



COMMONWEALTH OF MASSACHUSETTS
TOWN OF WRENTHAM

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MINUTES OF THE
SPECIAL TOWN MEETING
NOVEMBER 12, 2013

The Special Town Meeting was called to order by Moderator Keith Billian at 7:30 PM at the King Philip High School Auditorium.

A motion was made and voted to waive the reading of the warrant by Mr. Robison.

Tellers appointed for the evening were Joseph Heck, Leo Immonen, Leon Berman, and Nick Tobichuk.

The Colors were presented and the Pledge of Allegiance was led by Girl Scout Cadet Troop 679.

The Moderator recognized and presented Robert Blackman as the new Building Commissioner. Also introduced was Chris Martes as the Interim School Superintendent.

Recent retirees recognized were Robert Heinz – 34 years – Dispatcher, Special Police, and Firefighter; Walter Pelrine – 30 years – Board of Appeals and Firefighter.

The Moderator announced and congratulated Barbara Hall and Ralph Clark on their 100th birthday.

A moment of silence was held for the passing of Jack Manchester who worked since 1974 for the DPW, latest position as Assistant Superintendent.

Article 1 – Voted that the Town recognize the Town of Wrentham's 2013 Volunteer(s) of the Year. Passed – majority. The Youth award was awarded to Megan Connor, a senior at KP High School. Megan created "KP Cares" which now has over 40 members. The Adult award went to Jeffrey Hall for his many, many years volunteering in the town and being on boards and committees.

Article 2 – Voted that the Town consider the reports of the Town Officers of any committee or commission and act thereon. Passed – majority. Selectman Chairman Botaish gave an overview of the "State of the Town," with a PowerPoint presentation with a breakdown of improvements to the Town and items in the works. Free cash is presently at \$1,489,221.00.

Special Town Meeting
November 12, 2013

Article 3 – (Article 3 was moved and voted with Article 10, which was a like article.) Voted that the Town authorize the Board of Selectmen to lease a portion of the property known as the Knuckup Hill Water Tank site, Assessors Map L-08, Block 4, Parcel 30, consisting of 17.96 acres, more or less, for purposes of installing a multi-carrier wireless communication monopole facility and related access and improvements, on such terms and conditions as the Board of Selectmen shall determine, for a term of up to 20 years, and further to authorize the Board of Selectmen to convey such non-exclusive easements as may be necessary to provide electric and telephone utilities to serve that facility, or take any other action relative thereto. This authorization shall lapse if a lease is not executed before December 1, 2016. Passed – unanimous. An explanation was given for this article.

Article 4 – Voted that the Town authorize the Board of Selectmen to lease a portion of the property known as the William A. Rice Complex, at 54 Emerald Street, Assessors Map M-11, Block 7, Parcel 4, consisting of 80.49 acres, more or less, for purposes of constructing and operating recreational facilities for public and private use, and further to authorize the Board of Selectmen to convey such non-exclusive easements as may be necessary to provide access and utilities to serve such facilities, or take any other action relative thereto. This authorization shall lapse if a lease is not executed before December 1, 2016. Passed – Yes 115; No 26. 2/3 voted required and obtained.

This article was discussed at length. John Jackson of the Recreation Committee gave an explanation using a powerpoint presentation. George Smith presented an amendment making the lease subject to town meeting. The amendment failed.

Article 5 – Voted that the Town petition the General Court for a special act creating a Charter for the Town of Wrentham as recommended by the Town Government Study Committee in the form set forth in the Town Meeting handout dated November 4, 2013 and appended to this motion; provided, however that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court; and, provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition. Passed – majority. (Charter as amended and voted attached to these minutes.)

This article involved two hours of discussion. The initial explanation was given by Jerry McGovern. Also discussing the article were Deborah Torchia and Dan Vieira, using powerpoint. The charter was broken down by sections and questions were taken. John Zizza used a powerpoint presentation for his comments. Four amendments were made as follows: the first on section 3.6.2 – failed, the second on 4.2.2.a – failed, the third on 5.9.4 – failed, the fourth on 7.6.2 passed. All amendment counts were by voice vote and a show of hands.

Article 6 – Voted that the Town appropriate by transfer from unappropriated funds in the treasury, the sum of \$135,257 to supplement the current Fiscal Year 2014 operating budgets, said sum to be distributed as follows:

Special Town Meeting
November 12, 2013

Account	Amount
To Town Clerk Salary	\$3,200
To Town Clerk Expenses	\$3,635
To Police Salary	\$41,068
To Police Expenses	\$16,560
To Fire Salary	\$22,000
To Building Department Salary	\$8,693
To Building Department Expenses	\$2,057
To Public Health Expenses	\$500
To Department of Public Works Salary	\$20,779
To Department of Public Works Expenses –Public Buildings Maintenance (Library)	\$6,765
To Insurance and Employee Benefits	\$10,000

Passed – majority.

Article 7 – Voted that the Town appropriate from unappropriated funds in the treasury, the sum of \$149,000, said sum to be allocated to FY2014 capital requirements as follows:

Requirement	Amount
For the replacement of two Police Department vehicles	\$68,000
For the replacement of the Fire Department Brush Truck	\$34,000
For a single vehicle replacement for the Building Department	\$25,000
For a single vehicle replacement for the Public Health Nurses	\$22,000

Said sum to be expended under the direction of the Board of Selectmen.

A motion was made and approved to increase the appropriation for the Public Health Nurses from \$16,000 to \$22,000.

Passed as amended – majority.

Article 8 - Voted that the Town make the following changes to the Personnel By-Laws Salary Schedule:

Position	Change	To
Town Planner	Maximum Salary of \$43.00 per hour	Maximum Salary to \$46.00 per hour

Passed – majority.

Article 9 – Voted that this article be indefinitely postponed. Passed – majority. (Library Director salary)

Special Town Meeting
 November 12, 2013

Article 10 – Voted that the Town amend the Wrentham Zoning Bylaw as printed under Article 10 of the Warrant for this Town Meeting. (as follows)

First, by inserting into Article 2 (Definitions), placed within the existing definitions in alphabetical order, the following new definitions:

WIRELESS COMMUNICATION FACILITY

All equipment, buildings, and structures with which a wireless communication service provider broadcasts and receives the radio-frequency waves which carry its services and all locations of said equipment or any part thereof. A WIRELESS COMMUNICATION FACILITY may also include equipment used by governmental agencies for public safety communications.

WIRELESS COMMUNICATION SERVICE PROVIDER

An entity licensed by the Federal Communications Commission (FCC) to provide wireless communication services to individuals, businesses or institutions.

Second, by inserting into Section 4.2 (Table of Uses) the following Section 4.2.G.3, and adding the accompanying footnote “9” at the end of Section 4.2:

	R-30	R-43	R-87	B-1	B-2	C-1	C-2	CRSP
3. WIRELESS COMMUNICATIONS FACILITY incidental to an existing PUBLIC OR MUNICIPAL UTILITY FACILITY ⁹	N	N	N	N	N	N	N	SPA/SP

9. A WIRELESS COMMUNICATIONS FACILITY shall be deemed incidental to an existing PUBLIC OR MUNICIPAL UTILITY FACILITY if the area devoted to the WIRELESS COMMUNICATION FACILITY constitutes less than 5% of the lot area assigned to the existing PUBLIC OR MUNICIPAL FACILITY USE.

The Planning Board report was read at the meeting. Passed – Unanimous.

Article 11 – Voted that the Town amend Article 18.8(e) of the Town of Wrentham Zoning Bylaws as follows:

18.8 Regulations For Specific Types Of SIGNS

e. TEMPORARY SIGNS: TEMPORARY SIGNS cannot be used for more than 90 days (except SUBDIVISION LOT PLAN SIGNS, which shall be removed within 30 days from the date of last lot being sold) ~~twelve (12) months~~ but are permitted in all ZONES: Some may require a permit from the SIGN INSPECTOR. The SIGN shall be removed at the end of the period unless a

Special Town Meeting
November 12, 2013

renewal application has been approved. The SIGN INSPECTOR shall ensure that SIGNS shall be legible.

The Planning Board report was read at the meeting. Passed – Unanimous.

Article 12 – Voted that the Town amend Article 19, Highway Commercial District of the Wrentham Zoning Bylaws by adding paragraph 19.3.1.h to read “GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION in compliance with the requirements of Article 4.8, SOLAR PHOTOVOLTAIC INSTALLATIONS”

The Planning Board report was read at the meeting.

Passed – Unanimous.

Article 13 – Voted that the Town amend ARTICLE 1.20. SECTION 1. and ARTICLE 2.40. SECTION 1 of the General By-Laws as presented under Article 13 of the warrant for this Town Meeting. (follows)

Vote to amend ARTICLE 1.20. SECTION 1. of the General By-laws by enumerating the existing paragraph as “A.”, and inserting the following paragraph after the existing paragraph:

- B. Any article placed on the warrant of the annual town meeting or any other town meeting, and any motion that is received by the Moderator, which would have a permanent effect on the operation of the Town by creating a committee, board, commission or department, or by defining the structure or responsibilities of any committee, department or other agency of the Town, including by acceptance of a local option statute, shall be presented as an amendment to the General By-Laws.

And further to see if the Town will vote to amend ARTICLE 2.40. SECTION 1. of the General By-laws by deleting paragraph C. and inserting the following paragraph after paragraph B.:

- C. All standing committees of the Town shall be established or abolished through an article in a Town Meeting warrant in accordance with ARTICLE 1.20. SECTION 1. B. Such article shall specifically state the committee’s charge, ~~staffing membership and terms of office~~, appointing authority, and funding; also, its relationship to any current by-laws, committees, or General Laws of the Commonwealth.

[Note: In order to illustrate the proposed amendment to ARTICLE 2.40 the entire language of ART. 2.40. SEC. 1. C. is shown, and language that would be deleted from or added to the current language is indicated as ~~strikeout~~ and underline, which will not be displayed in the published by-laws.]

A report from the General By-Law Review Committee was referred to, recommended favorably. Passed – Unanimous.

Special Town Meeting
November 12, 2013

Article 14 – Voted that the Town replace Article 7.12 of the Wrentham General Bylaws (formerly Article 28 prior to renumbering of General Bylaw) in its entirety.

ART. 7.12 Scenic Roads

ART. 7.12. SECTION 1. Purpose

The purpose of this by-law is to increase environmental protection, maintain aesthetic qualities, and preserve the historical values of designated roads in the Town. The by-law regulates certain roadway repair, maintenance and reconstruction activities in order to help achieve these objectives.

ART. 7.12. SECTION 2. Definitions

In the absence of contrary meaning established through legislative or judicial action pursuant to M.G.L. (Massachusetts General Law) Chapter 40, Section 15C, the following terms contained in that statute shall be defined as follows:

- A. "Cutting or removal of trees" shall mean the destruction of one or more trees having a trunk diameter of four (4) inches or more measured four (4) feet from the ground, trimming of major branches or trimming of roots sufficient in the Tree Warden's opinion to cause eventual destruction of a tree. Not included in this definition is the routine or emergency maintenance which removes only permanently diseased or damaged limbs, trunks, or roots, and dead whole trees.
- B. "Repair, maintenance, reconstruction, or paving work" shall mean any work done within the right of way by any person or agency, public or private. Construction of new driveways or alterations of existing ones is included to the extent such work takes place within the right-of-way. Roadside clearing of trees to provide for vehicle clearance or for improvement to line-of-sight shall also be included in this definition. Construction or alteration of water, sewer, electric, telephone, cable TV or other utilities within the right-of-way is also included.
- C. "Road" shall mean the right-of-way of any way used and maintained as public way including the vehicular traveled way, plus shoulders, the portion of intersecting driveways within the right-of-way, and necessary appurtenances within the right-of-way such as bridge structures, drainage systems, retaining walls, and paths. When the boundary of the right-of-way is in issue so that there is a question as to whether or not certain trees or stone walls or portions thereof are within or without the way, the trees or stone walls shall be presumed to be within the way until the contrary is shown.
- D. "Tree" shall mean a perennial woody plant whose trunk has a diameter of four (4) inches or more as measured four (4) feet above the ground.
- E. "Stone Wall" shall mean an assembled grouping of stones comprising at least one (1) cubic foot of stone per linear foot and totaling five (5) or more feet in length.

- F. "Tearing down or destruction of stone walls" shall mean the removal or covering with earth of more than two (2) linear feet of stone wall. Temporary removal and replacement with the same materials at the same location within thirty (30) days shall not be construed to be within this definition.

ART. 7.12. SECTION 3. Procedure for Scenic Road Designation

A. Process

1. Any person or group of persons may submit an application to the Town Administrator to request that a public road be designated as a scenic road. Such application shall be accompanied by a written description of the characteristics of the road that qualify it for protection afforded by this chapter.
2. The Town Administrator shall refer all such applications to the Planning Board, the Conservation Commission and the Historical Commission within 15 days of the date of receipt of the application.
3. Within 45 days of receipt of an application thereunder, the Planning Board, the Conservation Commission and the Historical Commission may make a recommendation to the Board of Selectmen or request in writing that the road described in the application be designated a scenic road. Upon recommendation, the Board of Selectmen shall include a warrant article for the next Town Meeting.
4. Designation is by majority vote of Town Meeting.

B. Findings

In considering whether to recommend a road as a scenic road to the Town Meeting, the Board shall consider the following factors:

- i. Historic significance of affected trees and stone walls.
- ii. Contribution of trees and stone walls to scenic beauty.
- iii. Exceptional qualities of trees in terms of age, spread, species or specimen size.
- iv. Protection of natural resources as well as scenic and aesthetic quality of area including scenic views.
- v. Bordering land uses, present and prospective, and how they impact the importance of retaining trees and walls.
- vi. Feasibility of accomplishing the intent of the Scenic Roads Act in light of road design and use.
- vii. Non-qualifying roads. Numbered routes and state highways may not be designated scenic roads.

ART. 7.12. SECTION 4. Review Procedures for Work Within Designated Scenic Roads

A. Scenic road work permit

The Planning Board shall issue a scenic road work permit in accordance with the following review procedures. The Planning Board shall advertise, notify abutters and hold a public hearing on all work permit applications filed hereunder, in accordance with the notice requirements of M.G.L. Chapter 40A, Section 11.

B. Activities requiring approval

Within a public road layout which has been designated a scenic road, the following activities shall require approval of the Planning Board in accordance with the provisions of this article: The cutting or removal of trees and/or the tearing down or destruction of stone walls or portions thereof, in connection with repair, maintenance, reconstruction, paving or other work within the layout of a public road.

C. Imminent threats to public safety

In cases where an imminent threat to public safety newly arises and does not allow sufficient time to obtain advance approval of the Planning Board as required by this chapter, the Planning Board must be notified within five business days of any action taken which, had such a threat not arisen, would have been a violation of this article.

D. Application content

- i. A notice identifying the location of the proposed activity which enables readers to reasonably locate it on the ground, without need for additional references, describing the proposed changes to tree(s) and/or stone wall(s).
- ii. A certified abutters list prepared by the Wrentham Assessor's Office including owners of land which is both abutting and within 300 feet of the affected scenic road location.
- iii. A plan, describing the proposed activity and mitigation measures, including protection, restoration and any compensatory efforts.
- iv. A certificate by the petitioner attesting to the marking of all trees and walls to be affected, sufficient to enable the Board and all interested parties to identify those trees and walls.
- v. Photographs of all stone walls and trees within the proposed work area.
- vi. Application form.

E. Public Shade Tree Act

Whenever feasible, notice shall be given and Planning Board hearings shall be held in conjunction with those held by the tree warden acting under M.G.L. Chapter 87. The consent of the Planning Board to a proposed action shall not be regarded as inferring consent by the tree warden, or vice versa. The Planning Board decision shall contain a condition that no work should be done until all applicable provisions of the Public Shade Tree Law, M.G.L. Chapter 87, have been complied with.

F. Fees

Actual advertising costs and abutter notification mailings for a scenic roads work permit shall be borne by the petitioner and shall be billed directly to the petitioner. A

scenic roads work permit fee shall be established by the Planning Board to cover the town's administrative costs.

G. Compensatory actions

1. Since the purpose of this chapter is to protect the scenic quality and character of designated scenic roads, the Planning Board shall approve the proposed work only upon finding that adequate compensatory actions have been included in the applicant's proposed plan. The Planning Board shall consider the value of compensatory actions, such as the planting of new replacement trees or the reconstruction of stone walls, in making its decision. Reasonable measures should be taken in road widening and traffic safety projects on scenic roads so as to minimize tree removal and destruction of any portion of a stone wall. All feasible measures should be employed in the construction to minimize the removal of trees, stone walls and the grade of adjacent lands.

2. **Limited review standards**

(a) Trees destroyed shall be replaced with nursery grade trees on the following basis:

Tree Removed	Replacement
Up to 12 inches dbh	1 tree minimum, 4-inch caliper
12 inches to 24 inches dbh	3 trees minimum, 4-inch caliper
Over 24 inches dbh	4 trees at minimum, 4-inch caliper

(b) The Planning Board shall approve the final specimen and replanting location selected with a preference for replacement tree(s) planted within the outer edge of the right-of-way.

(c) The preference is for replacement tree(s) to be planted in the vicinity of the original tree removal location, however, in the event compensatory planting is not feasible or desirable near the project site, the Planning Board, upon recommendation from the Tree Warden, may authorize compensatory planting in alternate locations based on the following preference:

First: Compensatory tree planting will occur within the outer edge of the right-of-way of the same scenic road, in close proximity to the proposed location of tree removal.

Second: Compensatory tree planting will occur in suitable location(s) on same scenic road as proposed tree removal location.

Third: Compensatory tree planting will occur on another scenic road in Wrentham.

Fourth: Compensatory tree planting will occur in another location in Town.

(d) Stone walls shall be replaced so as to reconnect with undisturbed walls - wherever physically possible.

(e) Reasonable steps to be described in D(4)(c) will be taken to insure protection of tree trunks, branches, and root systems of remaining trees in the project area from temporary or permanent damage.

H. General

The Planning Board, after a public hearing consistent with the provisions of this article of the Town By-laws, may adopt additional regulations for carrying out provisions hereof.

I. Enforcement

The Planning Board and the Tree Warden shall have the authority to enforce the provisions of this section, as applicable.

1. Any violation of this bylaw, whether for the tearing down or destruction of stone walls or the cutting or removal of trees, shall result in a fine levied against the offending property owner. The first violation shall result in a fine of \$100, the second violation shall result in a fine of \$200, and the third violation shall result in a fine of \$300. Each day, or portion thereof, that a violation of this bylaw continues shall be deemed a separate offense.
2. In addition to the foregoing remedies, the Town of Wrentham acting by and through its Planning Board, and with the approval of the Board of Selectmen, shall have all other legal and equitable remedies, which may exist, including without limitation the right to seek injunctive relief.
3. In addition and as an alternative method of enforcement, the Town of Wrentham may in its discretion enforce the provisions of this bylaw in the manner provided in MGL c. 40, §21D.

J. Designated roads

The following are designated as scenic roads as provided for in M.G.L. Chapter 40 Section 15C. The entire length of each road is protected under this by-law, unless more specific limits are defined:

Arnold Street	Jenks Street	Spring Street
Beach Street	Hancock Street	Summer Street
Bennett Street	Madison Street (from	Taunton Street (from Senior
Berry Street	Stonybrook Lane to	Center to town line)
Burnt Swamp Road	Route 1)	Vine Street
Cherry Street	Myrtle Street	Wampum Street
Chestnut Street	North Street	West Street (from
Ellery Street	Otis Street	Spring Street to the
Everett Street	Ray Road	Bellingham town line)
		Williams Street

K. Severability

In case any section, paragraph or part of this bylaw for any reason is declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect.

L. Appeals

The applicant may appeal the decision of the Permit Granting authority to the Board of Selectmen within 30 days of the filing of the decision with the Town Clerk. The Board of Selectmen shall hear the appeal within 60 days of receipt of a notice of appeal. The appeal shall be submitted to the Board of Selectmen by certified letter in which the reasons for the appeal are itemized.

The General Bylaw Review Committee recommended that this motion be passed favorably.

Passed – Unanimous.

Special Town Meeting
November 12, 2013

Article 15: Voted that the Town appropriate from unappropriated funds in the treasury the sum of \$200,000 to be allocated to the Town Capital Stabilization fund. Passed – Unanimous.

A motion was made and passed to adjourn sine die at 11:00 PM.

There were 166 voters checked in to the meeting.

Attest: Carol A. Mollica
Carol A. Mollica
Wrentham Town Clerk