

NORFOLK, ss.

To either Constable in the Town of Norfolk, in said County:

GREETINGS:

You are required in the name of the Commonwealth of Massachusetts to notify and warn the inhabitants of Norfolk, qualified to vote in Town affairs residing in Precincts 1, 2, and 3, to assemble in the designated polling places in the Freeman-Kennedy School, 70 Boardman Street, Norfolk, Massachusetts, on Tuesday, May 6, 2014, at 7:00 a.m., for the election of town officers under ARTICLE 1 of the Annual Town Meeting; and thence to meet on Tuesday, May 13, 2014 at 7:00 p.m. at the King Philip Middle School, 18 King Street, Norfolk, Massachusetts 02056, for the adjourned business session of the Annual Town Meeting, then and there to act on the following articles commencing with Article 2, viz:

ARTICLE 1

Submitted by the Acting Town Clerk

To choose by ballot the following Town officers: One Moderator for a one year term; one Selectman for a three year term; one Assessor for a three year term; one Board of Health member for a three year term; two Constables, one for a three year term, one for a two year term; one Library Trustee for a three year term; two Planning Board members, for a three year term; four Recreation Commission members, two for a three year term, two for a two year unexpired term; three Norfolk School Committee members, two for a three year term, one for a two year unexpired term; one King Philip Regional School Committee member for a three year term; and one Town Clerk for a three year term.

No Advisory Committee recommendation is needed for this Article.

ARTICLE 2

Submitted by the Board of Selectmen

To see if the Town will vote to raise and appropriate or transfer from any available source of funds, a sum of money to pay unpaid bills of a prior year pursuant to Massachusetts General Laws Chapter 44, Section 64; or take any other action relative thereto.

The Advisory Committee recommends indefinite postponement of this article.

After the close of any fiscal year, no bill incurred in that year can be paid without the approval of Town Meeting. We have been advised that there are no such bills to be considered at this Town Meeting, although our recommendation may change if any such bills are received between the time our recommendation was made and Town Meeting.

ARTICLE 3

Submitted by the Board of Selectmen

To see if the Town will vote to raise and appropriate or transfer from any available source of funds, a sum of money to be added to departmental budgets and appropriations for the fiscal year ending on June 30, 2014; or take any other action relative thereto.

The Advisory Committee will make its recommendation at Town Meeting.

Only Town Meeting has the authority to transfer funds between budget appropriations and to add additional funds to existing budget appropriations. The Town Administrator will present a

list of those recommended transfers and additions to the Advisory Committee at our meeting immediately prior Town Meeting.

ARTICLE 4

Submitted by the Town Administrator

To see if the Town will vote to amend the Town of Norfolk Board of Selectmen's Human Resource Policy, Schedule B. COMPENSATION SCHEDULE by applying a general increase of 1.5% to all Steps on the COMPENSATION SCHEDULE effective July 1, 2014; or take any other action relative thereto.

The Advisory Committee recommends approval of this article.

The 1.5% increase in the Compensation Schedule referenced by this article applies to a small number of Town employees who are not covered by either a union contract or an individual contract. This proposed increase is comparable to the increases that union and contract employees are scheduled to receive this year.

ARTICLE 5

Submitted by the Board of Selectmen

To see if the Town will vote to fix the salary and compensation of all elected officers of the Town as provided for by Massachusetts General Laws, Chapter 41, Section 108; and further to see what sum of money the Town will raise and appropriate, transfer from any available source of funds, borrow or bond, to defray the departmental and incidental expenses of the Town not otherwise provided for, for the fiscal year commencing on July 1, 2014; or take any other action relative thereto. (Operating Budget)

The Advisory Committee recommends approval of this article.

The proposed budget (non-excluded budget sources) for the fiscal year ending June 30, 2015 (FY15) reflects an anticipated \$1,358,000 increase in revenues compared to the budget presented at the May 2013 Town Meeting for the current fiscal year (FY14) . The estimates for the sources of this anticipated increased revenue are:

- 1) Real estate taxes - \$1,277,000, of which \$577,000 is attributable to the increase allowed under Proposition 2 ½, and \$700,000 is expected from new growth in FY15.
- 2) An increase in State aid of approximately \$39,000.
- 3) \$114,000 from other miscellaneous sources, of which \$100,000 is expected from increased motor vehicle excise taxes.

The three items above total \$1,656,000, which exceeds the actual increase in the proposed budget by \$315,000. This is due to the fact that last year's budget included \$98,000 from the Stabilization Fund and \$350,000 of free cash. This year's budget anticipates no money from the Stabilization fund and \$130,000 from free cash, so part of the increased revenues described above are a replacement for those two sources of funds.

Another complication to keep in mind when analyzing these changes is that the elementary school budget was increased by \$100,000 at the special town meeting held last fall, so the increase in expected revenues compared to the adjusted budget is \$1,281,000.

The budget proposes to spend this \$1,281,000 increase as follows (numbers do not add exactly due to rounding and the omission of negligible items):

- 1) \$425,000 to Norfolk's elementary schools, representing a 4.2% increase, and \$35,000 to the Tri-County School.
- 2) \$284,000 to the King Philip Middle and High Schools, a 4% increase in our assessment. As always, our actual contribution is contingent upon the funding decisions of Wrentham and Plainville. As last year, it appears unlikely that the other two towns will agree on a higher percentage. Our increase was lower this year because Norfolk's share of the minimum required contribution to KP, as calculated by the State's formula, was less. This is an unpredictable variable for each of the three towns, and the effect can be a swing of several hundred thousand dollars in either direction from one year to the next.
- 3) \$247,000 for public safety, which is partially due to negotiated salary increases, and this year there are also some additions to these departments including a new firefighter/paramedic and a police officer, each for ½ a year.
- 4) \$110,000 for the Department of Public Works, including the Transfer Station, of which about \$28,000 is for compensation increases. The DPW also administers a budget item called "Shared Fixed Services", which reflects a net increase of \$28,000 included in this total, \$25,000 of which represents a much-needed increase in the snow and ice removal budget. The DPW is also assuming around \$29,000 in expenses related to vehicle maintenance responsibilities currently paid for by the snow and ice budget. The final \$20,000 of the total increase is Transfer Station expenses, most of which are offset by additional revenues.
- 5) \$34,000 for Culture and Recreation, most of which is for the library, \$75,000 for general town government, a little more than half of which is for the addition of a town planner, and \$33,000 for fixed costs (benefits and insurance).

On a final note, it is encouraging to see that this budget includes spending for roads and capital needs that we have been unable to address in any meaningful way for the last several years.

ARTICLE 6

Submitted by the Board of Selectmen

To see what sum of money the Town will vote to transfer from Department of Public Works Water Division revenues to fund the Water Division maintenance and operating expenses; or take any other action relative thereto. (Water Enterprise Operating Budget)

The Advisory Committee recommends approval of this article.

This year's budget of \$1.58 million for the Water Division of the Norfolk Department of Public Works is about \$32,000 higher than last year's budget. This increase consists of \$13,000 in salaries, \$14,000 in expenses, and \$4,000 in debt service. Of the total budget, about \$489,000 is debt service, and the rest is operating expenses.

This budget is voted separately because it is funded by revenues collected from users of Town water and is completely independent of the Town's operating budget.

ARTICLE 7 **Submitted by the Fire Department**

To see if the Town will vote to raise and appropriate or transfer from any available source of funds, a sum of money to be expended by the Fire Department for the acquisition of personal protective equipment (PPE) and related expenses, a non-reoccurring cost, for one career firefighter/paramedic and two call firefighter/EMTs, such PPE and expenses to include turnout pants, coat, boots, helmet, gloves, hood, self-contained breathing apparatus mask with voice amplifier, pager, portable radio/MIC along with the requisite physical ability test and physical; or take any other action relative thereto.

The Advisory Committee recommends indefinite postponement of this article.

These items were all included in the Town's operating budget (Article 5), which makes this article redundant.

ARTICLE 8 **Submitted by the Board of Selectmen**

To see if the Town will vote to raise and appropriate or transfer from any available source of funds to fund capital and other expense items; or take any other action relative thereto. (Capital Budget - Cash)

The Advisory Committee recommends approval of this article.

The Water Division of the DPW has requested funding of \$150,000 for two tank mixers at \$75,000 each to be used by the water division. The funding source is the retained earnings of the Water Enterprise Fund. This purchase and installation will improve the quality of water in the Town's two water tanks and thereby improve the overall water system.

ARTICLE 9 **Submitted by the Board of Selectmen**

To see if the Town will vote to raise and appropriate or transfer from any available source of funds, borrow or bond pursuant to any applicable statute to fund capital and other expense items; or take any other action relative thereto. (Capital Budget – Debt Funded)

The Advisory Committee recommends approval of this article.

This article pertains to the purchase of the capital items to be funded by borrowing. The repayments will be funded through the Town's operating budget. The amount to be borrowed is \$465,900 for the purchase of a backhoe (\$135,000), a dump truck (\$165,900), two police

vehicles (\$90,000), and improvements to the sprinkler system at the H. Olive Day Elementary School (\$75,000).

The backhoe and dump truck are for the DPW and are intended to replace vehicles in disrepair and beyond their useful life. The police cars are also for the purpose of replacing older vehicles to ensure our police department is properly equipped with well-functioning vehicles. The sprinkler system improvement has been recommended by the Town's Fire Department.

ARTICLE 10 **Submitted by the Board of Selectmen**

To see if the Town will vote to raise and appropriate or transfer from any available source of funds, borrow or bond pursuant to any applicable statute to fund capital and other expense items; or take any other action relative thereto. (Capital Budget – Debt Funded, Road Projects)

The Advisory Committee recommends approval of this article.

This article pertains to road maintenance and repair to be funded by borrowing, with repayments to be made through the Town's operating budget. The amount needed from the Town is \$285,023 to carry out work on the following road projects:

- | | |
|-------------|-----------------------------------|
| Park Street | from #27 Park to Eric Road |
| Park Street | from Main Street to #14 Park |
| Main Street | from Seekonk to Old Town Hall |
| Lake Street | from Medway Street to Main Street |

In addition to this funding, an additional \$59,100 of Chapter 90 money will be used to fund the Main Street project.

This has been a tough winter on the roads and each of these areas is filled with potholes that are a nuisance and a hazard. These projects are required to maintain the quality of the road surfaces in town. A further benefit from the Lake Street work will be a reduction of the adverse environmental impact of runoff from the road into the surrounding wetlands.

ARTICLE 11 **Submitted by the King Philip School Committee**

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or bond pursuant to any applicable statute, or otherwise provide, a supplemental sum of \$50,160 in order to pay the Town's share, constituting 33.44 percent, of the total cost of a sewer improvement repair project, said total cost being approximately \$150,000, at the King Philip Regional Middle School within the King Philip Regional School District, of which the Town is a member, said amount to be expended at the direction of the King Philip Regional School District School Committee; and vote to raise and appropriate, transfer from available funds, borrow or bond pursuant to any applicable statute, or otherwise provide, a supplemental sum of \$80,701 in order to pay the Town's share, constituting 33.44 percent, of the total cost of an lighting expansion project/upgrade, said total cost being approximately \$241,330, at the King Philip Regional Middle School within the King Philip Regional School District, of which the Town is a

member, said amount to be expended at the direction of the King Philip Regional School District School Committee; or take any other action relative thereto.

The Advisory Committee recommends approval of this article.

We have taken an unusual procedural detour on this article, as we have approved the School Committee's article as we understand it will be revised at Town Meeting, not as written above. The revision will not ask for funding from the Town, and no provision for the amounts requested in the above version of this article has been made in our budget.

As described to the Committee, the revised article will simply give KP permission to use money they already have for the above purposes. Apparently legal counsel advised KP that they needed permission from the towns in the district to do this. Since the revised article requires no funding, we unanimously approved it contingent upon the revisions described. Should these changes not occur, we will revise our recommendation accordingly at Town Meeting.

ARTICLE 12 **Submitted by the Board of Selectmen**

To see if the Town will vote to appoint any committee, or hear or act on the report of any committee or town officer, or instruct any committee or town officer; or take any other action relative thereto.

No Advisory Committee recommendation is needed for this Article.

ARTICLE 13 **Submitted by the Board of Selectmen**

To see if the Town will vote to accept and authorize the Board of Selectmen to enter into contracts for the expenditure of Chapter 90 funds allocated by the Commonwealth for the construction, reconstruction, or improvements of public roads and other improvements within the Town, as requested by the Selectmen, and to authorize the Treasurer to borrow or bond, pursuant to any applicable statute in anticipation of reimbursement; or take any other action relative thereto.

The Advisory Committee recommends approval of this article.

This standard article authorizes the Board of Selectmen to use the Chapter 90 funds received from the State (anticipated to be approximately \$390,000 this year) for the maintenance, improvement and construction of Town roads.

ARTICLE 14 **Submitted by the Board of Selectmen**

To see if the Town will vote pursuant to Massachusetts General Laws, Chapter 44, §53 E ½, to reauthorize the following revolving funds for Fiscal Year 2015 at the limits set forth below:

(1) The revolving fund for the purpose of paying expenses related to the collection of parking ticket violations; said fund to be credited with parking ticket receipts and expended under the direction of the Board of Selectmen (limit \$1,000); or take any other action relative thereto.

(2) A revolving fund for the purpose of paying the expenses of snow removal, including maintenance and replacement of equipment, from private property to include the King Philip Regional School and subdivision roads as required by the Planning Board rules and regulations; said fund to be credited with receipt of fees charged for this service and expended under the authority and direction of the Board of Selectmen (limit: \$20,000); or take any other action relative thereto.

(3) A revolving fund for the purpose of paying the expenses of Recreational Field Maintenance, including materials, replacement and rental of equipment and contract labor; said fund to be credited with receipt of fees charged for this service and expended under the authority and direction of the Recreation Commission (limit: \$50,000.); or take any other action relative thereto.

(4) A Conservation Management Revolving Fund to be credited with monies from timber harvesting on Conservation Land and expended under the direction of the Conservation Commission to develop and oversee management activities and projects on Town-owned conservation land (limit: \$5,000); or take any other action relative thereto.

(5) A revolving fund to receive wetland hearing application fees to be expended under the direction of the Conservation Commission for payment of legal advertisements for such hearings (limit: \$5,000); or take any other action relative thereto.

(6) A Planning Board Revolving Fund to receive subdivision performance inspection fees, as established by the Planning Board, to be expended under the direction of the Planning Board for services related to the inspection and approval of subdivisions (limit: \$5,000); or take any other action relative thereto.

(7) A Planning Board Revolving Fund to receive mitigation funds required by the Planning Board under the Shade Tree Act and Scenic Roads Act, to be expended under the direction of the Planning Board for the purchase and planting of replacement trees (limit: \$10,000), or take any other action relative thereto.

(8) A Planning Board Revolving Fund to receive mitigation funds required by the Planning Board relative to off-site improvements due to the approval of subdivisions and site plans to be expended under the direction of the Planning Board for such off-site improvements (limit: \$91,000); or take any other action relative thereto.

(9) A Planning Board Revolving Fund to receive funds required by the Planning Board relative to the cleaning and maintenance of unaccepted subdivision roadways and drainage structures as may be required by the Planning Board for subdivision approvals, to be expended under the direction of the Planning Board for such cleaning and maintenance (limit: \$30,000); or take any other action relative thereto.

(10) A revolving fund for the Board of Assessors to receive funds required by the Board of Assessors for the processing of abutters lists to be expended under the direction of the Board of Assessors for expenditures associated with generating such lists, including the acquisition, operation and maintenance of technologies used for preparing and issuing abutters lists and mapping (limit: \$2,000); or take any other action relative thereto.

(11) A revolving fund for the Board of Library Trustees to receive funds required by the Board of Library Trustees to replace or repair lost or damaged library materials, to be expended under the direction of the Board of Library Trustees to replace or repair such lost or damaged materials (limit: \$7,500); or take any other action relative thereto.

(12) A revolving fund for the Public Library to receive funds remitted for the processing of passports, to be expended under the direction of the Board of Library Trustees for fees and expenses associated with processing of passports and other related purposes deemed appropriate by the Trustees (limit: \$5,000); or take any other action relative thereto.

(13) A revolving fund to be credited with receipts collected from charges to private parties or entities for police details involving the use of a police vehicle at construction sites, to be expended for the express purpose of vehicle replacement within the Police Department, under the authority of the Police Chief of the Town of Norfolk (limit: \$50,000); or take any other action relative thereto.

The Advisory Committee recommends approval of this article.

This is a standard article authorizing the continuation of various revolving funds for the next fiscal year. Each of the revolving fund limits is unchanged from previous years.

The purpose of these funds is to allow various Town boards and departments to collect revenue from sources such as program fees and mitigation funds and to pay expenses associated with the activities necessary for the collection of those fees. These sources of revenue are often relatively small, unpredictable and variable. As such, they are best handled through a revolving fund rather than through the general fund and the regular budget process. To avoid excess accumulation of funds outside of the regular budget process, balance limits are established on the amounts for each revolving fund. Any amounts received that would cause the fund balance to exceed the limit are added to the general receipts of the Town.

ARTICLE 15

Submitted by the Board of Selectmen

To see if the Town will vote to authorize the Board of Selectmen to accept any monies received through grants applied for by various Town Departments or Boards; or take any other action relative thereto.

The Advisory Committee recommends approval of this article.

ARTICLE 16

Submitted by the Board of Selectmen

To see if the Town will vote to accept all State and Federal Grants and reimbursements for the Department of Public Works Water Division which do not require matching funds from the Town or any representative agency thereof, and will not obligate any resident of the Town of Norfolk without a town meeting vote; or take any other action relative thereto.

The Advisory Committee recommends approval of this article.

ARTICLE 17

Submitted by the Board of Selectmen

To see if the Town will vote to authorize the Board of Selectmen to advertise in a local newspaper and sell at public sale from time to time, as it may deem in the best interests of the Town, any and all lands or portions thereof which the Town has acquired or may acquire as Tax Title land, so called, such sales to be made on behalf of the inhabitants of the Town of Norfolk, and to authorize the Selectmen to expend from the proceeds of such sale the necessary costs of recording fees, documentary stamps and auctioneer’s fees, if required; or take any other action relative thereto.

The Advisory Committee recommends approval of this article.

ARTICLE 18

Submitted by the Board of Selectmen

To see if the Town will authorize the Board of Selectmen to acquire by gift, purchase or otherwise, such easements as may be necessary for drainage purposes and the laying out of public ways, and to raise and appropriate or transfer from any available source of funds, a sum of money for said purposes; or take any other action relative thereto.

The Advisory Committee recommends approval of this article.

ARTICLE 19

Submitted by the Board of Selectmen

To see if the Town will vote to grant the Board of Selectmen permission to sell surplus property of the Town, exclusive of buildings and land, no longer needed by the Town; or take any other action relative thereto.

The Advisory Committee recommends approval of this article.

ARTICLE 20

Submitted by the Energy Committee

To see if the Town will vote to adopt the “Stretch Energy Code” set forth in the State Building Code at 780 CMR 115.AA (i.e., Appendix 115.AA), as it may be amended from time to time; and to amend the Town of Norfolk General By-laws by inserting a new Section 11 under Article VII, Land Use and Resource Protection, entitled “Stretch Energy Code” as set forth below:

Section 11. Stretch Energy Code

A. Adoption. The Town of Norfolk has adopted the provisions of 780 CMR 115.AA (i.e., Appendix 115.AA of the State Building Code or the “Stretch Energy Code”), as it may be

amended from time to time, in place of the provisions set forth under 780 CMR 13.00, 34.00, 61.00 and 93.00.

B. Purpose. The purpose of the Stretch Energy Code shall be to provide the Town with a more energy efficient alternative to the base energy code otherwise set forth under the State Building Code.

or take any other action relative thereto.

The Advisory Committee recommends indefinite postponement of this article.

This is perhaps the most controversial article in this year's warrant, as it seems that nobody is ambivalent about it. It is strongly opposed and strongly supported. Those who oppose it say that it adds \$40,000, more or less, to the cost of a new home, that home buyers are not willing to pay for it, that new homes already meet stringent energy conservation standards, and that these changes will make Norfolk a less desirable place to buy a house.

Those in favor argue that cost is nowhere near as high as claimed by the opponents, that the cost is justified by the energy savings, that potential buyers will be attracted by the long-term benefits of the higher standards, that it will increase the value of houses, that it gives buyers a measurable standard by which to judge energy efficiency, and that it will make Norfolk a more desirable place to buy a house.

Both sides were strongly represented on the Advisory Committee, but the nays carried the day.

ARTICLE 21 **Submitted by the Community Preservation Committee**

To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 44B, Section 5, to appropriate the sum of \$35,000 from the annual revenues in the Community Preservation Fund for the purpose of funding the Administrative and Operating Budget for the Community Preservation Committee; or take any other action relative thereto.

The Advisory Committee recommends approval of this article.

This is a standard article requiring annual approval by the Town to transfer funds in the amount of \$35,000 from the Community Preservation Fund to the Community Preservation Committee's Administrative and Operating Budget.

ARTICLE 22 **Submitted by the Community Preservation Committee**

To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 44B, to reserve a sum of money equal to the state-mandated minimum amount of 10% from FY2014 Community Preservation Fund revenues for the future appropriation of Open Space creations, acquisition and preservation; 10% from FY2014 Community Preservation Fund revenues for the future appropriation of Affordable Housing creations, preservation and support; and 10% from FY2014 Community Preservation Fund revenues for the future appropriation towards the acquisition,

preservation, rehabilitation and restoration of Historic Resources; or take any other action relative thereto.

The Advisory Committee recommends approval of this article.

This is a standard article requiring annual approval by the Town to reserve funds from Community Preservation Fund revenues equal to the state-mandated minimums of 10% for Open Space, 10% for Affordable Housing, and 10% for Historic Resources.

ARTICLE 23 **Submitted by the Community Preservation Committee**

To see if the Town will vote to appropriate from the Community Preservation Fund the sums of \$50,000 from the Affordable Housing Reserve and \$150,000 from Undesignated Reserves to be transferred to the Norfolk Affordable Housing Trust Fund, to be used to create affordable housing in the Town of Norfolk; or take any other action relative thereto.

The Advisory Committee recommends approval of this article.

This appropriation will release a total of \$200,000 from the sources indicated to the Norfolk Affordable Housing Trust to be used for affordable housing projects. Although currently there is not a specific project designated for this funding, the Norfolk Affordable Housing Trust needs the funds to be readily available should a project become available throughout the year.

ARTICLE 24 **Submitted by the Community Preservation Committee**

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund, Open Space Reserves, an amount not to exceed \$17,000 to update Norfolk's Open Space and Recreation Plan, originally dated May 1, 1996, and to create an Open Space and Trails Map for the Town of Norfolk; or take any other action relative thereto.

The Advisory Committee recommends approval of this article.

This appropriation will fund an update to our outdated Open Space and Recreation Plan, which has not been updated since 1996. In addition, it will fund the creation of a new map that will document the open space and trails that have been created since 1996.

ARTICLE 25 **Submitted by the Community Preservation Committee**

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund, Historic Reserves, an amount not to exceed \$11,000 for the preparation of the Rockwood Road National Register Historic District Application; or take any other action relative thereto.

The Advisory Committee recommends approval of this article.

Rockwood Road and some of the homes along the route have historic significance in the town of Norfolk. These funds will be used to prepare the application to recognize Rockwood Road as a Historic District.

ARTICLE 26

Submitted by the Community Preservation Committee

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise a permanent Agricultural Preservation Restriction pursuant to M.G.L. chapter 184, Sections 31-33 and M.G.L. chapter 44B, the Community Preservation Act, over and upon approximately 70 acres of land located on Fruit Street and Cleveland Street in the Town of Norfolk and shown on Assessors' Map 16, Block 55, as Lot 69; Map 16, Block 34, as Lot 194; and Map 23, Block 34, as Lot 213, with the exception of a 5 acre lot to be retained by the present owners (as shown on a plan on file with the Town Clerk), Jane E. Newton, The Trust for Public Land, or the then owner of record, said acquisition of the Agricultural Preservation Restriction to be contingent upon the contribution of funds by the Massachusetts Department of Agricultural Resources, Agricultural Preservation Restriction Program, and said Agricultural Preservation Restriction to be held jointly with the Massachusetts Department of Agricultural Resources and under the care and control of the Norfolk Conservation Commission; and that to fund such acquisition the Town appropriate a sum not to exceed \$1.7 million from the Community Preservation Fund, consisting of \$50,000 from the Open Space Reserves, \$300,000 from the Historical Reserves, and \$1.35 million from the Undesignated Reserve; and to authorize the Board of Selectmen to execute any instruments and take any other action necessary to carry out the purposes of such acquisition; or take any other action relative thereto.

The Advisory Committee recommends approval of this article.

This article relates to an approximately 70 acre portion of the property known as "Jane and Paul's Farm". If the Town approves this article, we are authorizing the Board of Selectmen to acquire a permanent Agricultural Preservation Restriction on the property. The oversight of these restrictions will be held jointly with the Massachusetts Department of Agricultural Resources and will be under the care and control of the Norfolk Conservation Commission. A nonprofit organization, The Trust for Public Land, has worked with the CPC to arrange this transaction, but they will have on long-term involvement in managing the restriction.

The price of the restriction only – this does not include ownership of the land itself – will be \$2.4 million. It is anticipated that the State will provide approximately \$700,000 of this amount, and if this article is approved, the remaining \$1.7 million will be provided by Norfolk's Community Preservation Fund. The specific accounts from which the money will be taken are: \$50,000 from the Open Space Reserves, \$300,000 from the Historical Reserves, and \$1.35 million from the Undesignated Reserve.

If this arrangement is approved, then the actual land would be sold to someone who would use the land for its only allowed purpose – farming. No residence could be built on the land. The land would be sold for its value as farmland, which is estimated to be about \$200,000. The farmer would be free to sell the land at any time, and any interested party could buy it, just as any other private property. However, the value would always be its value as farmland, and the

restriction would remain regardless of how many times the land itself might be bought and sold by various farmers.

The amount of money involved in this transaction is obviously very substantial. However, it is well within the means of the CPF and would not impair our ability to take advantage of future opportunities if and when they arise. The CPC and most of those who have considered the purchase of this restriction believe this would be a very advantageous acquisition for the Town.

There were some opposing views presented in our discussion, as reflected by the fact that our vote was not unanimous. Some of our members suggested that the town might benefit from an alternate scenario in which the land is sold at some future time to a person or persons interested in developing it for residential purposes. Although we did not have specific information, it seems reasonable that the property could possibly support 40+/- house lots. The addition of those homes would mean a significant property tax increase, though perhaps with a corresponding burden to the school system and other town services. Of course, this is private property, so what may or may not happen if this article is not approved is at the discretion of the owners.

ARTICLE 27

Submitted by Petition

To see if the Town will vote to amend Section I.4.a.11 of the Norfolk Zoning Bylaws, as set forth below, by inserting the additional provisions shown that are underlined, with the existing text not being changed shown for informational purposes only.

I.4.a.11. Residential Density. Residential DWELLING UNITS, except for ASSISTED LIVING FACILITIES, shall not have more than two bedrooms per unit. Residential densities, except for ASSISTED LIVING FACILITIES, shall not exceed the ratio of sixteen bedrooms for any single lot or entire PMLD except by special permit by the Zoning Board of Appeals. Residential Densities for ASSISTED LIVING FACILITIES shall not exceed the ratio of sixteen bedrooms per acre for any single lot except by Special Permit by the Zoning Board of Appeals.

or take any other action relative thereto.

The Advisory Committee recommends indefinite postponement of this article.

This article was submitted by a petitioner and amends the Norfolk Zoning Bylaws by inserting additional language into Section I.4.a.11.

There is a defined process in the town to review potential changes to the town's zoning by-laws and zoning maps. This process includes, among other things, a review by the Zoning By-Law Study Committee. The Zoning By-Law Study Committee is comprised of members representing the various land-use boards and appointed individuals. The purpose and benefit of the Zoning By-Law Study Committee is to review all aspects of potential zoning changes, including how the change may impact other sections of the zoning by-laws, the appropriateness of the proposed change to the town-approved Master Plan and other elements. The Advisory Committee feels

strongly that proposed zoning changes should receive a thorough vetting before consideration at Town Meeting in order to ensure and understand the potential consequences of such a change and minimize the possibility of unintended, detrimental consequences.

The petitioner indicated to the Advisory Committee that this proposed zoning by-law change and the proposed zoning by-law changes and zoning map changes in Articles 28 to 31 were not presented for analysis, debate and consideration to the Zoning By-Law Study Committee prior to submission to the Board of Selectmen for inclusion on the Warrant.

ARTICLE 28

Submitted by Petition

To see if the Town will vote to remove Section 1.7.a.1 of the Norfolk Zoning Bylaws:

~~1.7.a.1: Special Permit by Planning Board~~

~~Residential Dwellings in the B1 Outside the Business Core district at a density of not less than 4 units per lot and not more than 1 unit per 5000 Sq. Ft. of land.~~

or take any other action relative thereto.

The Advisory Committee recommends indefinite postponement of this article.

This article was submitted by a petitioner and amends the Norfolk Zoning Bylaws by removing Section 1.7.a.1. The Advisory Committee recommends Indefinite Postponement of Article 28 for the same reasons in our recommendation under Article 27.

ARTICLE 29

Submitted by Petition

To see if the Town will vote to amend the Norfolk Zoning Map by adding the following parcel to the R-I Residential Zone:

Map 14, Block 49, Lot 11 (As shown on the Zoning Map of Norfolk)

or take any other action relative thereto.

The Advisory Committee recommends indefinite postponement of this article.

This article was submitted by a petitioner and amends the Norfolk Zoning Map by adding a parcel to the R-1 Residential Zone. The Advisory Committee recommends Indefinite Postponement of Article 29 for the same reasons in our recommendation under Article 27.

ARTICLE 30

Submitted by Petition

To see if the Town will vote to amend the Norfolk Zoning Map by adding the following parcels to the R-2 Residential Zone:

Map 14, Block 56, Lot 7 (As shown on the Zoning Map of Norfolk)

or take any other action relative thereto.

The Advisory Committee recommends indefinite postponement of this article.

This article was submitted by a petitioner and amends the Norfolk Zoning Map by adding a parcel to the R-2 Residential Zone. The Advisory Committee recommends Indefinite Postponement of Article 30 for the same reasons in our recommendation under Article 27.

ARTICLE 31

Submitted by Petition

To see if the Town will vote to amend the Norfolk Zoning Map by adding the following parcels to the R-2 Residential Zone:

Map 14, Block 56, Lot 8 (As shown on the Zoning Map of Norfolk)
or take any other action relative thereto.

The Advisory Committee recommends indefinite postponement of this article.

This article was submitted by a petitioner and amends the Norfolk Zoning Map by adding a parcel to the R-2 Residential Zone. The Advisory Committee recommends Indefinite Postponement of Article 31 for the same reasons in our recommendation under Article 27.

ARTICLE 32

Submitted by Planning Board

To see if the Town will vote to accept as a public way Essex Street, from Station 10 + 83.67 to Station 23 + 58.31, as shown on the acceptance plan dated February 2014 drawn by Landmark Engineers of New England, Inc. of Norfolk, Massachusetts and as further described in documents entitled, "Acceptance Plans of Essex Street Station 10 + 83.67 to Station 23 + 58.31" on file with the Town Clerk, as heretofore laid out by the Board of Selectmen; to authorize the Board of Selectmen to acquire by purchase, gift, and/or eminent domain, the fee to or easements in said Essex Street and any drainage, access, utility, and other easements related thereto; and further to raise and appropriate, borrow, or transfer from available funds a sum of money for such acquisition, including damages, fees, and related expenses; or take any other action relative thereto.

The Advisory Committee recommends approval of this article.

Street acceptances are generally a routine matter, and once a street is added to the Town's roads inventory, the Town qualifies for additional Chapter 90 Funds. Therefore, it is to the Town's benefit to include street acceptances in the warrant even if all the conditions for acceptance have not been met at the time the warrant is prepared. However, there are sometimes problems that arise between the Advisory Committee's vote to approve a street acceptance article and Town Meeting. Should this occur, our recommendation at Town Meeting will be revised accordingly.

ARTICLE 33

Submitted by Planning Board

To see if the Town will vote to accept as a public way Parcels A and B as shown on a plan recorded with the Norfolk Registry of Deeds in Plan Book 607, Pages 77 and 78, and on a plan entitled "Plan of Land on Toils End Road by United Consultants, Inc., dated March 30, 2011," on

file with the Town Clerk, as heretofore laid out by the Board of Selectmen, which Parcels A and B are an extension of the way known as Toils End Road, and to authorize the Board of Selectmen to acquire by purchase, gift, and/or eminent domain, the fee to or easements in said Parcels A and B and any drainage, access, utility, and other easements related thereto; or take any other action relative thereto.

The Advisory Committee recommends approval of this article.

The comments made with respect to Article 32 are also applicable to this article.

ARTICLE 34

Submitted by the Fire Chief

To see if the Town will vote, pursuant to Massachusetts General Laws, Chapter 44, Section 53E ½, to establish a revolving fund to be credited with receipts collected from charges to government entities and private parties for the purpose of communications and monitoring related to fire alarms, said receipts to be expended under the direction of the Fire Chief for monitoring system costs, maintenance of software, batteries, and related system functions (limit:\$20,000); or take any other action relative thereto.

The Advisory Committee recommends indefinite postponement of this article.

Our unanimous opinion is that these sorts of items should be included in the Town’s operating budget rather than by establishing a separate fund with an uncertain revenue stream for the purpose. To the extent any of these items are an immediate need, they have been included in the Town’s FY15 operating budget.

ARTICLE 35

Submitted by the Zoning Bylaw Study Committee

To see if the Town will vote to amend **Section J C-1 DISTRICT (ROUTES 1A/115)** and **SECTION B DEFINITIONS** of the Norfolk Zoning Bylaws; by changing **Subsection J.3 District Boundaries** and adding a new definition for Medical Marijuana Treatment as shown below, with bold type indicating additions and strikethrough type indicating deletions:

J.3 District Boundaries

The C-1 District is further divided into two areas: (1) On-Highway, which consists of that portion of the C-1 District which is located within 300 feet of the FRONTAGE line of Route 1A or 115, and (2) Off-Highway, which consists of that portion of the C-1 District which is located greater than 300 feet from the FRONTAGE line of Route 1A and 115. The Off-Highway District shall be further divided into the following four subareas: C-1a shall include that portion of the Off-Highway district in the southwest quadrant of the Route 1A/115 intersection; C-1b shall include that portion of the Off-Highway district in the northwest quadrant of the Route 1A/115 intersection; C-1-c shall include that portion of the Off-Highway district in the northeast quadrant of the Route 1A/115 intersection; and C-1d shall include that portion of the Off-Highway district in the southeast quadrant of the Route 1A/115 intersection;

Within the C-1c Off Highway District there shall be an Adult Business Overlay District and a **Medical Marijuana Treatment Overlay District**, which shall be comprised of the following lots: Assessors' Map 19 Block 72, Lots 36, 37-1, 39.

B Definitions

Medical Marijuana Treatment is provided by a not-for-profit entity and is as defined by and registered under Massachusetts law only, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.

The Advisory Committee recommends approval of this article.

The Advisory Committee unanimously approves the Zoning Bylaw Study Committee's proposed changes defining a zone for Medical Marijuana Treatment in Norfolk. This update brings Norfolk in line with new language at the State level and is required to control where any such future businesses may be located in Norfolk.

This Article and the next Article are related and accomplish two purposes: 1) to allow Medical Marijuana Treatment in Norfolk, as required by State law, and 2) to amend our zoning bylaws to specify where Medical Marijuana Treatment is allowed.

ARTICLE 36

Submitted by the Zoning Bylaw Study Committee

To see if the Town will vote to amend Section F General Regulations of the Norfolk Zoning Bylaws by revising Subsection F.14 as follows, with underlined type indicating additions and strikethrough type indicating deletions:

F.14 ~~TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS~~

F.14.a Purpose

By vote at the state election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law ~~provides that it is effective on~~ is effective on as of January 1, 2013 and the State Department of Public Health ~~is required to issue~~ has issued Guidance for Municipal Regulations Regarding the Use of Marijuana for implementation ~~within 120 days of the law's effective date.~~ regulations 105 CMR 725.000: Implementation of An Act For The Humanitarian Use of Marijuana. ~~Currently under of the Zoning Bylaw, for a Medical Marijuana Treatment Center is not a permitted use in the Town and any regulations as promulgated by the State Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town~~

~~needs time to study and consider the regulation of Medical Marijuana Treatment Centers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of medical marijuana treatment centers and other uses related to the regulation of medical marijuana. This moratorium will allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.~~

F.14.b Temporary Moratorium

~~For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. **The moratorium shall be in effect through June 30, 2014.** During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations regarding Medical Marijuana Treatment Centers and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses.~~

or take any other action relative thereto.

The Advisory Committee recommends approval of this article.

The Advisory Committee unanimously approved the Zoning Bylaw Study Committee's proposed update of older "temporary moratorium" language. The revised language is necessary to reflect updates at the State level and helps control where any such future businesses may be located.

ARTICLE 37

Submitted by the Town Administrator

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, for general municipal purposes, which purposes may include a police station, certain real property, and any buildings or improvements thereon, located at 14 Sharon Avenue, being shown on Assessor's Map 18, Block 69, Lot 41, Unit 17, described in a deed recorded with the Norfolk Registry of Deeds in Book 5387, Page 405; and to raise and appropriate, transfer from available funds, borrow or bond pursuant to any applicable statute a sum of money for said acquisition; and furthermore to raise and appropriate, transfer from available funds, borrow or bond pursuant to any applicable statute a sum of money to be expended at the direction of the Public Safety Building Committee, to pay costs of architectural and engineering services necessary for the design of a new police station upon the property, which may be located partly or wholly within the unfinished building now located upon the property, and to do site work at the property as deemed appropriate to use the property for such a facility and to authorize the Board of Selectmen to lease a portion of the property to the Metacomet Regional Emergency Communications Center for use as a dispatch center, on such terms and conditions as the Board of Selectmen shall deem to be in

the best interests of the Town; and to meet these appropriations, authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sums under and pursuant to Chapter 44, Section 7 of the Massachusetts General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; or take any other action relative thereto.

The Advisory Committee recommends approval of this article.

The purchase of this building would provide the Town with one immediate benefit along with the potential for other benefits. The immediate benefit is that the towns involved with Norfolk in the establishment of a Regional Emergency Communications Center (RECC) have agreed to use this building as the regional call center if we are successful in purchasing it. This would provide revenue to the Town that would offset to some extent cost of the purchase. Base on very rough estimates (exact numbers are not available at the time this is being written), those revenues could pay for about a third of the cost.

The other two potential benefits are:

- 1) With appropriate renovations, this building could be used as our police station. Of course, that would involve cost to be discussed at a later date, but the estimates are that the cost would be considerably lower than a new public safety building. As we all know, dealing with the issue of deteriorating and inadequate facilities for our public safety personnel has been postponed several times in the last few years, but it is not an issue that can be avoided forever. This represents an opportunity to deal with part of this problem at a more reasonable cost. If this occurs, then renovating our current public safety building to house just our Fire Department becomes more feasible. Again, cost would be involved, but we should still be below the cost of a new building for both departments.
- 2) RECC and our Police Department would still leave space available for future use. Although we have no immediate need for this space, the Town currently has very limited opportunities for future expansion, and this would provide some insurance against potential future space limitations.