Introduction
Moderator Trudy Reid called the 2019 Annual Town Meeting for the Town of Wenham to order at 1:03. A quorum of 120 was reached. Moderator Reid led the Meeting in the pledge of allegiance.
Both Representative Bradford Hill and Senator Bruce Tarr were in attendance. The Boy Scout Troop 28 and Cub Scout Pack 28, the WVIS, Fresh Foods and the Ayers family were all thanked for their contribution to the Meeting. Also recognized were our Town Administrator, Finance Director, Board of Selectmen, Finance & Advisory Committee and the Town’s Department Heads and Staff.

A moment of silence was held for those residents who had passed in 2018; Madeline M Andrews, Steven Michael Benecke, Harrison F Carr, James Francis Connolly, Jr, Marjorie Dent, Janis C Dodge, Cynthia A Farley, Dorothy M Fremiere, Robert Peter Johnson, Peter S Keeley, Emily R Kittredge, Sylvia Carlene Lawler, Judith Marie LeBlanc, Claire F Longval, Ziggy Pryor Lowe, Patrick Owens McAleer, Mary A Mendonca, Thomas Burgess Remsen, Enid Louise Schmuch, Alfred Curtis Smith, Corey Joseph Southard, Victoria Stimon Hogan, Keith A Taylor, Edward Walley Walsh

The final attendance was 212 voters and 18 nonresidents.

ARTICLE 1: Budget Appropriations
To see if the Town will determine what sum of money may be necessary to defray the Town’s expenses of the twelve month period (Fiscal Year 2020) beginning July 1, 2019 and ending June 30, 2020 and to make appropriations for the same and to determine the source thereof. Or take any other action relative thereto.

Recommendation: Board of Selectmen: Favorable Action (2-0-0). Finance & Advisory Committee: Favorable Action (5-0-0)

Motion: Alex Begin, Chair of the Finance and Advisory Committee moved that the Town vote to raise and appropriate the total sum of $19,748,600 to defray the Town’s expenses for FY 2020, all as set forth under the column entitled “Proposed Budget 07/01/19 – 06/30/20” appearing in the warrant under Article 1.

Discussion: During the line by line reading of the proposed budget, holds were placed on three budget lines. David Polito of 153 Topsfield Road and Chair of the Regional School Committee made a motion to amend the motion to increase the Regional School District budget line (310) by $499,145. Residents in favor of this amendment include Deb Evans of 12 Porter Street, Josh Liebow of 24 Burnham Road, Edmond Bertrand of 28 Perkins Street, Erik Tratnyek of 17 Fiske Road. Jeanise Bertrand was given permission by a vote of the Meeting to speak as a nonresident and former school committee member and spoke in favor of the amendment. Residents opposed to this amendment include Tom Tanous of 5 Eaton Road, Mike Lucy of 10 Wallis Drive and Virginia Rogers of 6 William Fairfield Drive. Catherine Harrison of 49 Pleasant Street and Chair of the Board of Selectmen, made a motion to amend the amendment by making
this $499,145 subject to proposition 2 ½ override. After much discussion, Andrew Ting of 23 Burnham Road called the question. There was a 2/3 majority vote to end debate. The vote on the amendment to the amendment on the floor that increased the budget line 310 by $499,145 subject to proposition 2 ½ override passed by a majority. After more debate, a vote was taken on the amendment on the floor as amended to increase the budget line 310 by $499,145 and passed by a majority.

Larry Swartz of 11 Conrad Circle placed a hold on budget line 914 Employee Benefits. He asked for an explanation of the increase. Peter Lombardi, Town Administrator, explained that an increase in insurance costs coupled with several new employees opting to take Town insurance, where their predecessors had not, was the reason for that increase. Larry Swartz of 11 Conrad Circle previously placed a hold on the final budget line but admitted that it was irrelevant after the past discussion.

Action: Article 1 as amended passed by a majority.

ARTICLE 2: Use of Free Cash to Balance the Budget
To see what sum of money the Town will vote from FY 2018 Free Cash to be used to balance the budget for the period July 1, 2019 to June 30, 2020. Or take any other action relative thereto.

Recommendation: Board of Selectmen: Favorable Action (2-0-0). Finance & Advisory Committee: Favorable Action (5-0-0)

Motion: Alex Begin, Chair of the Finance and Advisory Committee moved that the Town vote to transfer the sum of $700,000 from FY 2018 Free Cash to balance the budget for the period July 1, 2019 to June 30, 2020.

Discussion: None

Action: Article 2 passed by unanimous vote.

ARTICLE 3: Hamilton Wenham Regional School District Operating Override #1
To see what sum of money the Town will vote to be used to fund a portion of Wenham’s annual assessment for the FY 2020 Hamilton Wenham Regional School District budget as adopted by the Hamilton Wenham Regional School Committee for the period July 1, 2019 to June 30, 2020; provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters at an election of a Proposition 2 ½ override allowing the Town to raise the funds appropriated hereunder outside the limits established by Proposition 2 ½, MGL Chapter 59, Section 21C. Or take any other action relative thereto.

Recommendation: Board of Selectmen: Favorable Action (0-2-0). Finance & Advisory Committee: Favorable Action (5-0-0)

Motion: Catherine Harrison, Chair of the Board of Selectmen, moved to pass over this article because of the previous vote on the amended article 1.

Action: Motion to pass over was passed by a majority.
ARTICLE 4: Hamilton Wenham Regional School District Operating Override #2 (for Other Post Employment Benefits and School Resource Officer)
To see what sum of money the Town will vote to be used to fund a portion of Wenham’s annual assessment for the FY 2020 Hamilton Wenham Regional School District budget as adopted by the Hamilton Wenham Regional School Committee for the period July 1, 2019 to June 30, 2020, specifically for Other Post Employment Benefits and a School Resource Officer; provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters at an election of a Proposition 2 ½ override allowing the Town to raise the funds appropriated hereunder outside the limits established by Proposition 2 ½, MGL Chapter 59, Section 21C. Or take any other action relative thereto.

Recommendation: Board of Selectmen: Favorable Action (0-2-0). Finance & Advisory Committee: Favorable Action (1-4-0)

Motion: Catherine Harrison, Chair of the Board of Selectmen moved that the Town vote to raise and appropriate the additional sum of $89,875 to fund a portion of Wenham’s annual assessment for the FY 2020 Hamilton Wenham Regional School District budget as adopted by the Hamilton Wenham Regional School Committee for the period July 1, 2019 to June 30, 2020, specifically for Other Post-Employment Benefits; provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters at an election of a Proposition 2 ½ override.

Discussion: Phineas Sprague of 55 Arbor Street wanted an explanation as to why the Finance and Advisory Committee did not approve of this article. Alex Begin, Chair of the Finance and Advisory Committee and Carrie Jelsma explained that the committee felt the School Committee was asking for too much money for OPEB. Residents in favor of this article were Edmond Bertrand of 28 Perkins Street, Kristin Crockett of 5 Birch Road and David Polito of 153 Topsfield Road. Residents opposed to this article were Gary Cheeseman of 77 Pleasant Street, Mike Lucy of 10 Wallis Drive and Francoise Wilhelm of 6 Charles Davis Drive. It was asked to move the question and it passed by the 2/3rd vote.

Action: Article 4 failed. Edmond Bertrand of 28 Perkins Street called for a counted vote. Election officers were called forth and numbers were given to the moderator. Article 4 failed with 65 yeas and 110 nays.

Mike Lucy of 10 Wallis Drive made a motion to combine Articles 5-11 into a consent calendar with a single vote.

Action: The motion to combine articles 5-8 and 10&11 into a consent calendar passed by unanimous vote.

Consent Calendar

Motion: Alex Begin, Chair of the Finance and Advisory Committee moved to approve articles 5-8, 10 and 11 as a consent calendar as presented below.

Action: Consent Calendar of Articles 5-8 and 10&11 passed by unanimous vote.

ARTICLE 5: Cemetery and Other Trust Funds
To see if the Town will vote to accept the Cemetery and other Trust Funds received in FY 2018, as printed in Part I of the Town Report and on file with the Town Clerk. Or take any other action relative thereto.
Recommendation: Board of Selectmen: Favorable Action (3-0-0). Finance & Advisory Committee: Favorable Action (5-0-0)

ARTICLE 6: Cemetery Maintenance Fund Transfer
To see if the Town will vote to authorize the Treasurer to withdraw a sum of money, not to exceed $7,500 from the Sale of Cemetery Lots - Receipts Reserved for Appropriation account, after July 1, 2019 and before June 30, 2020, and transfer and deposit said funds into the General Fund. The purpose of the transfer is to subsidize Highway Department expenditures for the care and operation of the three cemeteries in the Town of Wenham.
Or take any action relative thereto.

Recommendation: Board of Selectmen: Favorable Action (3-0-0). Finance & Advisory Committee: Favorable Action (5-0-0)

ARTICLE 7: Road Work – Chapter 90 Funding
To see if the Town will vote from available funds a sum of money for work on Town Roads, subject to conditions detailed by the Massachusetts Department of Transportation Highway Division, pursuant to MGL Chapter 30, Section 39M; Chapter 149, Section 44J; and Chapter 149, Section 26-27F; said work to conform to the requirements of the Massachusetts Department of Transportation Highway Division.
Or take any other action relative thereto.

Recommendation: Board of Selectmen: Favorable Action (3-0-0). Finance & Advisory Committee: Favorable Action (5-0-0)

ARTICLE 8: Transfer from Water Operating Budget to Water Capital Reserve Fund
To see if the Town will approve the transfer of $35,000 from the FY 2020 Water operating budget into the water capital reserve account.
Or take any other action relative thereto.

Recommendation: Board of Selectmen: Favorable Action (3-0-0). Finance & Advisory Committee: Favorable Action (5-0-0)

ARTICLE 10: Amend Veterans Property Tax Work-Off Program
To see if the Town will vote to amend the Veterans Property Tax Work-Off Program adopted under Article 17 of the 2016 Annual Town Meeting, by increasing the abatement amount to $1,500, the maximum currently allowed by law, for veterans who participate in the program under MGL Chapter 59, Section 5N.
Or take any other action relative thereto.

Recommendation: Board of Selectmen: Favorable Action (3-0-0). Finance & Advisory Committee: Favorable Action (5-0-0)

ARTICLE 11: Bylaw Amendment: Iron Rail Rental Revolving Fund
To see if the Town will vote to amend the Chapter XXVIII, Section 2 of the General Bylaws to increase the fiscal year spending limit of the Iron Rail Rental Revolving Fund to $30,000.
Or take any other action relative thereto.

Recommendation: Board of Selectmen: Favorable Action (3-0-0). Finance & Advisory Committee: Favorable Action (5-0-0)
Action: Consent calendar of Articles 5-8 and 10 & 11 vote passed by unanimous vote.

ARTICLE 9: Transfer from Water Department Undesignated Fund Balance Surplus to FY19 Water Department Operating Expense
To see if the Town will vote to transfer a sum of $20,000 from the water undesignated fund balance surplus account to the water expense account for costs associated with the installation of
39 new water services for the Wenham Pines and Spring Hill subdivisions to be used in this fiscal year (FY 2019).

Or take any other action relative thereto.

**Recommendation:** Board of Selectmen: Favorable Action (3-0-0). Finance & Advisory Committee: Favorable Action (5-0-0)

**Motion:** Paul Mendonca, member of the Water Commission moved that the Town vote to transfer a sum of $20,000 from the water undesignated fund balance surplus account to the water expense account for costs associated with the installation of new water services in FY 2019.

**Action:** Article 9 passed by unanimous vote.

**ARTICLE 12: CPA Appropriations**

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

Or take any other action relative thereto.

**Motion 12-1:** Harriet Davis, Chair of the Community Preservation Committee moved that the Town vote to transfer from the Community Preservation Fund 2019 estimated annual revenues the additional sum of $21,867.30, for the purpose of reserving a minimum of 10% of the CPF FY 2019 estimated annual revenue for each of the three purposes of the CPA, as follows:

- $7,289.10 to the Historic Resources Reserve,
- $7,289.10 to the Open Space and Recreation Reserve, and
- $7,289.10 to the Community Housing Reserve.

**Recommendation:** Board of Selectmen: Favorable Action (3-0-0). Finance & Advisory Committee: Favorable Action (5-0-0)

**Discussion:** None

**Action:** Motion 12-1 passed by a majority.

**Motion 12-2:** Harriet Davis, Chair of the Community Preservation Committee moved that the Town vote to transfer from the Community Preservation Fund FY 2020 estimated annual revenue the total sum of $119,490, for the purpose of reserving a minimum of 10% of the FY 2020 estimated annual revenue for each of the three purposes of the CPA, and to make annual transfers to the Budgetary Reserve ($271,310) and to the CPC Administrative Account ($7,500) for the necessary and proper expenses of the CPC for FY 2020, as follows:

- $39,830 to the Historic Resources Reserve,
- $39,830 to the Open Space and Recreation Reserve, and
- $39,830 to the Community Housing Reserve
- $271,310 to the Budgetary Reserves
• $7,500 to Administrative

**Recommendation:** Board of Selectmen: Favorable Action (2-0-0). Finance & Advisory Committee: Favorable Action (5-0-0)

**Discussion:** None

**Action:** Motion 12-2 passed by unanimous vote.

**Motion 12-3:** Harriet Davis, Chair of the Community Preservation Committee moved that the total sum of $126,100 be transferred from the Community Preservation Fund, of which the sum of $99,619 shall come from the HISTORIC RESOURCES RESERVE and the sum of $26,481 shall come from the CPA BUDGETARY RESERVES, for FY 2020 debt service on the borrowing for the rehabilitation of the historic Town Hall.

**Recommendation:** Board of Selectmen: Favorable Action (2-0-0). Finance & Advisory Committee: Favorable Action (5-0-0)

**Discussion:** None

**Action:** Motion 12-3 passed by unanimous vote.

**Motion 12-4:** Harriet Davis, Chair of the Community Preservation Committee moved that the sum of $60,000 be transferred from the Community Preservation FUND BALANCE as a grant to Habitat for Humanity North Shore, Inc. for the creation of two (2) affordable housing units developed through the use of a comprehensive permit (“friendly 40B process”) for one 2-bedroom unit and one 3-bedroom unit for the project entitled “40 Hull Street,” located at 40 Hull Street, Wenham, Massachusetts, as described in the application filed with the CPC on January 7, 2019 (the “Project”), and to authorize the Board of Selectmen to enter into a grant agreement with the Habitat for Humanity North Shore, Inc. setting forth the terms and conditions of the grant, including a requirement that the Town be provided with an affordable housing deed restriction in such property, in perpetuity, and to authorize the Board of Selectmen to accept such restriction, execute any documents or other agreements, and take all other action necessary to effectuate this vote; provided, however, that the Board of Selectmen shall not expend the funds appropriated hereunder unless the following conditions are met:

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

**Recommendation:** Board of Selectmen: Favorable Action (2-0-0). Finance & Advisory Committee: Favorable Action (5-0-0)

**Discussion:** Michelle Bailey of 2 Remington Road spoke in support of the project. Leo Maestranzi of 80 Larch Row and Virginia Rogers of 6 William Fairfield Drive spoke in opposition concerned that it is too much money to spend on only 2 affordable units.

**Action:** Motion 12-4 passed by a majority.

**Motion 12-5:** Harriet Davis, Chair of the Community Preservation Committee moved that the sum of $50,000 be transferred from the Community Preservation FUND BALANCE as a grant
to the Community House, Inc. for the heating system as part of the preservation and rehabilitation of the historic Community House located at 284 Bay Road, Hamilton, Massachusetts, and to authorize the Board of Selectmen to enter into a grant agreement with the Community House, Inc. upon such terms and conditions as the Board of Selectmen shall deem appropriate, including but not limited to the provision to the Town of an historic preservation restriction, in perpetuity, in such property, and further that historic preservation efforts be documented to the satisfaction of the Board of Selectmen, and to authorize the Board of Selectmen to accept an historic preservation restriction in such property, execute documents, and take all other action needed to effectuate the purposes of this vote; provided, however, that if the project contemplated by this vote has not commenced by July 1, 2020, the appropriation authorized hereunder shall expire, said deadline to be extended at the discretion of the Board of Selectmen upon the request of the Community House, Inc. as long as the Board determines that a good faith effort has been made by the Community House, Inc. to advance the Project.

Recommendation: Board of Selectmen: Favorable Action (3-0-0), Finance & Advisory Committee: Favorable Action (5-0-0)

Discussion: None

Action: Motion 12-5 passed by a majority.

Motion 12-6: Harriet Davis, Chair of the Community Preservation Committee moved that the sum of $6,000 be transferred from the OPEN SPACE AND RECREATION RESERVE for the Open Space Trail Map project, including all incidental and related expenses, which project is described in the application submitted to the Community Preservation Committee on February 6, 2019, such sum to be expended under the direction of the Town of Wenham Open Space and Recreation Committee.

Recommendation: Board of Selectmen: Favorable Action (2-0-0), Finance & Advisory Committee: Favorable Action (5-0-0)

Discussion: None

Action: Motion 12-6 passed by unanimous vote.

Motion 12-7: Harriet Davis, Chair of the Community Preservation Committee moved that the sum of $1,200 be transferred from the OPEN SPACE AND RECREATION RESERVE for the purpose of purchasing and installing the so-called Wenham Lake Cedar Street Bench, including all incidental and related expenses, which project is described in the application submitted to the Community Preservation Committee on January 7, 2019, such sum to be expended under the direction of the Town of Wenham Open Space and Recreation Committee.

Recommendation: Board of Selectmen: Favorable Action (2-0-0), Finance & Advisory Committee: Favorable Action (5-0-0)

Discussion: None

Action: Motion 12-7 passed by a majority.

Motion 12-8: Harriet Davis, Chair of the Community Preservation Committee moved that the sum of $750,000 be transferred from the Community Preservation Fund, of which the sum of $182,052 shall come from the Community Preservation FUND BALANCE, and the sum of $373,119 shall come from the COMMUNITY HOUSING RESERVE, and the sum of $194,829 shall come from the CPA BUDGETARY RESERVES, as a grant to Harborlight Community Partners, Inc., for the acquisition and/or creation of forty-five (45) units of housing for seniors
(over the age of 62) earning no more than 80% of the area median income including the Town of Wenham, for the project known as “Maple Woods Senior Affordable Housing,” located at 62 Maple Street, Wenham, Massachusetts and described in the application filed with the CPC on January 23, 2019 (the “Project”), and to authorize the Board of Selectmen to enter into a grant agreement with Harborlight Community Partners, Inc., setting forth the terms and conditions of the grant, including a requirement that the Town be provided with an affordable housing deed restriction or restrictions in such property, in perpetuity, and to authorize the Board of Selectmen to accept such restriction(s), execute any documents and other agreements, and take all other action necessary to effectuate this vote; provided, however, that the Board of Selectmen shall not expend the funds appropriated hereunder unless the following conditions are met:

i. A final ruling, settlement, and/or dismissal by the court is reached with respect to the matter of Lou Terranova, et al. v. Crystal Kornegay, Director of the Commonwealth of MA Dept of Housing and Community Development, et al. Essex County Superior Court, C.A. No. 1677CV00015, the pending litigation regarding the appeal of the Maple Woods comprehensive permit issued by the Wenham Zoning Board of Appeals;

ii. The Zoning Board of Appeals issues a comprehensive permit for the Project, which permit is not appealed;

iii. The Project receives all other necessary permits and Town Department approvals;

iv. The Project to be undertaken is consistent with the terms and conditions of the fully executed settlement agreement rather than the development already permitted by Maple Woods LLC several years ago;

v. The acquisition value set forth in the final cost certification of the Project shall not exceed the sum of the As-Is Market Value, as determined by an independent appraisal, and Reasonable Carrying Costs, consistent with the rules and requirements of the Department of Housing and Community Development;

vi. Harborlight Community Partners, Inc. applies for and receives a building permit from the Wenham Inspector of Buildings within 360 and 364 days of being issued a comprehensive permit by the Wenham Zoning Board of Appeals;

vii. And further, that said grant award of $750,000 shall expire three (3) years after a comprehensive permit has been issued by the Wenham Zoning Board of Appeals if a certificate of occupancy has not been issued for the Project by the Wenham Inspector of Buildings by that date certain, said deadline to be extended at the discretion of the Board of Selectmen upon the request of Harborlight Community Partners, Inc., as long as the Board determines that a good faith effort has been made by Harborlight Community Partners, Inc. to advance the Project; and

viii. The Board of Selectmen or its designee has verified that all of the aforementioned conditions are met.
**Recommendation:** Board of Selectmen: Favorable Action (2-1-0). Finance & Advisory Committee: Favorable Action (5-0-0)

**Discussion:** Residents in favor of this motion were Jack Wilhelm of 8 Morgan Street, Peter Hersee of 17 Juniper Street, Leo Maestranzi of 80 Larch Row, Kristin Crockett of 5 Birch Road and Arthur Burt of 33 Arbor Street. Rick Woodland of 26 Maple Street asked people to vote no on this motion. Jack Wilhelm of 8 Morgan Street asked to move the question. Vote on moving the question passed by a 2/3rds vote.

**Action:** Motion 12-8 passed by a majority.

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

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

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

**SECTION 1**

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

**SECTION 1 2**

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

**SECTION 2 3**

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

**SECTION 3 4**

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

**SECTION 4 5**

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

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

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

c. The color of paint

d. The color of materials used on roofs

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

SECTION 6
The commission established hereunder shall have the powers and duties of an historical commission as provided in chapter 40 section eight D of the General Laws of the Commonwealth of Massachusetts and the commission shall be entitled The Wenham Historical Commission / Historic District Commission.

SECTION 7
In case any section, paragraph or part of this bylaw be for any reason declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph or part shall continue in full force and effect. (Approved at the Annual Town Meeting 4/5/2014 and accepted by the Attorney General 9/11/2014) Effective 9/16/2014 when posted.

CHAPTER XXV.II WENHAM HISTORICAL COMMISSION

SECTION 1
This bylaw shall be known and may be cited as the Wenham Historic District Commission Bylaw and is adopted pursuant to Chapter 40 section 8D of the General Laws of the Commonwealth of Massachusetts, as amended.

SECTION 12
The purpose of this bylaw is for the preservation, protection and development of the historical or archeological assets of the Town of Wenham. through conducting researches for places of historic or archeological value, shall cooperate with the state archeologist in conducting such researches or other surveys, and shall seek to coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its work.

SECTION 23
The Wenham Historic District Commission, established under Chapter XXV.I(3) shall act also as

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

SECTION 3
The Historical Commission shall make such recommendations as it shall deem appropriate to the Board of Selectmen on matters relating to the preservation, protection and development of historic areas, buildings, structures and sites. In addition, to further its objectives, the commission may hold hearings, and do and perform any and all acts that may be necessary or desirable to carry out the purposes of G.L. c.40, §8D. Further, it may acquire in the name of the city or town by gift, purchase, grant, bequest, devise, and lease or otherwise the fee or lesser interest in real or personal property of significant historical value and may manage the same.

SECTION 4
In case any section, paragraph or part of this bylaw be for any reason declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph or part shall continue in full force and effect.

Or take any other action relative thereto.

Recommendation: Board of Selectmen: Favorable Action (3-0-0)
Motion: Harriet Davis, member of the Historic District Commission moved that the Town vote to amend the General Bylaw by separating the current Wenham Historical Commission Bylaw into two different bylaws, a Historic District Commission and a Historical Commission, by amending the text as set forth in Article 13.

Discussion: None
Action: Article 13 passed by unanimous vote.

ARTICLE 14: Acceptance of Settler’s Lane as a Public Way
To see if the Town will vote to accept as a Town way the roadway known as Settler’s Lane, as heretofore laid out by the Board of Selectmen and shown on a plan entitled “Definitive Plans/Settler’s Lane/Wenham, Mass.”, prepared by Hayes Engineering, Inc., dated June 1, 2007, last revised October 8, 2009, and recorded with the Essex South District Registry of Deeds in Book 423, Page 84, and on file with the Town Clerk, and to authorize the Board of Selectmen to acquire on behalf of the Town, by gift, purchase, and/or eminent domain, the fee to or an easement to use Settler’s Lane for all purposes for which public ways are used in the Town of Wenham, and any and all drainage, utility, access, and/or other easements related thereto.
Or take any other action relative thereto.

Recommendation: Board of Selectmen: Favorable Action (2-0-0)
Motion: John Clemenzi of the Board of Selectmen moved that the Town vote to accept as a Town way the roadway known as Settler’s Lane, as heretofore laid out by the Board of Selectmen and shown on a plan entitled “Definitive Plans/Settler’s Lane/Wenham, Mass.”,
prepared by Hayes Engineering, Inc., dated June 1, 2007, last revised October 8, 2009, and recorded with the Essex South District Registry of Deeds in Book 423, Page 84, and on file with the Town Clerk, and to authorize the Board of Selectmen to acquire on behalf of the Town, by gift, purchase, and/or eminent domain, the fee to or an easement to use Settler’s Lane for all purposes for which public ways are used in the Town of Wenham, and any and all drainage, utility, access, and/or other easements related thereto.

Discussion: None

Action: Article 14 passed by majority.

ARTICLE 15: Zoning Bylaw Amendment: Site Plan Review Applicability
To see if the Town will vote to amend the Wenham Zoning Bylaw Section 13 as follows, with additions in bold and deletions in strikethrough:

“13.5.1 – Site Plan Review Applicability
1) Construction, exterior alteration or exterior expansion of, or change of use within, a municipal, institutional, commercial, industrial, or residential structure with two or more dwelling units; and
2) any change of use of from residential, including single family, to municipal, institutional, commercial, industrial use, or residences with two or more dwellings; and,”

2) Construction or expansion of a parking lot for a municipal, institutional, commercial, industrial, or residential structure with two or more dwelling units.
3) For the following Institutional and Exempt Uses set forth in the Table of Use Regulations: Educational, Religious, and Child Care Facility, see Section 13.7, Site Plan Review for Institutional and Exempt Uses (collectively, “Dover Amendment Uses”), subject to the limitations on the scope of review as set forth hereunder.

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

1) Site layout, which shall contain the boundaries of the lot(s) in the proposed development, proposed structures, drives, parking, fences, walls, walks, outdoor lighting, loading facilities, and areas for snow storage after plowing. The first sheet in this plan shall be a locus plan, at a scale of one (1) inch equals one hundred (100) feet, showing the entire project and its relation to existing areas, buildings and roads for a distance of one thousand (1,000) feet from the project boundaries or such other distance as may be approved or required by the Board.

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

3) Utility and landscaping plan, which shall include all facilities for refuse and sewerage disposal or storage of all wastes, the location of all hydrants, fire alarm and firefighting facilities on and adjacent to the site, all proposed recreational facilities and open space areas, and all wetlands including floodplain areas.
4) Architectural plan, which shall include the ground floor plan and architectural elevations of all proposed buildings and a color rendering.

5) Landscaping plan, showing the limits of work, existing tree lines, and all proposed landscape features and improvements including screening, planting areas with size and type of stock for each shrub or tree, and including proposed erosion control measures.
6) Dover Amendment Uses shall be required to provide only information that is relevant to the limited scope of site review of the use as provided for under G.L. c.40A, s. 3.

13.5.5.2 The site plan shall be accompanied by:
1) A written statement indicating the estimated time required to complete the proposed project and any and all phases thereof. There shall be submitted a written estimate, showing in detail the costs of all site improvements planned.
2) A written summary of the contemplated projects indicating, where appropriate, the number of dwelling units to be built and the acreage in residential use, the evidence of compliance with parking and off-street loading requirements, the forms of ownership contemplated for the property and a summary of the provisions of any ownership or maintenance thereof, identification of all land that will become common or public land, and any other evidence necessary to indicate compliance with this Bylaw.
3) Drainage calculations by a registered professional engineer. Storm drainage design must conform to the Town’s Subdivision Rules and Regulations and to the Planning Board’s Rules and Regulations.
4) If the Board requires, narrative assessments of the on-site and off-site impacts of the proposed use and structures.
5) Certification that the proposal is fully compliant with the provisions, if applicable, of the Americans with Disabilities Act and the Massachusetts Architectural Barriers Board.
6) Dover Amendment Uses shall be required to provide only information that is relevant to the limited scope of site review of the use as provided for under G.L. c.40A, s. 3.

Or take any other action relative thereto.

**Recommendation:** Planning Board: Favorable Action (4-0-0). Board of Selectmen: Favorable Action (2-0-0)

**Motion:** Ann Weeks, Chair of the Planning Board moved that the Town vote to amend the Zoning Bylaw Section 13: Site Plan Review Applicability as set forth in Article 15.

**Discussion:** Kirsten Alexander of 231 Larch Row questioned whether this pertains to accessory apartments. Ann Weeks explained that this proposed change is just in the language and nothing procedural.

**Action:** Article 15 passed by the requisite 2/3 majority.

**ARTICLE 16:** Zoning Bylaw Amendment: Signs

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

**Section 7.0 Signs**

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

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

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

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

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

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

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

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

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

A. One street side sign not to exceed seven (7) square feet to identify the complex itself.

B. Individual businesses within the complex identified at street side with signs 12 inches by 36 inches arranged vertically in a single structure.

C. Each business within the complex may have one two-square-foot sign located at the doorway for business identification.

7.2.3 Senior Housing Overlay District (SHOD).
See 12.3.8 for special requirements for signs located in a Senior Housing Overlay District.

7.3 General Standards For Signs.

The following standards apply to all signs:

A. No sign shall be erected so as to obstruct any fire escape, window, door, or other opening or so as to prevent free passage from one part of a roof to any other part thereof.

B. No sign shall be attached in any manner to a fire escape or shall be placed to interfere with an opening which is required for ventilation.

C. No exposed, un-insulated parts of an electrical sign shall be permitted.

D. No sign shall be erected that shall in any way create a traffic hazard or in any way obscure or confuse traffic control.

E. No sign or sign structure shall interfere in any way with a public way, including sidewalks, paved roadway or sidewalk on a public way, or adjacent public property between a paved roadway and sidewalk.

F. Letters, figures, characters, or representations in cutout or irregular form, maintained in conjunction with, attached to or superimposed upon any sign, shall be safely and securely built or attached to the sign structure.

G. Signs shall be designed, constructed, and erected in accordance with the State Building Code.

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

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

7.4 Illuminated signs.

The following additional standards apply to illuminated signs.

A. Illuminated signs are not permitted within residential districts without a special permit.

B. No red or green or other colored lights shall be used on any sign if such light would create a driving hazard.

C. No sign may be illuminated more than 30 minutes after closing of any store or business or 30 minutes after working hours in a commercial building, except signs identifying public buildings; provided however, that the Planning Board, in granting a special permit, may, for good cause shown, extend the time during which a sign may be illuminated.

7.5 Moving signs.

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

7.6 Maintenance.

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

7.7 Amortization Removal of Existing Signs.

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

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

A. Exemptions. No permit is required for the following types of signs:
   (1) Any sign legally erected before the date of the Town Meeting approving this article shall be exempt from the requirements in this article.
   (2) Any sign erected or required by the Town, by the Commonwealth of Massachusetts or by the United States, or any subdivision or agency thereof, or for any sign intended solely for the protection of life or property.

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

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

Or take any other action relative thereto.

Recommendation: Planning Board: Favorable Action (4-0-0). Board of Selectmen: Favorable Action (3-0-0)

Motion: Ann Weeks, Chair of the Planning Board moved that the Town will vote to amend Section 7.0: Signs of the Wenham Zoning Bylaws as set forth in Article 16.

Discussion: Michelle Bailey of 2 Remington Road made a motion to amend the motion by replacing the word “Date” with the word “day” in Section 7.2.A.3.b.
Maureen Wechs of 11 Kimball Avenue modified Bailey’s amendment to not “replace” the word “day” but just to “insert” the word “day and”. This amendment passed by a majority.

Action: Article 16 as amended passed by a 2/3rd majority.

ARTICLE 17: Bylaw Amendment: Penalties
To see if the Town will vote to amend the General Bylaw by deleting the text of Chapter VIII and inserting in place thereof the following:
A. General.
   1. These bylaws may be enforced by any means available in law or in equity, including but not limited to enforcement by criminal indictment or on complaint before the district court pursuant to MGL c.40, § 21 or by non-criminal disposition pursuant to G.L. MGL c. 40, § 21D. If enforced by criminal indictment or on complaint before the district court, a fine of up to $300 may be imposed for each violation.
   2. The election of one remedy shall not preclude enforcement through any other lawful means. Each day that a violation exists shall constitute a separate offense.

B. Enforcement through Non-criminal Disposition.
   1. Any general or zoning by-law of the Town of Wenham, or rule or regulation of its officers, boards or departments adopted at a public meeting for which notice is posted on the Town website for a period of not less than one week prior to such public meeting, may in the discretion of the Town official who is the appropriate enforcing person, be enforced through non-criminal disposition as provided in MGL c.40, § 21D. The specific penalty for purposes of non-criminal disposition for each such violation, if not otherwise specified in the bylaw rule or regulation, shall be as follows, with each day a violation exists constituting a separate violation for purposes of this by-law:
      First violation – warning
      Second violation - $50.00
      Third violation - $100.00
      Fourth and subsequent violations - $300.00
   2. The term “enforcing person” as used in this by-law shall mean: any Town of Wenham Police Officer with respect to any offense; as well as the Fire Chief, Town Administrator, Inspector of Buildings, Building Commissioner/Zoning Enforcement Officer, Conservation Commission or its agent, Board of Health or its agent, Sealer of Weights and Measures, Code Enforcement Officer, and their designees, and such other officials as the Board of Selectmen may from time to time designate, each with respect to violation of by-laws, rules and regulations within their respective jurisdictions. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.

Or take any action relative thereto.

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

**Motion:** Catherine Harrison, Chair of the Board of Selectmen moved that the Town vote to amend the General Bylaw by deleting the text of Chapter VIII and inserting in place new text regarding non-criminal disposition as set forth in Article 17.

**Discussion:** None

**Action:** Article 17 passed by a majority.

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**Adjournment**

At 4:45pm Moderator Reid asked for a motion to adjourn the meeting to our Annual Town Election on April 11, 2019, when the polls will be open from 7:00 am and to dissolve the meeting at the close of the polls at 8:00 pm that day. It was seconded and the Meeting came to a close.