

SENATE No. 2662

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

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

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Bruce E. Tarr

First Essex and Middlesex

Bradford R. Hill

4th Essex

SENATE No. 2662

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 2662) of Bruce E. Tarr and Bradford R. Hill (by vote of the town) for legislation to authorize the town of Wenham to make permanent improvements to certain private ways and assess betterments. Municipalities and Regional Government. [Local Approval Received.]

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: (1) make permanent repairs and
3 improvements to the private ways known as Longfellow Road and South Street, including, but
4 not limited to, improvements to grading, drainage, paving and resurfacing; (2) appropriate and
5 expend funds therefor; and (3) assess betterments.

6 SECTION 2. Notwithstanding any general or special law to the contrary, the town of
7 Wenham may borrow, from time to time, such sums as may be necessary to make repairs and
8 improvements to Longfellow Road and South Street within the town. Each authorized issue shall
9 be payable within 20 years from its 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 herein, shall otherwise 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 such method as may be agreed to by the
15 Wenham board of selectmen and a majority of the residents of Longfellow Road and South
16 Street. The board of assessors, in consultation with the board of selectmen, may set the number
17 of years for which a betterment may be assessed, which may be for fewer than 20 years for the
18 private way improvements authorized by this act, notwithstanding the request of the owner of the
19 land assessed. Except as otherwise provided herein, chapter 80 of the General Laws shall apply
20 to 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.