



Hanson Planning Board  
Minutes of the Public Meeting of  
April 8, 2024 at 6:30 PM  
Town Hall, Select Board Meeting Room  
542 Liberty Street, Hanson, MA02341

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HANSON, MA  
2024 APR 23 PM 2:00

**Members Present:**

- Joe Campbell, Chairman
- John Kemmett, Member
- Paul Benenato, Clerk
- Don Ellis, Member

**Members Absent:**

- Kevin Cohen, Vice Chairman
- 

**Others Present:**

- Tony DeFrias, Town Planner
- Kimberly Cunningham, Planning Board Administrative Assistant

**Call to Order**

At 6:30 PM the Hanson Planning Board was called to order by Chairman Campbell.

**Minutes**

***Chairman Campbell stated:*** "I would like to announce for those that are in attendance, that this meeting is being recorded for distribution on the Whitman/Hanson Community Access Page. Play back times and other related information on this recording can be found on WHCHA.TV. Our audio is being recorded and will be published."

*Clerical items that we would like to share are to make sure that all attendees at the meeting have signed in with their name and address, please silence your cell phones and if there are any recordings of this meeting place, please make sure that you notify the Chairs so that we can have it noted in the record.*

***Chairman Campbell added:*** It was confirmed by the Board and Members of the audience that during the March 25, 2024 Planning Board meeting, an attendee (Mr. Alan Dias) was recording the meeting illegally. For the record tonight, any reference to video or audio recording of that meeting was done without notification to the Vice Chair, myself or to our Administrative Assistant from the Town Planner's office to announce the recording and/or sign into the agenda for that evening.

## **Minutes Approval:**

**MOTION** was made by Mr. Benenato to approve the Planning Board meeting minutes from March 25, 2024. Motion seconded by Mr. Ellis and carried. ***Voted 4-0-1.***

## **I. Public Hearings**

No Public Hearing took place at this meeting.

## **II Appointments**

***1. Approval Not Required Plan - 461 Monponsett Street, (Assessors Map 23, Lot 2) Applicant: JCO Connection, Plan Prepared by: Land Planning, Inc.***

***Mr. DeFrias shared:*** This Form A was submitted on April 4, 2024. There is an existing dwelling with an existing leaching system and accessory building. The applicant would like to subdivide this into two lots.

***Garry Rice of Land Planning shared:*** The existing lot was lot 2 on map 23 and was subdivided into two lots (Lots A and B). Lot A has the existing house from 1923 on it and it did not meet zoning since the zoning line goes through the house. The garage is going to be raised and is in bad shape. Lot B has 150.12 feet at the 100-foot line. There is also 150 feet frontage facing South Street. Frontage has been created in case the decision is made to tear it down.

***Chairman Campbell stated:*** The building was already torn down to the foundation.

***Mr. Rice shared:*** My client was supposed to speak with the Building Inspector about that. He told me that as long as he kept the foundation he could rebuild it in the same spot. So that is something he will have to deal with, with the Building Inspector.

***Mr. DeFrias stated:*** As far as I know the Applicant has not spoken with the Building Inspector about putting a dwelling on the previous foundation. I believe they had a demolition permit. I did go through the check list and the Applicant has completed all 20 items on the check list.

***Mr. Kemmett added:*** I do not see a wet lands stamp showing certification. We are certifying/agreeing with the amount of upland at this meeting. My point is with out an engineer stamp, how can we possibly say that this how many square feet of upland are available? I have brought this up in the past and I will continue to keep bringing it up. There's no certification that these wetland lines are accurate so that makes the upland not accurate. Our jurisdiction as a Planning Board is to certify the lot and the amount of uplands that are there. We do not have the empirical data that supports that the upland is accurate.

***Mr. DeFrias stated:*** To that point I understand what Mr. Kemmett is saying, the Planning Board does require a statement on the ANR. The Planning Board may wish to consider to update their subdivision requirements.

***Mr. Rice shared:*** I have an email from the Botanists who flagged it and states that it is within the requirements.

**Mr. Kemmett added:** This is an email, not a stamp on the plan, when we accept this, what are we accepting? His name should be on this plan.

**Mr. Rice stated:** That he disagreed with Mr. Kemmett because the requirements do not state that.

**Mr. Ellis added:** In leu of not being stamped by Conservation Commission, can we put a heading on it saying this plan has not been approved by Conservation Commission?

**Mr. DeFrias shared:** When they go to Conservation, if that line moves significantly to render that lot non-conforming by zoning, then the Zoning Officer would say it doesn't meet the zoning requirements therefor this lot is no good.

**Mr. Kemmett shared:** When we sign this, we are signing the upland and square footage. I see that as a problem and I would be more comfortable having the name of the person who approved it on the plan

**Mr. Benenato added:** After this it goes to the next step of building. If they are going to build they have to go through Conservation and the permitting process which would have that requirement.

**Mr. DeFrias shared:** I think that the Subdivision Control Law needs clarification and to be updated saying that under an ANR per any plan, that when they come before the Planning Board that it is with an approved wetlands line so that it has a file number on the plan. This way you know that the line has already been approved.

*The Board agrees to talk with Town Council regarding the concerns of proper approval and decide to postpone the decision to be made on 461 Monponsett Street. The motion to approve the ANR will need to be determined by April 22 2024 which is also when the next Planning Board meeting will take place.*

**MOTION** was made by Mr. Benenato to postpone the decision of the ANR for 461 Monponsett Street until April 22, 2024. Motion was seconded by Mr. Ellis and carried. **Vote: 4-0-1.**

## **2. Master Plan** – Old Colony Planning Council meeting and update regarding the Master Plan.

**Mr. DeFrias shared:** Received an email update (4/4/24) from Rhiannon at OCPC. The Master Plan Steering Committee has approved the first three chapters of the Master Plan and it can now be shared with the Planning Board Committee. Rhiannon and other members from OCPC will be meeting with the Master Plan Steering Committee on April 17, 2024 at 6:00pm in Town Hall on the 2<sup>nd</sup> floor.

## **3. Continued Discussion** - Article 2-17, Section 5 (Streets and Highways) of the Hanson General Bylaw.

Mr. DeFrias shared: I spoke with Steve at the Highway Department. Under that article MASS General Law Chapter 40 (6N) which was not known as 6N at the time because it was adopted by Hanson in 1974, the current Article 2-17 sort of mimics the statue. The statue says that if you create a bylaw you can do certain things. This is why I sent you information on what other towns do. If this is something the Board would like to pursue and put something together it could then be reviewed by Town Council.

Once approved by Council it would then be passed to the Select Board to see if they would wish to pursue it. The difference between what was done prior and this is information is that Chapter 40 (6N) deals with private ways, and it says that if you are a town, then you accept a bylaw under these certain sections. Also, it explains what you will or will not do for private ways as a Town. Currently, grading the roads twice a year is the main action that is done. I wasn't aware that the Town of Hanson adopted this in 1974 as one of the bylaws. Knowing now that they have, if you want to pursue that private way item, this is how it would be pursued. An amendment would be created to Article 2-17 under the General Bylaw dealing with the private ways and what will and won't be done by the town. This could then be presented at the October Town Meeting.

**Chairman Campbell asked:** Could this be addressed after the May Town Meeting?

**Mr. DeFrias responded:** Yes.

**Mr. Kemmett asked:** We didn't have an awareness of Article 2-17 (Section 5) and Town Council as well?

**Mr. DeFrias responded:** Correct, I found out by conducting research.

*The Board continued to discuss the Article in more detail (additional information regarding the discussion can be heard on the audio recording on WHCHA.TV)*

**4. Right to Farm Warrant Article** – The Select Board has requested the Planning Board to review the proposed article and provide comment.

**Mr. DeFrias shared:** The Select Board sent an email asking if the Planning Board has any comments regarding the right to farm. There is a template from the State that most towns are using for their bylaw regarding the right to farm. I have forwarded the template and information about other towns to the Select Board so that they are aware of what these towns are doing. It's up to the Select Board as to whether or not the right to farm will be adopted in Hanson.

**Mr. Kemmett added:** The Farmer has the right to farm in the community so as long as the rules are followed that are laid out in the bylaw. It seems better for a town to have the bylaw so that you can say what is and is not acceptable with in the town. You're protecting the town but you're also saying we support farming as long as it is within the bylaw.

**Mr. DeFrias shared:** Most towns are only adopting the general language of the template. There is also a disclosure that has to go out to every property owner, so when you sell your property you have to disclose that it is a right to farm community. The concern is that it's not the ones that follow the law, it's the ones that don't and then there will become enforcement issues.

**Mr. Benenato shared:** I do like this because it does set the standard of the baseline.

**Mr. Ellis stated:** The way they wrote that up there shows no regulation, there is no minimum lot size in this information, no acreage based on animal size, no set back distance. This should be commonsense when it comes to your neighbor. The State already has laws about what you can do. We need the

regulations, there's no way around it. There has to be more in there that they can read, it's broad, it needs more detail.

**MOTION** was made by Mr. Ellis that the Planning Board recommend to the Select Board to reference State regulation and to have that clarification prepared for the October Town Meeting. Motion was seconded by Mr. Benenato and carried. ***Voted 4-0-1.***

### **III. Board Business**

- ***Town Planner Update***

- 1. Draft Planning Department Policy and Procedure Manual***

**Mr. DeFrias asked:** I wanted know if the Board had an opportunity to review this or make any comments or edits. It can be emailed to me if there is something you find needs to be edited or added.

**Chairman Campbell suggested:** Let's continue this at the April 22 meeting; I know Kevin had some edits to suggest.

- 2. Sub-Committee Update***

Don Ellis- High Street Park Committee -

**Mr. Ellis stated:** The Committee voted to bring forward the plans for the park to the Planning Board for review.

- 3. The Commonwealth created a F/ Q regarding the MBTA.***

**Mr. DeFrias shared:** I have added the frequently asked questions information to the Town of Hanson webpage and on the Planning Department webpage.

- 4. The next Planning Board meeting is scheduled for Monday, April 22, 2024***

**MOTION** was made by Mr. Benenato to schedule the next Planning Board Meeting for April 22th, 2024. Motion seconded by Mr. Kemmett and carried. ***Voted 4-0-1.***

### **IV. Adjournment**

**MOTION** was made by Mr. Benenato to adjourn the Planning Board Meeting. Motion seconded by Mr. Ellis and carried. ***Vote 4-0-1.***

The meeting was adjourned at 7:54 pm.

Respectfully submitted,  
Kimberly Cunningham  
Administrative Assistant, Town of Hanson, Massachusetts



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**PLANNING BOARD MEETING ITEM LIST 04-08-24**

**Item #1** – Meeting minutes from March 25<sup>th</sup>, 2024 meeting - Draft

**Item #2** – Plan for Land, 461 Monponsett Street

**Item #3** – Right to Farm reference material