

TOWN OF WENHAM

Board of Selectmen  
Meeting of, October 27, 2015  
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 27, 2015 at 7PM in the Selectmen Chambers.

**WELCOME- Call to order**

With a quorum present, Ms. Harrison called the Board of Selectmen (BOS) meeting to order 7 PM.  
Selectmen present Catherine Harrison, Chair; Jack Wilhelm, Vice Chair; John Clemenzi, Clerk  
Also Present: Peter Lombardi, Town Administrator; Paul Weaver, Town Counsel  
Catherine Tinsley, Recording Secretary

Public Information

Recorded with permission by HWCAM

Agenda

Announcements

Memorandum – Planning Board re Spring Hill

School Grounds Maintenance Agreement

Direct Energy Agreement - 2016

**PUBLIC INPUT** – There was none

**ANNOUNCEMENTS**

- Appointment Openings:
  - Conservation Commission: 1 Opening for a 3 Year Term
  - Iron Rail Commission Member: 1 Opening for 1 Year Term
  - Fence viewer: 1 Opening for 1 Year Term
- Halloween Hours for Trick or Treating: Saturday October 31, 5-8PM
- Veteran’s Day Schedule of events – November 11, 2015
- Wreath laying & short ceremony will take place at 10:30 AM at the Cheeseman Field and 11 AM at the Veteran’s War Memorial. There is no official ceremony at the Route 128 Memorial Bridge
- The Water Department will be flushing the fire hydrants starting November 3 – 17, 2015. Water may be discolored and some residents may experience lower water pressure during this time.
- Representative Brad Hill, in conjunction with the Ipswich Police Department, is holding a “Round Table” discussion on Opioid Abuse and Addiction on November 10, 2015 at 6 PM in the Ipswich Art Center. Wenham Police Chief Perkins and Detective Kavanagh will attend. This is open to the public.

**REPORTS**

Town Administrator - Mr. Lombardi reported on the following:

- Loose leaf pick-up starts November 2, 2015 and continues through December 12, 2015, weather permitting.
- Andrea Thibault began work as the new full-time Finance Assistant and Payroll Clerk last week; Town Hall is fully staffed.
- The Town received notification from the Division of Local Services that the application for the Community Compact program has been approved. The program will provide grant funding to hire a consultant to assist the town with a comprehensive capital improvement plan and technical assistance in developing resident engagement strategy.

- The Enon One Working Group, made up of volunteers, went to Newbury to visit Enon One, the Town's 1849 fire engine (Pumper). The group is working to identify a potential site(s) for Enon One to be permanently housed in Wenham. The goal is to have a cost estimate for engineering and schematics for the building ready in time to apply for Community Preservation funding.

Selectmen -Mr. Wilhelm asked for an update:

- On the repair of the phone system - Mr. Lombardi said the Town continues to make calls to Verizon to resolve phone issues without resolution.
- The Boulder Lane Development/Advisor- Mr. Lombardi did not have an update. He confirmed he would contact Mrs. Brady, the owner of the other parcel in Wenham, to ask if she has had an evaluation done on her property on Boulder Lane.

Chairman - Ms. Harrison observed that there was an error in the Chronicle regarding the BOS authorizing the Friday after Thanksgiving as a day off for employees. Ms. Harrison clarified this is not a permanent change but would be considered annually.

## **NEW BUSINESS**

Request for Liquor License- Grassy Roots

Jenny Grammars, owner of Grassy Roots, was present to talk to the BOS regarding an extension of her business plan to include the request of a liquor license. Ms. Grammars said she would like to have a beer and wine retail license to sell fine wine and craft beers in a small portion of her store e.g. a shelf for wine / cooler section for beer. The Town currently has one retail liquor license held by Richdale and a pouring liquor license held by the Tea House.

It was clarified that Wenham does not have a license to give. The town would have to petition the State for additional liquor license(s). This is a long process starting with a home rule petition before town meeting. If approved, it goes to the state and the earliest the license would be available is January 2017.

Recognition of Eagle Scout Project - Dylan Chane

This agenda item was deferred to another meeting.

Lakeview Property - M.G.L. Ch. 61B Process Presentation

Attorney Tom Harrington, Miyares & Harrington LLP Wellesley, Ma. was present to review the M.G.L. Ch. 61 which allows landowner to file to have their property assessed at its current use if it is being used for agriculture, forest, or open space/recreation, and not be taxed to its development value; the landowners agree to maintain the use of the land in a way consistent with their chosen program. Land sold or converted for a use not compatible with the Ch. 61 program within one fiscal year of being taxed as a Ch. 61 must provide their municipality with a notice to sell or convert.

Ms. Harrison reported the Town has been made aware that the owners of Lake View Golf Course on Main Street are planning to notify the Town to convert the property from 61 b (recreational) to residential (development)

Attorney Harrington initiated a preliminary discussion of what this means to the Town and reviewed the process that when the land owner wants to take the property out of chapter 61, the town may exercise their right of first refusal to buy the land or may transfer the right of first refusal to an eligible conservation organization.

Attorney Harrington said a developer has approached the Town saying they are going to develop the property and the Town has been informed by the landowner's attorney they are going to file a notice to convert (the property).

Attorney Harrington explained the difference between conversion, which does not involve the sale of the property, and the notice of intent to sell, which involves a signed Purchase & Sale Agreement without contingencies. Both involve specific time lines to exercise the right of first refusal, to buy the land, or to transfer the right of first refusal. The town does not need to have an appraisal done if there is a signed Purchase & Sale Agreement.

The Town Administrator was directed to prepare a Request For Proposal (RFP) for an appraisal, including a time line and cost estimate. The BOS will meet as necessary during this process to meet the deadlines and hold public hearings as required; Town Meeting must appropriate the funding if the town purchases the land. Attorney Harrington added the Town could attach condition(s) to a waiver. Mr. Wilhelm asked a letter be sent to Counsel for the Estate to clarify/confirm the intent of the estate to either convert or sell the property. It was noted that Main Street frontage is in the Historic District.

Dodges Row / Spring Hill Farm Project - Update

Mr. Wilhelm read the memorandum in the BOS packet (not dated) from the Planning Board regarding Spring Hill Farm, a proposed definitive subdivision of the West property located at 77, 79, & 83 Dodges Row. The proposed plan is to keep two of the three dwellings on the property and allow for 17 additional dwellings. Two of the lots will be deeded as affordable units; one of the dwellings may be a duplex, pending site issues and plans.

Emilie Cademartori, Planning Coordinator, was present to further explain the project as four bedroom single family homes, on lots of more than 1 acre, to be marketed in the price range of \$750,000 - \$790,000. This is not considered cluster housing and no affordable units are required. The Developer is agreeing to provide the town with a minimum of two affordable units.

The Planning Board is expected to vote on a decision at either their November or December 2015 meeting. Once voted, the decision will be filed with the Town Clerk and subject to a 20-day appeal period.

Ms. Cademartori noted a full review / approval by the Conservation Commission is required due to wetlands and the proximity to a drinking water source.

If approved, construction is estimated to start in summer of 2017.

The BOS was not made officially aware of this proposed development, noting it has been ongoing since May 2013. Ms. Cademartori reported the estimated tax revenue at full build out is \$240,000.

Town Bylaw Codification Recommendation: General Code

Town Counsel, Paul Weaver was present to talk about the codification, update, and digitization of the legislation of the town. He went on to explain the bylaws have been modified and renumbered over the years. The completed project would identify conflicts and inconsistencies within the town's bylaws that need updating or correction; the incorporation of any necessary revisions; the creation of an index; the preparation of Code adoption legislation and disposition list to document the final disposition of all Code –relevant legislation and have a fully searchable online version of the Code.

The Town must approve this by a Special Act. The initial time to complete the project is two years. The Codes would then be maintained in perpetuity.

*General Code* understands small, pre-charter town communities.

The total cost is \$8,000.00, which is spread out over two fiscal years. There is an annual maintenance fee for updates of \$1000.00.

*VOTE: Mr. Clemenzi moved, and it was seconded, to approve and accept the recommendation by Town Counsel for General Code to undertake the Town Bylaw Codification project as outlined in the enclosed material, providing the Finance Committee approved a reserve fund transfer. The motion carried unanimously.*

School Grounds Maintenance Agreement

Mr. Lombardi reported the School Grounds Maintenance Agreement has been reviewed and agreed to by all parties.

Mr. Lombardi went on to review the scope of work and general changes made in the agreement to reflect current practice. One important change to the agreement noted was the spring and fall cleanup have been eliminated from the scope of work by the DPW.

*VOTE: Ms. Harrison moved, and it was seconded, to approve the revised School Grounds Maintenance and General Cleanup Agreement between the Towns of Wenham and Hamilton, and the Hamilton Wenham Regional School District. The motion carried unanimously.*

Approved 12.1.15

Re-vote to discontinue use of current voting equipment and begin use of new equipment

Dianne Bucco, Town Clerk was present to answer questions.

The BOS voted on October 13, 2015 to authorize the Town Clerk to discontinue the use of the current voting machine and use the new voting tabulator in all elections. The State is requiring the BOS vote on this again with more specific language.

*VOTE: Mr. Clemenzi moved, and it was seconded, to rescind the BOS vote of October 13, 2015 relative to the current and proposed voting equipment. The motion carried unanimously.*

*VOTE Mr. Clemenzi moved, and it was seconded, to approve and grant permission to discontinue using the current voting equipment, the Accuvote-Optic Scan and begin to use the new voting tabulator, the Imagecast Precinct Optical Scan Tabulator, moving forward. The motion carried unanimously.*

Direct Energy – Natural Gas Agreement

Mr. Lombardi reported the four-year contract with Power Options Direct Energies, to supply the Town with natural gas, has expired. National Grid will supply the Town with Natural Gas for the next two months. The Town will start a new four-year contract with Direct Energies in January 2016. The rates anticipated in 2016 are about 20% lower than the past rates. The rates are variable day to day and the price must be locked in sometime in January.

*VOTE Mr. Wilhelm moved, and it was seconded, to approve the power Options Direct Energy Agreement for Natural Gas Utilities, effective in the January 2016 billing cycle and authorize the Town Administrator to execute the agreement on behalf of the Board. The motion carried unanimously.*

#### **OLD BUSINESS**

There was no old Business to come before the Board.

#### **MINUTES**

The minutes were held for review

#### **ADJOURNMENT**

The BOS unanimously adjourned at 8:54 PM.

Respectfully submitted by

Catherine Tinsley

11.1.15