

SPECIAL

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# TOWN MEETING

**PLYMOUTH, SS.**

**To either of the Constables of the Town of Hanson, in the County of Plymouth  
GREETINGS,**

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Hanson, qualified to vote in Town affairs, and elections, to meet in the Whitman-Hanson High School, Franklin Street in said Hanson on Monday the third day of October 2005 at 7:30 o'clock in the afternoon, to act on the following articles, to wit:

**ARTICLE 1:** To see if the Town will vote to transfer a sum of money from Free Cash to pay unpaid bills from fiscal year 2004 and 2005 or take any other action in relation thereto.

Proposed by the Board of Selectmen

**Explanation:** There are a few unpaid bills from various departments, which were received after the end of fiscal year 2005. Requires a 9/10 vote.

**ARTICLE 2:** To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, Line 110, Other Tuition & Transportation May 2005 Annual Town Meeting and/or Free Cash to be added to the amount appropriated to Article 5, line 30, Selectmen Clerical Wages of the May 2005 Annual Town Meeting or take any other action in relation thereto.

Proposed by the Board of Selectmen

**Explanation:** The Town and the Clerical Union have negotiated a three year contract. These funds are needed to cover the salary, grade re-classifications and retro pay from July 1, 2005 to present in accordance with the new contract.

**ARTICLE 3:** To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, Line 110, Other Tuition & Transportation May 2005 Annual Town Meeting and/or Free Cash to be added to the amount appropriated to Article 5, line 103 Emergency Communication Center Wages of the May 2005 Annual Town Meeting or take any other action in relation thereto.

Proposed by the Board of Selectmen

**Explanation:** The Town and the Dispatchers Union have negotiated a three year contract. These funds are needed to cover the salary, grade re-classifications and retro pay from July 1, 2005 to present in accordance with the new contract.

**ARTICLE 4:** To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, Line 110, Other Tuition & Transportation May 2005 Annual Town Meeting and/or Free Cash to be added to the amount appropriated to Article 5, line 93, Highway Wages of the May 2005 Annual Town Meeting or take any other action in relation thereto.

Proposed by the Board of Selectmen

**Explanation:** The Town and the Highway Union have negotiated a three year contract. These funds are needed to cover the salary, grade re-classifications and retro pay from July 1, 2005 to present in accordance with the new contract.

**ARTICLE 5:** To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, Line 110, Other Tuition & Transportation May 2005 Annual Town Meeting and/or Free Cash to the amount appropriated in Article 5, line 101, Police-Other Wages of the May 2005, Annual Town Meeting or take any other action in relation thereto.

Proposed by the Board of Selectmen

**Explanation:** The Town and the Police Union have negotiated a three-year contract. These funds are needed to cover the salary increase and retro pay from July 1, 2005 to date in accordance with the new contract.

**ARTICLE 6:** To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, Line 110, Other Tuition & Transportation May 2005 Annual Town Meeting and/or Free Cash to meet the expense of surveying and installing bounds in the Town Forest and Town owned cemeteries or take any other action in relation.

Proposed by the Board of Selectmen

**Explanation:** These funds would used to finalize the bounding of the Town Forest and commence the surveying and bounding of all Town owned cemeteries. This article was passed over at the May 2005 Special Town Meeting

**ARTICLE 7:** To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, Line 110, Other Tuition & Transportation May 2005 Annual Town Meeting and/or Free Cash and/or Additional Lottery Aid to fund the purchase of memorials and commemorative markers throughout that Town or take any other action in relation thereto

Proposed by the Board of Selectmen

**Explanation:** The funds are requested to purchase permanent markers throughout the Town including but not limited to the Hanson Industrial Park for Robert H. Andrews and Conservation Area for Brian Gaffey. The article was passed over at the May 2005 Special Town Meeting.

**ARTICLE 8:** To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, Line 110, Other Tuition & Transportation May 2005 Annual Town Meeting and/or Free Cash and/or Additional Lottery Aid to fund retirement buy-outs or take any other action in relation thereto.

Proposed by Treasurer/Collector

**Explanation:** This will fund the Buy-Outs for employees as they retire (i.e. sick time, vacation, etc.)

**ARTICLE 9:** To see if the Town will vote to transfer from Free Cash and/or available funds a sum of money to complete roadway modifications of Washington West Meadows Phase II recorded at the Registry of Deeds, Plan No. 29 of 1997, and recorded in Book 39, Page 726.

Proposed by the Planning Board

**Explanation:** On November 2, 1998 the Planning Board acquired the performance surety bond of this subdivision because the contractor chose not to complete the subdivision and infrastructure in accordance with the approved plan. This article was also passed over at the May 2005 Special Town Meeting.

**ARTICLE 10:** To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, Line 110, Other Tuition & Transportation May 2005 Annual Town Meeting and/or Free Cash for the repair and reconstruction of the curbing at the Library/Senior Center or take any other action in relation.

Proposed by the Board of Selectmen

**Explanation:** The curbing at the entrance of the Library/Senior Center no longer meets ADA requirement and the deterioration of the curb has created a serious safety hazard.

**ARTICLE 11:** To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, Line 110, Other Tuition & Transportation May 2005 Annual Town Meeting and/or Free Cash to be added to the amount appropriated to Article 5, line 57, Building Inspector Wages of the May 2005 Annual Town Meeting or take any other action in relation thereto.

Proposed by the Board of Selectmen

**Explanation:** The Building Inspector's (Commissioner) position required an upgrade for the purpose of marketability. Current inspector accepted the position in anticipation of this increase. This increase will annualize the current salary at \$56,245.00, which is on the lower side of the average salary for Building Commissioner.

**ARTICLE 12:** To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, Line 110, Other Tuition & Transportation May 2005 Annual Town Meeting and/or Free Cash to be added to the amount appropriated to Article 5, line 17, Town Audit of the May 2005 Annual Town Meeting or take any other action in relation thereto.

Proposed by the Board of Selectmen

**Explanation:** These funds are necessary to for the additional work required by the State mandated GASB requirement.

**ARTICLE 13:** To see if the Town will vote to transfer a sum of money from the amount appropriated under Article 5, Line 110, of May 2005 Annual Town Meeting, Other Tuition & Transportation and/or Free Cash to be added to the amount appropriated under Article 5, Line 7, of May 2005 Annual Town Meeting, Town Insurance, or take any other action in relation thereto.

Proposed by the Board of Selectmen

**Explanation:** The actual town insurance figures were received after the May Town Meeting. All the major insurance premiums have been paid but the budget line has been exhausted. The requested amount will be used to cover worker compensation, pre-employment physicals, professional bonds, and adjustments to coverage throughout the year.

**ARTICLE 14:** To see if the Town will vote to transfer a sum of money from the amount appropriated under Article 5, Line 110, of May 2005 Annual Town Meeting, Other Tuition & Transportation and/or Free Cash to be added to the amount appropriated under Article 5, Line 9, of May 2005 Annual Town Meeting, Reserve Fund, or take any other action in relation thereto.

Proposed by the Board of Selectmen

**Explanation:** These fund will replenish amounts use to pay insurance premiums which are payable at the beginning of the fiscal year.

**ARTICLE 15:** To see if the town will vote to transfer from free cash and/or appropriated under Article 5, Line 110, of May 2005 Annual Town Meeting, Other Tuition & Transportation the sum of \$13,000.00 for plans to develop Camp Kiwanee Waterfront Expansion Project or take any other action in relation thereto.

Proposed by the Recreation Commission

**ARTICLE 16:** To see if the Town will vote to transfer from Free Cash a sum of money to have one (1) quik-coupler power tilt plow frame installed on a Highway Department snow plowing truck or take any other action in relation thereto:

Proposed by the Highway Surveyor

**Explanation:** This quik-coupler plow frame will improve employee safety on installing and removing the snow plow from the vehicle.

**ARTICLE 17:** To see if the town will vote to transfer a sum of money from Ambulance receipts, for the first year of a three year lease purchase agreement to replace Ambulance II or take any other action in relation thereto.

Proposed by the Fire Chief

**Explanation:** This request to replace the 1997 Ford Ambulance. It currently has over 70,000 miles on it and requires frequent repair.

**ARTICLE 18:** To see if the town will vote transfer a sum of money from free cash, to add to the May 2005 Annual Town Meeting, Article 5, Line 108 Fire Department Expense or take any other action in relation thereto.

Proposed by the Fire Chief

**Explanation:** This request is to replenish the apparatus maintenance line. A transmission replacement for ambulance I \$3,000.00, repair to the Hurst tool, \$2,818.00,

replacing a clutch in the forest fire \$1,000.00 and annual maintenance of Tower I has depleted the repair account.

**ARTICLE 19:** To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, Line 110, Other Tuition & Transportation May 2005 Annual Town Meeting and/or Free Cash to be added to the amount appropriated to Article 5, line 105, Fire Chief's Wages or take any action in relation thereto.

Proposed by the Board of Selectmen

**Explanation:** The Board and Fire Chief negotiated a three-year contract effective July 1, 2005 to June 30, 2008. This transfer is necessary to fund a 3% increase for FY06.

**ARTICLE 20:** To see if the Town will vote to appropriate the sum of \$400,000.00 for the purpose of financing the following water pollution abatement facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with Board of Health and residential property owners, including without limitations all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise, or take any other action in relation thereto.

Proposed by the Board of Health and  
Treasurer/Collector

**Explanation:** We are seeking an additional \$400,000.00 from the trust for a second round of betterments. Requires a 2/3 vote, as it is a borrowing.

**ARTICLE 21:** To see if the Town will vote to authorize the Board of Selectmen to petition the Legislature for special legislation creating the position of Town Administrator, the duties and responsibilities of that position being substantially similar to those outlined in the job description on file in the office of the Town Clerk or take any other action in relation thereto.

Proposed the Board of Selectmen

**Explanation:** Upon the recommendation of the Government Study Committee, the Board of Selectmen is recommending the creation of the position of Town Administrator for the purpose of improving and streamlining town government.

**ARTICLE 22:** To see if the Town will vote to transfer a sum of money from the amount appropriated to Article 5, Line 110, Other Tuition & Transportation May 2005 Annual Town Meeting and/or Free Cash to be added to the amount appropriated to Article 5, Line 32, Executive Secretary Wages and to amend the Line 32 title to Town Administrator Wages or take any action in relation thereto.

Proposed by the Board of Selectmen

**Explanation:** Upon the approval of the establishment of the Town Administrator's Position, the Board of Selectmen and Finance Committee determined that the additional duties and responsibilities warrant an increase in the salary line from the current \$71,138.00 to \$85,000.00 to bring the position in line with area communities.

**ARTICLE 23:** To see if the Town will vote to transfer the care, custody, maintenance and control of the land described below, owned by the Town and currently under the care, custody, maintenance and control of the Water Department Board of Commissioners for water department purposes to the Water Department Commissioners for the joint purposes of leasing to a telecommunications company for the location of a telecommunications facility and water department purposes, and further to authorize the Water Department Commissioners to enter into such a lease or leases for said purposes, for all or a portion of the land shown on Assessors Map 49, as Lot 28, also known as Lot 1-1 being a portion of the land described in a deed to the Town recorded with the Plymouth Registry of Deeds at Book 18,114, Page 1-2 upon such terms and conditions, and for a period of up to twenty years; and to grant such easements upon said land as are necessary for utility services in support of such use; as the Water Department Commissioners shall determine to be appropriate; or take any other action relative thereto.

Proposed by  
Board of Water Commissioners

**Explanation:** The land described in this Article, which is owned by the Town, is currently under the care, custody and maintenance of the Water Department Board of Water Commissioners for the purposes of supplying water. This Article enlarges the purposes of the care, maintenance, and custody of said land to allow for joint purposes with the town to enter into a lease to a telecommunications company for the location of a telecommunications facility on this land.

**ARTICLE 24:** To see if the Town will vote to accept as a Town way, Meadow Lane, and to see if the Town will further vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain an easement to use said street for all purposes for which public ways are used in the Town of Hanson

Meadow Lane as shown on the plan entitled "Roadway As-built Plan Meadow Lane in Hanson Massachusetts prepared for R&R Homes Construction" dated October 15, 2001 and revised March 31, 2005 prepared by Land Planning, Inc.

or take any other action in relation thereto

Proposed by the Board of Selectmen

**Explanation:** Meadow Lane has been constructed in accordance with Town standards and the Planning Board and Highway Surveyor have recommended acceptance. The subdivision control law contemplates that towns will accept as public ways all such

roads, which are constructed in conformance with local standards while they are still in good condition.

**ARTICLE 25:** To see if the Town will vote to accept as a Town ways, Audubon Lane, Commons Lane, Constitution Way, Cranberry Road, Independence Avenue, Litchfield Lane, Proudfoot Way and Woodbrook Lane and to see if the Town will further vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain an easement to use said street for all purposes for which public ways are used in the Town of Hanson, and to appropriate thereof the sum of \$1,00:

Audubon Lane as shown on a plan entitled "As Built Acceptance Plan Audubon Lane Hanson, Mass." Dated November 30, 2004, prepared for Hudson Park Assoc., N.T. 2 Columbia Road, Pembroke, MA.

Commons Lane as shown on a plan entitled "Street Acceptance Plan Woodbrook & Commons Lanes, Hanson, MA" dated August 30, 2005 prepared for The Heirs of Sumner: Commons Realty Trust J. Walsh, Trustee.

Constitution Way as shown on a plan entitled "As-Built Plan Colonial Heights, Hanson, Mass." Dated 18 May 2005, Revised 14 June 2005, prepared for William E. Rainey Registered Land Surveyor 8 Standish Avenue, Kingston, Massachusetts.

Cranberry Road as shown on a plan entitled "As-Built Plan Cranberry Road, Hanson, Massachusetts." Dated October 22, 2004, prepared for Richard S. Rosen and Stephen G. Egan 80 Temple Street, Whitman, MA.

Independence Avenue as shown on a plan entitled "As-Built Plan Colonial Heights, Hanson, Mass." Dated 18 May 2005, Revised 14 June 2005, prepared for William E. Rainey Registered Land Surveyor 8 Standish Avenue, Kingston, Massachusetts

Litchfield Lane as shown on a plan entitled "As-Built Plan "Stonewall Estates" Litchfield Lane, Hanson, Mass." Dated December 21, 2004, prepared by Robert C. Bailey Co., Land Surveyors 199 Plymouth Street, Pembroke, Mass.

Proudfoot Way as shown on a plan entitled "As-Built Plan "Stonewall Estates" Proud Foot Way, Hanson, Mass." Dated December 21, 2004, prepared by Robert C. Bailey Co., Land Surveyors 199 Plymouth Street, Pembroke, Mass.

Woodbrook Lane as shown on a plan entitled "Street Acceptance Plan Woodbrook & Commons Lanes, Hanson, MA" dated August 30, 2005 prepared for The Heirs of Sumner: Commons Realty Trust J. Walsh, Trustee.

or take any other action in relation thereto.

Proposed by the Board of Selectmen

**Explanation:** These streets have been constructed in accordance with Town standards and the Planning Board and Highway Surveyor have recommended acceptance. The subdivision control law contemplates that towns will accept as public ways all such



roads, which are constructed in conformance with local standards while they are still in good condition.

**ARTICLE 26:** To see if the town will vote to amend the Hanson Zoning Bylaw by deleting the words “summer houses” from Section VI.B.1.g

Proposed by the Zoning Bylaw Committee

**Explanation:** This is a housekeeping article.

**ARTICLE 27:** To see if the town will vote to delete Section VI.B.2.f from the Hanson Zoning Bylaw and insert the following:

- f. Home Occupations such as dressmaking, home cooking, repair of portable equipment or appliances, real estate agent, arts and crafts, selling antiques, and computer based businesses, but not including convalescent or nursing home, tourist home, motor vehicle sales or similar establishments offering services to the general public may be engaged in as an accessory use of a dwelling by a resident of that dwelling, upon issuance of a Special Permit by the Board of Appeals pursuant to Section VIII.D, and upon conformance with all of the following conditions:

Proposed by the Zoning Bylaw Committee

**Explanation:** This article incorporates the definition for home occupations into the existing home occupation section of the zoning bylaw for clarification.

**ARTICLE 28:** To see if the town will vote to amend Section VI.B.2.f.4 of the Hanson Zoning Bylaw to read as follows:

4. Not more than the owner and two other persons shall be employed on the premises in the home occupation.

Proposed by the Zoning Bylaw Committee

**Explanation:** This article limits the total number of people who can be employed in a home occupation to three.

**ARTICLE 29:** To see if the town will vote to amend Section VI.B.2 of the Hanson Zoning Bylaw by inserting a new subsection g. Accessory Apartments and renumbering the rest of the section:

- g. An accessory apartment (which is defined as, a separate housekeeping unit complete with its own means of egress, sleeping, cooking, and sanitary facilities, that is substantially contained within the structure of a single family dwelling, but functions as a separate unit) may be constructed under the following conditions:

1. The owner must occupy either the principal residence or the accessory apartment.
2. There shall be not more than one accessory apartment within a single-family dwelling.
3. The accessory apartment shall be designed so that the appearance of the structure remains that of a one-family dwelling, subject further to the following conditions:
  - a. Any enlargements or extensions of the dwelling in connection with any accessory apartment must comply with building, safety, and health codes and town bylaws.
  - b. Any new entrance shall be located on the side or in the rear of the dwelling.
  - c. Where there are two or more existing entrances on the front façade of a dwelling, if modifications are made to any entrance, the result shall be that one appears to be the principal entrance and the other entrances appear to be secondary.
  - d. The principal residence and the accessory apartment shall be serviced and monitored by common gas, electric and water meters.
  - e. There shall be provided at least two (2) off-street parking spaces for the main dwelling and at least one (1) off-street parking space for the accessory apartment. The additional parking shall be accessed by the driveway serving the main dwelling.
4. The proposed attached dwelling unit shall contain not more than one bedroom and not less than 600 square feet of area or no more than 40 percent, inclusive of all lofts and any attic areas seven feet or greater in height, of the gross area contained in the existing detached one family house, exclusive of all unfinished cellars and attics. A second bedroom may be allowed by the Board of Appeals under extenuating circumstances. The applicant must provide written documentation indicating the need for the second bedroom.
5. The existing detached one family house shall be owner occupied and shall have been issued an occupancy permit at a point in time greater than one year prior to the request for a special permit.
6. A condition of approval and grant of a special permit shall require the submittal of a covenant or deed restriction satisfactory to the town and stating that the existing one-family house and the proposed attached dwelling unit shall forever, or until such time released by the town, remain in common ownership.
7. A special permit for a single family dwelling with an accessory apartment shall terminate upon any of the following events:
  - a. Sale of the premises.
  - b. Residence by any person other than a family member in either the main dwelling

or accessory apartment.

- c. Violation of any of the special permit restrictions imposed by the Board of Appeals
8. No accessory apartment shall be permitted prior to the issuance of a special permit by the Board of Appeals and a Building Permit by the Building Inspector.
9. An occupancy permit shall only be issued upon confirmation that both the main dwelling and the accessory apartment are in compliance with the approved plans, all applicable provisions of the zoning bylaw, the terms and conditions of the special permit, and all applicable state and local building, health, fire and safety codes and regulations.
10. When a structure which has received a special permit for an accessory apartment is sold, the new owners, if they wish to continue to exercise the special permit, must, within ninety (90) days of the sale, apply to the Board of Appeals for a new special permit issued in their name stating that they will occupy one of the dwelling units in the structure as their permanent/primary residence, and shall conform to all of the criteria and conditions for accessory apartments and the approved special permit.

The Board of Appeals shall have discretionary power when determining action in these cases set forth in this bylaw.

Proposed by the Zoning Bylaw Committee

**Explanation:** This is a new by-law provision intended to regulate the creation of in-law apartment units.

**ARTICLE 30:** To see if the town will vote to amend Section II of the Hanson Zoning Bylaw by adding a new subsection A. Accessory Apartment: to read as follows and renumbering the rest of the section:

A. Accessory Apartment:

An accessory apartment is a separate housekeeping unit, complete with its own means of egress, sleeping, cooking, and sanitary facilities, that is substantially contained within the structure of a single-family dwelling, but functions as a separate unit.

Proposed by the Zoning Bylaw Committee

**Explanation:** This article adds accessory apartment to the definition section of the zoning by-law.

And you are directed to serve this Warrant by posting attested copies thereof, at the Town Hall, the Fire Station, the public stores, and Post Offices, fifteen days at least, before the said meeting.

Hereof fail not, and make due return of this Warrant, with your doings thereon, to the Town Clerk at the time and place above-mentioned.

Given under our hands, this 13th day of September, in the year of our Lord two thousand five.

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**Selectmen of Hanson**

**A true attest copy**

\_\_\_\_\_  
**Town Clerk**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Constable**

\_\_\_\_\_  
**Date**