

**SENATE . . . . . No. 2662**

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**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**

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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.]

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**The Commonwealth of Massachusetts**

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**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.