

SENATE No. 2678

Senate, November 29, 2018 – New draft (Senator Tarr) to Senate Bill authorizing the town of Wenham to make permanent improvements to certain private ways and assess betterments (Senate, No. 2662).

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act authorizing the town of Wenham to make permanent improvements to certain private ways and assess betterments.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

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

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

12 SECTION 3. The cost of the repairs and improvements and the borrowing authorized by
13 this act shall be apportioned to and among the benefited property owners as a betterment
14 pursuant to chapter 80 of the General Laws, using a method agreed to by the Wenham board of
15 selectmen and a majority of the residents of Longfellow road and South street. The board of
16 assessors, in consultation with the board of selectmen, may set the number of years for which a
17 betterment may be assessed, which may be fewer than 20 years for the private way
18 improvements authorized by this act, notwithstanding the request of the owner of the land
19 assessed. Except as otherwise provided in this act, chapter 80 of the General Laws shall apply to
20 the assessments authorized in this act with respect to the assessment, appointment, division,
21 interest, abatement and collection of such assessments. The town shall record appropriate orders
22 to secure payment in the same manner as it acquires a lien for a betterment assessment pursuant
23 to said chapter 80.

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