

Approved & Released - 2.7.17

EXECUTIVE SESSION (ES) CONFIDENTIAL

The ES was part of the **Wenham Board of Selectmen (BOS) Monday, May 12, 2014** posted meeting. Pursuant to Open Meeting Law, M.G.L. c. 30A, §§ 22 (f) the minutes of any ES, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, may be withheld from disclosure to the public in their entirety under sub clause (a) of clause Twenty-sixth of Section 7 of Chapter 4, as long as publication may defeat the lawful purposes of the ES, but no longer; provided, however, that the ES was held in compliance with Section 21. These minutes will not be released until approved for release by the Selectmen and notice of such approval has been entered into the regular minutes.

The purpose of the ES was to discuss litigation with regards to Cross Keys Retreat, 76 Topsfield Road

Selectmen Present: Jack Wilhelm, Chair; Catherine Harrison, Vice Chair; Ken Whittaker, Clerk  
Also Present: Mark Andrews, Town Administrator; Catherine Tinsley, Minutes Secretary  
Town Counsel Paul Weaver participated remotely

The Building Inspector was in the possession of a demand letter in response to the issuance of occupancy permit for 76 Topsfield Road.

The Selectmen discussed with Counsel in length if the Cross Keys organization, located at 76 Topsfield Road, was appropriately allowed under Wenham zoning bylaws pursuant to MGL Ch 40A sec 3, known as “The Dover Amendment” which exempts properties/corporations that are used primarily for educational and agricultural purposes from certain zoning restrictions.

Cross Keys Retreat is promoted as a “15 bed residential program for alcoholic or addicted men” on a 6-acre campus.

The BOS asked that the status of both the property owner of 76 Topsfield Road and Cross Keys Retreat be confirmed as either not for profit, or for profit. Mr. Andrews was directed to contract the Attorney Generals office for additional information.

Ms. Harrison noted she has not seen all the documents from this organization including those claiming they are under the Dover amendment.

Chairman Wilhelm stated his concern if the primary purpose of Cross Keys is educational and if this type of program belongs in a residential area.

It was the consensus of the Board of Selectmen that Mr. Andrews confirm if the Town has insurance coverage for legal costs related to litigation, and to schedule a special public factual inquiry meeting. Cross Keys will be asked to attend the meeting and explain why they believe they are considered an educational use and therefore eligible for consideration under the Dover Amendment.

It was noted that the Zoning Board of Appeals, in concert with the Building Inspector, has been requested to respond with an opinion and recommendation to the BOS.

Town Counsel was authorized to speak with Attorney Tymann regarding possible settlement with his client including possible mitigation i.e. a fence between the properties be considered. Mr. Weaver will also request an extension for time for the Building Inspector to respond to Attorney Tymann’s request for action and documentation.

*Vote: Ms. Harrison moved, and it was seconded, to return to open session at 11:39 AM. The motion carried unanimously by roll call vote.*

Respectfully submitted by

Catherine Tinsley  
5.13.14