

Town of Wenham  
BOARD OF SELECTMEN

**AGENDA**

Tuesday November 13<sup>th</sup>

**5:30 PM**

**Wenham Town Hall – 138 Main Street**

*Notice of public meeting as required by M.G.L. Chpt.30 §18-28*

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

**5:30 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.

- Wenham Call Firefighters Association
- AFSCME Council 93, Local 2905

Executive Session #6 under M.G.L. Ch. 30A, § 21 – To consider the purchase, exchange, taking, lease, or value of real property if such discussion may have a detrimental effect on the negotiating position of the governmental body.

- Community Preservation Act Historic Preservation Restrictions

**6:30 P.M.**

**PUBLIC INPUT: ITEMS NOT ON THE AGENDA**

**ANNOUNCEMENTS**

**JW**

1. Curbside Leaf Pick-up Update
2. Notice of Public Meeting Regarding Proposed Main Street Traffic Improvements – November 29, 7:00pm
3. Winter Parking Ban Effective November 15 – March 31
4. 375<sup>th</sup> Anniversary Historic Mock Town Meeting, First Church in Wenham – December 5, 6:30pm
5. Request for Wreaths Across America Sponsorships

**6:40 P.M.**

**REPORTS**

TOWN ADMINISTRATOR – Update  
CHAIRMAN  
SELECTMEN

**6:50 P.M.**

**CONSENT AGENDA**

**CH**

A. Approval of Minutes

Open Session: September 25, 2018; October 2, 2018; October 9, 2018

Executive Session: September 18, 2018

B. Acceptance of Gift Donation – 375<sup>th</sup> Anniversary Committee

C. One Day Liquor License Request – Wenham Museum Holiday Shop ‘n Sip, November 25, 4pm – 8pm

**6:55 P.M.**

**NEW BUSINESS**

D. Appointments: (10 minutes)

**CH**

- Police Officer: Mia Cefalo and Amanda Cecchini

E. Potential Approval of Side Letter of Agreement with Wenham Call Firefighters Association for Additional Compensation during Fire-based Emergency Medical Services Pilot Program (5 minutes)

**JW**

F. Review and Potential Approval of Minor Modification to Memorandum of Agreement with Cataldo Ambulance Service for ALS Back-up (5 minutes)

**JW**

G. Potential Approval of Side Letter of Agreement with AFSCME Regarding On-call Phones (3 minutes)

**JC**

H. Review and Potential Approval of Minor Modifications to Longfellow Road and South Street Road Repair Home Rule Petition (5 minutes)

**CH**

I. Review of Conservation Commission’s Original Order of Conditions and Reconsideration of Decision for Town to Plow Middlewood Drive (10 minutes)

**JC**

J. Proposed Modification to Town Hall Holiday Schedule (5 minutes)

**JW**

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

**CH**

**7:40 P.M.**

**OLD BUSINESS**

L. Approval of Intermunicipal Agreement with City of Lawrence for Transfer of Buker School Playground Equipment (5 minutes)

**JC**

**7:45 P.M.**

**ANTICIPATED ADJOURNMENT**

**ANNOUNCEMENTS – BOARD OF SELECTMEN MEETING – *November 13, 2018***  
**Jack Wilhelm**

**1. Curbside Leaf Pick-up Scheduled to Begin November 13<sup>th</sup>**

The Wenham Department of Public Works annual leaf collection began **November 13<sup>th</sup>**, with one to two passes of loose leaf collection followed by a bagged leaf collection in December if needed. Please use caution when moving loose leaves to the curb for pick-up and refrain from blowing leaves into the road which can be hazardous to motorists.

The DPW will start the west side of Wenham and moves east. They'll make every effort to pass through each street twice, but due to the uncertainty of the weather this time of year, it is not always possible. Check the Town website for the scheduled route and weekly status updates. Please contact the Wenham DPW with any questions at 978-468-5520 x.6.

**2. Winter Parking Ban Effective November 15, 2018 – March 31, 2019**

Chief Thomas Perkins announces that the Wenham Police Department will begin enforcing a winter parking ban, which will restrict overnight parking effective November 15, 2018 through March 31, 2019. According to town bylaws, the parking ban states that no vehicles should be parked on the street between midnight and 6 a.m.

Wenham Police will begin by issuing warnings in order to encourage compliance with the parking ban, but warn residents that vehicles may be towed at the owner's expense, at the request of the DPW, if they are obstructing snow removal efforts. For more information, contact the Wenham Police Department at 978-468-4000.

**3. Notice of Public Meeting Regarding Proposed Main Street Traffic Improvements**

The Town is seeking to improve the roadway and intersections on Route 1A at Cherry Street, Monument Street, and Arbor Street. Town and state officials are in agreement regarding the need to make improvements to this corridor. A public meeting will be held on Thursday, November 29<sup>th</sup> at 7pm here in the Selectmen's Room at Town Hall to discuss the proposed project. Full details about this proposed project, including the Notice of Public Meeting, may be found on the Town Administrator's page of the Town website. Please email the Town Administrator's Office at [nroebeck@wenhamma.gov](mailto:nroebeck@wenhamma.gov) or call 978-468-5520 x. 2 with any questions regarding the public meeting.

**ANNOUNCEMENTS – BOARD OF SELECTMEN MEETING – *November 13, 2018***  
**Jack Wilhelm**

**4. 375<sup>th</sup> Anniversary Historic Mock Town Meeting, First Church in Wenham, December 5, 6:30pm**

Join the Town of Wenham, 375th Anniversary Committee, and the First Church for a Historic Mock Town Meeting. Celebrate the end of Wenham's 375th Anniversary year through this interactive history of Town Meeting in Wenham from 1643 to 2018. Questions or requests for accommodations may be directed to Jackie Bresnahan at 978-468-5520 x.4 or [jbresnahan@wenhamma.gov](mailto:jbresnahan@wenhamma.gov).

**5. Wreaths Across America in Wenham Sponsorship Information**

Saturday, December 15th at 12:00pm, the Town of Wenham will lay wreaths on our Veterans' graves simultaneously with participants at Arlington National Cemetery and communities across the nation. You can help by sponsoring a wreath for \$15 each, volunteering, or inviting friends to help.

To learn more about Wreaths Across America including a link to online donations for wreaths in Wenham, visit the Town website through **December 3<sup>rd</sup>**. Donations by check will be accepted during regular Town Hall Hours in the Treasurer/Collectors Office through **November 26<sup>th</sup>** and made payable to: [Wreaths Across America TM](http://WreathsAcrossAmericaTM). Contact Karen Tyler, Director of Veterans' Services at 978-356-3915, [ktyler@eessexvets.com](mailto:ktyler@eessexvets.com) with any questions.





## DEPARTMENT OF PUBLIC WORKS PRESS RELEASE

The Wenham Department of Public Works annual leaf collection will begin **November 13, 2018** with one to two passes of loose leaf collection followed by a bagged leaf collection in December, if needed.

The DPW makes every effort to pass through each street twice, but due to the uncertainty of the weather this time of year, it is not always possible. Weekly status updates will be posted to the town website [www.wenhamma.gov](http://www.wenhamma.gov).

**Please use caution when moving loose leaves to the curb for pick-up and refrain from blowing leaves in to the road which can be hazardous to motorists.**

Loose leaf collection will occur in the following order:

- West side of town, Maple Street at the Danvers Town Line and continue down Maple picking up the side streets, i.e. Birch, Burley, Puritan, Mayflower etc.
- At Topsfield Road, the DPW will head easterly, picking up all side streets and then westerly to the Hilltop Road/Burnham Road area.
- The DPW will continue to Cedar Street, then Cherry Street and all side streets off Cherry to Route 1A.
- The department will then jump to the easterly side of town at Grapevine and the Beverly line. From there, the DPW will head westerly down Grapevine Road, picking up all side streets.
- The DPW will continue on to Dodges Row, Walnut Street and Larch Row to Route 1A, then Fairview, Patti, Fiske, Lake, and Great Pond roads.
- Lastly, the DPW will pick-up Main Street, Arbor Street, Perkins, Porter and all side streets.

**If needed**, a bagged leaf pick-up will be conducted in December. In the event that we receive a significant snowfall, a bagged leaf pick-up will be conducted in the spring. All leaves must be placed curbside in PAPER BAGS or open trash barrels by 7:00am. No plastic bags are allowed.

Please contact the Wenham DPW with any questions at 978-468-5520 Ext #6.



# **Wenham Police Department**

## **Winter Parking Ban**

Chief Thomas Perkins announces that the Wenham Police Department will begin enforcing a winter parking ban, which will restrict overnight parking effective November 15, 2018 through March 31, 2019.

According to town bylaws, the parking ban states that no vehicles should be parked on the street between midnight and 6 a.m.

Wenham Police will begin by issuing warnings in order to encourage compliance with the parking ban, but warn residents that vehicles may be towed at the owner's expense if they are obstructing snow removal efforts, at the request of the DPW.

For more information, contact the Wenham Police Department at 978-468-4000.



# **NOTICE OF A PUBLIC MEETING PROPOSED MAIN STREET TRAFFIC IMPROVEMENTS**

**Thursday, November 29, 2018, 7pm  
Wenham Town Hall  
138 Main Street, Selectmen's Room**

You are invited to attend a public meeting being held by the Town of Wenham to discuss the progress of proposed roadway and intersection improvements for Route 1A at Cherry Street, Monument Street, and Arbor Street in Wenham. Details of this potential project are outlined below. Supporting materials can be accessed on the Town's Administrator's page at [wenhamma.gov](http://wenhamma.gov). Any questions about the public meeting may be directed to the Town Administrator's Office at 978-468-5520 x. 2 or via email to [nroebuck@wenhamma.gov](mailto:nroebuck@wenhamma.gov).

**When: Thursday, November 29, 2018, 7:00 PM**

**Where: Wenham Town Hall, Selectmen's Room, 138 Main Street, Wenham, MA**

## **Purpose**

The Town of Wenham is seeking to improve the roadway and intersections on Route 1A at Cherry Street, Monument Street, and Arbor Street. Town and state officials are in agreement regarding the need to make improvements to this corridor. Since Route 1A is a state road, MassDOT will be the project lead but the Town has been and will continue to be actively involved in the design and decision making processes. In order to secure state and/or federal funding for project design and construction, the Town is required to actively solicit feedback from all relevant local stakeholders. This meeting is being held to inform our residents and downtown businesses about the purpose, goals, needs, and design parameters of the project. All input provided at this meeting will be reviewed and considered as part of this public outreach process.

## **Proposal**

The Town of Wenham, in coordination with MassDOT, is planning improvements to Route 1A where it intersects Cherry Street, Monument Street, and Arbor Street which will include a redesign of the existing roadway by installing more/better signage, designated turning lanes at key locations, and up to two (2) fully signalized intersections. This project will also include improvements to the existing sidewalks, the installation of new sidewalks, and the redesign/relocation of existing pedestrian crosswalks.

## History

- Summer 2016: Town of Wenham officials contacted MassDOT District 4 requesting to reinstate a project first proposed in 2008 to install a traffic light at one of the key intersections in the downtown corridor on Main Street in an attempt to improve traffic flow and pedestrian safety and reduce motor vehicle accidents.
- Winter 2016-17: MassDOT collected and analyzed traffic volume data at all three intersections: Route 1A/Cherry Street; Route 1A/Monument Street; and Route 1A/Arbor Street. The analysis determined that all three locations met traffic volume warrants for the installation of traffic signals.
- In spite of these preliminary findings, MassDOT determined that it was unlikely that a long-term improvement project would be approved by MassDOT absent more compelling information, analysis, and design alternatives. At MassDOT's suggestion, the Town consulted with its regional planning agency, Metropolitan Area Planning Council (MAPC), and with the Central Transportation Planning Staff (CTPS), part of the Boston Region Metropolitan Planning Organization (MPO), to determine how to undertake a more comprehensive study.
- Summer 2017: Town of Wenham officials contacted CTPS and, following a selection process based on safety conditions, congested conditions, multimodal significance, regional significance, regional equity, and implementation, the Route 1A corridor from Cherry Street to Arbor Street was approved for a more comprehensive study.
- Winter/Spring 2018: CTPS met with Town officials to get input and feedback on draft findings and recommendations before finalizing report.
- September 2018: CTPS completed their study. Their report summarizes the potential improvement strategies for the Wenham downtown corridor along these Route 1A intersections and includes an in-depth analysis of each option.
- October 2018: With their consultant, Bayside Engineering, Town officials again met with MassDOT officials to discuss the approval process for this project. Although this proposed project has been discussed at length in several Selectmen's meetings, MassDOT asked for the Town to host this public forum to review the study alternatives and recommended project scope. MassDOT needs to hear back from the Town that this project is supported at the local level to initiate an application through the Project Review Committee, the next step in securing funding for design and construction.



## Objectives

- Redesign the existing roadway to provide safer and more efficient traffic operations, thereby alleviating peak hour traffic congestion - in particular, the long queues and delays currently experienced by side street traffic – and reducing vehicular accidents.
- Improve safety and mobility for pedestrians by upgrading the existing infrastructure. New ADA accessible sidewalks and wheelchairs ramps will be constructed for improved access to the downtown area attractions such as the Wenham Museum, the Wenham Tea House, the First Church, the Maples, the Post Office, and businesses in the downtown.
- Design safer and improved amenities for cyclists within the study area such as standard width bike lanes, replacing the existing variable width paved shoulder.
- Improve the ability of emergency vehicles to safely travel through the downtown corridor.

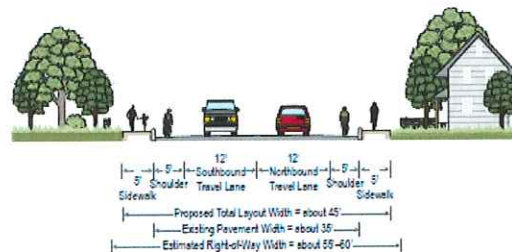
## Timeline & Next Steps

- Funding: Eligibility for several different state and federal programs has yet to be determined. The timing of project design and construction is very dependent on the eventual funding source(s) and make take up to six (6) years.
- Design Process: Once funding is secured, Bayside Engineering will work with Town and MassDOT officials to prepare plans with relevant design elements and cost estimates in accordance with state design guidelines. All submittals will be presented to the Town and MassDOT for review and comment at the 25%, 75% and the 100% design stages and shall include: construction plans, alignment and grading plans, traffic signal controller plans (if warranted), signing and striping plans, typical roadway sections, details for sidewalk, curb installation, and erosion control. Also included will be construction sequencing plans and traffic management plans for safety during construction. All work associated with the project will be prepared in accordance with MassDOT design requirements, engineering criteria, and directives. Once each design phase is finalized, the Town will hold a public meeting to solicit community input prior to submission to MassDOT for approval.
- Right of Way: A secure right-of-way is necessary for this project. The right-of-way varies between 50 and 55 feet in this area. Sufficient right-of-way to accommodate the proposed improvements will need to be field verified or obtained as required to incorporate the proposed improvements into the project design. Permanent or temporary easements may be required. The Town of Wenham is responsible for acquiring all needed rights in private or public lands and will contact individual property owners as necessary as we proceed through the design process.

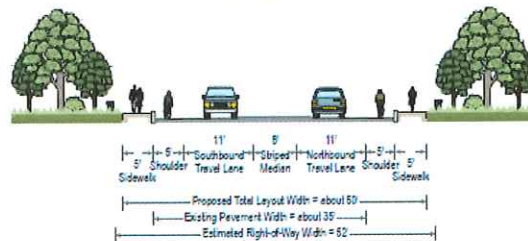
## Proposed Route 1A Roadway and Intersection Improvements



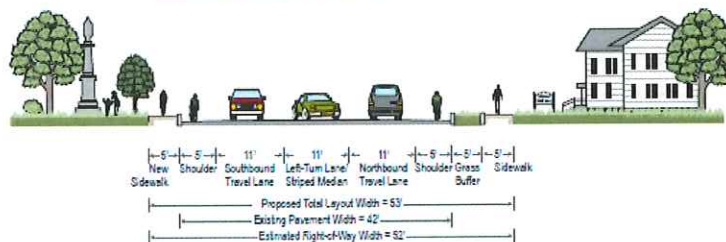
Proposed Route 1A cross-section in the vicinity



Proposed Route 1A cross-section between Cherry Street and Monument Street



Proposed Route 1A cross-section with a left-turn lane or striped median



### Public Comment Welcomed

Written comments regarding the proposed project are to be submitted by email to Peter Lombardi, Town Administrator, at [plombardi@wenhamma.gov](mailto:plombardi@wenhamma.gov). Hard copy submissions will also be accepted at the meeting. All such comments must be received by December 10.



A historical map of Wenham, Massachusetts, showing various streets, landmarks, and property boundaries. The map is in a sepia tone and serves as the background for the event poster. It includes labels for 'Little Wenham', 'First Church', 'Mill Pond', and 'Gothic Hall'.

JOIN US FOR THE

# HISTORIC MOCK TOWN MEETING

An interactive history of  
Town Meeting in Wenham, MA

December 5, 2018, 6:30 p.m.  
At the First Church

Sponsored by the Town of  
Wenham, Wenham's 375th  
Anniversary Committee, and the  
First Church

For questions or accommodations, please contact Jackie Bresnahan  
at 978-468-5520 ext. 4 or [jbresnahan@wenhamma.gov](mailto:jbresnahan@wenhamma.gov)

*375<sup>th</sup>*  
*Town of Wenham*  
Anniversary Celebration  
1643-2018





Remember Honor Teach



# WREATHS — across — AMERICA



On Saturday, December 15th at 12:00pm, the Town of Wenham will lay wreaths on our Veterans' graves simultaneously with participants at Arlington National Cemetery and communities across the nation.

Please help us Remember, Honor, and Teach by sponsoring a wreath, volunteering, or inviting friends to help. (\$15 Wreath)

Check Donations Payable to : **Wreaths Across America TM** can be dropped off at the Wenham Town Hall Treasurer/Collectors office or make a donation through the following online link:

[www.wreathsaacrossamerica.org/mawcwm](http://www.wreathsaacrossamerica.org/mawcwm)

Contribution deadlines: Monday, November 26, 2018 (Checks)  
Monday, December 3, 2018 (Online)

Additional information under Wenham News: [www.wenhamma.gov](http://www.wenhamma.gov)



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## **BOARD OF SELECTMEN MEETING**

*November 13, 2018*

# **REPORTS**

- TOWN ADMINISTRATOR – Update
- CHAIRMAN
- SELECTMEN



# Town of Wenham

Selectmen / Town Administrator  
TEL 978-468-5520 FAX 978-468-8014

## MEMORANDUM

**TO:** Board of Selectmen  
**FROM:** Peter Lombardi, Town Administrator  
**RE:** Town Administrator's Report  
**DATE:** November 13, 2018

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### **Board of Health Proposed Tobacco 21 Regulations**

Recently, the state legislature passed several new laws regarding tobacco regulation, including a statewide increase of the minimum legal sale age to twenty-one (21). As of this month, 193 MA municipalities have increased their minimum age to purchase tobacco products prior to the state law going into effect. After discussions with the region's tobacco enforcement program and the owner of the one establishment in Town to which these regulations pertain, our Board of Health is holding a public hearing on December 13 to amend their local regulations to increase our local regulations to 21 by December 30, 2018. If the Board of Health takes no action to adopt age 21 by December 30, Wenham's one establishment selling tobacco products would be required to comply with the State's tiered implementation schedule over the next three years (each year on January 1: age 19 in 2019, age 20 in 2020, and age 21 in 2021) and the Board has decided to pursue an amendment to the local regulation and thus a more direct implementation instead.

### **FY20 Budget Update**

On October 26, HWRSD forwarded their student enrollment data to both member communities. While net district enrollment is down more than expected (-40 students across the district), the \$165k cost impact of the enrollment shift on Wenham's FY20 assessment is very closely in line what was projected by both NESDEC and McKibben, and represents an approximate 50% decrease in the impact of the student enrollment shift that Wenham has experienced for each of the past 3 fiscal years (\$300+k/year).

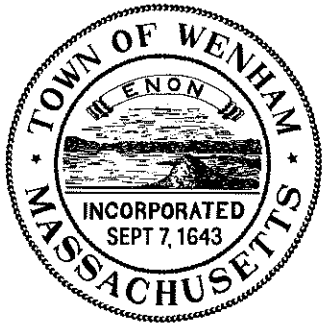
On October 31, the Division of Local Services certified our FY18 Free Cash balance at \$977,873.00. As previously discussed, this decrease of approximately \$250,000 in available Free Cash from FY17 was anticipated in our initial FY20 budget projections, and is reflected in our need to reduce our reliance on this one-time funding source as a revenue to offset the annual operating budget.

We are finishing our initial meetings with Department Heads to review their preliminary FY20 submissions and will have a recommended budget prepared to review at the joint Board of Selectmen and Finance & Advisory Committee meeting scheduled for December 1.

### **HWRSD Teachers Union Contract Vote**

See attached statement dated October 24, 2018.





# Town of Wenham

Town Hall  
138 Main Street  
Wenham, MA 01984

Selectmen / Town Administrator

TEL 978-468-5520

FAX 978-468-8014

**RE:** Statement on HWRSD Teachers Union Contract Vote  
**DATE:** October 24, 2018

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Under state statute that governs regional school districts, one individual is selected to represent all of the member municipalities as a voting member of the School Committee for the purpose of negotiating collective bargaining agreements. For this particular cycle, I was chosen to represent both Hamilton and Wenham. Prior to negotiations commencing last winter, I solicited input from both Boards of Selectmen regarding their suggested policy direction and relayed such to the School Committee and District Administration.

Based on the terms of the tentative agreement that have been ratified by the union and in my role representing both municipalities, I will be voting against this contract. I want to make clear that my NO vote is not meant to reflect in any way on the excellent work that the District's teachers do in educating the children of our towns. The fact of the matter is that personnel costs account for about 70% of the District's annual operating budget and, over the past several years, the leadership of both towns, as the appropriating bodies, have repeatedly expressed their strong preference for trying to limit year over year increases in the District's budget.

At the same time, the towns have consistently negotiated lower annual COLA increases than those received by the teachers union. In Wenham's case, our employees received a net 5% COLA over the last 3 years, when the teachers union received a net 7.5% COLA over that same time period. This difference in COLA increases is not unique to this past 3 year period (Wenham = 13.5% vs. HWRSD = 19.5% in past 10 years). While we are not seeking to make straight comparisons between the salaries of teachers and those of Town employees, we feel like it would be inconsistent for us to both ask the District to limit its annual operating increases and ask Town employees to accept anything less than the same wage precedent set by this teachers union contract and also vote in favor of the contract.

As you know, in Wenham, we needed approval of an operating override from Town Meeting and at the ballot in order to fully fund our FY19 assessment for the District. As we work through our budget process for FY20 and seek to avoid another operating override in Wenham, I am concerned that approval of this contract will limit the District's ability to partner with the Town to meet that goal. So, for these reasons, I will be voting against this contract.

All that being said, I do want to acknowledge the good work that was done in these negotiations to agree on eliminating sick leave buyback for new hires starting next year. While the impact of that change will not be felt for many years, that policy shift sets an important precedent and will result in significant savings to the District long-term.

**BOARD OF SELECTMEN MEETING**

*November 13, 2018*

**CONSENT AGENDA  
DRAFT MOTION**

I move to approve items A, B & C in the Consent Agenda as presented, including the release of the Executive Session meeting minutes from September 18.

**BOARD OF SELECTMEN MEETING**

*November 13, 2018*

**CONSENT AGENDA**

**A.**

**Meeting Minutes**

➤ Open Session:

September 25, 2018

October 2, 2018

October 9, 2018

➤ Executive Session:

September 18, 2018



TOWN OF WENHAM  
Board of Selectmen  
Meeting of September 25, 2018  
Town Hall, 138 Main Street

Pursuant to the Open Meeting Law, M.G.L. Chapter 30A, §§ 18-25, written notice posted by the Town Clerk delivered to all Board members, a meeting of the Board of Selectmen (BOS) was held on Tuesday September 25, 2018 at 6 pm in the Selectmen Chambers.

**Welcome & Call to Order**

With a quorum present, Ms. Harrison called the BOS meeting to order at 6:04 pm

Selectmen present: Catherine Harrison, Chair (2020); John Clemenzi, Vice Chair (2021)

Not Present: Jack Wilhelm, Clerk (2019)

Also present: Peter Lombardi, Town Administrator; Catherine Tinsley, Recording Secretary

Public Information  
Meeting packet

**Executive Session – Wenham Call Firefighters Association**

*Vote: Ms. Harrison moved the BOS enter into executive session under M.G.L. Ch. 30A, § 21 (3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body and the chair so declares and to return to open session. The motion carried unanimously by roll call vote.*

The Board returned to open session at 6:37 pm

**Public Input-** There was none.

**Announcements**

- Fall 2018 BOH Free Flu Vaccine Clinics in Hamilton & Wenham - Hamilton and Wenham Boards of Health are offering 3 flu clinics:
  1. October 3, at the Hamilton Senior Center
  2. October 17 at the Wenham Bessie Buker School
  3. November 30 at the Hamilton Senior Center

**Report**

Town Administrator

- o Personnel - We have hired a new DPW Driver/Operator, Jonathan Keyes, who is set to begin work next week. This week, we are conducting interviews with a number of candidates to fill the part-time Finance Assistant & Payroll Coordinator and two full-time Police Officer positions and hope to fill those vacancies as early in October as possible.
- o Enon One Ceremony - Our historic hand pumper was delivered this past weekend. Landscaping work around the new structure will be completed in the next 2 weeks. To commemorate its return to Town, a formal ribbon cutting ceremony is set to take place at its new home behind Town Hall on Saturday October 13.
- o Pingree Park Public Garden - Last week, the Hamilton-Wenham Garden Club completed their initial planting work at the Pingree Park Public Garden. Our DPW did a tremendous amount of site work, including preparing the soil, excavating the paths, installing the edging and boulders, clearing brush, and running a new water line down from the maintenance building. Our Tree Warden coordinated removing several trees, completing safety pruning, and planting a few new trees. It has been an outstanding group effort to date! More plantings and some additional site amenities such as benches and a picnic table are planned for next spring.
- o Municipal Vulnerability Preparedness -The Town was originally awarded \$20k in grant funding in May 2018 through this program to go through the Municipal Vulnerability Preparedness planning process and to update our Hazard Mitigation Plan. The state recently approved an increase in our grant award to \$25k to fully cover all project costs. After reviewing consultant submittals and conducting interviews, we have selected Weston & Sampson to take the lead on this work over the next several months. Once we have attained the MVP designation and have an approved HMP in place, we will then be eligible for both MVP Action and FEMA grant funding for priority infrastructure projects to address the priorities identified through this process.
- o Positive West Nile Vims Mosquito Tests - We had 1 new positive mosquito test for West Nile Virus at the Iron Rail property last week. Previously, we had 2 such positive tests at this location at the beginning of the month. The Board of Health continues to encourage all residents to take preventative action against mosquito bites through the end of the season (until after the first hard frost) as the entire state remains at the Moderate risk level. Mosquito prevention information has been posted at BOS 9.25.18

Pingree Park Playground and parking lot; Iron Rail fields and tenant parking; WVIS Tennis Courts and playground; and the Buker fields and playground; and all relevant school officials have been notified. The Board of Health will be meeting on this matter in Town Hall tomorrow morning at 8AM.

### Consent Agenda

1. Approval of Minutes
  - Open Session: September 11, 2018
  - ***Executive Session: September 11, 2018 (1); September 11, 2018 (2) – This agenda item was held for review.***
2. Acceptance of 375th Anniversary Donations - \$1245

*Vote: Ms. Harrison moved to approve the Consent Agenda of September 25, 2018 with the exception of the executive session minutes of September 11, 2018 which would be presented at a subsequent meeting and it was unanimous to do so.*

### New Business

Consideration of Request from Middlewood Drive Residents for Town Removal of Snow and Provision of Refuse Collection on a Private Way

- Email re Cost for Potential Middlewood Trash Collection J. Manning, Division Manager, Casella, September 24, 2018
- Email re BOS Agenda to Discuss Potential Middlewood Snow Plowing and Possible Trash Pick-Up from John LeLacheur and P. Lombardi, August 17, 2018
- Meeting Minutes of the Board of Selectmen, December 5, 2017
- Memo re Follow Up Discussion of Proposed Policy for Snow Removal on Private Ways-P. Lombardi, December 1, 2017
- Letter to Residents of Longfellow Road, South Street, Woodside Lane, D'Ambrosio Way, Patch Avenue, Hickory Lane, Laurel Drive and Batchelder Park regarding Snow Removal Policy on Private Ways from P. Lombardi, January 3, 2018
- Letter to Residents of Toppan Lane and Nathaniel Circle regarding Snow Removal Policy on Private Ways, January 3, 2018
- M.G.L., c.40, § 6C: Powers and Duties of Cities and Towns: Removal of Ice and Snow from Private Ways; Conditions
- Email re Middlewood Plowing Request from Bill Tyack, DPW Director, October 12, 2017
- Zoning Board of Appeals Decision of the Application of Burley Street, L.C.C. For a Comprehensive Permit pursuant to G.L. c.40B, §§ 20-23 With respect to property located at 70 Burley Street, Filed with the Town Clerk, July 7, 2004
- Email re Middlewoods Peer Review from Margaret Hoffman, Planning Coordinator, August 21, 2018
- Email re Middlewood from Michael F. Clark, P.E., Associate, Design Consultants, Inc., February 21, 2018
- Letter re Detention Pond and Catch Basic Repairs for the Residences at Middlewood from Michael F. Clark, P.E., Associate, Design Consultants, Inc., February 8, 2018
- Letter re As-Built Plans for the Residences at Middlewood from Michael F. Clark, P.E., Associate, Design Consultants, Inc., December 26, 2017

Because Middle Wood Drive is a private way, the Town is not obligated to do snow plowing at this location.

In the Planning Board's 2004 comprehensive permit decision for the Middle Woods development, contingency language allows the Town to take on plowing Middle Wood Drive, if the Town elects to do so. In December 2017 the BOS approved a policy for the removal of snow on private ways. Mr. Lombardi clarified the Town would not necessarily shut off the sand/salters when plowing Middle Wood Drive, but in the event the trucks are only salting/sanding they would not go down Middle Wood. The Town plows when there is 3 or more inches of snow. The residents present nodded in acknowledgement.

John LeLacheur, Middlewood Drive, represented the Trustees and reviewed the BOS previously stated that the Town would consider plowing Middle Wood when the as-built plans for the Middle Woods development were submitted by the contractor. These as-built-plans have been confirmed received and reviewed by DCI, the Town's peer reviewer/consultant. The DPW Director indicated in writing that he had no concerns with the layout of the road, the weight capacity of the bridge, or drainage issues.

Mr. LeLacheur remained to request the BOS/Town include Middle Woods in refuse removal. Currently the residents of Middle Woods pay privately for refuse removal. Mr. LeLacheur reasoned refuse collection is funded by property taxes which Middle Woods residents are assessed by the town.

Mr. Lombardi summarized the contract between the Town and Casella does not have specific language to address added volume. It does, however, cite the existing number of households serviced in the contract. Casella provided a per residence rate and multiplied that figure by the 20 units in Middle Woods. This would be an annual increase of \$4,500 for collection with an additional \$2,000 for trash, recycling, and composting disposal; the annual increase to the refuse budget for the added service would be about \$6,500.

Town Counsel was asked to opine on the request and responded that since there was no contingency in the contract to add new units the BOS would have to vote to approve it for the FY20-line item for refuse collection to be brought to Town

Meeting for consideration. If this appropriation was approved by town meeting, the service could begin July 1; Free Cash could be used to supplement the time prior to July 1. However, Mr. Lombardi went on to say that the comprehensive permit identified the following conditions to run with the land in perpetuity, that no refuse trash pick provided by the town for this (Middle Woods) project. A change would require the comprehensive permit be remanded back to the Planning Board for consideration and revision; this request must be made by the developer.

Mr. LeLacheur observed the developer is out of the picture and has left the site and the Trustees have taken over and are in litigation with the developer.

Ms. Harrison realized the BOS could not take any action on the trash collection until after a number of action items, and suggested the BOS take action on the snow removal.

*Vote: Mr. Clemenzi moved to approve commencement of Town removal of snow from Middlewood Drive starting this (2018) winter, consistent with both the Town's Policy for Snow Removal on Private Ways adopted on December 5, 2017 and the conditions of the July 2004 Comprehensive Permit that govern this private way. The motion carried unanimously.*

#### Consideration of Request from Middlewood Drive Residents to Impose 15 MPH Speed Limit on Private Way

- Email regarding Request for Speed Limit from Shane Yellin, Dynamic Property Management, LLC, March 15, 2016
- Letter regarding Consideration of Speed Limit at the Residences of Middlewood from Shane Adam Yellin, Dynamic Property Management, LLC, March 9, 2016
- M.G.L. c.90, §18 Motor Vehicles and Aircraft: Special Regulations, Speed and Use of Vehicles

The BOS has the authority to set a speed limit on a private way.

Mr. LeLacheur said the Trustees have concerns with the speed limit in the development especially with families with children having moved in the past 6 months. There is overwhelming support to impose a speed limit of 15 MPH. This allows the Wenham Police Department to have authority to enforce speed and parking i.e. hydrants, one side street parking, snow ban. The speed limit would be the entire length of Middle Woods Drive. Middle Woods is responsible for the signs and that they comply with current regulations.

Mr. Clemenzi asked a signature page with all resident signatures in support of the 15 MPH speed limit be on file with the Town.

*Vote: Mr. Clemenzi moved to approve the request from residents of Middlewood Drive to impose a speed limit of 15 miles per hour on this private way, consistent with MGL Chapter 90 Section 18, upon installation of appropriate signage in conformance with the most current uniform traffic control standards by the residents at their own expense. The motion carried unanimously.*

#### Letter of Support for 40 Hull Street Habitat for Humanity Project and Authorization to Execute Comprehensive Permit Application to DHCD

- Letter regarding Support from the Board of Selectmen for 40 Hull Street Habitat for Humanity Project - 40 Hull Street Comprehensive Permit Application to DHCD

Don Preston, Habitat for Humanity, was present to answer any questions.

The Chair of the Affordable Housing Trust Chair and the signature (s) of the chief executor officials, which is the BOS in Wenham, were required to sign the Comprehensive Permit application.

Ms. Harrison read the Letter of Support for the two unit Habitat for Humanity project planned for 40 Hull Street and that the Wenham Affordable Housing Trust (WAHT) recommended to the BOS that \$230,000 be provided in soft debt financing from WAHT funds. Margaret Hoffman, Planning Coordinator, was present and concurred she had no issues with the application. Once this application is submitted to the state, the Town will receive a Letter of Eligibility, typically within 30 days.

Mr. Preston was recognized for working with the Town on the application.

*Vote: Ms. Harrison moved to approve the Letter of Support and authorize Catherine A. Harrison on behalf of the Selectboard to execute the Letter of Support and the Comprehensive Permit Application to DHCD for the Habitat for Humanity Project at 40 Hull Street. The motion carried unanimously.*

#### Review of Fiscal Year (FY) 2020 Budget Guidelines

- Wenham Budget Forecast: Preparing for FY20 (& Beyond) Power Point, Peter Lombardi, Town Administrator, September 18, 2018
- Town of Wenham FY20-24 Budget Projections, September 20, 2018
- FY20 Budget Preparation & Town Meeting Schedule, September 18, 2018

Mr. Lombardi gave a brief overview of the Budget Forecast for FY20 presentation made to the Finance Committee on September 18.

The policy direction to approach the budget building process begins with a number of assumptions, as has been done the past few years.

Using these assumptions on the \$19 million budget, the FY20 begins with a \$150,00 deficit; this assumes \$650,000 used in available Free Cash for revenue.

Property tax, which is the major driver for revenue, was more than projected. With larger developments coming on line new growth doubled from \$100,000 to \$200,000.

On the expense side, the enrollment shift impact based on projections is dropping by 50% from \$300,000 to \$150,000, pending actual enrollment numbers in November.

Mr. Lombardi stressed it will be a lot of work to present a balanced budget within the levy limit.

He recommended the BOS follow process as in the past years to have Department Heads develop an initial level service budget, no additional staffing, and compelling rationale for increases.

Mr. Clemenzi re-enforced the importance of communication and cooperation with the School Department to understand the Town can only spend what they have the ability to spend.

The Town Administrator noted he sent copies of the presentation and back up materials to the HWRSD Superintendent with the request to schedule a tri board meeting to start initial discussion of all the budgets.

Ms. Harrison supported the usual conservative nature of the Department Heads budgets but also encouraged them to bring forward any critical recommendations for consideration. She reiterated the Town can only put into the budget what the town can afford, and cannot cut the town budget to support increases at the School District.

With a joint Executive Session with the Zoning Board of Appeals (ZBA) next on the agenda, the Selectmen recessed until the ZBA members arrived.

The BOS returned to open session at 7:39 pm.

#### **Executive Session – 253 Larch Row; Maple Woods**

Vote: Ms. Harrison moved the BOS enter into Executive Session under M.G.L. Ch. 30A, § 21(3) – To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares and to include Town Counsel Amy Kwesell, Zoning Board members Anthony Feeherry, Chair; Jeremy Coffey; Associate Members Dana Begin & Evan Campbell, Planning Coordinator Margret Hoffman, and Town Administrator Peter Lombardi, and to adjourn directly from ES. The motion carried unanimously by roll call vote.

#### **Zoning Board of Appeals**

With a quorum present, Mr. Feeherry called the meeting to order at 7:41 pm.

Board members present: Anthony Feeherry, Chair; Jeremy Coffey; Associate Members Dana Begin & Evan Campbell

Not present: Chris Vance

#### **Executive Session – 253 Larch Row; Maple Woods**

*Vote: Mr. Feeherry moved the ZBA enter into Executive Session under M.G.L. Ch. 30A, § 21 – To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares and to include Town Counsel Amy Kwesell, Selectman Catherine Harrison & John Clemenzi, Planning Coordinator Margret Hoffman, and Town Administrator Peter Lombardi and to adjourn directly from ES. The motion carried unanimously by roll call vote.*

Respectfully Submitted by

Catherine Tinsley

9.28.18



TOWN OF WENHAM  
Board of Selectmen  
Meeting of October 2, 2018  
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 Board of Selectmen (BOS) was held on Tuesday October 2, 2018, 2018 at 6 pm in the Selectmen Chambers.

The Town of Wenham has a three-member Board of Selectmen elected for three-year terms with one seat up for election each year. Jack Wilhelm, Clerk (2019) Catherine Harrison, Chair (2020); John Clemenzi, Vice Chair (2021)

The Board of Selectmen serve as the chief executive body of the Town. The board's duties include in part appointing the Town Administrator and other board/committee members, developing goals and policies, preparing the town report, the annual budget, and presenting the warrant for Town Meeting.

The Board typically meets the first and third Tuesday of each month at 6:30 pm in Town Hall. The BOS meetings are posted on the Town calendar. All meetings are open to the public and may be viewed on local cable channels, [HWCAM.org](http://HWCAM.org) or [You Tube HWCAM](http://YouTube HWCAM).

### Welcome & Call to Order

With a quorum present, Ms. Harrison called the BOS meeting to order at 6:03 pm

Selectmen present: Catherine Harrison, Chair; John Clemenzi

Not present: Jack Wilhelm

Also present: Peter Lombardi, Town Administrator; Catherine Tinsley, Recording Secretary  
Jackie Bresnahan, Permitting & Special Projects Manager

### Public Information

- Meeting packet
- The meeting was recorded with permission by HWCAM

**Public Comment** – There was none

### Announcements

On Saturday, December the Town of Wenham will lay wreaths on veteran's graves simultaneously with the services at Arlington National Cemetery and communities across the Nation.

In order to coordinate with local efforts Wreaths Across America committee of volunteers is being formed by the Essex Department of Veteran's Services. The first meeting is on Wednesday October 3 at Ipswich Town Hall in the Veteran's Service Office. Those interested in serving on this Committee should contact Karen Tyler Director of Veteran Services.

### New Business

Discussion of Academy at Penguin Hall Sublease Agreement for Use of Iron Rail (Soccer) Fields

- Memo regarding proposed terms of use for Iron Rail Fields by the Academy at Penguin Hall October 2, 2018
- Proposed Agreement between Hamilton-Wenham Youth Soccer Association and the Academy at Penguin Hall for use of Iron Rail fields September 1 2018– August 30, 2019
- Agreement between Hamilton Wenham Youth Soccer Association and the Academy at Penguin Hall for use of Iron Rail fields September 1 2017– August 30, 2018
- Agreement between Hamilton Wenham Youth Soccer Association and the Academy at Penguin Hall for use of Iron Rail fields September 1 2016–August 30, 2017
- Email Re Iron Rail Fields Subletting from M. Reich, Esq KP Law October 13, 2016
- Lease Agreement between the Town of Wenham and Hamilton Wenham Youth Soccer Associations, July 1, 2014

Don Lake, President of the Hamilton Wenham Youth Soccer Association (HWYSA) was present for this agenda item. Mr. Lombardi summarized the Town of Wenham has a 10-year lease agreement through 2024 with HWYSA and gave an overview of the terms in the agreement.

The discussion that followed was centered around the subletting of the fields, specifically to the Academy at Penguin Hall. The HWYSA has sublet the Iron Rail soccer field for the past 2 years at an annual cost of \$6,000. Last year the Iron Rail Commission confirmed the \$6,000 fee for subletting the fields was fair and competitive by comparing to other local

communities. Mr. Lombardi reported that it recently came to the attention of the Town that the Academy at Penguin Hall has not paid for the 2 years of field use. Molly Martins, President of the Academy, assured Mr. Lombardi those fees would be paid by the end of October 2018.

Mr. Lake noted there was less use of the fields by the Academy than expected and suggested a reduced fee based on the minimal wear/tear on the fields. The Board responded that proposed negotiations must be made well in advance of the next contract for consideration and not during the time the fields are being used.

Mr. Lake went on to allege the language of the lease is "a mess and needs to be fully discussed and sorted out."

Mr. Lake asked to come back to further discuss the lease suggesting the intent of the lease is not what is written and that some areas of the lease would be best amended.

The BOS commented that they were unaware of the Academy playing on the fields for weeks, and not having paid usage fees for two years, and reiterated the Town should have been informed. The Board agreed the lease should be reviewed by Town Counsel with the intention of being rewritten. The Board unanimously concurred to not support reducing the lease fee at this time.

**Other matters**, as may not have been reasonably anticipated by the Chair

#### Annual Town Meeting (ATM) Debrief

- ATM Debrief Spread Sheet
- 1. Consider adding Special Town Meeting as needed to keep ATM article number at 20 or below
- 2. Begin discussion of potential warrant articles with BOS and Planning Board in December
- 3. Make sure Annual Reports are delivered by the weekend before ATM so residents have all materials prior to Warrant Hearing and is reminded of ATM date
- 4. Deliver ATM script by Friday before Warrant Hearing so everyone is comfortable with material well in advance
- 5. Post BOS/FinCom ATM prep meeting for 11:30AM to allow ample time
- 6. Include Moderator in BOS/FinCom ATM prep meeting
- 7. Open up voter registration before 12:30
- 8. Check-in by last name vs. by address
- 9. Add more poll workers to expedite registration
- 10. Start promptly as soon as quorum is attained
- 11. Shorten resident obituaries
- 12. Shorten outside presentations in intro
- 13. Shorten Moderator's conduct of meeting comments in intro
- 14. Truncate FinCom operating budget presentation
- 15. Limit HWRSD presentation to budget items only
- 16. Provide PP handouts so residents can follow along
- 17. Rent/purchase cheap seat cushions
- 18. Encourage Moderator to attend BOS, FinCom, and Planning Board meetings in February and early March where budget and warrant articles are being discussed, finalized, and voted on
- 19. Shift intro/presentation of articles to FinCom/BOS/Planning Board so Moderator can focus on running meeting
- 20. Clarify which person is first up and on deck to answer resident questions
- 21. Extend town babysitting hours beyond 4PM
- 22. Strategic approach to warrant article order
- 23. Get Out The Vote mailer to residents prior to Town Meeting
- 24. Set up date of 2nd Town Meeting session in advance and make motion to continue meeting if quorum is lost

Those present around the table for this agenda item:

Town Moderator Trudy Reid; Town Clerk Diane Bucco; Finance Committee Chair Alex Begin;

Town Counsel Attorney Laurent Goldberg; KP Law

Mr. Lombardi lead the discussion on possible improvements suggestions to make for ATM that was created by staff a few days after town meeting 2018. Due to the extended length of the 2018 ATM, it was necessary to continue the Town meeting to a second night, which barely met quorum. After the ATM, it was agreed a debriefing to discuss possible changes to better streamline the ATM.

Mr. Clemenzi opined the Special Town Meeting should be “special” and that the Town be disciplined to do financial business in ATM, and other items such as zoning bylaw changes during a Special Town Meeting.

Ms. Harrison observed the culture of the Town to come together in May and consider the budget and make financial decisions at one time with one meeting and to decide on a year to year basis if a Special Town Meeting is warranted. Ms. Harrison agreed the Meeting could be more efficient and that residents understand this is a 3 to 4-hour meeting and business beyond that would require the ATM be continued. Ms. Harrison also agreed to begin discussion of warrant articles earlier.

Those present thought the town provided ample forums and public hearings for resident to gain understanding or efficiencies in ATM and to focus on additional question and answer sessions.

Ms. Bresnahan noted that not enough people bring the annual town report or budget books to the ATM and questioned how to better manage this resource to be more useful and cost effective. One suggestion that was considered to have merit was to allow residents to opt in/ out of receiving the Annual Town Report / Budget.

Some changes that were supported:

- Post meetings held before a town meeting earlier
- Open registration earlier, check in by last name, add another check-in table.
- List obituaries rather than read them aloud
- Set time limits for presentations and require presentations be only budget related.
- Provide hard copies of the PowerPoint presentation
- Seat cushions – “rent out” for small donation to raise funds i.e. tree fund
- Babysitting extended times
- Lottery for warrant articles to avoid people staying just for specific interests; Town Counsel to opine
- Consent Calendar – expanded (possible pending articles)
- Post in advance the date if Town Meeting needs to be continued

Mr. Lombardi will provide a written update from this discussion.

**Adjournment** - The BOS unanimously adjourned at 8:38 pm

Respectfully Submitted By  
Catherine Tinsley  
10.30.18



TOWN OF WENHAM  
Board of Selectmen  
Meeting of October 9, 2018  
Town Hall, 138 Main Street

Pursuant to the Open Meeting Law, M.G.L. Chapter 30A, §§ 18-25, written notice posted by the Town Clerk delivered to all Board members, a meeting of the Board of Selectmen (BOS) was held on Tuesday October 9, 2018 at 6:30 pm in the Selectmen Chambers.

The Town of Wenham has a three-member Board of Selectmen elected for three-year terms with one seat up for election each year. Jack Wilhelm (2019) Catherine Harrison (2020); John Clemenzi (2021)

The Board of Selectmen serve as the chief executive body of the Town. The board's duties include in part appointing the Town Administrator and other board/committee members, developing goals and policies, preparing the town report, the annual budget, and presenting the warrant for Town Meeting.

The Board typically meets the first and third Tuesday of each month at 6:30 pm in Town Hall. The BOS meetings are posted on the Town calendar. All meetings are open to the public and may be viewed on local cable channels, [HWCAM.org](http://HWCAM.org) or [You Tube HWCAM](http://YouTube HWCAM).

### Welcome & Call to Order

With a quorum present, Ms. Harrison called the BOS meeting to order at 6:34 pm

Selectmen present: Catherine Harrison, Chair; John Clemenzi, Vice Chair

Not Present: Jack Wilhelm, Clerk

Also present: Peter Lombardi, Town Administrator; Catherine Tinsley, Recording Secretary

### Public Information

- Meeting packet
- Recorded with permission by HWCAM

### Announcements

- In honor of National Fire Prevention Week, the Wenham Fire Department will hold their annual open house on Wednesday October 10 at 5:30 pm featuring Papa Gino's pizza and Cherry Farm Creamery Ice Cream. Learn fire safety tips, meet firefighters and see all the fire trucks up close. The Fire Department wishes to remind all residents to change your smoke detector batteries.
- Join the Wenham Fire Department, Board of Selectmen and Community Preservation Committee in celebrating the return of Enon #1, Wenham's Historic Fire Pumper, to its new home behind Town Hall. In honor of National Fire Prevention Week, a Ribbon Cutting Ceremony will be held Saturday, October 13 at 10 am.
- The Hamilton-Wenham Cultural Council has set an Oct. 15 deadline for organizations, schools and individuals to apply for grants that support cultural activities in the community. The application: [massculturalcouncil.org](http://massculturalcouncil.org).
- These grants can support a variety of artistic projects and activities in Hamilton and Wenham, including exhibits, festivals, field trips, short-term artist residencies or performances in schools, workshops and lectures. Proposals are for programs taking place from July 1, 2018, through Dec. 1, 2019. The Hamilton-Wenham Cultural Council will distribute about \$9,400 in grants for programs taking place in 2019.
- The Hamilton & Wenham Boards of Health are offering 2 additional opportunities to get your flu shot this fall. Our Wenham clinic will be held at Buker Elementary School on Wednesday, October 17th from 4:00 – 7:00pm. The final clinic will be held Friday, November 30th from 3:00 – 6:00pm at the Hamilton Senior Center.
- COA Age Friendly Needs Assessment Presentation - Please join us on Tuesday, October 16 at 3pm at the Wenham Museum for a presentation by the consultants from the UMass Boston Gerontology Institute who have been working with Town officials, residents, and key stakeholders to complete a needs assessment of our senior population.

### Reports

#### Town Administrator

- Personnel - We have hired Christine Doane, a Wenham resident, to fill the Finance Assistant and Payroll Coordinator position. Christine has experience in both payroll and accounts payable and is set to begin work on October 22nd.
- Consistent with our commitment to become more age friendly as an organization and as a community, the Massachusetts Alzheimer's Association is conducting a training session for all Town staff at the end of October to help us better serve residents with dementia.
- Wreaths Across America - As part of the Town's inaugural participation in the Wreaths Across America program this year, we are looking for residents to sponsor wreaths that will be placed on veteran's graves at the Main Street Cemetery on December 15. At a cost of \$15/wreath, we are hoping to honor all of the approximately 450 Wenham veterans buried at



this location. Sponsorship forms and more details about this program are available on the Town website or by contacting our regional Veterans Service Officer, Karen Tyler, at Ipswich Town Hall.

### Consent Agenda

*Vote: Ms. Harrison moved to approve items A, B and C in the Consent Agenda as presented, with the first set of Executive Session meeting minutes from September 11 to be held until further notice. The motion carried unanimously.*

- A. Council on Aging Board: Francois E. Wilhelm & Dorothy A. Goudie for three-year terms beginning October 9, 2018 and ending June 30, 2021.
  - Memo Recommendation from Jim Reynolds, Council on Aging Director, October 1, 2018
  - Letter of Interest from Francois Wilhelm, September 6, 2018
  - Letter of Interest from Dorothy Goudie, September 20, 2018
- B. Approval of Minutes
  - Open session - September 18, 2018
  - ES September 11, 2018 (1) – approve/ release
  - ES September 11, 2018 (2) – approve / hold
- C. Acceptance of Al Dodge Memorial Tree Planting Fun Donation \$5000
  - Gift and Donation Acceptance Form from the Dodge Family
  - Letter from Albert Win Dodge, September 9, 2018

### Approval of Warrant for State Election, November 6, 2018

- Warrant for State Election

Dianne Bucco, Town Clerk was present and spoke to the early voting schedule. Ms. Bucco reminded resident the last day to register to vote in this (November 6, 2018) election was October 17; voters may register on line until midnight.

*Vote: Mr. Clemenz moved to approve the Warrant for the 2018 State Election on Tuesday, November 6, 2018. The motion carried unanimously.*

### Proposed Moratorium on New Natural Gas Services by National Grid– Keith Rice and Jeff Hamel representative from Unite Steel Workers 12012-04

- Email regarding Moratoriums in place from Faith Hassell, National Grid, October 9, 2018
- Article from Boston, MA Patch, by Jenna Fisher, October 8, 2018
- Letter regarding Pipeline Safety Allegations from Richard Wallace, Director, Pipeline Engineering and Safety Division, MA Department of Public Utilities, September 27, 2018
- Press Release titled DPU to Hire Independent Evaluator to Assess Statewide Natural Gas Distribution System, Company Policies and Practices from the Executive Office of Energy and Environmental Affairs, Department of Public Utilities, Gas Division, Pipeline Safety Division, September 26, 2018
- Email re Proposed Moratorium on New Natural Gas Services by National Grid from Keith Rice, September 27, 2018
- List of Moratoriums in Place, September 27, 2018
- M.G.L. Ch. 164, § 75 Manufacture and Sale of Gas and Electricity; Regulation by Municipal Authorities
- National Grid Safety Issues Presentation
- Work Continuation Safety Overview, National Grid, September 17, 2018

On October 8, 2018, the State ordered National Grid to impose a moratorium on all gas work except emergencies across the Massachusetts service area, pending results of review of safety practices.

Mr. Rice and Mr. Hamel commented on this moratorium. Mr. Rice stated that the Union has raised concerns of work done by the replacement workers used by National Grid during the lockout and filed reports on safety violations with OSHA, which are being investigated.

In addition, Mr. Rice encouraged the Town to adopt a more stringent moratorium or an ordinance in Wenham that only emergency work be done until the lockout is over and National Grid workers are back on their jobs.

It was reported that National Grid has no open permits for gas work in the Town of Wenham at this time.

### Review and Potential Approval of Amendment to the Open Space & Recreation Committee Charge

- Memo regarding Proposed Amendments to Open Space and Recreation Committee Charge from Peter Lombardi, Town Administrator, October 3, 2018

*Motion: Mr. Clemenz moved to adopt the proposed revision to the Open Space and Recreation Committee Charge to set the numbers of members at seven (7) and further to request feedback from the committee on any suggested modifications to their charge, including potential incorporation of overlapping elements of the original charge of the Economic Development Committee.*

Under discussion it was explained this Committee was formed two years ago with up to 18 residents interested in serving on the committee. The original charge was set at 9 members; the Committee worked on and completed the Open Space and Recreation Plan. This revised number of 7 members will allow the remaining four members to make quorum to meet.  
*Vote: The motion carried unanimously.*

Review and Potential Approval of Proposed Minor Modifications to Shared Inspectional Services Intermunicipal Agreement with Hamilton

➤ Proposed Modifications to Intermunicipal Agreement Between Wenham & Hamilton For Shared Inspectional Services

*Motion: Ms. Harrison moved to approve the proposed changes to the Inspectional Services Intermunicipal Agreement with the Town of Hamilton to accurately reflect the September 1, 2018 start date and proper title of the Inspector of Buildings under this new shared program.*

Under discussion it was noted it took longer to get this program started than anticipated when the IMA was drafted and the IMA should be changed from July 1, 2018 to reflect the actual date of September 1, 2018. The building Inspector's title would also be corrected from Commissioner to Inspector. The Town of Hamilton has agreed to the proposed changes.  
*Vote: The motion carried unanimously.*

Review Intermunicipal Agreement with City of Lawrence for Transfer of Old Buker School Playground Equipment

- Memo regarding Review of Intermunicipal Agreement with City of Lawrence for Transfer of Old Buker School Playground Equipment from Peter Lombardi, Town Administrator, October 5, 2018
- Proposed Intermunicipal Agreement Between the Town of Wenham and The City of Lawrence For Disposition of Surplus Playground Equipment
- Description and Photos of Surplus Playground Equipment from Buker Elementary Playground
- Application for Community Preservation Act Funding to the Community Preservation Committee from the Hamilton-Wenham Regional School District for a new Buker Playground, January 6, 2017
- Description, Photos and Map of Donovan Park, the City of Lawrence the Proposed Playground Equipment Location

Mr. Lombardi observed that until the City of Lawrence reviews the Agreement, this was informational at this time. It was anticipated this would be ready for action in November.  
The Department of Public Works disassembled and tagged the equipment and will be picked up by the City of Lawrence to be reassembled and used in their community at Donovan Park.

**Old Business**

Discussion of Updated Employee Handbook & Review of New Proposed Personnel Policies

This agenda item was held for a future agenda

The Selectmen's next scheduled meeting is October 23.

**Adjournment** - The Selectmen unanimously adjourned at 7:18 pm

Respectfully Submitted By  
Catherine Tinsley  
10.30.18

**BOARD OF SELECTMEN MEETING**

*November 13, 2018*

**CONSENT AGENDA**

**B.**

**375<sup>th</sup> Anniversary Committee  
Donation Acceptance**

- Gift & Donation Acceptance Form - 375<sup>th</sup> Anniversary Committee



TOWN OF WENHAM  
GIFT/DONATION ACCEPTANCE FORM

TO: Town Administrator

CC: Town Accountant

FROM: 375<sup>th</sup> Ann. Committee  
Name of Officer, Department, Board or Committee

The above officer, department, board or committee has requested acceptance of the following gift pursuant to Massachusetts General Laws, Chapter 44, Section 53A and further requests that the Board of Selectmen authorize the expenditure of funds for the stated purpose.

375<sup>th</sup> Ann. Comm.      930.00  
Name of Party Offering Gift      Amount of the Gift

375<sup>th</sup> donations & merchandise  
Purpose for which Gift has been Offered

375<sup>th</sup> events  
Purpose for which Gift will be Expended

☐ Letter Accompanying Gift Attached

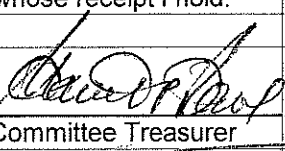
APPROVAL OF RECEIPT AND EXPENDITURE OF GIFT BY THE BOARD OF SELECTMEN

At a meeting of the Board of Selectmen on \_\_\_\_\_, the Board of Selectmen voted  
to authorize the acceptance and any future expenditure of these gift/donation funds for the purpose described above.

\_\_\_\_\_



Monetary- BOS Approval (3)

Town of Wenham				
Schedule of Departmental Payments				
Account Number	Monetary		Week Ending	11/1/2018
27-000-4200-0002				
Check Name / No.		Address	Amount	Total
Schwab Charitable	2418051	Maestranzi	\$ 200.00	\$ 200.00
Wenham Museum	6662	Wenham Museum/David Goss	\$ 200.00	\$ 200.00
Sarah Johnson	5957	merch	\$ 55.00	\$ 55.00
Kristin Zampell Noon	813	donation	\$ 375.00	\$ 375.00
Towne Optical	1332	merch	\$ 45.00	\$ 45.00
Stan & Lori Shuttleworth	4856	merch	\$ 55.00	\$ 55.00
		<b>Total</b>		<b>\$ 930.00</b>
<b>To the Accounting Officer:</b>				
The above is a detailed list of money collected by me, amounting to				<b>\$ 930.00</b>
which I have paid to the Treasurer/Collector Department, whose receipt I hold.				
Department Signature		 Date: 10/1/18 375th Committee Treasurer		
<b>To the Department making payment:</b>				
Received of \$		the above sum.		
Treasurer/Collector Dept.		Date:		
Copy 1 signature-Department keeps				
Copy 2 - Finance Director				
Copy 3- Treas./Coll. Dept. copy				
Copy    1    2    3    -Circled by Department				

**BOARD OF SELECTMEN MEETING**

*November 13, 2018*

**CONSENT AGENDA**

**C.**

**One Day Liquor License Request  
Holiday Shop 'n Sip  
Wenham Museum, 132 Main Street  
Sunday, November 25, 2018  
4:00pm – 8:00pm**

- One Day Liquor License Application
- Event Flyer
- Certificate of Insurance
- Tips Certification
- \$50 Check to the Town
- Email recommendation from Kevin DiNapoli, WPD Captain
- Email recommendation from Jeff Baxter, WFD Captain
- Email recommendation from Jackie Bresnahan, Permitting  
Coord. & Special Projects Manager



**Town of Wenham**  
**Board of Selectmen**

**Application for Special License**  
**(One Day) Liquor License**

Please note applications for a Special Liquor License must be received by the Board of Selectmen at least **30 calendar days** prior to your function. This application may **not** be used for wine tasting events.

Event Title:	Wenham Museum Shop n' Sip
Date of Event:	November 25, 2018
Start Time:	4pm
Expected End Time:	8pm
Address of Event:	132 Main Street
# of People Expected to Attend:	80
Open to Public or Private Event?	Private
Type of Event? <small>(fundraiser, party, golf tournament, etc.)</small>	Fundraiser
Event Location Description: <small>(private home, public area, function hall, etc.)</small>	The Wenham Museum, Holiday shopping event
Indoor or Outdoor Event?	Indoor
Bar or Liquor Service Vehicles?	No
Contact Name:	Kathleen Feldman
Company/Organization Name:	The Wenham Museum
Phone Number:	978-468-2377 x 128
Email Address:	<a href="mailto:Kathleen.feldman@wenhammuseum.org">Kathleen.feldman@wenhammuseum.org</a>

**Requesting a License for Sale of:**

☒ All Alcoholic Beverages (non-profits only) \$50

☐ Malt and Wine (for profit companies) \$100

**The Licensed Activity or Enterprise is:**

☒ Non-Profit (May sell all forms of liquor)

☐ For Profit (May sell wines and malt beverages only)

Is the license for a dining hall maintained by an incorporated educational institution authorized to grant degrees? NO  
Please inform the Wenham Police Department of your function if your expected attendees will exceed 75 guests at least one week prior to your event, as a police detail may be required. All outdoor events will require a designated area for liquor consumption and a police detail if open to the general public regardless of the number of attendees.

Please include a check with your application made payable to the "Town of Wenham" for the designated license fee (\$50 non-profits / \$100 all others).

Signature

Date

Print Name

## EVENT DETAILS

**Sunday, November 25, 2018**

**4 -7 p.m.**

**\$10 Per Person at the Door**

**Children FREE**



Join us for a festive evening of shopping and light bites featuring a hand-picked selection of creations by local artisans and bestsellers from the award winning Museum Shop for everyone on your list. All event proceeds benefit the exhibits and programs of the nonprofit Wenham Museum!

### Participating Artisans & Vendors

Beautycounter

Beverly Bees

Biscuits N Bows

MaryAnn Colgan's Sea Glass Gem Hub

Melinda Louis Baby & Toddler Wear

Mug Buddies

Pam's Pashminas

Pleasant Moments Soaps

Ginny Remedi Designs

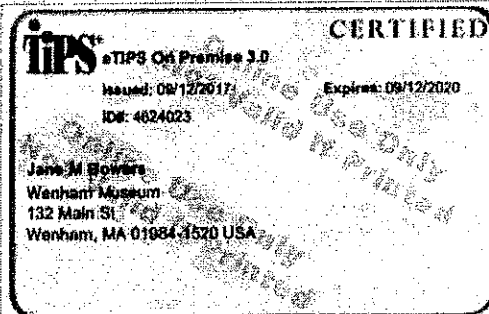
Seasonings Greetings Salts & Spices



Tap or click the card to verify it

BACK

PARTICIPANT CARD





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/29/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Leslie Ray Insurance Agency, Inc 129 Dodge Street  Beverly MA 01915		<b>CONTACT NAME:</b> Lauren Goldman <b>PHONE (A/C, No, Ext):</b> (978) 927-2600 <b>E-MAIL ADDRESS:</b> lauren@leslielay.com <b>FAX (A/C, No):</b> (978) 927-8938	
<b>INSURED</b> Wenham Historical Assoc. and Museum, Inc. 132 Main Street Wenham MA 01984		<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> Hanover Insurance Company <b>INSURER B:</b> Norfolk & Dedham Mutual Fire Ins Co <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	
		<b>NAIC #</b> 23965	

**COVERAGES**

CERTIFICATE NUMBER: 2018 COI

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			ZBN9302014	08/21/2018	08/21/2019	EACH OCCURRENCE \$ 1,000,000
			DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 250,000				
			MED EXP (Any one person) \$ 10,000				
			PERSONAL & ADV INJURY \$ 1,000,000				
	<input type="checkbox"/> <b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						GENERAL AGGREGATE \$ 2,000,000
	<input checked="" type="checkbox"/> <b>UMBRELLA LIAB</b> <input type="checkbox"/> EXCESS LIAB DED RETENTION \$			UHN9313210	08/21/2018	08/21/2019	PRODUCTS - COMP/OP AGG \$ 2,000,000
A	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE						Abuse & Molestation \$ 1,000,000
B	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/>	N/A	WE144973A	10/30/2017	10/30/2018	COMBINED SINGLE LIMIT (Ea accident) \$
							BODILY INJURY (Per person) \$
							BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
							EACH OCCURRENCE \$ 1,000,000
							AGGREGATE \$ 1,000,000
							\$
							PER STATUTE OTH-ER
							E.L. EACH ACCIDENT \$ 500,000
							E.L. DISEASE - EA EMPLOYEE \$ 500,000
							E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Event date: 11/25/2018

Town of Wenham is listed as additional insured

Host liquor is included on the package policy

**CERTIFICATE HOLDER****CANCELLATION**

Town of Wenham 138 Main Street  Wenham MA 01984	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE  <i>Sarah Hoyette</i>
--	---

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**Wenham Museum**

132 Main Street  
Wenham, MA 01984  
978-468-2377

Salem Five Cents Savings Bank  
53-7055/2113

6691

10/29/2018

PAY TO THE  
ORDER OF

Town of Wenham

\$ \*\*50.00

Fifty and 00/100\*\*\*\*\*

DOLLARS

PROTECTED AGAINST FRAUD

Town of Wenham  
Attn: Nicole Roebuck  
Town Hall  
Wenham, MA 01984

*Buster Z. Nor*

MEMO

## Nicole Roebuck

---

**From:** Kevin Dinapoli  
**Sent:** Wednesday, November 07, 2018 2:39 PM  
**To:** Nicole Roebuck  
**Subject:** RE: One Day Liquor License - Wenham Museum Shop n Sip, November 25, 2018

Looks Good

Captain Kevin J. DiNapoli  
Wenham Police Department  
1 Friend Court  
Wenham, MA 01984  
(978) 468-5500 Ext. 221

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**From:** Nicole Roebuck  
**Sent:** Tuesday, November 06, 2018 11:41 AM  
**To:** Tom Perkins; Kevin Dinapoli; Stephen B. Kavanagh; Jeff Baxter; Jacqueline Bresnahan  
**Subject:** RE: One Day Liquor License - Wenham Museum Shop n Sip, November 25, 2018

**Nicci Roebuck**  
*Executive Assistant*  
*Town Administrator's Office*

**Town of Wenham**  
138 Main Street, Wenham, MA 01984  
978-468-5520 x2

---

**From:** Nicole Roebuck  
**Sent:** Tuesday, November 06, 2018 11:34 AM  
**To:** Tom Perkins; Kevin Dinapoli; Stephen B. Kavanagh; Jeff Baxter (JBaxter@wenhamma.gov); Jacqueline Bresnahan  
**Subject:** One Day Liquor License - Wenham Museum Shop n Sip, November 25, 2018

Hi Everyone,

We've received a One Day Liquor License request from the Wenham Museum for their annual Holiday Shop 'n Sip on Sunday, November 25, 2018 from 4pm – 8pm. Please review and forward your questions and/or recommendations to the Board of Selectmen. This request will be on the Selectmen's agenda next Tuesday, November 13<sup>th</sup>.

Thank you,  
Nicci

**Nicci Roebuck**  
*Executive Assistant*  
*Town Administrator's Office*

**Town of Wenham**  
138 Main Street, Wenham, MA 01984  
978-468-5520 x2



## Nicole Roebuck

---

**From:** Jeff Baxter  
**Sent:** Tuesday, November 06, 2018 11:45 AM  
**To:** Nicole Roebuck; Tom Perkins; Kevin Dinapoli; Stephen B. Kavanagh; Jacqueline Bresnahan  
**Subject:** RE: One Day Liquor License - Wenham Museum Shop n Sip, November 25, 2018

Nicci  
They are all set from Fire.

Thank you,  
Jeffrey Baxter  
Captain

Wenham Fire Department  
140 Main St.  
Wenham, MA 01984  
Ph: 978-468-5508  
Fax: 978-468-5509  
Email: [JBaxter@wenhamma.gov](mailto:JBaxter@wenhamma.gov)

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**From:** Nicole Roebuck  
**Sent:** Tuesday, November 06, 2018 11:41 AM  
**To:** Tom Perkins <[tperkins@wenhamma.gov](mailto:tperkins@wenhamma.gov)>; Kevin Dinapoli <[KDinapoli@wenhamma.gov](mailto:KDinapoli@wenhamma.gov)>; Stephen B. Kavanagh <[SKavanagh4@wenhamma.gov](mailto:SKavanagh4@wenhamma.gov)>; Jeff Baxter <[JBaxter@wenhamma.gov](mailto:JBaxter@wenhamma.gov)>; Jacqueline Bresnahan <[JBresnahan@wenhamma.gov](mailto:JBresnahan@wenhamma.gov)>  
**Subject:** RE: One Day Liquor License - Wenham Museum Shop n Sip, November 25, 2018

**Nicci Roebuck**  
Executive Assistant  
Town Administrator's Office

**Town of Wenham**  
138 Main Street, Wenham, MA 01984  
978-468-5520 x2

---

**From:** Nicole Roebuck

**Sent:** Tuesday, November 06, 2018 11:34 AM

**To:** Tom Perkins; Kevin Dinapoli; Stephen B. Kavanagh; Jeff Baxter ([JBaxter@wenhamma.gov](mailto:JBaxter@wenhamma.gov)); Jacqueline Bresnahan

**Subject:** One Day Liquor License - Wenham Museum Shop n Sip, November 25, 2018

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Thank you,

Nicci

**Nicci Roebuck**

*Executive Assistant*

*Town Administrator's Office*

**Town of Wenham**

138 Main Street, Wenham, MA 01984

978-468-5520 x2

## Nicole Roebuck

---

**From:** Jacqueline Bresnahan  
**Sent:** Wednesday, November 07, 2018 4:09 PM  
**To:** Nicole Roebuck  
**Subject:** RE: One Day Liquor License - Wenham Museum Shop n Sip, November 25, 2018

All set with Building Department..  
Thanks,  
Jackie

**Jackie Bresnahan**  
**Permitting Coordinator and Special Projects Manager**  
**Town of Wenham**  
**138 Main Street – (978)468-5520 x. 4**  
[permitting@wenhamma.gov](mailto:permitting@wenhamma.gov)

---

**From:** Nicole Roebuck  
**Sent:** Wednesday, November 07, 2018 4:04 PM  
**To:** Jacqueline Bresnahan  
**Subject:** FW: One Day Liquor License - Wenham Museum Shop n Sip, November 25, 2018

Hey Jackie. Any issues on this request from the Wenham Museum?

**Nicci Roebuck**  
*Executive Assistant*  
*Town Administrator's Office*

**Town of Wenham**  
138 Main Street, Wenham, MA 01984  
978-468-5520 x2

---

**From:** Nicole Roebuck  
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**To:** Tom Perkins; Kevin Dinapoli; Stephen B. Kavanagh; Jeff Baxter (JBaxter@wenhamma.gov); Jacqueline Bresnahan  
**Subject:** RE: One Day Liquor License - Wenham Museum Shop n Sip, November 25, 2018

**Nicci Roebuck**  
*Executive Assistant*  
*Town Administrator's Office*

**Town of Wenham**  
138 Main Street, Wenham, MA 01984  
978-468-5520 x2

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Thank you,  
Nicci

**Nicci Roebuck**  
*Executive Assistant*  
*Town Administrator's Office*

**Town of Wenham**  
138 Main Street, Wenham, MA 01984  
978-468-5520 x2

**BOARD OF SELECTMEN MEETING**

*November 13, 2018*

**NEW BUSINESS**

**D.**

**Appointments**

**Police Officer: Mia Cefalo and Amanda Cecchini**

*(10 minutes)*

- Draft Motion
- Letter from Chief Thomas Perkins, WPD
- Resumes: Mia Cefalo & Amanda Cecchini



## **BOARD OF SELECTMEN MEETING**

*November 13, 2018*

### **DRAFT MOTION**

**Police Officer Appointments**

*Mia Cefalo & Amanda Cecchini*

- Vote: I move to appoint Mia Cefalo as Police Officer for a term beginning December 1, 2018 and ending June 30, 2019 and Amanda Cecchini as Police Officer for a term beginning February 4, 2018 and ending June 30, 2019, with both appointments conditioned upon successful completion of the PAT (Physical Abilities Test) required for entrance into the Police Academy.

Seconded / Discussion/ Vote



THOMAS C. PERKINS  
CHIEF OF POLICE

## WENHAM POLICE DEPARTMENT

1 Friend Court  
P.O. Box 536  
Wenham, MA 01984  
[WWW.WENHAMPD.COM](http://WWW.WENHAMPD.COM)



PHONE (978) - 468 - 4000  
FAX (978) - 468 - 5603

### Memorandum

**To:** Peter Lombardi, Town Administrator  
**From:** Chief Thomas Perkins  
**Date:** November 8, 2018  
**Re:** New Full-Time Officers

---

As you know, we have conducted an extensive full-time hiring process to fill the vacancies created by the resignations of Officer Carney and Detective Kavanagh. Six Reserve Wenham Officers originally applied for the position when it was posted in August. One officer withdrew his application before the process began in September. After a thorough oral board process and extensive background investigations, I am confident to recommend Reserve Officers Mia Cefalo and Amanda Cecchini to fill the two full-time vacancies.



## **Mia Cefalo**

### **Education**

High School 09/2006- 05/2010  
Masconomet Regional High School  
20 Endicott Rd, Boxford MA

### **College**

Undergraduate 09/2011- 05/2014  
University of Massachusetts, Lowell — Bachelor of Science in Criminal Justice 2014  
GPA; 3.534

Graduate School 01/2014- 07/2015  
University of Massachusetts, Lowell — Master's Degree in Criminal Justice 2015  
GPA; 3.744

### **Field Experience**

Armed Security Officer; Federal Contract, Paragon Systems; Herndon, VA 05/2017-present  
Matron, Reserve Police Officer/Training, Wenham Police Department; Wenham, MA 10/2015 - present  
NERPI Reserve Police Academy; Bedford MA 09/2014 - 06/2015  
Student Trooper Program, New Braintree, MA 2006, 2007

### **Skills**

Customer Service and Deescalating Situations

I have had numerous experiences during my retail employment of assisting customers and talking down disorderly customers in a deescalating manner. As a armed Security Officer in a Social Security Office I diffuse tense situations often using empathy and rationalization techniques.

### **Data Entry**

In 2010 during an internship at the Danvers Harbormaster's Office I entered in watercraft registration information. When employed by the Danvers Harbormaster's Office that same year I documented all my incident reports such as the model, year of the watercraft, and time. As a Reserve Officer and Security officer I document all calls or incidents.

### **Awards**

First Responder Recognition Award- 08/2017  
Director's Achievement Award- NERPI 2015  
Dean's List- Fall 2010, Spring 2011, Fall 2012, Spring 2013, Fall 2013, Fall 2014

### **References**

Michael Howard

Relation; Professional Occupation; Lieutenant Paragon Systems  
Contact Information; 857-301-0296

Timothy Ornellas

Relation; Family Friend Occupation; Mechanic/Teacher  
Contact Information; 781-760-4692

**Amanda Lynne Cecchini**

**Objective:** Full Time Police Officer with Wenham Police Department

**Professional Experience:**

**Wenham Police Department**

- Reserve Police Officer  
November 2017- Present

**Beverly Police Department- Detective Unit Internship**

- Participating in daily duties of the BPD Detectives Unit. General understanding of all the divisions within the Beverly Police Department. Ride with Officers on patrols, follow the School Resource Officer and attend court with the Court Officer

January-May 2016

**Essex County Sheriffs Department Internship**

- Camp Counselor- Instructing adolescents/juveniles with various types of behavioral issues while maintaining a positive environment  
Summers of 2014 and 2015

**Cherry Farm Creamery- Danvers Massachusetts**

- Server March 2011 – Present
- Supervisor / Manager 2015-Present—Trained to work with the public

**Shaw's and Star Market- Beverly Massachusetts**

- Cashier and bagger
- Floor assistant
- Florist

April 2007-2010

**Education:**

**Massachusetts Law Enforcement Training Alliance- Massachusetts**

- A 373-hour program sanctioned and certified by the Municipal Police Training Committee.

August 2017- February 2018

**Beverly High School- Massachusetts**

Graduate, May 2012

**Salem State University- Massachusetts**

Bachelor of Science, Criminal Justice; Criminal Investigation Concentration  
Graduate May 2016

**BOARD OF SELECTMEN MEETING**

*November 13, 2018*

**NEW BUSINESS**

**E.**

**Potential Approval of  
Side Letter of Agreement with  
Wenham Call Firefighters Association for  
Additional Compensation during Fire-based  
Emergency Medical Services Pilot Program**

*(5 minutes)*

- Draft Motion
- Memo regarding Proposed Side Letter of Agreement to Increase Minimum BLS Transport Compensation for Duration of Fire-based EMS Pilot Program from Peter Lombardi, November 8, 2018



**BOARD OF SELECTMEN MEETING**

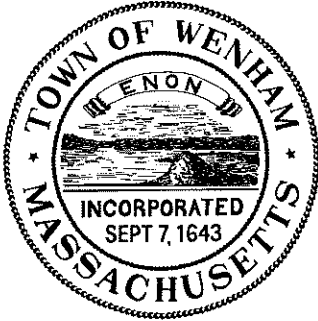
*November 13, 2018*

**DRAFT MOTION**

Side Letter of Agreement with  
Wenham Call Firefighters Association

- Vote: I move the Board of Selectmen approve the proposed side letter of agreement with the Wenham Call Firefighters Association to increase minimum BLS transport compensation for the duration of the Fire-based EMS Pilot Program.

Seconded / Discussion/ Vote



# Town of Wenham

Town Hall  
138 Main Street  
Wenham, MA 01984

Selectmen / Town Administrator  
TEL 978-468-5520 FAX 978-468-8014

## MEMORANDUM

**TO:** Wenham Call Firefighters Association  
**FROM:** Peter Lombardi, Town Administrator  
**RE:** Call Firefighter Association Side Letter of Agreement to Increase Minimum BLS Transport Compensation for Duration of Fire-based EMS Pilot Program  
**DATE:** November 8, 2018

---

In response to the union's initial proposal to address a change in working conditions precipitated by the Town's Fire-based EMS BLS pilot program, the Town suggested the following language changes:

- Amend Article 19 to allow for two (2) hours minimum pay for the two (2) responding firefighters who provide EMS transport to a medical call initiated between the hours of 7AM and 10PM and four (4) hours minimum pay for the two (2) responding firefighters who provide EMS transport initiated between the hours of 10PM and 7AM. Although the Department's standard protocol is for two (2) firefighters to conduct EMS transport on any given call, any additional responding firefighters who provide said transport for extenuating circumstances shall be similarly compensated.

The terms of this side letter have been agreed to by the union in a ratification vote on November 7, 2018, shall be effective upon approval of the Board of Selectmen, and shall remain in place until the conclusion of the initial term of the pilot program in March 2019. Both parties agree to revisit this interim compensation measure if a determination is made that the Town is going to continue to provide Fire-based EMS BLS services beyond the initial term of the pilot program. If the Town opts to discontinue said services, this side letter agreement shall no longer be valid based on the return of working conditions to their prior status.

**BOARD OF SELECTMEN MEETING**

*November 13, 2018*

**NEW BUSINESS**

**F.**

**Review and Potential Approval of  
Minor Modification to Memorandum of Agreement  
with Cataldo Ambulance Service for ALS Back-up  
(5 minutes)**

- Draft Motion
- Proposed Revised Agreement with Cataldo Ambulance Service for ALS Back-up – Redlined Version
- Summary of Revenue Under Current Agreement vs. Proposed Agreement

# **BOARD OF SELECTMEN MEETING**

*November 13, 2018*

## **DRAFT MOTION**

### **Minor Modification to MOU with Cataldo Ambulance Service for ALS Back-up**

- Vote: I move to approve the proposed fee for services modification to the Memorandum of Understanding with Cataldo Ambulance Service, Inc. for ALS Back-Up and authorize Peter Lombardi as Town Administrator to execute the agreement.

Seconded / Discussion/ Vote

Agreement Between Cataldo Ambulance Service  
AND  
Town of Wenham

This Agreement is effective as of \_\_\_\_\_ by and between Cataldo Ambulance Service, Inc. (hereinafter referred to as CAS), a Massachusetts corporation having its principal place of business at 137 Washington Street P.O. Box 435, Somerville, Massachusetts 02143 and the Wenham Fire Department (hereinafter referred to as WFD), a Massachusetts corporation having its principal place of business at 140 Main Street, Wenham, Massachusetts 01984.

WHEREAS, CAS is licensed as an Advanced Life Support (ALS) ambulance service provider in Massachusetts and

WHEREAS, WFD may, in order to utilize all potentially lifesaving resources available to persons under their care, call upon CAS for ALS assistance; and

WHEREAS, CAS has agreed to provide such ALS services, when resources to provide such services are available; and

WHEREAS, Medicare and certain other payors will only reimburse the transporting service for ALS when billed as part of a medically necessary transportation service charge;

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. For the purposes of this agreement:
  - (a) "Requestor" shall be defined as the party requesting ALS service from another licensed ambulance service.
  - (b) "ALS Provider" shall be defined as the party of whom a request for ALS service has been made.
2. ALS Provider agrees to respond to the other party's requests to provide ALS services when the ALS Provider has available ALS resources. Such availability shall be determined at the sole discretion of the ALS Provider.
3. CAS also agrees to respond BLS unit's mutual aid to the Town of Wenham in the event their ambulance is already committed and/or out of service, when CAS has available BLS units.
4. When providing such ALS services, employees of the ALS Provider shall work in cooperation with the Requestor's employees to provide assessment, treatment and transportation consistent with all pertinent state regulations, regional guidelines and clinical protocols. When transportation is provided in the Requestor's vehicle, the ALS Providers employee or employees shall accompany the patient and provide appropriate care until the patient is delivered to the hospital and patient care responsibilities are transferred to hospital personnel.
5. The ALS Provider hereby authorizes the Transporting Service to submit claims to Medicare and certain other payors for ALS services rendered to Medicare and certain other payors recipients transported in the Requestor's vehicles under the care of the ALS Provider.
6. Both parties agree not to submit a separate claim for services rendered to a Medicare and certain other payors recipient or the Medicare or certain other payors recipient's Agent, or other Medicare or certain other payors recipient insurer for services rendered if such a claim has been submitted by the other party pursuant to this Agreement.
7. CAS will invoice WFD on the 10<sup>th</sup> of each month for services provided the prior month in which WFD submitted claims as the Transporting Service. WFD agrees to pay ~~\$400.00~~ 50% of all such monies collected to CAS for ALS services provided per patient for all claims that WFD billed as the Transporting Service.



8. Each party's relationship to the other shall be that of an independent contractor and nothing herein shall be construed as making either party an employee, partner or joint venture of the other. It is expressly understood that both parties shall be responsible for their own employees and shall make no claims to the other for work and vacation pay, sick leave or employee benefits of any kind.
9. The term of this Agreement shall be three (3) years beginning as of the Effective Date. Either party may terminate this Agreement at any time for any reason by giving written notice of sixty (60) days to the other party. The provisions of paragraphs 4, 5 and 6 shall survive the termination of the Agreement with respect to ALS services performed during the contract period.
10. Neither party will assign or transfer this Agreement, or any interest in this Agreement, without the prior written consent of the other party.
11. Each party will provide to the other evidence of insurance coverage of the kind and amounts the parties deem appropriate. Each party will provide to the other documentation of its legal authority to provide basic and advanced life support ambulance services.
12. The laws of the Commonwealth of Massachusetts shall govern this Agreement.
13. All notices hereunder shall be in writing and shall be deemed to be given when mailed by certified mail, postage pre-paid, addressed to the party at the address stated below, or such other address as such party may specify by written notice to the other party.

Town of Wenham  
138 Main Street  
Wenham, MA 01984  
Attn: Peter Lombardi  
Town Administrator

Cataldo Ambulance Service  
137 Washington Street  
P.O. Box 435  
Somerville, MA 02143

14. This Agreement shall serve as an addendum to the Ambulance Services Agreement between the two parties dated September 6, 2017 and may be amended only by written instrument executed by the authorized representatives of both parties.

**Town of Wenham**

\_\_\_\_\_  
Peter Lombardi  
Town Administrator  
Duly Authorized

\_\_\_\_\_  
Date

**CATALDO AMBULANCE SERVICE, INC.**

\_\_\_\_\_  
Dennis R. Cataldo  
Vice President, Cataldo Ambulance Service  
Duly Authorized

\_\_\_\_\_  
Date

## Compare \$400 Rate VS 50% Split

	ALS M/C	ALS Pri	PAY Atlantic
31-Mar	\$434.00		\$400.00
9-Apr		\$1,700.00	\$400.00
22-Apr	\$434.00		\$400.00
25-Jun	\$434.00		\$400.00
18-Jul	\$383.49		\$400.00
12-Jul	\$492.82		\$400.00
12-Jul	\$434.00		\$400.00
25-Jul	\$434.00		\$400.00
28-Jul	\$434.00		\$400.00
10-Aug	\$413.00		\$400.00
2-Sep		\$1,175.00	\$400.00
2-Sep	\$434.00		\$400.00
12-Sep		\$1,140.00	\$400.00
12-Sep		\$1,140.00	\$400.00
17-Sep		\$1,140.00	\$400.00
19-Sep	\$434.00		\$400.00
27-Sep	\$434.00		\$400.00
Totals	\$5,195.31	\$6,295.00	\$6,800.00

Total of Pri. And M/C =	<u>\$11,490.31</u>
\$400 Rate per call	<u>(\$6,800.00)</u>
Bal.	<u>\$4,690.31</u>

	\$11,490.31
Split 50%	<u>\$5,745.16</u>

**BOARD OF SELECTMEN MEETING**

*November 13, 2018*

**NEW BUSINESS**

**G.**

**Potential Approval of Side Letter of Agreement  
with AFSCME Regarding On-call Phones**

*(3 minutes)*

- Draft Motion
- Memo on Proposed Side Letter of Agreement Regarding DPW On-Call Phones from Peter Lombardi, Town Administrator, October 30, 2018

**BOARD OF SELECTMEN MEETING**

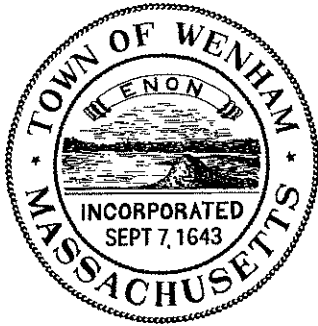
*November 13, 2018*

**DRAFT MOTION**

**Side Letter of Agreement with  
AFSCME**

- Vote: I move the Board of Selectmen approve the proposed side letter of agreement with AFSCME Council, Local 2905 regarding DPW on-call phones.

Seconded / Discussion/ Vote



# Town of Wenham

Town Hall  
138 Main Street  
Wenham, MA 01984

\_\_\_\_\_  
Selectmen / Town Administrator  
TEL 978-468-5520 FAX 978-468-8014

## MEMORANDUM

**TO:** AFSCME Council, Local 2905  
**FROM:** Peter Lombardi, Town Administrator  
**RE:** Side Letter of Agreement Regarding DPW On-Call Phones  
**DATE:** October 30, 2018

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During collective bargaining for the FY17-19 AFSCME contract, the Town and union mutually agreed to have the Town purchase and provide two new cellphones that have been specifically used by DPW employees who are assigned to standby sanding duties on any given week in the winter months (see Article 8, Section 5 of attached contract). These phones have been used for that purpose for the past two years. Earlier this fall, the union expressed an interest in discontinuing this arrangement and returning to the earlier practice of regional dispatch directly contacting such on-call DPW employees on their personal phones. This side letter shall serve to memorialize the fact that, with both the Town and the union agreeing to make this operational change, the union has agreed that they will not seek additional compensation in any form for the use of their personal phones.



**BOARD OF SELECTMEN MEETING**

*November 13, 2018*

**NEW BUSINESS**

**H.**

**Review and Potential Approval of Minor  
Modifications to Longfellow Road and South  
Street Road Repair Home Rule Petition**  
*(5 minutes)*

- Draft Motion
- Email regarding Potential Amendments to S.2662 Home Rule Petition from Hiram Shah, MA Senate, October 30, 2018
- Proposed Amendment to Longfellow Road and South Street Road Repair Home Rule Petition

**BOARD OF SELECTMEN MEETING**

*November 13, 2018*

**DRAFT MOTION**

**Minor Modifications to Longfellow Road and  
South Street Repair Home Rule Petition**

- Vote: I move to approve the proposed language amendments in the Longfellow Road and South Street Repair Home Rule Petition.

Seconded / Discussion/ Vote

## Peter Lombardi

---

**From:** Shah, Hiram (SEN) <Hiram.Shah@masenate.gov>  
**Sent:** Tuesday, October 30, 2018 4:34 PM  
**To:** Peter Lombardi  
**Cc:** Kenny, Chris (HOU); Hill, Brad - Rep. (HOU)  
**Subject:** FW: S. 2662  
**Attachments:** S2662 Amendment - REDLINE.docx; S2662 Amendment.docx

Hi Peter,

I hope all is well. Please see the below email from Senate counsel. Also, attached is the amendment redline so you can see the changes being made and the other attachment is the bill amended. If the board is okay with the changes, we would just need the certified vote with raised seal with the approval of the amendment. Thanks.

Hiram

---

**From:** Nable, Amy (SEN)  
**Sent:** Tuesday, October 30, 2018 3:42 PM  
**To:** Shah, Hiram (SEN)  
**Cc:** Rios, Brandon (SEN)  
**Subject:** S. 2662

Hi Hiram,

As we discussed yesterday, S. 2662 contains a lot of detail that is not in the home rule (which is fairly general in nature). Because the home rule is amendable, the Board of Selectmen must approve the additional provisions. I am attaching a draft amendment for the Board's approval. To expedite our review once this is approved by the Board, I have included our third reading edits in the amendment.

Please let me know if you have any questions or concerns.

Best regards,  
Amy

Amy L. Nable  
Senior Assistant Counsel to the Senate  
Office of Senate Counsel  
State House, Room 200  
Boston, MA 02133-1053  
Ph: 617-722-1470  
Email: [Amy.Nable@masenate.gov](mailto:Amy.Nable@masenate.gov)

Mr. Tarr moves to amend the bill by striking out all after the enacting clause and inserting in place thereof the following text:-

“SECTION 1. Notwithstanding section 6N of chapter 40 of the General Laws or any other general or special law to the contrary, the town of Wenham may: (1i) make permanent repairs and improvements to the private ways known as Longfellow ~~Roadroad~~ and South ~~Streetstreet~~, including, but not limited to, improvements to grading, drainage, paving and resurfacing; (2ii) appropriate and expend funds ~~therefor; for those repairs~~ and (3improvements; and (iii) assess betterments.

SECTION 2. Notwithstanding any general or special law to the contrary, the town of Wenham may borrow, ~~from time to time,~~ such sums as may be necessary to make repairs and improvements to Longfellow ~~Roadroad~~ and South ~~Streetstreet~~ within the town. Each authorized issue shall be payable ~~within~~not later than 20 years from its ~~issuance~~ date. Indebtedness incurred under this act shall not be included in determining the limit of indebtedness of the town under section 10 of chapter 44 of the General Laws and, except as provided ~~herein~~in this act, shall ~~otherwise~~ be subject to said chapter 44.

SECTION 3. The cost of the repairs and improvements and the borrowing authorized by this act shall be apportioned to and among the benefited property owners as a betterment pursuant to chapter 80 of the General Laws, using ~~such a~~ method ~~as may be~~ agreed to by the Wenham board of selectmen and a majority of the residents of Longfellow ~~Roadroad~~ and South ~~Streetstreet~~. The board of assessors, in consultation with the board of selectmen, may set the number of years for which a betterment may be assessed, which may be ~~for~~ fewer than 20 years for the private way improvements authorized by this act, notwithstanding the request of the owner of the land assessed. Except as otherwise provided ~~herein~~in this act, chapter 80 of the

General Laws shall apply to the assessments authorized in this act with respect to the assessment, appointment, division, interest, abatement and collection of such assessments. The town shall record appropriate orders to secure payment in the same manner as it acquires a lien for a betterment assessment pursuant to said chapter 80.

SECTION 4. This act shall take effect upon its passage..”

# BOARD OF SELECTMEN MEETING

*November 13, 2018*

## NEW BUSINESS

### I.

## Review of Conservation Commission's Original Order of Conditions and Reconsideration of Decision for Town to Plow Middlewood Drive

*(10 minutes)*

- Draft Motion
- Memo regarding Burley Street Comprehensive Permit 2004 from Peter Lombardi, Town Administrator, November 8, 2018
- Wenham Conservation Commission, Burley Street, LLC, Proposed Townhouse Development, Notice of Intent Decision and Record of Proceedings Under the Massachusetts Wetlands Protection Act
- Email regarding Cost for Potential Middlewood Trash Collection from Jack Manning, Division Manager, Casella, September 24, 2018
- Email regarding BOS Agenda to Discuss Potential Middlewood Snow Plowing and Possible Trash Pick-Up from John LeLacheur and Peter Lombardi, Town Administrator, August 17, 2018
- Meeting Minutes of the Board of Selectmen, December 5, 2017
- Memo regarding Follow Up Discussion of Proposed Policy for Snow Removal on Private Ways from Peter Lombardi, Town Administrator, December 1, 2017
- Letter to Residents of Longfellow Road, South Street, Woodside Lane, D'Ambrosio Way, Patch Avenue, Hickory Lane, Laurel Drive and Batchelder Park regarding Snow Removal Policy on Private Ways from Peter Lombardi, Town Administrator, January 3, 2018
- Letter to Residents of Toppan Lane and Nathaniel Circle regarding Snow Removal Policy on Private Ways, January 3, 2018
- M.G.L., c.40, § 6C: Powers and Duties of Cities and Towns: Removal of Ice and Snow from Private Ways; Conditions
- Email regarding Middlewood Plowing Request from Bill Tyack, DPW Director, October 12, 2017
- Zoning Board of Appeals Decision of the Application of Burley Street, L.C.C. For a Comprehensive Permit pursuant to G.L. c.40B, §§ 20-23 With respect to property located at 70 Burley Street, Filed with the Town Clerk, July 7, 2004
- Email regarding Middlewoods Peer Review from Margaret Hoffman, Planning Coordinator, August 21, 2018
- Email regarding Middlewood from Michael F. Clark, P.E., Associate, Design Consultants, Inc., February 21, 2018
- Letter regarding Detention Pond and Catch Basic Repairs for the Residences at Middlewood from Michael F. Clark, P.E., Associate, Design Consultants, Inc., February 8, 2018
- Letter regarding As-Built Plans for the Residences at Middlewood from Michael F. Clark, P.E., Associate, Design Consultants, Inc., December 26, 2017



# BOARD OF SELECTMEN MEETING

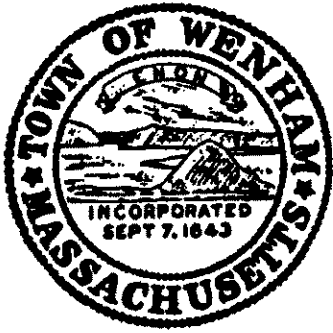
*November 13, 2018*

## DRAFT MOTION

### Reconsideration of Decision to Remove Snow from Middlewood Drive

- **Vote:** I move the Board rescind its vote of October 25, 2018. Based on the conditions outlined in the Order of Conditions, the Town will not remove snow from Middlewood Drive.

Seconded / Discussion/ Vote



# Town of Wenham

Town Hall  
138 Main Street  
Wenham, MA 01984

Selectmen / Town Administrator  
TEL 978-468-5520 FAX 978-468-8014

## MEMORANDUM

TO: Board of Selectmen  
FROM: Peter Lombardi, Town Administrator  
RE: Review of Conservation Commission's Original Order of Conditions for  
Burley Street LLC Comprehensive Permit and Reconsideration of Decision to  
Plow Middlewood Drive  
DATE: November 7, 2018

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Following up on the Board's decision at your September 25, 2018 meeting to begin plowing Middlewood Drive this coming winter, additional information has been brought to my attention that I believe merits consideration. Specifically, upon review of the Order of Conditions (OOC) imposed by our Conservation Commission for this development and after discussing two of the conditions outlined in Finding 41c ("Snow Management") with the DPW Director, there is no way that the Town can assume responsibility for plowing this private way while also adhering to the conditions imposed by one of our land use boards.

Specifically, while the OOC calls for a maximum 10% salt mix, the Town currently uses a 50/50 sand/salt mix and there is no reasonable way that we could change our practice to meet this standard. In addition, 41c also states in relevant part that "snow shall not be plowed into the wetlands at any time". Again, the DPW cannot with any certainty guarantee full compliance with this provision.

As a reminder, according to the conditions of the 2004 comprehensive permit that led to the construction of Middlewood Drive (see page Section D: Other Conditions on page 9 of the attached document), the Town is not obligated to provide snow removal services to residents on this private way but was given the option to offer these services if we elected to do so. Accordingly, any decision made by the Board to either plow or not plow this particular private way does not have any bearing on the overall policy that the Board adopted last year regarding the Town's plowing of certain private ways.

**WENHAM CONSERVATION COMMISSION  
BURLEY STREET, LLC  
PROPOSED TOWNHOUSE DEVELOPMENT  
NOTICE OF INTENT DECISION  
AND RECORD OF PROCEEDINGS  
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT**

DEP File No:	(326-0248)
APPLICANT:	Burley Street, LLC One Rear Newbury Street Peabody, MA 01960
PROPERTY LOCATION:	Off Burley Street Assessor's Map 33, Lot 1
PROJECT DESCRIPTION:	M.G.L. c. 40B comprehensive permit to construct 20 two-bedroom condominium units on 7.2 acres of land.
JURISDICTIONAL WORK	Work proposed under the jurisdiction of the MA Wetlands Protection Act includes the following: construction of parts of the common driveway and sidewalks accessing all units, 10 of the 20 units and the supporting infrastructure, and ) stormwater management structures associated with the entire project. A septic system is also shown on the plans, but no details on the system, including grading, were ever submitted.
OWNER:	Philip S. Singleton 12 Charing Cross Lynnfield, MA 01940
DATES OF LEGAL NOTICES:	Original notice was advertised in the <u>Hamilton-Wenham Chronicle</u> on January 1, 2004, and abutters were notified by mail.
DATES OF HEARINGS:	The original hearing was held on January 12, 2004. Additional hearings were held on January 26, 2004, February 9, 2004, March 8, 2004, March 22, 2004, May 10, 2004, May 24, 2004, June 14, 2004, July 12, 2004, July 26, 2004 and August 9, 2004. Site

visits occurred on February 26, 2004, July 8, 2004  
and August 3, 2004.

MEMBERS PRESENT:

Patrick Wilson, Commissioner;  
Leo Mastranzi, Commissioner;  
William Wagner, Commissioner;  
Roland Bonnette, Commissioner;  
Robert Burnett, Commissioner  
Jamie White, Commissioner; and  
Malcolm Reid, Commissioner.

I, Geralyn Falco, Conservation Director, hereby certify that the following is a detailed record of all its proceedings relevant to the application of burley Street, LLC, for an Order of Conditions under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40) for property located off Burley Street.

---

Geralyn Falco, Conservation Coordinator (staff member)

The Applicant proposes to access and construct 20 two-bedroom condominium units as described in the Notice of Intent and supporting documentation which consists of:

1. A Notice of Intent entitled "Plan of Land in Wenham, MA-revised" prepared by John R. Keilty, Esquire, received December 23, 2003. Attached plans include: "Site Development Permit Plan Proposal Townhouse Development, Wenham, Massachusetts (Sheets 1-7)", prepared by Eastern Land Survey Associates, Inc. and signed by Christopher R. Mello, PLS and Clayton A. Morin, P.E dated August 27, 2002 and revised December 10, 2003.
2. The plans, entitled "Site Development Permit Plan Proposal Townhouse Development, Wenham, Massachusetts (Sheets 1-7)", prepared by Eastern Land Survey Associates, Inc. and signed by Christopher R. Mello, PLS and Clayton A. Morin, P.E. and dated August 27, 2002 and revised December 10, 2003 and June 3, 2004.
3. The plans, entitled "Site Development Permit Plan Proposal Townhouse Development, Wenham, Massachusetts (Sheet 5-6)", prepared by Eastern Land Survey Associates, Inc. and signed by Christopher R. Mello, PLS and Clayton A. Morin, P.E. and dated August 27, 2002 and revised December 10, 2003 and June 3, 2004 and July 14, 2004.

Appendix A  
DEP#326-0248

4. Letter dated 8-09-04 re: restoration of temporary disturbance to wetlands adjacent to road construction area from Wetlands & Land Management, Inc (Bill Manuel).
5. Letter dated 7-15-04, from Eastern Land Survey cc: of Letter to George Zambouras.
6. Wetland Replication Plan (at meeting) dated 7-12-04.
7. Letter dated 07-09-04 from John Keilty re: "limited project" issue.
8. Letter dated 06-24-04 from John Keilty re: 7-8-04 site visit & request for continuation of Public Hearing.
9. Letter dated 06-21-04 and Plan of Parcel A.
10. Letter dated 06-16-04 and copy of Conservation Restriction over Parcel A.
11. Letter dated 06-14-04 and Wetland Replication Plan (dated April, 2004 revised June 10, 2004) from Wetlands and Land Management, Inc.
12. E-mail dated 06-08-04 of Replication Plan (dated April 2004).
13. Letter dated 06-03-04 from John Keilty; response to John Hamilton's letter of May 24, 2004.
14. Letter dated 05-26-04 from Eastern Land Survey to Derek Standish (DEP) addressing issues.
15. Letter dated 04-07-04, Request for continuance by John Keilty to May 3, 2004.
16. Letter 03-22-04, Request for continuance by John Keilty to April 12, 2004.
17. Letter dated 03-08-04, Request for continuance by John Keilty to March 22, 2004.
18. Letter dated 02-25-04 from Bill Luster with check for \$4500 to pay contractor.
19. Letter dated 12-23-04, NOI submitted to Conservation Office.

**I. APPLICATION**

On January 12, 2004 the Notice of Intent was presented to the Commission. Additional components of the application were added as received.

## **II. NOTICE**

A notice of public hearing, attached hereto as attachment "B," was published, posted and mailed to the "Parties in Interest" as indicated below:

- A. Published in the Hamilton-Wenham Chronicle on January 1, 2004,
- B. Posted in a conspicuous place in the Town Hall on January 8, 2004;
- C. Mailed by the applicant on December 23, 2003 and again on January 7, 2004, by certified mail, return receipt requested, to abutters and owners of land within 100 feet of the property line as named in the certificate from the Assessors.

## **III. HEARINGS**

On January 12, 2004, a hearing was held at the Recreation Building on School Street in Wenham, at which time all those interested were given an opportunity to be heard. The Hearing was continued to January 26, 2004 at the Buker School on School Street in Wenham.

All interested parties were given an opportunity to be heard at the January 26, 2004 hearing and it was continued to February 9, 2004 at the Buker School on School Street in Wenham.

All interested parties were given an opportunity to be heard at the February 9, 2004 hearing and it was continued to March 8, 2004 at the Buker School on School Street in Wenham.

The March 8, 2004 hearing and it was continued to March 22, 2004 at the Buker School on School Street in Wenham.

The March 22, 2004 hearing and it was continued to April 12, 2004 at the Buker School on School Street in Wenham.

The April 12, 2004 hearing and it was continued to May 10, 2004 at the Buker School on School Street in Wenham

All interested parties were given an opportunity to be heard at the May 10, 2004 hearing and it was continued to May 24, 2004 at the Buker School on School Street in Wenham.

All interested parties were given an opportunity to be heard at the May 24, 2004 hearing and it was continued to June 14, 2004 at the Buker School on School Street in Wenham.



All interested parties were given an opportunity to be heard at the June 14, 2004 hearing and it was continued to July 12, 2004 at the Recreation Building on School Street in Wenham.

All interested parties were given an opportunity to be heard at the July 12, 2004 hearing and it was continued to July 26, 2004 at the Recreation Building on School Street in Wenham.

All interested parties were given an opportunity to be heard at the July 26, 2004 hearing and it was continued to August 9, 2004 at the Recreation Building on School Street in Wenham.

All interested parties were given an opportunity to be heard at the August 9, 2004 meeting, and the Hearing was closed to submissions of additional information and testimony.

In addition to those listed above, the Commission received the following written submissions:

A. Submittals From Town Officials and Agents.

1. Letter dated 07-21-04 from Atlantic Engineering (George Zambouras) re: review of 7-15-04 letter from Eastern Land Survey.
2. Letter dated 07-12-04 from Atlantic Engineering (George Zambouras) stating that he had received supplemental information from Eastern Land Survey re: Operations & Maintenance of Stormwater Management Facilities, which satisfied his concerns of past letter to them.
3. Letter dated 06-24-04, Technical Review #3 from Atlantic Engineering (George Zambouras).
4. Letter dated 06-04-04 from David Geikie (Planning Board) answering questions from Patrick Wilson of June 2, 2004.
5. Letter dated 05-24-04 Technical Review #2 from Atlantic Engineering (George Zambouras).
6. Letter dated 05-19-04 from Danvers DPW re: water issues on Wellesley Road.
7. Memo dated 05-13-04 from the permitting secretary to James Westra (Zoning Board of Appeals) re: issues on 70 Burley Street.

Appendix A  
DEP#326-0248

8. Letter dated 05-06-04 from Atlantic Engineering (George Zambouras) stating that he needs more time to review because information submitted was incomplete and not received in a timely fashion.
9. Letter dated 04-22-04 Memo from Geralyn Falco to Zoning Board of Appeals re: up-to-date of activities with WCC & Burley St LLC.
10. Letter dated 03-17-04 from Atlantic Engineering (George Zambouras) requesting to wait for more information before submitting further review document.
11. Contract dated 02-16-04 with Atlantic Engineering.
12. Letter dated 02-12-04 to John Keilty re: contractor Wenham Conservation Commission chose with a request for \$4500 payment.

B. Submittals from Neighbors and Their Representatives.

1. Letter dated 08-09-04 from John Hamilton with abutters' concerns.
2. Letter dated 07-12-04 from John Hamilton with abutters' concerns.
3. Letter dated 06-28-04 from Mike DeRosa, environmental consultant.
4. Letter dated 05-24-04 from John Hamilton with abutters' concerns.

IV. **BACKGROUND**

The site is approximately 7.2 acres of wooded, undeveloped land. In 1980, the Owner of the land submitted a Notice of Intent to construct a home, with a driveway off of Lester Road in Danvers (DEQE#326-0023). Under an Order of Conditions, issued in June, 1980, the driveway was constructed and crossed an intermittent brook with an 18" culvert. The Order of Conditions expired before the home was built. In 1983, the Owner of the land submitted a Notice of Intent to construct an eight (8) foot wide gravel driveway off of Burley Street to join the existing wood road on the property, crossing the wetlands in one area and received an Order of Conditions for the project (DEQE#326-0039). In November, 2001, the Owner requested and obtained a Certificate of Compliance for this project, which allowed the Owner to increase the width of the driveway to twelve (12) feet. In December, 2001, the Owner submitted an Abbreviated Notice of Resource Area Delineation (DEP#326-0216) for the site and received an Order of Resource Area Delineation from the Wenham Conservation Commission in April, 2002.

The Applicant proposes to develop this land pursuant to M.G.L. c. 40B. It proposes to construct ten (10) 2-unit townhouses, a roadway to access these townhouses and a septic system to handle the entire development. Applicant has

proposed access off of Burley Street with a 20' wide paved driveway plus adjoining 3' wide sidewalk, which will cross the wetlands in two areas. The first crossing is approximately 258 feet from Burley Street and was culverted during past driveway construction. The second crossing will be accommodated by a cantilevered bridge in order to lessen the impacts to the wetlands and is located on the northwest edge of the property, adjacent to the Wenham-Danvers line. Two stormwater management facilities have been designed to handle the runoff from the site and both have been found to comply with the performance standards of the WPA. These detention areas are located in the northwest portion of the property adjacent to the wetlands. The buildings on the site are proposed to be placed as close as 20 feet from the wetlands boundary. In some places, no barrier exists between the building and the wetlands. In the southwestern area, a boulder retaining wall will separate the wetlands from the dwellings. The septic system will contain a large sewage absorption system which is proposed (but not yet approved by the Board of Health) to be 52 feet from the wetland resource area.

## V. FINDINGS

Based on the information submitted, the Commission makes the following findings:

1. Work proposed under the jurisdiction of the MA Wetlands Protection Act includes the following: construction of parts of the common driveway and sidewalks accessing all units, 10 of the 24 units and the supporting infrastructure, the septic system, and stormwater management structures associated with the entire project.
2. The Applicant checked the box for Limited Project eligibility for the widening of the existing driveway. The Applicant also stated that no alternate access exists. The Commission finds that alternate access does exist by way of Lester Road in Danvers.
3. The Commission has determined, after considering all submittals and testimony, that the area and work proposed in this application is significant to interests listed above *in the Order of Conditions* in the Massachusetts Wetlands Protection Act G.L., Chapter 131, Section 40. The Commission finds that the proposal as presented to the Commission can be divided into three sections which will be treated separately: 1) widening of the driveway over the wetlands at the northwestern edge of the property where the wetlands had previously been crossed (to the cul-de-sac), 2) construction of the buildings and septic system within the 100' buffer zone to the wetlands, and 3) access to the property from Burley Street.

### Section One

4. The widening of the driveway over the wetlands can be conditioned to meet the performance standards of the Massachusetts Wetlands Protection Act G.L., Chapter 131, Section 40 and was therefore approved by the Commission.

Section Two

5. The construction of the townhouses on the site can be conditioned to meet the performance standards of the Massachusetts Wetlands Protection Act G.L., Chapter 131, Section 40 and was therefore approved by the Commission. The construction of the septic system is specifically not approved due to the Applicant's failure to submit any details on the septic system other than its location.

Section Three

6. The access to the property from Burley Street does not meet the performance standards of the Massachusetts Wetlands Protection Act G.L., Chapter 131, Section 40 and is therefore denied by the Commission because an alternate access exists which would better serve the protection of the wetlands.

A. Applicant claimed "limited project status" for the proposal to widen the entrance off Burley Street. Pursuant to 310 CMR 10.53(3):

Notwithstanding the provisions of 310 CMR 10.54 through 10.58 and 10.60, the issuing authority may issue an Order of Conditions and impose such conditions as will contribute to the interests identified in M.G.L. c. 131, § 40 permitting the following limited projects [see: "(e)" below].... In the exercise of this discretion, the issuing authority shall consider the magnitude of the alteration and the significance of the project site to the interest identified in M.G.L. c. 131, § 40, the availability of reasonable alternatives to the proposed activity, the extent to which adverse impacts are minimized, and the extent to which mitigation measures, including replication or restoration, are provided to contribute to the protection of the interests identified in M.G.L. c. 131, § 40 (Emphasis added).

\* \* \*

(e) The construction and maintenance of a new roadway or driveway of minimum legal and practical width acceptable to the planning board, where reasonable alternative means of access from a public way to an upland area of the same owner is unavailable. Such roadway or driveway shall be constructed in a manner which does not restrict the flow of water. Reasonable alternative means of access may include any previously or currently available alternatives such as realignment or reconfiguration of the project to conform to 310 CMR 10.54 to 310 CMR 10.58 or to otherwise minimize adverse impacts on resource areas. The issuing authority may require the applicant to utilize access over an adjacent parcel of land currently or formerly owned by the

applicant, or in which the applicant has, or can obtain, an ownership interest. The applicant shall design the roadway or driveway according to the minimum length and width acceptable to the Planning Board, and shall present reasonable alternative means of access to the Board. The applicant shall provide replication of bordering vegetated wetlands and compensatory flood storage to the extent practicable.

\* \* \*

B. The Access Roadways Policy (No. 88-2) of the Department of Environmental Protection (DEP) states:

The issuing authority is not required to give approval to all projects filed under [the limited project] provision, but should examine the facts and determine whether the project qualifies as a limited project.

\* \* \*

- C. The proposed project is not a "limited project." The most closely analogous type of limited project is the one described in sub-section (e). The proposed road widening does not fit into sub-section (e) because a reasonable alternative means of access was previously or is currently available off of Lester Road.
- D. The Applicant claims that Lester Road cannot be used to access the property because the lot immediately adjacent to Lester Road (shown on Plan "Cluster Subdivision Plan Lester Road Extension" prepared by Hancock Survey Associates and dated September 8, 1982 and Lot "Parcel A") has been encumbered by a Conservation Restriction. The Commission does not find this argument to be credible because the Conservation Restriction was never accepted by the Secretary of Environmental Affairs. Furthermore, the Applicant identified this Lot as an "Emergency Access" on Plans submitted to the Commission and to the Wenham Zoning Board of Appeals. Because there is nothing within the CR that differentiates between regular access and emergency access, the Commission finds that if the entrance off of Lester Road can be used for emergency access then it can be used for regular access.

7. The Applicant has also argued that access off of Burley Street is acceptable because any alteration to the wetlands is "temporary." Under the regulations governing Bordering Vegetated Wetlands, specifically 310 CMR 10.55(4)(a), work is prohibited in a bordering vegetated wetland that would "destroy or otherwise impair any portion" of it. The language in the regulation, "destroy or otherwise impair," does not suggest a concept of temporary disturbance or impairment, nor are there any cases using such a reference to a concept of temporary disturbance. Therefore, because an alternative means of access

exists, the Commissions finds that the proposed Burley Street access fails to meet applicable standards.

**1-17. See General Conditions in DEP form: WPA Form 5-Order of Conditions.**

**III. Special Conditions Under MGL c.131 §40**

18. This Order of Conditions is issued under MGL c.131 §40.

**Conditions 19 through 22 inclusive shall be completed prior to any construction activity on the site:**

19. This Order of Conditions must be recorded at the Registry of Deeds, Registry Grantor Index and/or registered in the Land Court Certificate of Title as specified in General Condition #8 on page 3 of 7 of Form 5 of this Order. The recording information shall be submitted either in person or by certified mail to the Wenham Conservation Commission (hereinafter referred to as the Commission) before any work is undertaken at the site, or within 30 days of issuance, whichever comes first.
20. This Order shall be made a part of the Contractor's written contract. The Applicant shall notify the Commission in writing of the name(s), address(es) and telephone number(s) of the on-site construction supervisor(s) authorized to coordinate construction to ensure compliance with this Order during work on the site.
21. All other necessary permits shall be obtained and the Commission furnished with copies or other certification, including but not limited to a Board of Health Permit for a septic system and a Building Permit for all proposed work on this site.
22. Prior to any activity on the site, the Applicant shall survey and mark on the site, (with flags, stakes or other appropriate markers) the wetlands boundary as detailed in the Order of Resource Area Delineation (DEP#326-0216). In addition, permanent boundary markers shall be placed around the perimeter of the property. These permanent markers shall be placed at each change in direction of the boundary line and be no farther apart than one hundred (100) feet. Applicant shall mark all limits of work to minimize unnecessary disturbance of soils and vegetation. Applicant shall also post the DEP sign at the entrance to the site at both the Burley Street side and the Danvers (Lester Road) side, then notify the Commission and arrange an on-site conference including the Commission or its agent, the Contractor, and the Applicant to ensure that all of the Conditions of this Order are understood.

**Conditions 23 through 41 inclusive shall apply during and after construction:**

23. A copy of this Order, including all referenced documents and plans and all other approvals and directives issued by the Commission, shall be available for inspection and reference at the site during construction.



24. The provisions of this Order shall apply to and be binding upon the Applicant, its employees, and all successors and assignees in interest or control. The Commission shall be notified in writing at the time of all transfers of title on this property prior to the issuance of a Certificate of Compliance.
25. All work must conform to the final approved site plans, the Notice of Intent, and the Findings in Appendix A of this Order. The Applicant shall remove as few trees as is feasible for the Project. The drainage on and off the property shall remain as it originally existed. Any deviations, additions, modifications, or revisions made or intended to be made from the plans submitted shall require the written inquiry of the Commission whether the change is substantial enough to require an amendment of the Order of Conditions.
26. If Applicant discovers that any plan, calculation, or other data presented to the Commission is in error or has omissions, it shall immediately report said error or omission to the Commission. If the Commission is notified of said error or omission, or discovers an error or omission on its own, it may order the Applicant to stop work immediately. If said error or omission is deemed significant by the Commission, all work will cease at the site until the discrepancies have been rectified to the Commission's satisfaction.
27. Sedimentation barriers shall be placed as shown on the plan. No work shall take place beyond the sedimentation barriers. All sedimentation barriers and limit of work markings shall remain in place and shall be repaired and/or augmented as necessary to prevent sedimentation of wetlands until all disturbed areas have been stabilized and the Commission or its agent has approved their removal. If hay bales are used, they shall have two stakes per bale.
28. No vehicle or machinery shall enter the wetlands or any area between the wetlands and the erosion control barrier/limits of construction. During and after construction, there shall be no discharge of or spillage of fuel, oil, or other pollutants into the resource area or buffer zone. Servicing of equipment (e.g., fueling, changing, adding, or applying lubricants or hydraulic fluids) must be done outside of the buffer zone. Equipment must be maintained to prevent leakage or discharge of pollutants.
29. If, during construction, any materials fall beyond the sedimentation barriers or limits of work, said materials shall be removed by hand within twenty-four hours. Any damage or alteration of the wetlands caused by said materials shall be corrected as required by the Commission.
30. All debris shall be removed from the site and disposed of properly. All earth materials and construction materials shall be stockpiled outside of the buffer zone. Stockpiled materials and exposed soils shall be prevented from eroding and causing sedimentation in the wetlands. Any soil that will be exposed for more than 20 days shall be mulched or otherwise treated to prevent erosion.
31. As soon as possible during construction and grading, each disturbed area shall be permanently stabilized against erosion. This shall be done either by sodding or by

loaming, seeding, and mulching according to Soil Conservation Service standards. Stabilization will be considered complete once the surface shows complete vegetative cover.

32. Foundations for all structures shall be located in conformance with the plans, including conforming to top foundation elevations, approved by this Order. A certified "as-built" plan prepared by a professional civil engineer or land surveyor, registered by the Commonwealth, shall be submitted to the Commission prior to construction of any structure on said foundations. Certified plot plans are acceptable, however, top of foundation elevations shall be shown on the plans. Said construction shall not proceed unless written approval of the Commission is received. Notwithstanding this paragraph, any proposed change in location shall be considered a departure from the plans described in this Order.
33. The Commission designates the Conservation Coordinator as its administrative agent with full powers to act on its behalf in administering and enforcing this Order, except the Administrator shall not approve Plan Changes or Certificates of Compliance.
34. Members of the Commission and their agents reserve the right to enter the premises to inspect and evaluate compliance with the Order and state wetlands law, and to require the submittal of any further data or information deemed necessary by the Commission for evaluation of compliance.
35. This Order shall expire three years from the date of issuance. A request for extension of this Order shall be submitted by certified mail or hand delivery at least 30 days prior to the expiration date.
36. Upon completion of the project, the Applicant shall request in writing, a Certificate of Compliance from the Wenham Conservation Commission. The request for a Certificate of Compliance shall be submitted by Certified Mail and,

This request shall be accompanied by, but not limited to, a written report, signed and stamped by a Massachusetts Registered Professional Engineer or Land Surveyor stating that the work was done in accordance with the approved plan(s) and Order of Conditions. If the completed work differs from that in the original plan(s) and conditions, the report must specify how the project differs.

Certified "as-built" plans for the project must be submitted. These plans shall contain the following certification:

"I certify that these plans conform to the criteria and conditions as submitted and approved. I further certify that these plans represent an as-built condition."

-----  
R.L.S. or P.E.

37. When issued, the Certificate of Compliance must be recorded at the Registry of Deeds and/or registered in the Land Court, and evidence of same shall be submitted to the Commission within 30 days.

Conditions (36 through 41) of this Order of Conditions shall run with the title of the property and shall survive the issuance of a Certificate of Compliance. Failure to observe any of the following Conditions will constitute a violation of the Order and will be subject to enforcement:

38. To protect drinking water quality and maintain wildlife habitat, no mowing or cutting of vegetation shall take place within 20 feet of any bordering vegetated wetland boundary on or off the property, except as needed for maintenance of detention basin.
39. Fertilization of landscaped areas can be a significant source of excess nutrient to adjoining wetland resource areas. No fertilizer shall be applied within 50 feet of the wetland resource areas on or off the property.
40. The person (s) identified as responsible for long-term maintenance of the roadway and drainage structures in the documents approved by the Commission under Condition 17 of the Order of Conditions shall inspect and maintain the roadway and drainage structures in accordance with the plan approved by the Commission under Condition 16 of the Order of Conditions. If the person (s) identified as responsible fail to act in accordance with the approved plan, the Owner of the roadway right-of-way shall inspect and maintain the roadway and drainage structures in accordance with the plans
41. The following inspection and maintenance activities shall be conducted annually:
  - a. Street sweeping and road surface – In the spring, immediately after the winter snowmelt, all road sand and other accumulated sediments and debris shall be swept from the paved roadway and driveway surfaces. The use of a vacuum-type sweeper is preferred. Pavement and curbing shall be inspected and repaired as needed.
  - b. Catch basin cleaning - In the spring, immediately after the winter snowmelt, all road sand and other accumulated sediments and debris shall be removed from the catch basin. Cleaning shall be repeated at least three (3) times during the year. The use of vacuum-type cleaner is preferred. Catch basin and associated pipes shall be repaired as needed.
  - c. Snow management – If de-icing chemicals are applied to the road surface, calcium chloride or calcium magnesium acetate are preferred to sodium chloride (road salt). If sodium chloride is used, it shall be mixed with sand in a concentration no greater than 10% and applied sparingly. Uncovered storage of salt is forbidden by MGL, Ch, 85, Sec. 7A in areas that threaten water supply. Plowed snow shall be placed on grassed or other pervious areas where it will slowly infiltrate as it melts. Snow shall not be plowed into the wetlands at any time.
  - d. Culverts – Culverts shall be visually inspected in the spring and fall, shall be kept free of debris and sediments, and shall be repaired as needed

- e. Detention basins- The detention basins shall be inspected annually during a rain storm to determine whether the stormwater drained in the basin is discharged in 72 hours after the storm. (This is necessary to assure that the basin is ready to detain the next storm.) The outlet structure and basins shall be inspected in the spring and any debris or sediments shall be removed manually. The rip-rap pad below the outlet shall be inspected annually, accumulated sediments shall be removed manually, and any displaced stones shall be replaced. If any erosion has occurred below the rip-rap, it shall be repaired under the direction of the Wenham Conservation Commission. Vegetation shall be watered, pruned, limed, and weeded as needed to maintain adequate growth and density of vegetation to decrease the flow rate of runoff and remove sediments. Maintenance shall include mowing at least once per year when basins are dry to a height no shorter than 4 inches. Basins shall be inspected for subsidence, erosion, cracking, tree growth, or other signs of instability and repaired as needed.
- f. Disposal – All sediments, debris, and trash removed from the roadway and drainage structures shall be disposed of in a location where they will not be washed into the drainage structures or wetlands.
- g. Emergencies - Release of hazardous materials on the site shall be reported immediately upon discovery to the Wenham Conservation Commission, the Wenham Police, and the Wenham Fire Department, as well as to appropriate officials in Danvers and in the Massachusetts Department of Environmental Protection. Said materials shall be removed under the direction of these officials.

#### **END OF CONDITIONS**

## Peter Lombardi

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**From:** Jack Manning <Jack.Manning@casella.com>  
**Sent:** Monday, September 24, 2018 10:17 AM  
**To:** Erin Banfield; Peter Lombardi  
**Cc:** Archie St.Hilaire; Richard Doucette  
**Subject:** RE: Agenda- Wenham, MA

Erin/Peter,

Wenham's billing for collection is currently \$24.4k for a projected 1,300 homes or \$18.90 per household.

If we're adding another 20 homes, add \$380 month or \$24.8k per month for weekly curbside collection of MSW, ZS Recycle & Compost.

Questions let me know.

**Regards,**

**Jack Manning**  
Division Manager  
Casella Waste Systems, Inc.

295 Forest Street, Peabody, MA 01960  
p. 978.817.3306 | c. 781.844.6131 | f. 978.535.6937

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**From:** Erin Banfield  
**Sent:** Monday, September 24, 2018 9:49 AM  
**To:** Jack Manning <[Jack.Manning@casella.com](mailto:Jack.Manning@casella.com)>  
**Cc:** Archie St.Hilaire <[Archie.StHilaire@casella.com](mailto:Archie.StHilaire@casella.com)>  
**Subject:** RE: Agenda- Wenham, MA

Morning Jack-

Just following up on email below- are you able to get a number over to Peter this afternoon? Let me know if there is anything we can do.

Thanks,  
Erin

**Erin Banfield**  
Business Development Manager  
Casella Waste Systems, Inc.

1 Vallee Lane  
Old Orchard Beach, ME 04064

603.327.9098

**From:** Erin Banfield  
**Sent:** Friday, September 21, 2018 12:41 PM  
**To:** Jack Manning <[Jack.Manning@casella.com](mailto:Jack.Manning@casella.com)>  
**Cc:** Archie St.Hilaire <[Archie.StHilaire@casella.com](mailto:Archie.StHilaire@casella.com)>; 'Peter Lombardi' <[PLombardi@wenhamma.gov](mailto:PLombardi@wenhamma.gov)>  
**Subject:** RE: Agenda- Wenham, MA

Hi Jack,

It does not look like we are currently providing service to the Middlewood Drive subdivision. Could you put together some pricing to add the 20 stops to the Wenham route by Monday for Peter?

Thank you,  
Erin

**Erin Banfield**  
Business Development Manager  
Casella Waste Systems, Inc.

1 Vallee Lane  
Old Orchard Beach, ME 04064  
603.327.9098

**From:** Peter Lombardi <[PLombardi@wenhamma.gov](mailto:PLombardi@wenhamma.gov)>  
**Sent:** Friday, September 21, 2018 10:57 AM  
**To:** Archie St.Hilaire <[Archie.StHilaire@casella.com](mailto:Archie.StHilaire@casella.com)>  
**Cc:** Erin Banfield <[erin.banfield@casella.com](mailto:erin.banfield@casella.com)>  
**Subject:** FW: Agenda

Hello Archie,  
We have a 20-unit subdivision off Burley St (adjacent to the Beverly Airport) that is requesting refuse pick-up. Separate from our contract with you, do you provide this service to them now? If so, at what cost? If not, would you be looking for more \$ in order to add this street to your existing route? I couldn't find anything in our contract about how this situation would be handled. If you could let me know by COB on Monday that would be much appreciated – as the Board of Selectmen will be discussing this at their meeting on Tuesday night.

Thanks,  
Peter

Peter Lombardi  
Town Administrator

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

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**From:** John LeLacheur [<mailto:johnlelacheur@comcast.net>]  
**Sent:** Wednesday, August 15, 2018 1:23 PM  
**To:** Peter Lombardi  
**Subject:** Agenda



Peter is there a way to get onto the next Selectmen's Meeting Agenda to talk again about Middlewood Snow Plowing and possible trash pick-up? If so who should I contact?

John LeLacheur  
14 Middlewood Drive  
Wenham, MA 01984  
[johnlelacheur@comcast.net](mailto:johnlelacheur@comcast.net)

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## Peter Lombardi

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**From:** John LeLacheur <johnlelacheur@comcast.net>  
**Sent:** Friday, August 17, 2018 3:08 PM  
**To:** Peter Lombardi  
**Subject:** Re: Agenda

Thank you so much for your time and help with this. Please keep me informed

John G. LeLacheur  
Sent from my iPhone

On Aug 17, 2018, at 14:34, Peter Lombardi <[PLombardi@wenhamma.gov](mailto:PLombardi@wenhamma.gov)> wrote:

Hi Chief,  
As you will recall, this issue was left unresolved when last discussed by the Selectmen at their December 5 meeting – see link to minutes from that meeting:  
[http://www.wenhamma.gov/town\\_government/docs/BOS%20A%2012%205%2017.pdf](http://www.wenhamma.gov/town_government/docs/BOS%20A%2012%205%2017.pdf). I have also attached my memo to the Board relative to the overall topic of the Town plowing of private ways prior to that meeting. I believe that the Town may have since received the full set of as builts but need to confirm with the Planning Dept.  
The Board is meeting next Tuesday night (that agenda has already been posted and is expected to be a 3+ hour meeting). They next meet on Sept 11 and already have a pretty packed agenda that night as well. I recognize that you are probably trying to get your plowing contract in place early this fall and will check with the Board Chair about when we might be able to get this on an agenda.  
Thanks,  
Peter

Peter Lombardi  
Town Administrator

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

---

**From:** John LeLacheur [<mailto:johnlelacheur@comcast.net>]  
**Sent:** Wednesday, August 15, 2018 1:23 PM  
**To:** Peter Lombardi  
**Subject:** Agenda

Peter is there a way to get onto the next Selectmen's Meeting Agenda to talk again about Middlewood Snow Plowing and possible trash pick-up? If so who should I contact?

John LeLacheur  
14 Middlewood Drive

TOWN OF WENHAM  
Board of Selectmen  
Meeting Minutes of December 5, 2017  
138 Main Street, Town Hall

Pursuant to the Open Meeting Law, M.G.L. Chapter 30A, §§ 18-25, written notice posted by the Town Clerk delivered to all Board members, a meeting of the Board of Selectmen (BOS) was held on Tuesday December 5, 2017 at 6:30 pm in the Selectmen Chambers.

**Welcome & Call to Order**

With a quorum present, Mr. Wilhelm called the BOS meeting to order at 6:30 pm

Selectmen present: Jack Wilhelm, Chair; Catherine Harrison, Vice Chair

Not present: John Clemenzi, Clerk

Also, Present: Peter Lombardi, Town Administrator; Catherine Tinsley, Recording Secretary

Public Information:

This meeting was recorded with permission by HWCAM

➤ Meeting Packet

**PUBLIC INPUT:** Items not on the agenda

**ANNOUNCEMENTS**

- Loose Leaf Collection Update - The DPW will begin the second pass of loose leaf pick up on Thursday.
- Updates are posted on the Town's web site.
- Recycling Bins Available for Purchase - The 64-gallon recycle carts are available again at a cost of \$40; there is a limit of one per household.
- The Annual Town Hall Holiday Open House is Wednesday, December 20, 2017 from 3:00 – 4:30pm

The agenda was taken out of order.

Appointments\*

Memorandum of Agreement with Cataldo Ambulance Service for ALS (Advanced Life Support) Back-up\*

Proposed Wenham Fire Department Ambulance Fee Schedule\*

**REPORTS**

Town Administrator

Mr. Lombardi noted HWCAM updated the cameras in the Selectmen's Meeting Room high definition cameras. Viewers may find the picture clearer.

- Robert J. Brown Playground at Pingree Park - The structures from Themed Concepts were delivered, assembled, and installed last week. The engineered wood fiber (synthetic mulch) is scheduled to be delivered and set at the end of this week. While additional aesthetic site work will take place next spring, along with a formal rededication ceremony, we expect to be open to residents in the coming days. I'd like to recognize the entire Pingree Park Playground Committee; Sean Timmons; Bill Tyack, Jim Politano, and the DPW staff; and numerous other volunteers who helped bring this project together. As a reminder, \$65k of the funding for this project came from Hamilton & Wenham CPA Funds, \$5k was provided from the Joint Recreation Revolving Account, and the \$73k balance was raised by members of the Pingree Park Playground Committee through private donations.
- Resident Survey - Having been awarded up to \$20k in funding through this year's Community Compact program to cover the costs of a resident survey, we recently issued an RFP and expect bid submissions in by December 18. The solicitation was structured broadly enough that we can work with the selected consultant to refine the scope of work based on their proposal and the Town's input. We expect to begin work on this project in January, with results to be presented by the end of the fiscal year.

- Main Street Traffic Signal Assessment - Last week, MassDOT began the next round of data collection, assessing the need and feasibility of installing a traffic signal at one of three intersections on Main Street: Cherry Street, Monument Street, and Arbor Street/Friend Court. By conducting a Functional Design Report under this phase of work, the Central Transportation Planning Staff will determine if a signal is warranted based on traffic volume, turning counts, and accident rates. If the data does support moving forward, MassDOT will then recommend a preferred location and will also complete preliminary engineering and design for that selected intersection. The preliminary preferred location seems to be Cherry St.

#### Chair

Mr. Wilhelm mentioned that cell phone service is non-existent in areas of town, in particular West Wenham. Town Administrator acknowledged this had been an ongoing problem. Recently, he has had a few preliminary meetings with a cell tower vendor. There are not many parcels in the overlay district with good elevation for a cell tower. The runways from Beverly Airport limit the structures height within the area. The vendor will provide a map of the overlay district and what parcels they are interested in.

#### **NEW BUSINESS**

##### \*Appointments:

- Call Firefighter – Elizabeth McNeil
- Letter from Acting Chief Stephen Kavanagh, December 5, 2017

Acting Fire Chief Kavanagh was present to recommend Elizabeth McNeil as a probationary firefighter contingent on a CORI background check and a passing physical. Ms. McNeil is a certified EMT and has firefighter experience.

*Vote: Ms. Harrison moved, and it was seconded, to conditionally appoint Elizabeth McNeil as Call Firefighter for a term beginning December 5, 2017 and ending June 30, 2018. The motion carried unanimously.*

##### Annual Liquor License Renewals:

- Fresh Foods, LLC, DBA Wenham Tea House, Chris Keohane – 4 Monument Street
- Checklist for Annual Renewal
- ABCC Retail License Renewal – Restaurant, All Alcohol
- Application for Common Victualler's License
- Restaurant Layout
- 2017 Food Service Permit
- Proof of Employer's Liability Insurance
- Proof of Worker's Comp. Insurance
- Tips Certifications
- Check for \$1,500
- Inspection Letter from Chief Thomas Perkins, WPD
- Inspection Certificate from Charles Brett, Building Inspector
- Inspection Email from Captain Jeff Baxter, WFD
- Email from C. Keohane re Liquor License Renewal Question from P. Lombardi, December 5, 2017

Ms. Harrison explained that she would need to recusing herself from this agenda item as a member of the WVIS, owner of the Tea House, to avoid the appearance of a conflict. Therefore, with Selectman Clemenzi not present, the Board did not have a quorum to vote and held this to the December 19 meeting when a quorum was anticipated.

- Grassy Roots, LLC, Jenny Grammas – 152 Main Street
- Checklist for Annual Renewal
- ABCC Retail License Renewal – Package Store, Wines & Malt
- Application for Common Victualler's License
- 2017 Food Service Permit
- Proof of Employer's Liability Insurance
- Proof of Worker's Comp. Insurance

APPROVED 2.13.18

- Check for \$1,500
- Inspection Letter from Chief Thomas Perkins, WPD
- Inspection Email from Captain Jeff Baxter, WFD
- Inspection Certificate from Charles Brett, Building Inspector
- Letter regarding Grassy Roots inspection from Charles Brett, Building Inspector, December 5, 2017
- Email from Bobbie Cody, Assistant Health Agent

Due to a schedule conflict of the owner Ms. Grammas there was no one present for Grassy Roots.

*Vote: Mr. Wilhelm moved, and it was seconded, having met all State and Local Licensing requirements and paid all fees, the Board of Selectmen renew the Wine and Malt Beverages, Retail Liquor License held by Grassy Roots, LLC located at 152 Main Street, through December 31, 2018.*

Under discussion: There was no comments or questions.

*The motion carried unanimously.*

- 97 Market, Inc., Albert Abdelmalak – 143 Topsfield Road
- Checklist for Annual Renewal
- ABCC Retail License Renewal – Package Store, Wines & Malt
- Proof of Employer's Liability Insurance
- Proof of Worker's Comp. Insurance
- Tips Certifications
- Check for \$1,500
- Inspection Letter from Chief Thomas Perkins, WPD
- Inspection Certificate from Charles Brett, Building Inspector
- Inspection Email from Captain Jeff Baxter, WFD

Mr. Abdelmalak present.

*Vote: Mr. Wilhelm moved, and it was seconded, having met all State and Local Licensing requirements and paid all fees, the Board of Selectmen renew the Wine and Malt Beverages, Retail Liquor License held by 97 Market, Inc. located at 143 Topsfield Road through December 31, 2018.*

Under discussion: There were no comments or questions.

*The motion carried unanimously.*

Used Car Dealer License Renewals – Burnett's Garage; Fallon's Auto Service; Freeman's Garage

Mr. Lombardi informed the BOS as the local licensing authority, they have the option to limit sales to specific classes of vehicles. Ms. Harrison noted the license as printed is a Class II license but the town does not define what "cars" are and supported this be considered going forward for clarity and the definition of what a vehicle is be standardized. The Board may individualize each Used Car Dealer License.

- Burnett's Garage Inc. 60 Maple Street Class II Used Car Dealer License- Don Burnett
- Checklist for Annual Renewal
- Application for a License to Buy, Sell, Exchange or Assemble Second Hand Motor Vehicles or Parts Thereof
- Criminal Offender Record Information (CORI) Acknowledgement Form
- Proof of Worker's Comp. Insurance
- Proof of Automobile Liability Insurance & \$25,000 Bond
- Proof of Property Tax Payment
- Flammable Certificate Permit from the WFD
- Waste Oil Permit from the WFD
- Check for \$100
- Inspection Letter from Charles Brett, Building Inspector
- Email from Jeff Baxter, Captain, WFD
- Copy of 2017 License

Present: David Burnett

*Motion: Mr. Wilhelm moved, and it was seconded, having met all State and Local Licensing requirements and paid all fees the Board of Selectmen renew the Class II Used Car Dealer License held by Burnett's Garage located at 60 Maple Street through December 31, 2018.*

Under discussion.

Mr. Burnett confirmed he sells/works on mainly standard class D passenger vehicles and light trucks. There was no comments or questions from the public.

*Vote: The motion carried unanimously.*

- Fallon's Auto Service, Inc., 233 Main Street- John Fallon
- Checklist for Annual Renewal
- Application for a License to Buy, Sell, Exchange or Assemble Second Hand Motor Vehicles or Parts Thereof
- Criminal Offender Record Information (CORI) Acknowledgement Form
- Proof of Worker's Comp. Insurance
- Proof of Automobile Liability Insurance & \$25,000 Bond
- Proof of Property Tax Payment (placeholder)
- Flammable Certificate Permit from the WFD
- Waste Oil Permit from the WFD
- Check for \$100
- Certificate of Compliance Reinstatement, MA DOR, September 11, 2017
- Certificate of Compliance Revocation, MA DOR, September 7, 2017
- Inspection Letter from Charles Brett, Building Inspector
- Email from Jeff Baxter, Captain, WFD
- Copy of 2017 License

Present: John Fallon

*Vote: Mr. Wilhelm moved, and it was seconded, having met all State and Local Licensing requirements and paid all fees the Board of Selectmen renew the Class II Used Car Dealer License held by Fallon's Auto Service, Inc. located at 233 Main Street through December 31, 2018.*

Under discussion there was no public comment.

*The motion carried unanimously.*

- Freeman's Garage 34 Arbor Street- Edward Freeman
- Checklist for Annual Renewal
- Application for a License to Buy, Sell, Exchange or Assemble Second Hand Motor Vehicles or Parts Thereof
- Criminal Offender Record Information (CORI) Acknowledgement Form
- Proof of Automobile Liability Insurance & \$25,000 Bond
- Proof of Property Tax Payment
- Inspection Letter from Charles Brett, Building Inspector
- Copy of 2017 License
- WPD Officer Report for Incident 17WE04427, 03.17.17
- Kopelman and Paige Automobile Dealer Licensing Guide

Present: Edward Freeman

Mr. Wilhelm reported that prior to the meeting the BOS received a complaint and additional time is needed to review the reports before proceeding with the application.

The Selectmen deferred action to the December 19<sup>th</sup> meeting and confirmed that Mr. Freeman can attend that meeting. A hard copy of the complaints was provided to Mr. Freeman.

Mr. Freeman was asked if he dealt with Class D passenger vehicles. Mr. Freeman stated he did sell mostly passenger cars with the occasional class M (motorcycle).

The Building Inspector reported a school bus on the property. Mr. Freeman said the bus was a trade in for a specific request and he would not typically be selling busses.

One Day Liquor License

Kathy Feldman, Keefe Feldman Family 70th birthday party Wenham Museum, Saturday December 16, 2017

*Vote: Mr. Wilhelm moved, and it was seconded, to approve a One-Day (Wine & Malt Beverages) Liquor License for Kathleen Feldman for the Keefe-Feldman 70th Birthday Party to be held at the Wenham Museum, 132 Main Street from 4:00pm – 7:00pm on Saturday December 16, 2017. The motion carried unanimously.*

\*Memorandum of Agreement with Cataldo Ambulance Service for ALS (Advanced Life Support) Back-up

- Memo re Proposed Memorandum of Agreement with Cataldo Ambulance Service from P. Lombardi, December 1, 2017
- Proposed Memorandum of Agreement with Cataldo Ambulance Service for ALS Back-Up
- Agreement with Cataldo Ambulance Service, Inc. for ALS and BLS Service, September 6, 2017 – August 31, 2020

The Town has a 3-year contract with Cataldo Ambulance to provide emergency medical services for ALS calls Wenham Fire is involved in once the pilot program has begun. This is a supplemental agreement that the Town will bill the insurance company, at Cataldo rates of \$1350 and pay Cataldo \$400.

This is not expected to be a common occurrence.

*Vote: Ms. Harrison moved, and it was seconded, to approve the proposed 3-year Memorandum of Understanding with Cataldo Ambulance Service, Inc. establishing payment procedures for ALS transports involving Wenham Fire Department Response and authorize Peter Lombardi as Town Administrator to execute the Agreement. The motion carried unanimously.*

\*Proposed Wenham Fire Department Ambulance Fee Schedule

- Memo regarding Feasibility of Initiating Fire-based Basic Life Support Emergency Medical Services from Fire Chief Bob Blanchard, June 15, 2017
- Proposed Fire-Based EMS Rate Sheet, December 2017
- Cataldo Ambulance Service, Inc. & Atlantic Ambulance Service 2017 Private, MA Medicare & MassHealth Rates, 12.29.16

Acting Chief Kavanagh said he anticipates the Fire Department ambulance service to go live right after the holiday on January 2. The Department has all their medical procedures completed.

This fee schedule has been updated that the Town will bill ALS calls at Cataldo's rates.

*Vote: Harrison moved I move to adopt the proposed fee structure for Fire-based Basic Life Support Emergency Medical Services for the duration of the one-year pilot program. The motion carried unanimously.*

FY19 Budget Discussion

- Memo regarding Status of FY19 Administration Budget from P. Lombardi, December 1, 2017
- Email regarding Hamilton Wenham Regional School District (HWRSD) Budget Issues from P. Lombardi, December 1, 2017
- Letter from Maureen M. Marshall, Superintendent of Schools, Quabbin Regional School District to the Oakham Board of Selectmen and Finance Committee, September 14, 2011
- Letter from Jeff Wulfson, Associate Commissioner, Massachusetts Department of Elementary and Secondary Education to Raymond Riddick, Chairman, Nashoba Valley Technical School District, June 15, 2009
- Letter from Stephen J. Fannedgan, Esq., Massachusetts Association of School Committees, Inc. to Dr. Marguerite C. Rizzi, Superintendent of Stoughton Public Schools, January 11, 2011

Mr. Lombardi reviewed that the last time the FY19 budget was discussed was at a joint meeting with the Finance & Advisory Committee on October 10. At that time, based on town department budgets, the Town was \$630,000 over the levy limit. Since then some key items have changed and impacted the proposed FY19 Budget.

Mr. Lombardi went on to give a brief overview.

- Wenham's student enrollment is up as predicted; however, the Town of Hamilton's enrollment is higher than projected; this shift equates a \$110,000 savings to Wenham in FY19
- The HWRSD has surplus (FY17) Excess and Deficiency expected to be certified at \$345,000; Wenham's anticipated subsidy is \$115,000, decreasing the projected assessment.
- FY17 New Growth was certified higher than estimated; this provided an additional \$108,000 in FY19 levy capacity.
- FY17 Free Cash was certified \$232,000 higher than projected and provides alternative funding for capital needs.
- The prior year overlay surplus \$85,000 is available pending release by Board of Assessors
- The withdrawal from the GIC insurance is projected to save approximately \$100,000 of insurance premium costs

Based on these factors, the Town is now within \$208,000 of delivering a balanced budget.

The HWRSD Superintendent is due to release his preliminary budget on December 20 noting the Town's budget has a 3% increase placeholder for the School budget.



Mr. Lombardi went on to talk about budget strategy and proposed capital requests. Some capital is proposed in the operating budget and other capital would be paid for from one-time funding of Free Cash. Of importance he noted that the dependency on the use of Free Cash is problematic as Free Cash eventually would not be available.

Mr. Wilhelm summarized it has been debated in the past how the school district's budget has to be presented to town meeting and Town Counsel was asked to opine.

KP Law provided a lengthy opinion stating that the Town has the right to recommend a budget for the HWRSD to town meeting regardless if it does not agree with the budget adopted by the School Committee. However, the Town is obligated to publish the School's Department's recommended budget and allow the School to defend their budget at town meeting.

The School's budget must then be presented in its entirety, even the budget is separated in two articles; the budget does not have to be included in Article 1, even if there is an override.

This information will be shared with the HWRSD and the Town of Hamilton.

#### Discussion on Identification of Prioritized Theoretical Uses for Longmeadow Way Parcels

- Email from P. Lombardi, regarding Long Meadow Use Request, August 23, 2017
- Longmeadow Study Committee Overview
- Exhibit A – Plan of Longmeadow Way
- Exhibit B – History of Ownership of Lots A, B, C, and D
- Exhibit C – Aerial View Photo
- Exhibit D – Letter regarding Proposed Development of Property Off Longmeadow Way, Hamilton to Andrew DeFranza, Executive Director, Harborlight Community Partners, Inc. from Phillip C. Wysor, Glovsky & Glovsky, LLC, 9.13.16
- Exhibit E – Letter regarding J. Kurt Miller, 3 and 5 Longmeadow Way to William W. Wilson, Chair, Hamilton Board of Selectmen from Phillip C. Wysor, Glovsky & Glovsky, LLC, April 27, 2017
- Exhibit F2 – Letter regarding Harborlight Community Partners/Longmeadow Way from Benjamin B. Tymann, Tymann, LLC, November 14, 2017
- Exhibit F3 – Proposed Memorandum of Understanding (MOU) Concerning Development of Affordable Housing at Certain Cites in Hamilton, MA and Potential Control of Certain Tract by HWRSD

The towns of Hamilton & Wenham had a study done of a parcel on Longmeadow Way in Hamilton, adjacent to the high school. A joint Committee was formed to determine viable uses; Mr. Wilhelm served on this committee and reported there was no immediate interest by either town.

*Motion: Mr. Wilhelm moved, and it was seconded, to declare that the Town of Wenham has no known or anticipated municipal uses for the Longmeadow Way property currently being evaluated by the Study Committee and defers any potential uses that would be of interest or benefit to Wenham residents to those identified by the Joint Recreation Committee and/or Hamilton-Wenham Regional School Committee. If any such recreational or school uses were to be positively identified now or in the future, the Board asserts their authority to be actively involved in any related discussions, negotiations, and/or feasibility studies relative to the potential purchase of the Longmeadow Way parcel(s) should said transaction require appropriation or expenditure of any town funds.*

Under discussion, Ms. Harrison referenced the proposed MOU that would allow the HWRSD to own a portion of the land on Longmeadow Way. She noted her concern that the MOU does not mention Wenham, saying the School District cannot own property Wenham doesn't pay its share for and questioned why this MOU is being discussed. Ms. Harrison also noted the joint recreation said they had no need for the land as they preferred turf fields but the towns have not approved a turf field project. Mr. Lombardi explained that purchasing that land would only have space to put in one grass field, which does not alleviate the field shortage.

*Vote: The motion carried unanimously.*

#### Proposed Policy for Snow Removal on Private Ways

- Memo regarding Proposed Policy for Snow Removal on Private Ways from P. Lombardi, December 1, 2017
- List of Unaccepted Streets Currently Plowed/Private Ways Not Plowed, DPW Department, October 2017
- Zoning Board of Appeals Decision of the Application of Burley Street, L.C.C. Permit
- MGL, Ch. 40, S. 6C

Mr. Lombardi reviewed that the Town accepted M.G.L. Ch. 40 S 6 c. that allows the Town to plow private ways and went on to review the criteria for the town to provide snow and ice removal on specific private ways: if they are open to public use, provide access to two or more numbered properties, have a finished paved surface and are not subject to any additional restrictions imposed by the Planning Board or Zoning Board of Appeals. The Town is not obligated to offer snow removal, but has the option to do so and is a minimal impact to the budget.

*Mr. Wilhelm moved, and it was seconded, to adopt the proposed policy for snow removal on private ways and designate the following private ways as eligible for these services: Longfellow Road, South Street, Woodside Lane, D'Ambrosio Way, Patch Avenue, Hickory Lane, Laurel Drive, Batchelder Park, Toppan Lane and Nathaniel Circle. The motion carried unanimously.*

Request for Town to Take Responsibility for Snow Removal on Middlewood Drive (Private Way)

- Memo re Request for Town to Take Responsibility for Snow Removal on Middlewood Drive from P. Lombardi, 10.12.17
- Letter re Request for Town to Take Responsibility for Snow Removal on Middlewood Drive from Middlewood Board of Trustees, September 7, 2017

*Motion: Mr. Wilhelm moved, and it was seconded, to approve the request for the Town to plow Middlewood Drive subject to the receipt of as-built for the road and bridge. After discussion the Board took no action.*

Under discussion it was noted the Town has requested the contractor provide the required documents numerous time over the past few years; which have not been received to date. Ms. Harrison supported this be consider once the Town has received the required documents.

One resident from 14 Middlewood Drive spoke saying the residents of Middlewood Drive have also found it difficult to work with the developer. He noted that Middlewood residents pay upward of \$160,00 in combined taxes without town services such as trash collection or plowing. He asked the Board to not hold the residents responsible for the contractor's lack of response. It was noted that the plowing policy does not include the plowing of sidewalks or salt/sanding; this remains at the discretion of the Town.

Mr. Lombardi observed there is concern about the layout and safety of the Middlewood Drive roadway and bridge. The as built plans were not what was permitted to be constructed. One reason this is a private way is because of site constraints and public safety concerns, including a narrow bridge and sloped roads.

The BOS went on to discuss the motion in detail.

The BOS asked for an opinion from the DPW Director on Middlewood Drive and the request to plow, what are the potential issues, and what are his concerns. The Board also asked about possible liabilities.

**No action was taken.**

**MINUTES**

Open Session: September 5, 2017; October 3, 2017; October 17, 2017; November 4, 2017; November 7, 2017

Executive Session (es) approve/release: October 3, 2017; October 17, 2017

*Vote: Ms. Harrison moved to approve the BOS minutes of September 5, 2017; October 3, 2017; October 17, 2017; November 4, 2017; November 7, 2017 and it was unanimous to do so.*

*Vote: Ms. Harrison moved to approve & release the BOS es minutes of October 3, 2017; October 17, 2017 and it was unanimous to do so.*

**ADJOURNMENT** - The Selectmen adjourned at 8:15 pm.

Respectfully Submitted By  
Catherine Tinsley  
1.26.18



# Town of Wenham

Town Hall  
138 Main Street  
Wenham, MA 01984

Selectmen / Town Administrator  
TEL 978-468-5520 FAX 978-468-8014

## MEMORANDUM

TO: Board of Selectmen  
FROM: Peter Lombardi, Town Administrator  
RE: Follow up on Discussion of Proposed Policy for Snow Removal on Private Ways  
DATE: December 1, 2017

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Following up on the Board's recent discussion about Town snow plowing on private ways, I have made the following additions to the proposed policy (in **bold**):

*"Consistent with the provisions of Massachusetts General Law Chapter 40 Section 6C, as have been previously accepted, the Town shall provide snow and ice removal services on private ways as long as such ways are open to public use, provide access to two or more numbered properties on that way, have a finished paved surface, and are not subject to any additional restrictions as may have been imposed by the Planning Board or Zoning Board of Appeals. In the case of any conflicting provisions in a decision issued by these municipal land use boards regarding such unaccepted roads or private driveways, those provisions shall prevail. Batchelder Park, although unpaved, shall be eligible for snow and ice removal based on past precedent.*

*Given the Town's limited staffing and equipment resources, the Department of Public Works will make every effort to clear these unaccepted roads to the best of their abilities. However, clearing of public ways must take precedence, especially when responding to significant snow events. In addition, the Town will not take any responsibility for sanding/salting roadways, hauling of snow, or plowing sidewalks on these private ways.*

***Town removal of snow and ice from such private ways shall not constitute a repair of a way, nor shall the Town incur any additional liabilities for either doing so or failing to do so. Further, the provision of snow and ice removal services on private ways is subject to annual appropriation and availability of funds, and shall not obligate the Town in any way to continue to provide such services. The Board of Selectmen shall retain the right to make changes to or rescind this policy at any time at their own discretion.***

None of these proposed changes impact our initial inventory of private ways that have not historically been plowed by the Town but would now be eligible for Town snow removal under this new policy if adopted. However, after further investigation, we have found that both Sias Lane and Danes Way would not be eligible as there is posted signage at the entrance

to those streets that designates them as private ways that are only open to residents. Accordingly, the list of new private ways that we could extend Town plowing services to under this policy is as follows:

- Middlewood Drive
- Toppan Lane
- Nathaniel Circle

It is important to note that, according to the conditions of the 2004 comprehensive permit that led to the construction of Middlewood Drive (see page Section D: Other Conditions on page 9 of the attached document), the Town was not obligated to provide snow removal services to residents on this private way but was given the option to offer these services if we elected to do so. Accordingly, by adopting this policy, the Town is not necessarily responsible for plowing Middlewood Drive, as that is a separate and discrete policy decision. The other two private ways, namely Toppan Lane and Nathaniel Circle, would be eligible for these new services if the policy were to be adopted.

In terms of general concerns about liability, I have confirmed that the Town incurs very limited additional liability by plowing any of these private ways. Generally, the DPW handles minor repairs related to damage from snow plowing instead of filing an insurance claim unless the extent of the damage is so significant that it is beyond their capacity to fix in-house. This practice is true for both public and private ways, and would continue going forward. If we were to add these three private ways to our snow plow activities, they would only cause incremental increases in route times and would not lead to substantial increases in funds spent on staffing or materials.

If the Board were to adopt this policy, I would suggest that we send a letter to each of the residences on these roads to see if they would be interested in having the Town assume these services going forward. If we hear back affirmatively from a majority of property owners on each of these unaccepted roads, we would then start plowing their street this coming year. In addition, as has been done over the past several years, we will also issue our annual reminder letter to all residents who live on private ways that we do plow and will include copies of this policy in that mailing to make sure they are clear on the extent of the services that the Town is opting to provide.



# Town of Wenham

Town Hall  
138 Main Street  
P. O. Box 576  
Wenham, MA 01984

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Board of Selectmen and Town Administrator

TEL 978-468-5520 x2

FAX 978-468-8014

January 3, 2018

Dear Resident,

In response to a request from residents who live on a private way for the Town to begin plowing their street, the Board of Selectmen recently approved a policy regarding snow removal services on all private ways.

While the Town historically has plowed some, but not all, private ways, this new policy provides criteria that inform which private ways we will plow going forward and under what conditions we will do so. Specifically, private ways must be open to public use, provide access to two or more numbered properties, and have a finished paved surface in order to be eligible for this service. In addition, if any restrictions have been placed on private ways by Wenham's Planning Board and/or Zoning Board of Appeals than those provisions will prevail.

Batchelder Park, although unpaved, was grandfathered under the terms of the new policy. All other private ways that have traditionally received these services fit within these criteria and will continue to be eligible to be plowed by Wenham's Department of Public Works. Based on this policy, Toppan Lane and Nathaniel Circle are the only new private ways now eligible to have their streets plowed by the Town if a majority of those residents express interest in having the Town do so.

As has been the case in the past, clearing of public ways by the DPW must take precedence, but we will continue to make every effort to plow designated private ways to the best of our abilities. However, the Town will be not responsible for sanding/salting roadways, hauling of snow, or plowing sidewalks of private ways. The provision of snow and ice removal services on private ways is also subject to annual appropriation and availability of funds. The Town is not obligated to continue to provide this service, and the Board of Selectmen may make changes to or rescind this policy in the future.

Please contact the Town Administrator's Office with any questions regarding this policy at 978-468-5520 x.2.

Thank you,

Peter Lombardi  
Town Administrator



# Town of Wenham

Town Hall  
138 Main Street  
P. O. Box 576  
Wenham, MA 01984

---

Board of Selectmen and Town Administrator

TEL 978-468-5520 x2

FAX 978-468-8014

January 3, 2018

Dear Resident,

In response to a request from residents who live on a private way for the Town to begin plowing their street, the Board of Selectmen recently approved a policy regarding snow removal services on all private ways. While the Town historically has plowed some, but not all, private ways, this new policy provides criteria that inform which private ways we will plow going forward and under what conditions we will do so. All private ways that have traditionally received these services fit within these criteria and will continue to be eligible to be plowed by Wenham's Department of Public Works. **Under this new policy, residents on Toppan Lane and Nathaniel Circle are now eligible to have their streets plowed by the Town.**

As has been the case in the past, clearing of public ways by the DPW must take precedence, but we will continue to make every effort to plow designated private ways to the best of our abilities. However, the Town will be not responsible for sanding/salting roadways, hauling of snow, or plowing sidewalks of private ways. The provision of snow and ice removal services on private ways is also subject to annual appropriation and availability of funds. The Town is not obligated to continue to provide this service, and the Board of Selectmen may make changes to or rescind this policy in the future.

As a resident of Toppan Lane or Nathaniel Circle, the Board wants to know if you are interested in the Town's assumption of snow removal services on your private way. Please send notification of your wishes by **Tuesday, January 16, 2018** to my office by emailing Executive Assistant, Nicole Roebuck at [nroebuck@wenhamma.gov](mailto:nroebuck@wenhamma.gov) or by calling 978-468-5520 x.2. In order for the Town to begin snow removal services, a majority of residents from each of these private ways must reply affirming their interest.

Please contact us with any questions.

Thank you,

Peter Lombardi  
Town Administrator

**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title VII** CITIES, TOWNS AND DISTRICTS

**Chapter 40** POWERS AND DUTIES OF CITIES AND TOWNS

**Section 6C** REMOVAL OF ICE AND SNOW FROM PRIVATE WAYS;  
CONDITIONS

Section 6C. A city or town which accepts this section in the manner provided in section six D may appropriate money for the removal of snow and ice from such private ways within its limits and open to the public use as may be designated by the city council or selectmen; provided, that, for the purposes of section twenty-five of chapter eighty-four, the removal of snow or ice from such a way shall not constitute a repair of a way.



## Peter Lombardi

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**From:** Bill Tyack  
**Sent:** Thursday, October 12, 2017 2:35 PM  
**To:** Peter Lombardi  
**Subject:** Re: FW: Middlewood Plowing Request

I don't have a problem plowing it for public safety and it's at the end of the route so there is no additional cost. I don't feel we should do the sidewalk since we don't have one on Burley St. We also should make it clear we don't haul snow.

On Oct 12, 2017 11:17 AM, Peter Lombardi <[PLombardi@wenhamma.gov](mailto:PLombardi@wenhamma.gov)> wrote:

Bill,

The BOS is taking up this issue at their meeting next Tuesday. They haven't requested your feedback yet but expect that they will before all is said and done.

Peter

Peter Lombardi

Town Administrator

138 Main Street

Wenham, MA 01984

978-468-5520 x.2

<http://wenhamma.gov>

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**From:** Peter Lombardi  
**Sent:** Thursday, October 12, 2017 2:16 PM  
**To:** 'Pamela Carter'  
**Subject:** RE: Middlewood Plowing Request

Thanks Pam. This is a longstanding issue that the Town has not yet received as built drawings for this project. If the Town were to take on plowing, the as built for the road should at least be provided. Hopefully you will be able to prevail

upon the developer the importance of providing this information. Again, I can't be sure that the Selectmen will make it a requirement but I know that the Permitting and Planning Departments have requested that this be addressed.

Peter Lombardi

Town Administrator

138 Main Street

Wenham, MA 01984

978-468-5520 x.2

<http://wenhamma.gov>

**From:** Pamela Carter [<mailto:pamsimoncarter@gmail.com>]

**Sent:** Thursday, October 12, 2017 2:02 PM

**To:** Peter Lombardi

**Subject:** Fwd: Middlewood Plowing Request

Hi Peter,

Thank you for your letter advising that our request will be addressed on October 17th. John will not be able to attend, but both BJ and I will be there to answer any questions that arise.

Is it possible to let us know exactly which as builts are needed? This is news to us and we hope that it won't determine the outcome of our request as it is completely out of our control. Please let us know what is needed and we'll be happy to pass this on to the developer.

Thank you so much and we're looking forward to seeing you on October 17th.

Best,

Pam Carter

15 Middlewood Drive

Trustee

**Subject: Middlewood Plowing Request**

Good morning,

I wanted to let you know that the Board's request dated September 7 for the Town to plow Middlewood Drive is being taken up by the Selectmen at their meeting next Tuesday night – October 17). The open session of their meeting is set to begin at 6:30PM and your item will likely be discussed around 7:15 or shortly thereafter. I apologize for my delayed response, but the Selectmen have had packed agendas for their last 2 meetings. Are either of you available to attend to answer any questions?

In reviewing the conditions of the comprehensive permit for this project, the decision specifically absolves the Town of any responsibility for "operation or maintenance" of "on-site snow plowing" but there is "unless it elects to do so" language that seems to provide some potential flexibility. The Selectmen will take this into account as part of their discussion.

There is a broader context to this issue that you should be aware of. The Town has accepted MGL Ch 40 Section 6C which allows us to plow private ways. We have historically plowed some and not plowed others. Although there is past precedent for snow removal on some private ways the determination on what qualifies is not clear. Accordingly, I will be recommending the Board adopt a policy with specific criteria that informs what roads we will and will not plow going forward and why. With that in mind, I would expect your request to be taken up as part of that larger conversation and policy question.

One issue that will also likely come up is the fact that the Town still has not received stamped as-built drawings of Middlewood Drive. I would expect that the Selectmen may well be looking to have these in our possession before moving forward with your request.

I'd like to get this resolved one way or another before the snow flies this year – as I'm sure you would as well.

Please pass this on to Pam Carter – I don't have her email address on file.

Thanks,

Peter

Peter Lombardi

Town Administrator

138 Main Street

Wenham, MA 01984

[978-468-5520 x.2](tel:978-468-5520)

<http://wenhamma.gov>

**TOWN OF WENHAM  
ZONING BOARD OF APPEALS**

**Decision of the  
Application of Burley Street, L.C.C.  
For a Comprehensive Permit pursuant to G. L. c. 40B, §§ 20-23  
With respect to property located at  
70 Burley Street**

Pursuant to notices mailed, postage prepaid, to the Petitioner, abutters and persons to whom such notice is required, and pursuant to advertisements in the *Salem Evening News* on September 24, 2004 and October 1, 2004, the Zoning Board of Appeals (the "Board") scheduled and held public hearings at the Hamilton/Wenham Library on each of the following dates:

October 8, 2003, December 22, 2003, January 20, 2004, March 18, 2004, May 26,  
2004, June 7, 2004

An original application was filed on July 31, 2003. That original Application for Comprehensive Permit (the "Application") sought a Comprehensive Permit to construct 24 two-bedroom condominium units on 7.2 acres of land on Burley Street, to be called *The Residences at Old Burley Village*. The access to the development was proposed to come from Burley Street by means of an entrance drive, which was designated as a private way. Six (6) of the units were identified to be "affordable" within the meaning of c. 40B.

Upon receipt of the original application the Board notified various town boards, commissions, Town departments and others of the Application.

Sitting for the Board at all of these public hearings were

James R. Westra, Chairman; Jonathan A. Stringer and Anthony M. Feeherry

The Petitioner was represented during the hearings by Philip S. Singleton, of Burley Street, L.L.C., (Petitioner); William E. Luster, of Strategies, (Development Consultant); John W. French, of Neshamkin French Architects Inc., (Architect); Christopher R. Mello and James McDowell of Eastern Land Survey Inc. (Civil Engineer); and John R. Keilty, of Keilty Law Offices, (Attorney).

By participating actively and voluntarily in the Board's six (6) public hearings, the Petitioner waived any right to claim a constructive approval of its original application.

Representatives from various Town of Wenham Departments and Boards, including the Board of Health, Highway Department, Planning Board, the Conservation Commission, Water Department, Police and Fire Department, attended and actively participated in the hearings. In addition, numerous abutters from Wenham and Danvers and other neighbors attended many of the hearings.

During the public hearing process, the Board requested assistance from a liaison with the Planning Board on site development and planning issues. Thereafter, a number of informal meetings took place between the Petitioner and one or more members of the Planning Board. These meetings, as well as the public hearings and interaction with the Wenham Town Administrator and various Town Departments resulted in a number of amendments to the Petitioner's original plan. Included in such amendments were the following:

- Reduction from twenty-four (24), to twenty (20) units.
- Addition of sidewalks throughout the entire development and a redesigned road configuration.
- Addition of an emergency ingress/egress from Lester Road.
- Addition of an additional fire hydrant to be located by the Fire Chief.
- Agreement to include sprinklers in all units.
- Redesign of the entrance from Burley Street to allow improved site lines and turning radii.
- A commitment to pay \$2500 to pay for a town managed (through the local housing trust) lottery for the affordable units.
- An increase of guest parking spaces from original number of 8 to 16.
- The payment of \$4500 for a peer review for the drainage and wetlands plan being reviewed by the local Conservation Commission.

On June 7, 2004, the Board closed the hearings.

#### **JURISDICTIONAL FINDINGS AND RULINGS**

1. The Petitioner has submitted to the Board a "project eligibility letter" issued to it by the Massachusetts Housing Finance Agency (MHFA). The project eligibility letter states that the MHFA has reviewed the proposal and found it to be in conformance with the MHFA's requirements for issuance of a Site Eligibility Letter.
2. The Board finds that the Town of Wenham does not meet statutory minimum set forth in G.L. c. 40B § 20 or 760 CMR 31.04 in that (1) low and moderate income housing units in Wenham do not exceed 10% of Wenham's total housing units; (2) low and moderate income housing is not located on sites comprising one and one-half percent or more of the total land area zoned for residential, commercial, or industrial use, and (3) the development of affordable units consistent with this application will not result in

commencement of construction of such housing units on sites comprising more than three-tenths of one percent of such land area, or ten acres, whichever is larger, in one calendar year. These findings are based upon housing data provided to the Board by the Town of Wenham and the Massachusetts Department of Housing and Community Development (See Exhibit A).

3. Based on the deed of ownership included in the Application the Board finds that the Petitioner meets the standard of site control required to pursue this application.
4. The Petitioner has provided the Board with a proposed Regulatory Agreement, Monitoring Services Agreement and Deed Restrictions, as well as an undertaking that it will conform to the limited dividend requirements of Chapter 40B. These documents qualify the Petitioner as a limited dividend organization for purposes of Chapter 40B.
5. The Petitioner has submitted the required project data summary, plans and drawings, project narrative, a list of exceptions, storm water management reports and a written description of the proposed sub-surface sewage disposal system.

#### **FACTUAL FINDINGS AND RULINGS**

1. The site location is 70 Burley Street.
2. The site has been vacant and has been accessed primarily from Burley Street over an unpaved entrance drive that was constructed by a previous owner under a separate Order of Conditions approved by the Wenham Conservation Commission. Though frontage exists on Lester Road in Danvers, the Burley Street, Wenham entrance will continue to serve as the sole ingress/egress. Lester Road is comprised of primarily single-family dwellings and Burley Street is a mix of multi and single-family dwellings.
3. An emergency ingress/egress will be constructed (as detailed on the approved plans) providing a connection to Lester Road to ameliorate the concern for the length of the dead-end road. (Certain details relating to the emergency ingress have been left to the sole discretion of the Fire Department for final approval.)
4. Beverly Airport directly abuts the property.
5. The Petitioner has agreed to buffer the existing neighborhood from the visual impacting of constructing the project as shown on the Petitioner's site plan. Such buffering will be achieved with landscaping and fencing as shown on the landscaping plan dated May 5, 2004 which was submitted to the Board and is incorporated into this decision.



6. The subject property is located at 70 Burley Street and the project parcel contains approximately 7.2 acres. The project site falls within the *single-family residential district* as set forth in the Wenham Zoning By-Law.
7. The Board finds that the Petitioner has proposed that 25% of the units shall be restricted in perpetuity for purchase by households whose annual incomes are at or below eighty 80% percent of the Boston metropolitan statistical area median family income.

### WAIVERS/EXCEPTIONS

Waivers of certain by-laws, regulations, ordinances and policies of the Town of Wenham Zoning By-Law will be required for the proposed project. In particular, the Petitioner requested that the by-laws, regulations, ordinances and policies listed below be waived since they are not consistent with the local needs when balanced against the required need for low and moderate income housing.

The Board grants the following waivers/exceptions from local by-laws, rules and regulations, having determined that such waivers and exceptions will have no detrimental effect on local concerns and will pose no risk to health, safety or the environment:

- **Section IV A-1** – This shall be waived to allow more than one structure upon the lot.
- **Section XI** – This section shall be waived to allow multiple family units upon the site.
- **Section XIV** – This waives any and all penalties that may apply under any and all local ordinances.
- **Chapter XVIII** – Ground Water Resource Protection By-Law – Waiving this allows the use of a joint septic system.
- **Subdivision Regulations** – Rules and Regulations of the Wenham Planning Board and the “Rules Applicable to the Subdivision of Land” are waived since no subdivision is proposed and the Applicant has applied pursuant to the provisions of M.G.L. Chapter 40B.

### DECISION AND CONDITIONS

The Board hereby grants the Petitioner a so-called “Comprehensive Permit” for the *Residences at Old Burley Village*, as shown on the Plans, but subject to the following conditions:

**A. General Conditions.**

1. The project shall be constructed in strict conformance with the site plan entitled, "Site Development Permit Plan, Proposed Townhouse Development, Wenham, Massachusetts, Sheets 1-- 7, dated August 27, 2002 and last revised March 17, 2004, Scale: 1" = 20', (and as noted) prepared by Eastern Land Survey Associates, Inc. Any deviation deemed substantial by the Board from the approved plans and/or documents shall require a modification of this comprehensive permit by the Board as set forth in 760 CMR 31.03 and the Board's comprehensive permit rules [§7.01]. If after issuance of the Comprehensive Permit the Petitioner seeks to change its proposal as approved by the Board, the Petitioner shall promptly notify the Board in writing, describing such change. Within 20 days the Board shall determine and notify the Petitioner whether it deems the change substantial or insubstantial (see 760 CMR 31.03). If the Board determines the change is insubstantial, no public hearing shall be required to review such change. If the Board determines the change is substantial, it shall hold a public hearing within 30 days of its determination and issue a decision within 40 days of the close of the hearing. Only the changes in the proposal or aspect of the proposal affected thereby shall be at issue in the hearing.

2. The development shall be limited to twenty (20) units consisting of ten (10) duplex buildings.

3. As used in this Decision, the term "Petitioner" shall mean Burley Street L.L.C., its heirs, successors and assigns, including, without limitation, any Condominium Association that may be organized as part of a plan to submit the land and buildings that are the subject of this Comprehensive Permit to the requirements of G. L. c. 183A. Approval is hereby granted for the pledging and collateral assignment of this Comprehensive Permit to an institutional construction lender.

**B. Affordable Housing Conditions**

1. Twenty-five percent (25%) of the twenty (20) units shall be restricted, in perpetuity, as low or moderate income housing for sale to households earning no more than eighty percent (80%) of the median household income for the Boston Metropolitan Area, as may be determined by reference to statistics compiled by the Department of Housing and Community Development or the Federal Department of Housing and Urban Development or the successor agencies of either. The affordable units shall be indistinguishable from the market rate units on the exterior; provided, however, that some of the market-rate units may have outside decks.

Prior to the pre-construction meeting, the final versions of the Regulatory Agreement, Monitoring Services Agreement and Deed Restrictions, which shall be required in order to properly restrict, maintain, and manage the project shall be submitted for the approval of Town Counsel, or such counsel as the Board shall direct.

2. At a minimum, the number of occupancy permits for affordable units shall never be less than twenty-five per cent (25%) of the occupancy permits for market rate units.
3. The maximum number of units allowed by law, but no more than fifty (50%) of the affordable units shall be reserved for the following and allocated pursuant to a lottery system managed and operated by the Town selected lottery manager:
  - a. Residents of the Town of Wenham who shall have been residents of the Town continually without interruption for the two years immediately preceding such resident's application for an affordable unit;
  - b. Children and parents of such residents described in 3.a above;
  - c. Employees of the Town of Wenham and any of its Departments or Authorities, whether or not such employees shall be residents at the time of application for an affordable unit; and
  - d. Employees of any business located within the boundaries of the Town of Wenham; provided, however, that such employees must have been so employed for at least 1500 hours in the 12 months immediately preceding the employee's application for an affordable unit.

#### **C. Plan Submittals**

1. Prior to the commencement of any construction on the site, the Petitioner shall provide to the Board a complete set of construction documents for the site to confirm compliance with the Conditions of this approval. If requested, the Petitioner shall provide a reasonable number of additional copies of documents for review by appropriate Town officials. At a minimum, these documents shall include:
  - a. Final site layout.
  - b. Final site grading and drainage design: The Petitioner shall submit a final drainage plan to the Town Engineer.
  - c. Final landscaping plan: The Petitioner shall submit a final schedule for the installation of screening, landscaping, and/or fencing related to each portion of the site

for which that Building Permit is being requested so as to properly screen or buffer that section from existing abutting residential properties.

d. Final Utility Plan: The Petitioner shall select a final utility plan showing all existing and proposed sewer, water, drainage, gas, electric, telephone, and cable lines (as applicable).

e. Site Lighting Plan: The Petitioner shall submit a final plan designed to protect both onsite and offsite glare. Lighting shall be baffled or shielded so as not to glare into or upon dwellings that abut the site.

f. The location of all fire hydrants and emergency vehicular exits, which shall be subject to approval by the Fire Chief.

g. The Petitioner shall deliver a final set of Mylar site development plans, stamped by the appropriate professionals to the Town prior to the commencement of construction.

2. The Petitioner shall demonstrate compliance with all "pre-construction" conditions contained herein prior to obtaining a building permit including confirmation that all permits have been obtained by the Petitioner.

3. The Petitioner shall submit final condominium documents to the Board and Planning Board for final review and comment prior to the commencement of construction.

4. A pre-construction meeting shall be held with the Board prior to the start of construction. At that meeting Petitioner shall confirm that all permits and orders necessary for the project have been obtained.

#### **D. Other Conditions**

The Petitioner shall continuously maintain and provide a buffer to the abutting residential neighborhoods from the visual effects and the infrastructure in substantial compliance with the Landscape Plan identified as L.1 filed with the Board.

No construction work shall commence before 7:00 a.m. on weekdays and 8:00 a.m. on Saturdays. No construction work shall continue beyond 6:00 p.m. No work shall be conducted on Sundays or on the following state or federal holidays: Christmas, New Years, July 4<sup>th</sup>, Labor Day and Thanksgiving.

Work of a quiet nature in the interior of buildings that have been completely enclosed may be permitted at other times.

The Petitioner shall ensure that all reasonable action shall be taken to minimize the negative effects of any noise resulting from construction work as it may affect abutters and residents, including, without limitation, placement of materials stored on site.

All construction vehicles shall be cleaned prior to leaving the site so that they do not leave dirt or debris on any public way as they leave the site.

The Petitioner shall ensure that all dirt and debris deposited on any public way by construction vehicles entering or leaving the site shall be promptly cleaned up and removed.

The following aspects of the development that is the subject of this Comprehensive Permit shall be and shall remain private and the Town of Wenham shall not - unless it elects to do so - as a consequence of this Comprehensive Permit, have any responsibility for operation or maintenance of the following:

- On-site roadway and parking areas;
- On-site snow plowing;
- Landscaping and maintenance;
- Trash removal;
- On-site lighting;
- On-site utilities, whether or not they connect to municipal services.

The following conditions shall be conditions in perpetuity and running with the land and the Petitioner's successors and assigns are to be subjected to these conditions.

- All areas not designated as parking shall be designated Fire Lanes; conspicuous signage will be maintained and "NO PARKING" provisions will be strictly enforced by the Trustees. The manner in which such restrictions shall be enforced shall be included in the relevant condominium documents and may be strictly enforced by public safety officials of the Town of Wenham.
- Areas not dedicated on the finalized plan shall be considered Fire Lanes and so marked.
- Trash compactors are to be provided in every condominium unit.
- A maintenance program as set forth in the Order of Conditions from the Town of Wenham Conservation Commission shall be undertaken by the Trustees of the condominium.
- The Storm Water Detention Facility Maintenance Program is to be pursued and followed by the Trustees of the Condominium.
- No refuse/trash pick-up shall be provided by the Town for this project
- No sheds or similar out-buildings shall be constructed at the site
- No garbage disposals shall be allowed in the units
- The roadway shall be a private way to be maintained by the condominium unit owners
- The Lester Road emergency ingress egress shall be bounded and delineated as determined by the Fire Department

- Fire suppression Sprinkler Systems are to be installed in each condominium unit in the development as approved by the Fire Chief
- The maintenance of the septic system shall be an ongoing and continual responsibility of the Trustees, including the maintenance of a state of the art system to minimize septic odors
- Potential purchasers of units shall be advised of potential aircraft noise due to proximity to the Beverly Airport

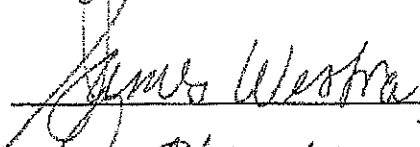
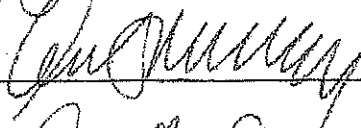

The following documents are incorporated into this Decision:

- (1) Site Plans/Drawings dated June 3, 2004 (on file with the Board)
- (2) Landscape Plan dated May 5, 2004 (on file with the Board)
- (3) Three-page Amenity package filed with the Board (Exhibit B)
- (4) A written description of construction materials to be provided by the Petitioner on or before the pre-construction meeting, including information on noise suppression/reduction construction materials.

At the same time that the Petitioner submits to the Monitoring Agent under the Regulatory Agreement all information required by the draft Regulatory Agreement, the Petitioner shall also submit a full copy to the Town of Wenham.

The Petitioner, its successors and assigns, including any successor condominium association, shall be responsible for the operation and maintenance of the items listed immediately above.

Wenham Zoning Board of Appeals  
Signed:

This decision shall be recorded in the Essex South District Registry of Deeds and shall be incorporated by reference into with the Condominium by-laws and shall be provided to each unit owner of the Condominium for their information.



Any appeals to this decision must be filed within twenty days under MGL Chapter 40B  
Section 22.

RECEIVED IN WENHAM  
DATE 9AM 07/07/2004  
*Charles Hargreaves*  
TOWN CLERK



## Town of Wenham

Town Hall  
138 Main Street  
Wenham, MA 01984

Selectmen / Town Administrator

TEL 978-468-5522

FAX 978-468-6164

May 31, 2004

Jane Wallis Gumble, Director  
Dept. of Housing & Community Development  
100 Cambridge Street, Suite 300  
Boston, Massachusetts 02114

RE: Wenham Subsidized Housing Inventory

Dear Ms. Gumble:

Please accept this letter as a response to your May 18, 2004 letter to me related to the identification of the number and location of affordable units within the Town of Wenham. You will find attached a copy of the official inventory that you forwarded as part of this correspondence.

Please be advised that the Town of Wenham lists the following units as comprising our affordable housing inventory:

	<u>Units</u>	<u>Location</u>	<u>Number</u>
1.	Enon Village (DMH)	Larch Row	84
2.	Enon Village (DMR)	Larch Row	8
3.	Residential Units (DMH)	Patti Lane	3
4.	Residential Units (DMH)	Walnut Street	8
5.	Residential Units (DMH)	Cherry Street	3
6.	Homeowner Units	Parsons Hill	12
	<b>TOTAL:</b>		<b>118</b>

I would appreciate it if you would correct your records accordingly or contact me to discuss any questions or concerns that you may have regarding the proper listing of the above units.

06/16/2004

08:36

WENHAM TOWN HALL → 816175231231

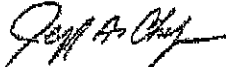
NO.762

003

Also, I would appreciate it if you could answer a question for me. Gordon College is located in the Town of Wenham and they have a Resident Advisor (RA) program which provides affordable housing for students that serve in an RA capacity. Can these units be counted toward the Town of Wenham's affordable housing inventory? Your thoughts on the matter would be greatly appreciated.

Thank you and I look forward to hearing from you.

Sincerely,



Jeff A. Chelgren  
Town Administrator

06/16/2004

08:36

WENHAM TOWN HALL → 816175231231

NO.762

D04

# DRAFT 2004 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT CH408 SUBSIDIZED HOUSING INVENTORY

Wenham

Project Name	Address	Type	Total 408 Units	Affordability Expires	Built w/ Corp. Permit?	Subsidizing Agency
n/a	Latch Lane	Rental	84	Perp	No	DHCD
n/a		Rental	8	Perp	No	DHCD
DMR Group HOME	Confidential	Rental	8		No	DMR
Parsons Hill	Parson Hill Rd, Onion River Rd, Dexter Lane, Stouckwell Lane, Pritchard Lane, Lafayette Lane	Ownership	12	2044	No	DHCD
DMH Group Home	Confidential	Rental	3		No	DMR
DMR Group Homes	Confidential	Rental	0			DMR
Wenham Totals			115	Census 2000 Year Round Housing Units		1,310
				Percent Subsidized		8.78%

## OUTLINE SPECIFICATION

Burley Street, Wenham, MA.

1,792 Sq. Ft. 3 bedroom units w/ Garage

1,292 Sq. Ft. 2 bedroom units w/ Garage & attic

Component	Description
<b>Interior Construction</b>	<b>General</b>
Wall & Partitions	Wood/metal or as specified
Ceilings/walls	Gypsum wallboard smooth@ Walls/ Light texture at Ceilings
Interior Doors	Solid core 6 panel Masonite, smooth face
Closet doors	Hollow Core, 6 panel masonite
Building Door Hardware	Schlage Plymouth series or equal, lever where required by code
Standing & Running Trim	Primed Pine,
Door/window casings	Primed white wood, 3-1/2" colonial
<b>Garage/Parking</b>	Provided in attached garage
Garage Door	Overhead Door, metal insulated
Floor	Poured in place concrete 3000 PSI
Walls	Fire rated wood wall construction
Ceiling	Fire rated structure
Lighting	General illumination
<b>Entryway</b>	
Unit Entrance Door	Fire rated 6 panel Masonite w/spring hinge closer
Door Lock	Schlage H series Plymouth, Spoon handle
Keys	2 sets- One mailbox key
Floor	strip oak
Walls	Wallboard smooth
Ceiling	Wallboard, smooth
Baseboard	Wood preprimed/ 5-1/2" speedbase
Paint	Benjamin Moore,
Lighting	General illumination
<b>Living Room/ Dining</b>	
Floor	strip oak,
Baseboard	Wood pre-primed/ 5-1/2" speed base note: throughout
Lighting	Recessed 2 fixtures
Fireplace	Electric ewith oak accessory Mantle
<b>Coat Closet</b>	
Floor	Strip oak
Baseboard	wood
<b>Half Bath</b>	
Floor	Strip oak
Baseboard	Wood base pre-primed
Walls	Gypsum wallboard
Faucets	Kohler pedestal or equal
Faucets	Chrome
Toilet	Kohler, white
Lighting	Recessed
Ceiling exhaust	TBD
Toilet Accessories	Delta Chrome or equal
Recessed light	Surface "shoji" light, 2x4

<b>Master Bedroom</b>	
Floor	Carpet on pad, Buyer options
Baseboard	Wood pre-primed/ same as above
Closet Shelving	Vinyl coated wire, w/ rod
Cable TV	1 outlet
Telephone	1 outlet
<b>Master Bathroom</b>	
Floor	6" Tile white with diamond accent matte finish.
Tub surround	4" Tile white
Baseboard	Tile white
Walls	Gypsum wallboard
Ceiling	Gypsum wallboard
Cabinetry	White wood
Sink	One piece white (swanstone or equal)
Faucets	Chrome -Kohler or equal
Tub	Americast
Tub Faucets	Coralais
Toilet	Kohler elongated bowl
Lighting	TBD
Ceiling exhaust	TBD
Toilet Accessories	Delta Chrome
<b>Bedrooms</b>	
Floor	Carpet on pad
Baseboard	Wood base pre-primed
Closet Shelving	Vinyl coated wire, w/ rod
<b>Second Bath</b>	
Floor	6" Tile white matte finish
Shower base and surround	4" Tile white, American Standard base
Baseboard	Wood base pre-primed
Walls	Gypsum wallboard
Cabinet	White
Countertop	One piece white (swanstone or equal)
Faucets	Chrome Kohler or equal
Tub	Enamel steel
Faucets	Chrome
Toilet	Kohler, white
Lighting	Recessed
Ceiling exhaust	TBD
Toilet Accessories	Delta Chrome or equal
<b>Laundry</b>	
	1 each unit
Flooring	VCT with pan
<b>Plumbing</b>	
Water Service Piping	As req'd by code

Supply pipes to units	PVC, cast iron where required by code
Waste	PVC Schedule 40
Hot Water	Electric 70 gallon tank/unit
<b>Fire Protection</b>	
	Smoke detectors per code
<b>HVAC</b>	Electric system
<b>Electrical</b>	
Cable TV	5 Cable TV outlets/unit
Telephone Outlets	5 Telephone jacks/unit
Receptacles & Switches	Per code
Smoke Detectors	Per Code
Service	150 amps/unit

## Peter Lombardi

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**From:** Margaret Hoffman  
**Sent:** Tuesday, August 21, 2018 11:20 AM  
**To:** Peter Lombardi  
**Subject:** FW: Middlewoods Peer Review  
**Attachments:** MClark email re Middlewoods 2-21-18.pdf; Middlewoods M Clark ltr 02 08 2018.pdf; MClark review of Middlewoods As built 12 26 2017.pdf

Hi Peter,  
I'm attaching Mike Clarks comments on the as built for Midlewoods. I'll drop off the hard copies today. Please note that the developer owes us consultant review funds still. (see below)

---

**From:** Margaret Hoffman  
**Sent:** Tuesday, July 3, 2018 5:30 PM  
**To:** Jack Keilty  
**Cc:** Bill  
**Subject:** FW: Middlewoods Peer Review

Hi Jack,  
Could you please have your client send us the funds for the Consultant Review for Middlewoods as discussed below?  
Thank you.  
Let me know if you need copies of anything.  
Margaret

Margaret R. Hoffman, AICP  
Planning Coordinator  
Town of Wenham  
138 Main Street  
Wenham, MA 01984  
Phone -978-468-5520 Ex. 8  
Fax- 978-468-8014

---

**From:** Margaret Hoffman  
**Sent:** Wednesday, May 30, 2018 1:58 PM  
**To:** 'Jack Keilty'  
**Subject:** Middlewoods Peer Review

Hi Jack,  
We have outstanding invoices for the Middlewoods Peer Review amounting to \$3,915.00. We have \$766.13 left in the peer review account. Can you please have your client send a check in the amount of \$3,148.87 so that we can remit payment to Design Consultants Inc. as soon as possible. Thank you. Let me know if you have questions.  
Margaret

Margaret R. Hoffman, AICP  
Planning Coordinator  
Town of Wenham  
138 Main Street  
Wenham, MA 01984  
Phone -978-468-5520 Ex. 8  
Fax- 978-468-8014



## Margaret Hoffman

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**From:** Michael Clark <MClark@dcj-ma.com>  
**Sent:** Wednesday, February 21, 2018 11:56 AM  
**To:** Margaret Hoffman  
**Subject:** RE: Middlewood

Margaret

Both the Detention Basin and catch basin work has been completed as agreed to with the Applicant. Also, the side walk is on the other side so I do not see a need for a fence. I suggest you confirm with the Building Inspector.

Michael F. Clark, P.E., LEED-AP, CPESC  
Associate

### **DESIGN CONSULTANTS, INC. (DCI)**

1495 Hancock Street, Suite 205  
Quincy, MA 02169  
Tel: 617-776-3350 x323  
Cell: 781-733-1214  
Fax: 617-776-7710  
Email: [mclark@dcj-ma.com](mailto:mclark@dcj-ma.com)  
Website: [www.dci-ma.com](http://www.dci-ma.com)

- \*Transportation
- \*Civil Engineering
- \*Environmental Engineering
- \*Geotechnical Engineering
- \*Land Surveying
- \*Planning

Confidentiality Notice: This message contains information that may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy, or disclose to anyone the message or any information contained in the message. If you have received this message in error, please advise the sender by reply, and delete the message. Thank you very much.

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**From:** Margaret Hoffman [mailto:MHoffman@wenhamma.gov]  
**Sent:** Tuesday, February 20, 2018 9:40 AM  
**To:** Michael Clark  
**Subject:** FW: Middlewood

Hi Mike,

Do they need to put a fence around the new drainage system at Middlewoods? I know we discussed the safety issue of this, but wasn't sure what we ended up with.

Marg

Margaret R. Hoffman, AICP  
Planning Coordinator  
Town of Wenham  
138 Main Street  
Wenham, MA 01984  
Phone -978-468-5520 Ex. 8  
Fax- 978-468-8014

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**From:** [bjbrown1975@aol.com](mailto:bjbrown1975@aol.com) [<mailto:bjbrown1975@aol.com>]

**Sent:** Thursday, February 15, 2018 4:55 PM

**To:** Jacqueline Bresnahan; Margaret Hoffman

**Subject:** Middlewood

Good afternoon,

This is the new drainage system installed as t the top of Middlewood Dr. Do we know if there will be fencing around this? Have Residents asking... worried about kids and pets.

Thank you!

Robert J. Brown

Master Electrician

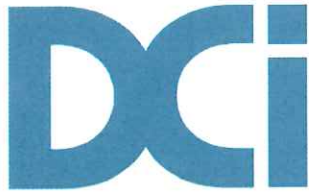
4- Generations Serving Hamilton-Wenham

Veteran Owned Business

[978.473.9287](tel:978.473.9287)

[978.468.1608](tel:978.468.1608)

*Sent from my Sprint Phone.*



Design Consultants, Inc.

Civil Engineering  
Transportation/Traffic  
Water/Wastewater  
Geotechnical  
Land Surveying  
Environmental  
Planning

February 8, 2018

Ms. Margaret Hoffman, Town Planner  
Town of Wenham  
138 Main Street  
Wenham, MA 01984

Re: Detention Pond and Catch Basin Repairs  
Wenham, Massachusetts  
DCI Project No. 2016-093

Dear Ms. Hoffman:

Design Consultants Inc. (DCI) has received reviewed the as built Stormwater Drainage Report for The Residences at Middlewood, dated February 7, 2018. The report indicates that the Detention Basin between Stations 18+00 and 19+00 will function as designed if one modification is made to the outlet structure. The catch basin frame and grate need to be lowered 0.3-feet in order to avoid overtopping the basin sides. The catch basin frame and grate would be set at elevation 68.82-feet. It is DCI's professional opinion than that this solution is adequate and will prevent overtopping of the wall. . DCI estimates that this correction will cost on the order of \$500.

The applicants Engineer, Markey and Rubin, have provided a detail for the drainage structure at Station 14+00±. The detail is attached to the Stormwater Report as Addendum 4. The swale will be lowered to a depth where a 10-inch diameter hole is cored into the concrete. Lowering of the swale will result in less opportunity of flooding of the road. DCI believes that the corrective activity proposed by the Applicants Engineer will satisfy our concerns. DCI estimates that this correction will cost on the order of \$4,000.

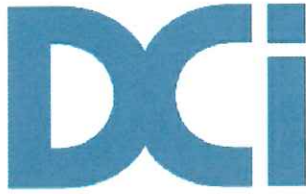
We trust that the contents of this letter satisfies your present needs. Should you have any questions, please do not hesitate to contact me at (617) 776-3350, ext. 323.

Sincerely,

Design Consultants Inc.

Michael F. Clark, P.E.  
Associate

P:\2016 PROJECTS\2016-093 BURLEY ST. WENHAM PEER REVIEW\\_CORRESPONDENCE\TO OTHERS\TO M HOFFMAN 02 08 2018.DOCX



**Design Consultants, Inc.**

Civil Engineering  
Transportation/Traffic  
Water/Wastewater  
Geotechnical  
Land Surveying  
Environmental  
Planning

December 26, 2017

Ms. Margaret Hoffman, Town Planner  
Town of Wenham  
138 Main Street  
Wenham, MA 01984

Re: As-Built Plans for the Residences at Middlewood  
Wenham, Massachusetts  
DCI Project No. 2016-093

Dear Ms. Hoffman:

Design Consultants Inc. (DCI) has received the Driveway As-Built Plan for The Residences at Middlewood, dated December 19, 2017. This plan is generally complete, but appears to contain some deviations from the approved design.

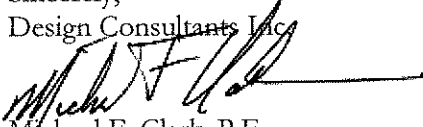
- The drainage structure at Station 14+00± still has not been corrected as outlined in many inspection reports. The structure is a manhole with a rim above the driveway with a drainage swale which is higher than the road and separated from the driveway by a berm. The structure was designed as a manhole with an inlet pipe with an invert of approximately 74 feet. This catch basin has been observed to clog and resulting in overtopping of the road. In one occasion, severe icing was observed across the driveway. This system routes significant flow on occasion from one side of the driveway to another. This item should be corrected, as it is one of the significant safety hazard. The swale should be shown on the as-built. DCI estimates that this item would cost upwards of \$10,000 to correct.
- It appears that the detention basin located between Stations 18+00 and 19+00 has not been constructed as designed. The bottom areas is smaller (200 square feet) and the volume is smaller (1,500 cubic feet) than designed. This may result in additional runoff from the site and flooding downstream. DCI utilized the information provided in the as -built and the design drawings. The additional topography requested in our November 28, 2017 would assist in conducting more precise engineering calculations. DCI estimates that this item would cost upwards of \$25,000 to correct.

Ms. Margaret Hoffman  
Residences at Middenwood

Page 2 of 2  
December 26, 2017

We trust that the contents of this letter satisfies your present needs. Should you have any questions, please do not hesitate to contact me at (617) 776-3350, ext. 323.

Sincerely,  
Design Consultants Inc.



Michael F. Clark, P.E.  
Associate

P:\2016 PROJECTS\2016-093 BURLEY ST. WENHAM PEER REVIEW\\_CORRESPONDENCE\TO OTHERS\TO M HOFFMAN 12 26 2017.DOCX

**BOARD OF SELECTMEN MEETING**

*November 13, 2018*

**NEW BUSINESS**

**J.**

**Proposed Modification to  
Town Hall Holiday Schedule**

*(5 minutes)*

- Draft Motion
- Memo regarding Town Hall Holiday Schedule from Peter Lombardi,  
Town Administrator, November 8, 2018



# **BOARD OF SELECTMEN MEETING**

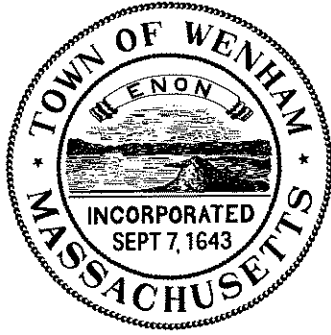
*November 13, 2018*

## **DRAFT MOTION**

### **Proposed Modification to Town Hall Holiday Schedule**

- Vote: I move to approve the proposed 2018 Town Hall holiday schedule, including closures on Christmas Eve and New Years Eve and extended hours the first 3 Fridays in January 2019.

Seconded / Discussion/ Vote



# Town of Wenham

Town Hall  
138 Main Street  
Wenham, MA 01984

Selectmen / Town Administrator  
TEL 978-468-5520 FAX 978-468-8014

## MEMORANDUM

**TO:** Board of Selectmen  
**FROM:** Town Administrator, Peter Lombardi  
**RE:** Proposed Modification to Town Hall Holiday Schedule  
**DATE:** November 7, 2018

---

This year, the Christmas and New Years Day holidays fall on a Tuesday. Historically, we have closed Town Hall at 2PM on the day before Thanksgiving, Christmas Eve, and New Years Eve – and allowed DPW workers to go home 2.5 hours early on those days as well. Since Christmas Eve and New Years Eve are on a Monday this year and since we expect very little traffic from residents and/or contractors for the 5 hours we would be open on those days, I am requesting that we close Town Hall for those 2 days. To make up for those hours, I recommend that Town Hall then stay open until 4:30PM (instead of 1PM) for the first 3 Fridays in January (4, 11, and 18). I have checked with all other Town Departments (Library, DPW, Fire, Police) and those Department Heads don't have any specific personnel or scheduling issues on their end that would preclude this one-time schedule adjustment for Town Hall during this holiday season. I appreciate the Board's feedback on this proposal so that we can notify staff and residents accordingly.



**BOARD OF SELECTMEN MEETING**

*November 13, 2018*

**NEW BUSINESS**

**K.**

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

**CH**

# BOARD OF SELECTMEN MEETING

*November 13, 2018*

## OLD BUSINESS

### L.

#### **Approval of Intermunicipal Agreement with City of Lawrence for Transfer of Buker School Playground**

*(5 minutes)*

- Draft Motion
- Memo regarding Review of Intermunicipal Agreement with City of Lawrence for Transfer of Old Buker School Playground Equipment from Peter Lombardi, Town Administrator, October 5, 2018
- Proposed Intermunicipal Agreement Between the Town of Wenham and The City of Lawrence For Disposition of Surplus Playground Equipment
- Description and Photos of Surplus Playground Equipment from Buker Elementary Playground
- Application for Community Preservation Act Funding to the Community Preservation Committee from the Hamilton-Wenham Regional School District for a new Buker Playground, January 6, 2017
- Description, Photos and Map of Donovan Park, the City of Lawrence the Proposed Playground Equipment Location

**BOARD OF SELECTMEN MEETING**

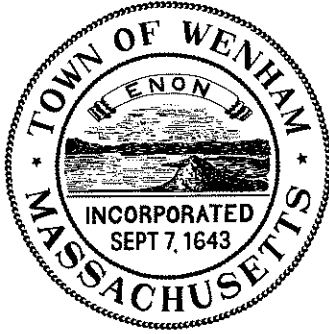
*November 13, 2018*

**DRAFT MOTION**

Proposed IMA with City of Lawrence for Transfer of  
Buker Playground Equipment

- Vote: I move to approve the proposed Intermunicipal Agreement between the Town of Wenham and the City of Lawrence for Disposition of Surplus Playground Equipment.

Seconded / Discussion/ Vote



# Town of Wenham

Town Hall  
138 Main Street  
Wenham, MA 01984

Selectmen / Town Administrator  
TEL 978-468-5520 FAX 978-468-8014

## MEMORANDUM

**TO:** Board of Selectmen  
**FROM:** Town Administrator, Peter Lombardi  
**RE:** Proposed Intermunicipal Agreement with City of Lawrence for Transfer of Old Buker School Playground Equipment  
**DATE:** October 5, 2018

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As you may recall, the Buker School Playground was replaced this past summer with new equipment. Wenham Town Meeting approved \$20k in CPA funding in 2017 toward these project costs. Per the attached Wenham CPA application, this equipment was originally installed in about 2000. Last year, HWRSD requested Wenham DPW assistance in the removal of this equipment, which occurred at the end of June as soon as classes ended. The Town was informed that HWRSD had no plans to reuse any of the equipment. After personally re-inspecting the equipment and confirming that it was still in relatively good condition, I reached out to the Mayor of Lawrence, Dan Rivera, to see if he might be able to put some or all of it to good use. Mayor Rivera was tremendously appreciative of the Town's offer and plans to have his DPW install this equipment at Donovan Park on Andover Street. Coincidentally, this playground is located in the neighborhood in South Lawrence that was impacted by the recent gas explosion and fires.

I worked with town counsel to draft the attached Intermunicipal Agreement, which is intended to ensure that the Town will be held harmless from a liability perspective in donating this equipment to the City in its current state. Lawrence's City Solicitor has vetted this agreement and their City Council has begun their review process. It is expected to be approved there by the first week of November. The equipment is being stored at the DPW yard until the IMA is approved and executed by both parties.

INTERMUNICIPAL AGREEMENT  
BETWEEN THE TOWN OF WENHAM  
AND  
THE CITY OF LAWRENCE  
FOR DISPOSITION OF SURPLUS PLAYGROUND EQUIPMENT

This Agreement is made and entered into this 24 day of September, 2018, in accordance with the provisions of Massachusetts General Laws, Chapter 40, section 4A, by and between the Town of Wenham (the "Town"), acting by and through its Board of Selectmen, and the City of Lawrence (the "City"), acting by and through its Mayor as authorized by its City Council.

WHEREAS, the Town possesses certain playground equipment surplus to its needs; and

WHEREAS, the City have need of that equipment; and

WHEREAS, the Town is agreeable to providing the surplus playground equipment to the City; and

WHEREAS, the City is agreeable to obtaining the surplus playground equipment from the Town; and

WHEREAS, the Town and the City hereto have reached an understanding as to the disposition of the surplus playground equipment from the Town to the City.

NOW THEREFORE, in consideration of the mutual covenants and promises contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Town and the City agree as follows:

1. Surplus Playground Equipment - the surplus playground equipment consists of the equipment as shown and described in the photographs attached hereto as Exhibit 1:
2. The City shall be responsible for collection of the surplus playground equipment at its current location at 91 Grapevine Road, Wenham, MA 01984, and transportation of that equipment to the City.
3. The Town and the City shall establish a schedule for the collection and removal of the surplus playground equipment from its current location in the Town.
4. The surplus playground equipment shall be transferred to the City without any certification, warranty or guaranty of or by the Town as to its suitability for any use or purpose. The Town disclaims any liability or responsibility for the condition, operation, or use of the surplus playground equipment.
5. The City hereby agrees to release, defend, indemnify, and hold harmless the Town from any and all actions, causes or action, claims, suits, or demands for property damage or personal injury, including payment of reasonable attorney's fees, arising from or in any way out of the use or misuse of the surplus playground equipment.
6. This Agreement shall not be modified or amended except by a written document executed by the authorized representatives of the parties hereto.

7. If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by the court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.
8. This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated agreement between the Town and the City with respect to the matters described. This Agreement supersedes all prior agreements, negotiations and representations, either written or oral.

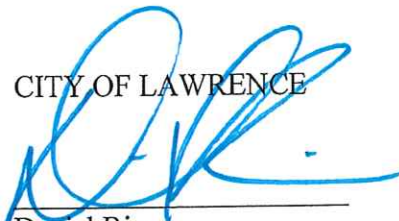
IN WITNESS WHEREOF, the parties have caused this instrument to be signed by their individual representatives, whose signatures are hereto affixed.

TOWN OF WENHAM  
BOARD OF SELECTMEN

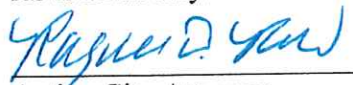
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640030/WENH/0001

CITY OF LAWRENCE

  
\_\_\_\_\_  
Daniel Rivera  
Mayor

As to form only:

  
\_\_\_\_\_  
Acting City Attorney  
Raquel D. Ruano

## Buker Elementary Playground



Wide Angle: See pages 2 - 3 for descriptions



Wide Angle: See pages 2, 5 & 6 for descriptions





Platform approx. 1'  
from ground.

Red Wheel rotates,  
approx. 4 ft. from  
ground. Monkey  
bars connect to far  
left structure



Multi-level stairway  
leads to platform,  
then moving bridge.  
Double slide



Moving bridge  
connects 2  
platforms





Wide angle of relation  
between previously  
described structures



Monkey bars at far  
end of moving  
bridge, connects to  
large slide structure



Tunnel connects 2  
platform sections  
between monkey  
bars and large slide  
structure





Highest structure contains platform between open bridge, chain ladder, rock wall with chain and large slide







Monkey bar connects single platform to multi-level platforms



Approx. 2.5—3 ft. clearance under highest platform



Climbing bars lead to partially enclosed platform for rotating wheel





Small ladder and climbing bars  
lead to partially enclosed  
platform and sliding bars



Rotating pedals



3 sections, total of 6 swings (rubber & chain)



**APPLICATION FOR COMMUNITY PRESERVATION ACT FUNDING**

**Community Preservation Committee**

Wenham Town Hall  
Wenham, Massachusetts 01984

2017 JAN -6 AM 9:27

**Name of Applicant/Contact Person:** Hamilton-Wenham Regional School Committee

**Sponsoring Organization, if applicable:** N/A

**Mailing address:** 5 School Street, Wenham, MA 01984

**Daytime phone:** (978) 468-5310      **Email:** s.metternick@hwschools.net

**Name of Proposal:** Buker Playground

**CPA Category:** Please see chart 1 from the website for correct category descriptions

**(Circle all that apply):** Open Space - Historic Preservation – Recreation - Community Housing

**CPA Funding Requested:** \$50,000.00 **Total Cost of Proposed Project:** \$170,000.00

**PROJECT DESCRIPTION:** In describing the project, please include answers to the following questions. Applications will be returned as incomplete if all relevant requested information is not provided. Include supporting materials and exhibits as necessary.

1. **Goals:** What are the goals of the proposed project? Who will benefit and why? How will success be measured?

The "Buker Playground" project has been initiated by the Friends of Buker, a nonprofit group established to support and enhance the educational experience of the students of Bessie Buker Elementary School ("Buker") located in Wenham, Massachusetts. The reason for initiating this project is that the current playground at Buker is outdated. The playground is more than 16 years old, and some of its elements have fallen into a state of disrepair. Another reason for initiating this project is that the playground does not capture the full attention of the entire Buker student body. Many of the elements appeal more to the younger students, leaving the older students without an attractive alternative to playing field games. Children learn through play, and a recess during which some children are not engaged in play is a lost educational opportunity.

In addition to the educational benefit a new playground would offer to the students of Buker, a new playground would also serve to accomplish the Community Preservation Act's goal of rehabilitating recreational land. The current playground is not used just by Buker students. The playing fields of Buker also serve as playing fields for Hamilton-Wenham town sports, and the Buker playground is used by the children of both towns during town sports practices and games. Additionally, children use the playground during the after-school hours. The installation of an updated, safe and more age-appropriate playground would serve both the Hamilton and Wenham communities well.

2. **Community Need:** Why is this project needed? Does it address needs identified in existing Town plans?

This project will serve to accomplish the Community Preservation Act's goal of rehabilitating recreational land. While the current playground is located within a population center, serving the needs of a densely populated residential neighborhood, it is important to note that the current playground is not used just by Buker students. The playing fields of Buker also serve as playing fields for Hamilton-Wenham town sports,

and the Buker playground is used by the children of both towns during town sports practices and games. Children also use the playground during the after-school hours. The WVIS Tea House Park Program will also take field trips to the Buker Playground in the summer.

In addition, observation of student participation during recess periods at Buker indicates that the older student population does not find the current play structures engaging. The current play structures appeal most to the kindergarten through second grade population. It is believed that if more age-appropriate play structures were offered, the older Buker students would be more engaged and productive during recess.

This project will offer years of entertainment value not just to the students of Buker, but to all members of the Hamilton-Wenham community. The installation of an updated, safe and more age-appropriate playground would serve both the Hamilton and Wenham communities well.

3. **Community Support:** What is the nature and level of support and/or opposition for this project?

During the spring 2016 Buker fundraising auction, attendees were invited to make bids in support of this project. The response was overwhelming. An amount of ten thousand dollars (\$10,000.00) was raised in one night.

that The Hamilton-Wenham Regional School Committee officially authorized the Friends of Buker to begin fundraising for this project in June 2016. The Hamilton Community Preservation Committee determined this project is eligible for Community Preservation Act funding in August 2016. The Hamilton-Wenham Recreation Department pledged its support in September 2016. Many local businesses and families have contributed funds to this project, and the Institution for Savings recently awarded the project a significant grant of \$20,000.

To date the Friends of Buker have raised \$74,880.00 and have an on-going brick sales campaign similar to the bricks at Patton Park. Additional fundraising events are scheduled in the future.

It is expected that this project will continue to meet with substantial community support. To date, no opposition has been noted.

4. **Budget:** What is the total budget for the project and how will CPA funds be spent? All items of expenditure must be clearly identified and back-up documentation provided. Distinguish between hard and soft costs. (NOTE: CPA funds may NOT be used for maintenance.) Include a two to five year budget, if appropriate.

Three different vendors have been contacted. Two of those vendors (M.E. O'Brien & Sons, Inc. and New England Recreation Group, Inc.) belong to the Massachusetts Higher Education Consortium, and they are also participant vendors pursuant to the Commonwealth of Massachusetts Operational Services Division Contract #FAC79. For administrative ease, M.E. O'Brien & Sons, Inc. and New England Recreation Group, Inc. are the vendors currently under consideration. Both vendors have provided very approximated proposals, pending final selection of equipment. M.E. O'Brien & Sons, Inc. has provided the most detailed estimate and that is the information used herein.

Total estimated amount of project cost, with itemization of major components:

Play structure elements:	\$80,000.00
Poured rubber surface:	\$60,000.00
Installation:	\$30,000.00
Total:	\$170,000.00

CPA funds may be applied toward any of these amounts, as deemed necessary.

Please refer to Exhibit A for back-up documentation.

5. **Funding:** What funding sources are available, committed or under consideration? Include commitment letters, and describe any other attempts to secure funding for this project.

Funding sources (available):

Donations received during Spring 2016 fundraising auction:	\$10,000.00
Donation received from the Friends of Buker:	\$25,000.00
Funds generated from fall 2016 Trivia Night/Movie Night fundraiser:	\$2,637.00
Funds generated from fall 2016 Great Gatherings fundraiser:	\$1,360.00
Funds generated from on-going Brick Sales Campaign:	\$7,449.00
Cash contributions:	\$1,075.00
Lead Donations:	\$22,500.00
Funds generated from winter 2016 Read-A-Thon:	\$4,859.00
Total:	\$74,880.00

Funding sources (under consideration)

Hamilton Community Preservation Act funding request:	\$50,000.00
Wenham Community Preservation Act funding request:	\$50,000.00
Total:	\$100,000.00

Receipts from the on-going Brick Sales Campaign, as well as receipts generated from any additionally required fundraising events, will be applied toward the total project cost.

6. **Timeline:** What is the schedule for project implementation, including a timeline for all critical elements? This should include the timeline for expenditures, receipt of other funds and/or other revenues, if any.

Upon receipt of all required funding, the Friends of Buker will gift all funds raised to the Hamilton-Wenham Regional School District ("the District") for purposes of implementing this project. Jeffrey Sands, Assistant Superintendent for Finance & Administration for the District, will assume responsibility for project implementation at that time.

7. **Implementation:** Who will be responsible for implementing the project? Who will the project manager be? What relevant experience does the proposed project manager have? Who else will be involved in project implementation and what arrangements have been made with them?

As noted in the response to Question 6 above, Mr. Sands will be responsible for implementing this project. Mr. Sands will function as project manager.

8. **Maintenance:** If ongoing maintenance is required, who will be responsible and how will it be funded? Please include a detailed five year budget.

No definitive maintenance information is available at this time. Such information is dependent upon the specific equipment chosen and the surfacing material chosen. The playground will be on property leased by the Hamilton Wenham Regional School District, as such the School District will assume responsibility for maintenance costs for the useful life of the playground.

**ADDITIONAL INFORMATION:** Provide the following additional information, if applicable.



9. **Further Documentation:** Documentation that you have control over the site, such as a Purchase and Sale Agreement, option or deed. It is important to note that entities who cannot demonstrate adequate site control (ie. "Friends of" groups) shall not be eligible to apply for funding.

Please refer to Exhibit B for documentation evidencing control over the site.

10. **Feasibility Reports:** Any feasibility reports, renderings or other relevant studies and material.

No feasibility reports, relevant studies or material, other than sample renderings, are available at this time.

Please refer to Exhibit A for any and all available renderings.

11. **Zoning Compliance:** Evidence that the project does not violate any zoning by-laws or any other laws or regulations, including environmental, and/or plans to obtain necessary approvals.

No zoning compliance information is available at this time.

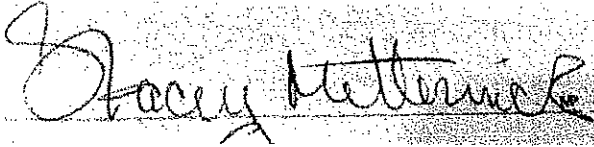
12. **Other Information:** Any additional information that might benefit the CPC in consideration of this project.

On Jan. 5, 2017, the Hamilton Wenham Regional School Committee unanimously supported putting forth an application for Community Preservation Act funds to apply to Buker Playground project.

**I acknowledge that I have reviewed all pertinent materials related to the award of Community Preservation Act funding, including but not limited to the sample grant agreement, restriction agreements (if applicable), and procurement guidelines available on the Town's website, and that this proposed project, if funded, shall comply in all respects to the terms and conditions imposed by the Town as outlined in these documents and as shall be amended from time to time.**

**Applicant Name:**

**Date: January 6, 2016**

A handwritten signature in cursive script, appearing to read "Stacy Hetherington", written over a horizontal line.

**Please submit 10 copies of your completed application and any related supplemental materials to the Town Administrator's Office at the Wenham Town Hall by Friday January 6, 2017 at 12:00PM.**



## Facilities

### Donavan Park



#### Features

- Picnic Tables
- Playground
- Slide

#### Donavan Park

Beacon Street and Amherst Street  
Lawrence, MA 01840

#### Hours

Dawn to Dusk

#### Rating

This facility has not yet been rated.

**Overview** Donovan Park was named for Hospital Corpsman Third Class Thomas Stephen Donovan of the United States Navy. Corpsman Donovan was killed in action June 3rd, 1967 in Vietnam. The park is located on Andover Street between Beacon Street and Amherst Street. The park has a fenced in playground for the kids, and plenty of seating for adults. On street parking is available.





## Parks

1. Bourgoin Square Park
2. Campagnone Common
3. Costello Park
4. Den Rock Park
5. Donovan Park
6. Dr. Nina Scarito Park
7. Durant Square
8. Frank W. Rowell Park
9. Gagnon Park
10. Hayden Schofield Playstead
11. Highland Park
12. Howard Playstead
13. Immigrant Place
14. Jeremiah J. Cronin Park
15. Manchester Street Park
16. McDermott Park
17. Misserville Park
18. Mount Vernon Park
19. North Common  
Neighborhood Reviviendo
20. O'Connell South Common
21. O'Neill Park
22. Pemberton State Park
23. Plainsman Park
24. Reservoir Park
25. Riverfront State Park
26. Shawsheen Park

