election of Town Officers

To choose the following officers:

Board of Assessors, one position, three year term; Board of Health, one position, three year term; Board of Selectmen, one position, three year term; Hamilton Wenham Regional Library Trustee, one Wenham position, three year term; Hamilton Wenham Regional School Committee, three positions, three year terms; Moderator, one position, three year term; Planning Board, one position, five year term; Water Commissioner, one position, three year term and one position, 1 year term to fill an unexpired term; Wenham Housing Authority, one position, five year term.

And to answer the following questions:

Shall the Town of Wenham be allowed to assess an additional \$499,145 in real estate and personal property taxes for the purposes of funding the Town of Wenham's annual assessment for the FY 2020 Hamilton Wenham Regional School District operating budget as adopted by the Hamilton Wenham Regional School Committee?

Shall the Town of Wenham be allowed to assess an additional \$116,119 in real estate and personal property taxes for the purposes of funding the Town of Wenham's annual assessment for the FY 2020 Hamilton Wenham Regional School District operating budget, [particularly](#) as adopted by the Hamilton Wenham Regional School Committee [for Other Post Employment Benefits and a School Resource Officer](#)?

Shall G.L. c.59, §5, Clause Forty First C 1/2, granting real estate property tax reductions to qualifying senior citizens, be accepted?

And you are hereby directed to serve this warrant by posting attested copies thereof at Town Hall, Hamilton-Wenham Regional Library, Senior Center, and on the bulletin board outside the Fire Station seven days at least before the time of the meeting aforesaid.

BOARD OF SELECTMEN MEETING

March 5, 2019

OLD BUSINESS

I.

Vote to Close the Town Meeting Warrant

(2 Minutes)

- Draft Motion

BOARD OF SELECTMEN MEETING

March 5, 2019

DRAFT MOTION

Close Warrant

- Vote: I move the Board of Selectmen close and execute the April 6, 2019 Annual Town Meeting Warrant and further to authorize such revisions as recommended by Town Counsel.

Seconded / Discussion/ Vote