

Norfolk Records  
Annual Town Meeting  
May 12, 2009

Pursuant to a warrant dated March 9, 2009, signed by Ramesh Advani, James Lehan, and Robert Garrity, Selectmen of Norfolk, the inhabitants of Norfolk qualified to vote in elections and town affairs met in the King Philip Middle School, 18 King Street, Norfolk, MA on Tuesday, May 12, 2009, at 7:00 PM in the evening, there and then to act on the following articles. The meeting was called to order at 7:10PM by Moderator Daniel Winslow. The Norfolk Boy Scouts presented the colors and led the Pledge of Allegiance and a 13-year-old resident of Norfolk, Mariah Hughes, sang God Bless America. The Moderator then introduced the Town Clerk, Town Administrator, Town Counsel, members of the Board of Selectmen and the Finance Advisory Committee Chairman, who then introduced the members of the Committee. There were 162 registered voters in attendance. Sworn counters were Janice Nelson, George Cronin, and David Rosenberg.

**APPROVED BY VOICE VOTE** to waive the reading of the Warrant and the return of the Warrant.

**ARTICLE 1**

Article 1 was the Annual Election of town officers which took place on Tuesday, May 5, 2009.

**A motion was made** and seconded to change the order of the warrant by moving the following articles to after article #85 due to the uncertainty in the State's local aid budget: Articles #2, #4, #5, #7, #8, #10, #13, #26, and #79.

A motion was made and seconded to delete Article 13 from this list. This motion **FAILED**.

The original motion to change the order was **APPROVED BY VOICE VOTE**.

The Moderator then requested consideration of the **CONSENT CALENDAR** which included articles: Article #24, #49, #55, #56, #68, #80, #81, #82, #83, and #84.

At the request of voters present, Articles #55, #56, #68, #80, #81, #82 and #84 were removed from the Consent Calendar.

Articles remaining on the **CONSENT CALENDAR** (#24, #49, #83) were then voted.

**ARTICLE 24**

**APPROVED BY VOICE 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.

**ARTICLE 49**

**APPROVED BY VOICE VOTE** to increase the membership of the Economic Development Committee from five members to seven members.

**ARTICLE 83**

**APPROVED BY VOICE VOTE** to authorize the Board of Selectmen to acquire by gift, purchase or otherwise, such easement 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.

**ARTICLE 3**

**APPROVED BY VOICE VOTE** to transfer

<b>From:</b>		
011301.511000	Finance Salary	\$ 89,766.00
014101.511000	DPW Administration	\$ 5,964.00
014221.511000	Ground Maintenance	\$ 3,308.00
014911.511000	Cemetery	\$ 1,195.00
014251.511000	Vehicle Maintenance	\$ 1,508.00
016101.511000	Library Salary	\$ 11,000.00
2108.578000	Fire Fines	\$ 690.00
2003	Ambulance Receipts	\$ 2,000.00
200808.500089	Capital Article/Engineer Feasibility Study	\$ 4,700.00
200808.500091	Capital Article-Highway-Ford F450	\$ 4,145.00
200812.500092	Capital Article/Toro Field Groomer	\$ 1,156.75
	Total	\$125,432.75
<b>To:</b>		
011302.530200	Finance Accounting	\$ 89,766.00
012202.578000	Fire Miscellaneous	\$ 690.00
012202.530600	Fire Training	\$ 2,000.00
014201.511000	Highway Salaries	\$ 11,975.00
014252.578000	DPW/Vehicle Maint-Vehicle Inspections	\$ 10,001.75
016102.542000	Library General Operating	\$ 6,000.00
016102.578411	Adult Books	\$ 3,000.00
016102.578419	Reference	\$ 2,000.00
	Total	\$125,432.75
<b>From:</b>		
	Free Cash	\$345,174.00
2101.578000	Snow & Ice Revolving	\$ 15,907.00
	Total	\$361,081.00
<b>To:</b>		
014232.578000	Snow & Ice	\$361,081.00

<b>From:</b>		
.	Water Retained Earnings	\$180,357.00
<b>To:</b>		
60002.530300	Leak Issue Calendar Yr. 2009(Spring)	\$ 93,141.00
60003.530300	Leak Issue Calendar Yr. 2008(Fall)	\$ 63,629.00
60002.578000	Chemical Increase, Fuel Utility Increase	\$ 23,587.00
	Total Water Enterprise Fund	\$180,357.00

**APPROVED BY VOICE VOTE** to defer Article 6 to after Article #79 (end of warrant).

**ARTICLE 9**

**APPROVED BY VOICE VOTE** to Indefinitely Postpone Article 9  
*(to Vehicle Stabilization Fund from unexpended General Fund accounts)*

**APPROVED BY VOICE VOTE to defer Article #11 to after Article #65**

**ARTICLE 12**

**APPROVED BY A DECLARED 2/3 VOTE** to authorize the Board of Selectmen, in connection with the purchase of land from the Federated Church of Norfolk as authorized under Article 9 of the Special Town Meeting of October 23, 2007, (1) to acquire from said Church, by purchase, gift, eminent domain or otherwise, an easement upon the Church's land at 1 Union Street in Norfolk to allow for overflow parking from the Town's property at 117 Main Street, and (2) to authorize the Board of Selectmen to grant a reciprocal easement to the said Church to allow for overflow parking from the Church's property at 1 Union Street onto 117 Main Street, said reciprocal easements to be on such terms and conditions as the Selectmen may determine.

**ARTICLE 14**

**APPROVED BY A DECLARED 2/3 VOTE** pursuant to the provisions of G.L. c. 40, section 15A, to transfer the care, custody and control of the land on Leland Road shown on the Town Assessor's Maps as Map 3, Block 9, Lot 25 (currently held pursuant to the foreclosure of tax title) to the Affordable Housing Trust for the purpose of accepting the relocation of a dwelling structure now located at 23 Leland Road, and further to authorize said agency to donate the land and the building to be located thereon to Habitat for Humanity by any lawful means for the purpose of creating a single, deed-restricted, affordable housing unit includable on the Town's subsidized housing inventory.

**ARTICLE 15**

**APPROVED BY VOICE VOTE** to Indefinitely Postpone Article 15  
*(smoke detector system at the Freeman-Centennial School)*

**ARTICLE 16**

**APPROVED BY VOICE VOTE** to Indefinitely Postpone Article 16  
*(Recertification Plan of the Board of Assessors)*

**ARTICLE 17**

**APPROVED BY VOICE VOTE** to Indefinitely Postpone Article 17  
*(Recertification Plan of the Board of Assessors, annual).*

**ARTICLE 18**

**APPROVED BY VOICE VOTE** to transfer the sum of \$36,000 from the DPW Water Division retained earnings to fund a water system master plan.

**ARTICLE 19**

**APPROVED BY VOICE VOTE** to transfer the sum of \$165,000 from the DPW Water Division retained earnings to fund well construction and pump testing at the Gold Street well site for the development of well #3.

**ARTICLE 20**

**APPROVED BY VOICE VOTE** to transfer from retained earnings for the DPW Water Division the sum of \$260,000, to fund upgrading and retrofitting portions of the municipal water system along the Route 115 corridor in conjunction with the Route 115 T.I.P. reconstruction project and assess a 100% betterment in conjunction with the Betterment Act of 1991 to the owner of Lot 47, Block 69, Map 19 for the portion relative thereto.

**ARTICLE 21**

**APPROVED BY A COUNTED 2/3 VOTE**, Yes-98 to No-31, to rezone the following parcels from Residential to the B1 district: Map Block & Lot 14-41-23, 14-56-33, 14-56-32, 14-56-33, 15-53-42 along with a new parcel added to 14-57-24 and to amend the zoning map to conform thereto.

**ARTICLE 22**

It was moved and seconded to submit a home rule petition to the General Court to establish a municipal wastewater district within the B-1 District area to include the Freeman/Centennial School Complex as shown on plan of Norfolk Town Center, Norfolk Strategic Plan, Norfolk, MA dated March 18, 2009, prepared by Bergmeyer Associates, Inc.

A substitute motion was made to Indefinitely Postpone article 22. This motion was approved by a standing majority vote and became the main motion.

**APPROVED BY VOICE VOTE** to Indefinitely Postpone Article 22

**ARTICLE 23**

**APPROVED BY VOICE VOTE** to Indefinitely Postpone Article 23  
*(establish a municipal storm water district within the B-1 District area)*

**ARTICLE 25**

**It was moved and seconded** to create a Road Maintenance Stabilization Fund in the Town of Norfolk for purposes of maintenance, paving and striping of public ways.

A motion was made to substitute a new main motion to create a Road Maintenance Stabilization Fund in the Town of Norfolk for purposes of replacement, repair, maintenance, paving and striping of public ways; the Fund is to be used first for the public ways in the worst condition category, as determined by the Department of Public Works. The substitute motion **failed** on a counted vote, yes-41, no-67.

**APPROVED BY A DECLARED 2/3 VOTE** to create a Road Maintenance Stabilization Fund in the Town of Norfolk for purposes of maintenance, paving and striping of public ways.

**APPROVED BY VOICE VOTE** to defer Article 27 and Article 28 to after Article 6 (end of warrant).

**ARTICLE 29**

**APPROVED BY UNANIMOUS VOTE** to amend the Zoning Bylaws Section F.7.b SCHEDULE OF MINIMUM OFF-STREET PARKING REQUIREMENTS by adding:

Permitted Uses	Minimum Number of Spaces
<b>F.7.b.22</b> Medical and Dental Offices	1 Per 200 Sq. Ft. USABLE FLOOR AREA

**ARTICLE 30**

**APPROVED BY A DECLARED 2/3 VOTE** to amend the Zoning Bylaws Section F.7.b SCHEDULE OF MINIMUM OFF-STREET PARKING REQUIREMENTS by amending F.7.b.12 and 13 to add 1 Per 300 Sq. Ft. of USABLE FLOOR AREA for units less than 5000 sq. ft. and shown as:

Permitted Uses	Minimum Number of Spaces
<b>F.7.b.12.</b> Retail, service or mercantile establishment	1 Per 200 Sq. Ft. USABLE FLOOR AREA 1 Per 300 Sq. Ft. of USABLE FLOOR AREA for units less than 5000 sq. ft.
<b>F.7.B.13</b> Professional Office or General Office	1 Per 200 Sq. Ft. USABLE FLOOR AREA 1 Per 300 Sq. Ft. of USABLE FLOOR AREA for units less than 5000 sq. ft.

**ARTICLE 31**

**APPROVED BY A DECLARED 2/3 VOTE** to remove from the Zoning Bylaw the requirement for a Special Permit for RESTAURANTS Which serve Beer, Wine or Alcoholic Beverages in section J.7.a.1.b Special Permit Uses by the Zoning Board of Appeals.

**ARTICLE 32**

**APPROVED BY A DECLARED 2/3 VOTE** to add to the Zoning Bylaw Section F.9.b.1.a Name Plate the following:

	Districts		
	R	B1-B4	C1-C6
F.9.b.1.a.1. One freestanding SIGN on the ground for property owned by the Town and or a subgroup of the Town, to advertise the name of the property and its purpose or function with the size not exceeding 12 sq. ft. in area per side except by Special Permit by the Planning Board to a maximum of 24 square feet.	Yes	Yes	Yes

**ARTICLE 33**

A motion was made and it was seconded to add Section F.2.d Reductions for Affordable Housing to the Norfolk Zoning bylaws Section F.2 Nonconforming Structures and Nonconforming Uses, as follows:

F.2.d Reductions for Affordable Housing

PURPOSE:

The purpose of this Section is to promote the construction of affordable housing in the Town of Norfolk. It allows the waiver of lot area, frontage or lot shape requirements in exchange for the construction of restricted affordable housing.

#### APPLICABILITY:

1. This bylaw shall apply only to any vacant lot of land in a residential zoning district that exists as a matter of record on or before the effective date of this Bylaw and that is nonconforming with respect to lot area, frontage or lot shape, provided that such lot has at least 50 feet of frontage and 15,000 square feet of area. This bylaw shall not operate to waive such dimensional requirements on conforming parcels.
2. This bylaw allows, with the receipt of a special permit from the Zoning Board of Appeals, the construction of a single or two-family dwelling that is restricted, in perpetuity, for sale or lease as affordable housing in a manner that allows such dwelling to be added to the Town's subsidized housing inventory, as kept by the Massachusetts Department of Housing and Community Development.

#### REQUIREMENTS:

1. Approval under this Bylaw requires a Special Permit by the Zoning Board of Appeals.
2. A Special Permit issued hereunder operates as a waiver of lot area, frontage or lot shape requirements but may not waive set back requirements or any other dimensional requirements of the Town's Zoning By-laws.
3. In granting a Special Permit hereunder, the ZBA must find that:
  - a. the proposal is compatible with the surrounding neighborhood and environment.
  - b. the means of access to the property is safe.
4. Any Special Permit issued hereunder must be conditioned upon:
  - a. a requirement that no building permit is issued until a complying deed restriction is approved by Town Counsel. Such restriction shall be recorded in the Registry of Deeds and shall provide for perpetual affordability.
  - b. a requirement that no building permit may be issued until the Applicant obtains any and all local and State approvals that may be necessary to ensure that the proposed home(s) will be added to the Town's subsidized housing inventory, as kept by the Department of Housing and Community Development.
  - c. All state and local permitting completed.
5. Zoning Board of Appeals will have the final determination whether a single or two family dwelling can be built on a proposed lot.

Such other reasonable conditions as the ZBA determines are necessary to mitigate impacts of the proposal.

A motion was made to amend by striking the words "or two" after the word single in Applicability section #2 and Requirements section #5. This amendment **failed**.

The original main motion was **APPROVED BY A DECLARED 2/3 VOTE**.

**A motion to defer Article #34 to the end of the warrant failed.**

#### ARTICLE 34

**APPROVED BY A COUNTED 2/3 VOTE** (Yes-50, No-22), to remove Sections D.3.e.1.a & D.3.e.1.b in Section D.3.e Special Permit Uses of the Watershed Protection District in the Norfolk Zoning Bylaws and to renumber this section accordingly.

**APPROVED BY VOICE VOTE to adjourn this Town Meeting until May 13, 2009 at 7:00pm at the King Philip Middle School.**

**The second session of the Annual Town Meeting was called to order by the Moderator at 7:00PM on May 13, 2009. There were 105 registered voters in attendance. Sworn counters were Steven McClain, Richard Connors, and Jonathan Smith.**

**ARTICLE 35**

A motion was made and seconded to amend Section L.7.a. Allowed Uses in the C6 District of the Norfolk Zoning Bylaws to include Medical/Veterinary Research facility and Medical/Veterinary Treatment facility.

A **point of order** was raised as to whether or not the addition of Veterinary (which was not in the original warrant language) is beyond the scope of the article.

**The Moderator ruled it as an expansion and therefore beyond the scope.**

**APPROVED BY VOICE VOTE to defer Article 35 until after Article 40**

**ARTICLE 36**

**APPROVED BY A DECLARED 2/3 VOTE** to amend the Zoning Bylaw Section I.4.a.6. Streetscape in the B1 District by adding the words “Unless otherwise provided by Special Permit by the Planning Board through a site plan approval process” after the word Streetscape in the first line to read as follows:

I.4.a.6. Streetscape. Unless otherwise provided by Special Permit by the Planning Board through a site plan approval process within the BUSINESS CORE, BUILDINGS shall be not more than forty feet in height. At least 60% of the vertical wall area of the FRONTAGE SIDE facade of BUILDINGS, excepting Municipal Buildings, (excluding porches) shall be parallel with and aligned to the BUILD-TO LINE, and a minimum 60% portion of the FRONTAGE SIDE facade shall also be made up of vertical BUILDING wall, dormers, or a parapet or false facade to a height of twenty feet. Bay windows and balconies above STREET level may project toward the STREET beyond the BUILD-TO LINE. Outside the BUSINESS CORE, BUILDINGS shall not be more than forty feet in height. BUILDING HEIGHT shall not include any steeples, flag poles, weather vanes, or cupolas. The highest point of any such steeples, flag poles, weather vanes, or cupolas shall not exceed eighty (80') feet. At least 60% of the vertical wall area of the FRONTAGE SIDE facade of a Municipal BUILDING shall be made up of vertical BUILDING wall, dormers, or a parapet or false facade to a height of 10'.

**APPROVED BY VOICE VOTE to defer Article 37 to after Article 28 (end of warrant).**

**ARTICLE 38**

**APPROVED BY A DECLARED 2/3 VOTE** to amend Section I.4.b. Lot and Building Requirements and Standards in the B1 District of the Norfolk Zoning Bylaws by adding in Section I.4.b.1.D “Unless otherwise provided by Special Permit by the Planning Board through a site plan approval process” at the end of the first sentence so that it reads:

I.4.b.1.D. Landscaping Requirements: For each foot of FRONTAGE the LOT shall contain 40 square feet of landscaping unless otherwise provided by Special Permit by the Planning Board through a site plan approval process. This requirement shall not be conditioned to require landscaping of more than 20% of the LOT.

#### **ARTICLE 39**

**APPROVED BY A DECLARED 2/3 VOTE** to amend section J.4.b. Lot and Building Requirements and Standards in the C1 District of the Norfolk Zoning Bylaws by adding in Section J.4.b.1.E “Unless otherwise provided by Special Permit by the Planning Board through a site plan approval process” at the end of the first sentence so that it reads:

J.4.b.1.E. Landscaping Requirements: For each foot of FRONTAGE the LOT shall contain 40 square feet of landscaping unless otherwise provided by Special Permit by the Planning Board through a site plan approval process. This requirement shall not be conditioned to require landscaping of more than 20% of the LOT.

#### **ARTICLE 40**

**APPROVED BY A DECLARED 2/3 VOTE** to amend Section I.4.b.2 Within the Business Core: in the B1 District of the Norfolk Zoning Bylaws by adding in Section I.4.b.2. (A) BUILD-TO LINE by adding the words “Unless otherwise provided by Special Permit by the Planning Board through the site plan approval process” after the words Planning Board in the first sentence so that it reads:

(A) BUILD-TO LINE: any distance from between six (6) feet and nineteen (19) feet from, and parallel with, the frontage line(s) of the lot as approved by the Planning Board unless otherwise provided by Special Permit by the Planning Board through the site plan approval process as part of a comprehensive streetscape plan based on existing or planned buildings on lots within the same block on both sides of the street.

#### **ARTICLE 35**

**APPROVED BY VOICE VOTE** to Indefinitely Postpone Article 35.  
*(L.7.a. Allowed Uses, Medical Facilities)*

#### **ARTICLE 41**

**APPROVED BY A DECLARED 2/3 VOTE** to amend Section I.7.b. Special Permit Uses by the Zoning Board of Appeals in the B1 District of the Norfolk Zoning Bylaws by moving DRIVE-UP WINDOWS to a new section titled I.7.b.1 Special Permit Uses by the Planning Board.

#### **ARTICLE 42**

**APPROVED BY A DECLARED 2/3 VOTE** to amend Section J.7.a.1.b. Special Permit Uses by the Zoning Board of Appeals in the C1 District of the Norfolk Zoning Bylaws by moving DRIVE-UP WINDOWS to a new section titled J.7.a.1.C Special Permit Uses by the Planning Board.

**ARTICLE 43**

**APPROVED BY A DECLARED 2/3 VOTE** to amend Section J.7.a.2.b. Special Permit Uses by the Zoning Board of Appeals in the C1 Off Highway District of the Norfolk Zoning Bylaws by moving DRIVE-UP WINDOWS to a new section titled J.7.a.2.C Special Permit Uses by the Planning Board.

**ARTICLE 44**

**APPROVED BY A DECLARED 2/3 VOTE** to amend Section I.7.b. Special Permit Uses by the Zoning Board of Appeals in the B1 District of the Norfolk Zoning Bylaws by moving Telecommunications and cellular towers consisting of Wireless Communications Facilities limited to the Wireless Communications Overlay District 2 as provided for in Section F.13.; to a new section titled I.7.b.1 Special Permit Uses by the Planning Board. |

**ARTICLE 45**

**APPROVED BY A DECLARED 2/3 VOTE** to amend Section J.7.a.2.B. Special Permit Uses by the Zoning Board of Appeals in the C1 Off Highway District of the Norfolk Zoning Bylaws by moving Telecommunications and cellular towers consisting of WIRELESS COMMUNICATION FACILITY limited to the Wireless Communications Overlay District 4 as provided for in Section F.13.; to a new section titled J.7.a.2.C Special Permit Uses by the Planning Board.

**ARTICLE 46**

**APPROVED BY A DECLARED 2/3 VOTE** to amend Section I.7.b. Special Permit Uses by the Zoning Board of Appeals in the B1 District of the Norfolk Zoning Bylaws by moving WIRELESS COMMUNICATIONS FACILITY Equipment Building limited to the Wireless Communications Overlay District 2 as provided for in Section F.13. to a new section titled I.7.b.1 Special Permit Uses by the Planning Board.

**ARTICLE 47**

**APPROVED BY A DECLARED 2/3 VOTE** to amend Section I.7.b. Special Permit Uses by the Zoning Board of Appeals in the B1 District of the Norfolk Zoning Bylaws by deleting “RESTAURANTS which serve Beer, Wine or Alcoholic Beverages”.

**ARTICLE 48**

**APPROVED BY A DECLARED 2/3 VOTE** to amend Section J.7.a.1.B. Special Permit Uses by the Zoning Board of Appeals in the C1 District of the Norfolk Zoning Bylaws by deleting “RESTAURANTS Which Serve Beer, Wine or Alcoholic Beverages”.

**A motion to defer Article #50 to the end of the warrant FAILED.**

**ARTICLE 50**

**APPROVED BY VOICE VOTE** to accept the provisions of Chapter 43D of the Massachusetts General Laws as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006, and to approve the filing of an application with the Interagency Permitting Board for the designation of any portion of land designated as the B1 Zoning District shown on Assessor’s Map 14 along

Main Street-MBTA Rail Line, Union Street-Independence Drive and Liberty Lane and Meetinghouse Road and as expanded per Article 21 and as indicated on the table entitled Article 50-Exhibit A and according to the Norfolk Town Center map, as a Priority Development Site.

**Article 50-Exhibit A:** Norfolk Town Center, the B1 District, Assessor Map 14 and Article 21.

<b>Location</b>	<b>Block</b>	<b>Lot(s)</b>	<b>Description</b>	<b>Lot Size</b>		
Rockwood Rd.	52	2	Retail Stores Complex	½ Acre		
Rockwood Rd.	52	1	Daley Service Station	½ Acre		
Main Street	56	8	Vacant	5 acres		
Main Street	56	5	Existing Residence	1 acres		
Main Street	56	6	Existing Residence	1 acres		
Main Street	56	7	Vacant Lot (?)	4 acres		
Main Street	56	4	Existing Residence	1½ acres		
Right of Way	56	36 + 3	Industrial Building	1 acre		
Main Street	56	39	Dunkin Donuts	2 acres		
Carlson Cr.	56	40+2	MBTA Parking Lot	3+ acres		
Main Street	57	24	Town Public Safety	1 acre		
Rockwood Rd.	49	12	Existing Residence	½ acre		
Rockwood Rd.	49	13	Frank Gross	½ acre		
Rockwood Rd.	50	3	Country Crossing-2 levels	½ acre		
Rockwood Rd.	93	4	MBTA station	1 acre		
Rockwood Rd.	49	12	Existing Residence	½ acre		
Main Street	50	2	Wayside Building-3levels	1 acre		
Main Street	49	14	Restaurant-Credit Union	2 ½ acres		
Main Street	49	24	Retail-Commercial	1 ½ acre		
Main Street	49	15	Post Office	1 ½ acre		
Main Street	49	1	Existing 2 story building	½ acre		
Main Street	49	2	Existing Residence	3 acres		
Main Street	49	3	Existing Residence	1 acre		
Boardman St.	41	17	Vacant lot	1 acre		
Boardman St	41	18	Existing Residence	1 acre		
Union Street	41	21	Vacant lot	1½ acres		
Union Street	51	1	Library & Town Hill	2 acres		
Liberty Lane	41	6+27	Town Hall + Water Tower	6 acres		
Liberty Lane	41	59	Vacant Lot	½ acre		
Liberty Lane	41	60	Vacant Lot	½ acre		
Liberty Lane	41	61	Vacant - Steep Grades	1 acre		
Liberty Lane	41	24	Vacant - Steep Grades	1 acre		
Liberty Lane	41	58	Vacant Lot-retail store	½ acre		
Liberty Lane	41	57	Proposed-Walgreens	1 acre		
Liberty Lane	41	62-63	Proposed- Stop & Shop	3 acres		
Liberty Lane	41	56	MBTA Parking Lot	3 acres		
Meetinghouse	41	104+107	Existing 40B Housing	2+acres		
Meetinghouse	41	105+106	Proposed 40B Housing	1+ acres		
Meetinghouse	41	108	Existing 40B Housing	1 acre		
Meetinghouse	41	10	40B Hsg+WasteWaterFac.	6+acres		
Meetinghouse	41	109	Proposed 40B Housing	½ acre		
Meetinghouse	41	110+111	Proposed 40B Housing	1+acres		

Article 21	See Des.	See Des.	Lots Approved/Article 21	Art. 21		
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**ARTICLE 51**

**APPROVED BY UNANIMOUS VOTE** to add to the Norfolk Zoning Code, Section B Definitions, BIOTECHNOLOGY as listed below.

After the definition for **BED & BREAKFAST**

**BIOTECHNOLOGY** – A Building or Group of Buildings used by an enterprise for conducting research, and/or diagnostic testing and development in the life, biological and chemical sciences using accepted practices defined by the Commonwealth of Massachusetts. The purpose and products of biotechnology enterprises include develop, manufacture and produce commercial materials for human and animal health care, food consumption, agricultural applications and environmental protection by application of scientific data and techniques of engineering and technology. For definition purposes, "biotechnology" shall not include conventional food or alcoholic production activities, or the production of biowarfare agents but would include Biosafety Level I and II agents posing no or limited health hazards according to regulations of the Commonwealth of Massachusetts.

**APPROVED BY VOICE VOTE** to defer Article 52 to after Article 37 (end of warrant).

**ARTICLE 53**

**APPROVED BY VOICE VOTE** to amend Article VII of the General Bylaws as follows:

(Note: A subsequent motion to reconsider corrected section E. Grandfather Clause to remove the words ‘of Selectmen’ and section L, #2 to correctly refer to section G instead of section I in the first sentence). What follows is the corrected language.

**ARTICLE VII: LAND USE AND RESOURCE PROTECTION**

**SECTION 1: Earth Removal**

A. Definitions: For the purpose of this bylaw, “Earth” shall include soil, loam, sand and gravel. “Board” shall mean the Planning Board of Norfolk.

B. Applicability: No earth shall be stockpiled or removed from any parcel of land within the Town to another parcel either within or without the Town without a special permit except as follows.

1) Removal of earth from an operating farm, nursery, or cemetery but only to the extent that this removal is necessary for the current operations of the farm, nursery or cemetery and only if the total volume of earth to be removed does not exceed 5,000 cubic yards during any three-year period. Any person or entity claiming an exemption under this clause must first notify the Board of the claim and the basis for the claim, and must receive a written acknowledgement from said Board. In its acknowledgement, the Board may impose any reasonable restrictions. (5/20/87);

2) Removal of earth from a site:

(a) Where a building is under construction pursuant to a Building Permit to the extent as may be necessary to install the foundation and basement of the building, provided such removal may not exceed an amount equal to the volume of the foundation and basement of the building;

(b) Where a road is under construction pursuant to a Permit for a subdivision or tract of land by government authority, such removal is permitted only to the extent as may be necessary to complete the project as planned. (5/8/80);

3) The moving and removal of earth for any municipal purpose by or on behalf of any department of the Town of Norfolk;

4) Moving and/or stockpiling of earth within a subdivision under construction, provided that any stockpiles shall not be located within 500 feet of any lot for which an occupancy permit has been granted;

5) A noncommercial moving of earth or regrading of earth upon a single lot upon which a dwelling is situated and occupied to allow regrading to prevent flooding or the construction and repair of on-site sewage disposal facilities.

6) Removal of less than 500 cubic yards of earth from any individual lot or site.

C. Special Permit Requirements: A special permit for removal of 500 or more cubic yards of earth may be granted by the Board after a finding by the Board that each of the following criteria has been met:

1) Uses allowed as a matter of right, by the zoning bylaws or granted by a Zoning Special Permit can only be exercised by the granting of an earth removal Special Permit by the Board.

2) The proposed earth to be removed is the minimum necessary to remove a physical hardship and/or to facilitate efficient use of the land without causing an adverse impact as defined in Subsection B (3) below.

3) The removal of earth will not cause a nuisance, or be a detriment to the surrounding areas or along the route of transportation, or cause an adverse effect. An earth removal operation shall be deemed to cause an adverse impact to the Town or to property in the vicinity of the site if it:

a) May reasonably be expected to significantly increase surface water flow off the site or to result in any adverse impact on surface water or public or private drinking water wells;

b) May produce noise, dust or other effects that may be detrimental to the amenities, aesthetics or normal use of property in the neighborhood;

c) May result in a change of topography and cover that will render development of the site in accordance with the approved site plan more difficult or costly;

d) May have an adverse effect on public health or safety or on the health or safety of persons living, working or otherwise present in the neighborhood; or

e) May unduly frustrate the long-term recreation and open space planning objectives of the Town.

4) The removal of earth will be accomplished as part of the development of an approved overall project, subdivision approval, site plan approval or building permit.

5) Except for the infrastructure stage for a subdivision or other work for which no building permit is required, no earth removal may commence on any lot or site until a building permit is issued for a building on that lot or site.

D. For projects requiring subdivision approval, site plan approval or a special permit from the Planning Board, the earth removal permit shall be considered and approved as a component of the subdivision approval, site plan or special permit. No separate earth removal permit is necessary.

E. Grandfather Clause: Special Permits for earth removal granted by the Board prior to July 1, 2009 and which are in the excavation and removal process may be renewed at the discretion of the Board.

F. Application for a Special Permit Any person or corporation applying to remove earth from a location in the Town of Norfolk shall file an application for a Special Permit with the Board. All applications for Special Use Permits shall be accompanied by exhibits and documentation deemed necessary by the Board for the proper issuance of a Permit. The Board shall adopt rules and regulations pertaining to the contents of the application.

G. A public hearing shall be held on each application for a Permit under this bylaw. The Board shall cause a notice of the public hearing to be published at the expense of the applicant in a daily or weekly newspaper in general circulation in the Town at least fourteen (14) days prior to the date of said hearing. The notice shall set forth the name of the applicant, the nature of the operation for which a Permit is requested, the volume of material to be stockpiled or removed and the location of the premises.

H. The Board shall be and hereby is authorized to set a reasonable application fee, based on actual costs, for all original and renewal applications for a Special Use Permit.

I. The Board shall be and is hereby authorized to determine the costs of any engineering fees incurred in the measurement of earth removed or to be removed under such Permit. The engineering fees charged for each Permit issued or renewed will be paid by the applicant.  
(10/8/79)

J. The applicant shall provide plans of the proposed use with the necessary documentation to demonstrate the need for earth removal and proof that the proposed removal constitutes the minimum removal required to remove the hardship and/or to facilitate maximum efficient use of the land.

K. Requirements for a Special Permit:

1) In approving the issuance of a Permit, the Board may impose reasonable requirements which shall constitute a part of the Permit and which may include but not be limited to:

- A. Grading, seeding and planting.
- B. Construction of necessary fencing and other protection against nuisances.
- C. Methods of removal, location and use of structures.
- D. Hours of operation, duration of the removal operation and routes of transportation of material removal.
- E. Control of drainage, disposition of waste incident to the operation, providing of adequate vegetation.
- F. Any conditions so imposed by the Board shall be endorsed upon the Permit issued to the applicant.

2) The Board shall require suitable bond or other security adequate to assure compliance with the provisions of the bylaw.

3) The area excavated during the duration of the Permit shall be restored to conform to the natural state of the area and surrounding areas by grading, re-top soiling, top soiling, and planting so that all scars resulting from the removal operation are eliminated annually during the period of the Permit and any subsequent renewals. Such restoration shall be completed within thirty (30) days of the termination of the Permit or any renewal thereof.

4) No applicant for an Earth Removal Special Use Permit shall reapply for a one (1) year period following the date of denial of the application of a Permit for earth removal by the Board of Selectmen.

5) No Permit shall be issued until the owner of the site has granted to the Town an easement over the land in question and conveys to the Town the legal right to enter upon said land with equipment and personnel for the purpose of making acceptable restoration in accordance with the approved restoration plan in the event of default of such restoration specific in the permit by the owner or his contractual representative.

6) The depth of any excavation shall not be made lower than ten (10) feet above the annual high water table. (5/21/85)

#### L. Termination of a Permit:

1) Any Permit issued by the Board shall expire upon the termination date stated thereon. If the Board does not reissue a new Permit upon the proper application of the petitioner, grading, top soiling, and seeding of the existing excavation shall be completed by the petitioner within thirty (30) days of the expiration thereof.

2) All applications for renewal of a Special Permit will require a public hearing as specified in Section G of the earth removal bylaw. Applications for renewal of a Permit expiring must submit for renewal 30 days prior to existing permit expiration.. In such application, documents used for the original issuance of permit may be revised to show the conditions existing at the time of reapplication which includes an As Built plan with all calculations of material moved to date

and remaining material to be removed. Information thus required will be stated in Section H of the bylaw, Application for Special Permit. (5/8/80/Amended 5/31/89).

N. Validity: The invalidity of any section or provision of this bylaw shall not invalidate any section or provision thereof.

O. Penalty: Any person, firm, or corporation willfully violating, disobeying, or refusing to comply with any of the provisions of this bylaw shall be prosecuted under the terms of the Massachusetts General Laws, Chapter 40, Section 21, Clause 17, and shall be subject to a fine of not more than one hundred (100) dollars for the first offense, not more than two hundred (200) dollars for the second offense, and not more than three hundred (300) dollars for any subsequent offense. Each day of non-compliance can constitute a separate offense. The Board may revoke or suspend the permit of any person, firm, or corporation holding a Permit under this bylaw if such person, firm, or corporation violates, disobeys, or fails to comply with any of the provisions of this bylaw. (3/20/70/Amended 5/30/75; 5/23/78; 6/27/78;10/16/79; 5/20/80)

#### **ARTICLE 54**

**APPROVED BY A DECLARED 2/3 VOTE** to amend Section G.6.d of the Zoning Bylaw by adding the following:

All PERMIT GRANTING AUTHORITIES/SPECIAL PERMIT GRANTING AUTHORITIES may require reasonable mitigation measures to offset adverse impacts of the development on the community, including but not limited to:

- (1) improve the capacity and safety of roads, intersections, bridges, pedestrian access, water, sewer, drainage, and other public facilities and infrastructure including traffic signals/controls, or municipal services, sufficient to service the development project.
- (2) donation and/or dedication of land for right-of-way to provide for roadway and/or intersection widening or improvements.

#### **ARTICLE 55**

**APPROVED BY VOICE VOTE** to designate a portion of the property abutting Highland Lake and purchased using Community Preservation Funds as the Fales Memorial Park Preserve.

#### **ARTICLE 56**

**APPROVED BY UNANIMOUS 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.

#### **ARTICLE 57**

**APPROVED BY UNANIMOUS VOTE**, pursuant to Massachusetts General Laws Chapter 44B, to reserve \$65,217.00 from FY2010 Community Preservation Fund revenues for the future appropriation of Open Space creation, acquisition and preservation.

**ARTICLE 58**

**APPROVED BY UNANIMOUS VOTE**, pursuant to Massachusetts General Laws Chapter 44B, to reserve \$65,217.00 from FY2010 Community Preservation Fund revenues for the future appropriation of Affordable Housing creation, preservation and support.

**ARTICLE 59**

**APPROVED BY UNANIMOUS VOTE**, pursuant to Massachusetts General Laws Chapter 44B, to reserve \$65,217.00 from FY2010 Community Preservation Fund revenues for future appropriation towards the acquisition, preservation, rehabilitation, and restoration of Historic Resources.

**ARTICLE 60**

**APPROVED BY VOICE VOTE** to allocate from the Community Preservation Fund an amount not to exceed \$60,000 to fund an affordable housing purchase price subsidy program for Norfolk residents and others with Norfolk ties including municipal employees.

**ARTICLE 61**

**APPROVED BY UNANIMOUS VOTE** to allocate from the Community Preservation Fund an amount not to exceed \$8,000 to complete the purchase a property described on the deed recorded with the Norfolk County Registry of Deeds Book 347 on page 73 as containing approximately 15,000 square feet located on Campbell Street shown as Lot 20 on Assessors Map 22, section 73 to be used for open space and recreation purposes authorized by the Community Preservation Act.

**ARTICLE 62**

**APPROVED BY UNANIMOUS VOTE** to allocate \$10,000 from the Community Preservation Fund to rehabilitate and restore historic resources at the Pondville Cemetery located on Everett Street.

**ARTICLE 63**

**APPROVED BY UNANIMOUS VOTE** to allocate \$53,900.00 from the Community Preservation Fund to preserve historic resources through the rehabilitation of the stone wall and sign at the Norfolk Cemetery on Main Street.

**ARTICLE 64**

**APPROVED BY UNANIMOUS VOTE** to allocate \$12,000 from the Community Preservation Fund to fund professional assistance for the preparation of National Register applications for the preservation of up to (2) historic districts at the Pondville Cemetery located on Everett Street and around the Main Cemetery located at the corner of Main and Seekonk Street.

**ARTICLE 65**

**APPROVED BY VOICE VOTE** to allocate up to \$30,000 from the Community Preservation Fund for a recreational feasibility study and conceptual drawings that propose to utilize the land area at the old town dump and adjacent town-owned woodlands for purposes consistent with the Community Preservation Act.

#### **ARTICLE 11**

A motion was made and seconded to amend certain provisions of the acceptance by the Town at its annual election on May 1, 2001, of the Community Preservation Act, Section 3 to 7 of Chapter 44B of Massachusetts General Laws, as follows: To change the level of the surcharge from 3% to 1.5%, and further to place such change approved by the Town Meeting on the ballot for acceptance by the voters of the Town of Norfolk at the next qualifying Town or State election.

The motion **FAILED** on a counted vote: Yes-29, No-50

**APPROVED BY VOICE VOTE** to advance Article #85

#### **ARTICLE 85**

**APPROVED BY VOICE VOTE** to appoint the following committees.

**Arts Council** – 9 members

**ADA Compliance Committee** – 5 members, plus Town Administrator, ex-officio and non-voting

**Insurance Advisory Committee** – 5 members

**Zoning Bylaw Study Committee** – 7 members appointed as follows:

two members appointed by the Board of Selectmen, and one member or designee each appointed by the Planning Board, Board of Health, Conservation Commission, Zoning Board of Appeals and Building Department, and Town Counsel, ex-officio and non-voting

**Corrections Advisory Committee** – 3 members

**Economic Development Committee** – 7 members appointed jointly by the Board of Selectmen and the Planning Board

**Open Space Committee** – 5 members as follows: one member to be a member or designee of the Recreation Commission, one member to be a member or designee of the Conservation Commission, one member to be a member or designee of the Planning Board, and two others to be appointed jointly by the Planning Board and Conservation Commission

**Public Safety Building Committee** – 4 members appointed by the Board of Selectmen, plus the Police Chief, Fire Chief, Town Administrator, one member of the Board of Selectmen and the Building Commissioner, ex-officio and non-voting.

**School Building Committee** – 5 members appointed by the Board of Selectmen, plus two members of the School Committee, School Superintendent, Town Administrator, and Building Commissioner, ex-officio and non-voting.

#### **ARTICLE 66**

**APPROVED BY VOICE VOTE** to abolish the Personnel Board and to transfer to the position of Human Resources Director all the powers, duties and responsibilities heretofore exercised by the Board, provided that the Town Administrator shall exercise such powers, duties and responsibilities subject to the oversight of the Board of Selectmen at any time that the position of Human Resources Director is vacant, and further provided that the Board of Selectmen shall

exercise such powers, duties and responsibilities regarding the positions of Town Administrator and Human Resources Director.

## **ARTICLE 67**

A motion was made and seconded to amend the Town of Norfolk Bylaws, Article III COMMITTEES, Section 2. Advisory Committee, Paragraph C. by inserting at the end thereof the following:

“Furthermore, for all Town Meetings, a copy of the warrant and the recommendations of the Advisory Committee shall be delivered to each residence prior to the Town Meeting.” so that Section 2, Paragraph C. will now read:

“To this Committee shall be referred all articles involving the appropriation or expenditure of money and to it may be referred any other article in any Town warrant issued during its term of office; and it shall be the duty of the said Advisory Committee, after due consideration of the subject matter of such articles as are referred to it, to report in writing such recommendation as it shall deem for the best interests of the Town. Furthermore, for all Town Meetings, a copy of the warrant and the recommendations of the Advisory Committee shall be delivered to each residence prior to Town Meeting.”;

and furthermore to amend the Norfolk Bylaw Article 1, Section 5. Warrant for Town Meeting, by deleting the last sentence so that the section will now read:

### **SECTION 5. Warrant for Town Meeting**

The warrants for all Town Meetings and elections shall be directed to any of the constables of the Town, and notice of every meeting and election shall be given by posting attested copies of the warrant calling the same at the Town Hall and in at least one public place in each precinct, not less than seven days (7) days before the day appointed for such meeting or election, except that such posting for a Special Town Meeting must be at least fourteen (14) days before the day appointed for such Special Town Meeting.

**A motion was made and seconded** to amend the main motion and add a new last line to Article I, section 5 to read as follows:

Furthermore, copies of the warrants for all Town Meetings shall be available at Town Hall and the Norfolk Public Library and a copy of the warrant shall be posted on the Town’s website not less than seven (7) days, or fourteen (14) days in the case of a Special Town Meeting, before the day appointed for the same. This amendment passed by UNANIMOUS VOTE.

**The amended motion was APPROVED BY UNANIMOUS VOTE.**

## **ARTICLE 68**

**APPROVED BY UNANIMOUS VOTE** to amend the Town of Norfolk Bylaws, Article 7 by adding a new Section 10 as follows.

### **Section 10. Delegation of Designation of the Permitting Authority for Trench Safety**

Pursuant to G.L. c 82A §2, the Board of Selectmen shall act as the permit granting authority, or shall designate a Board or Officer, to issue permits for the purpose of creating a trench as that term is defined by G.L. c. 82A §4 and 520 CMR 14.00 (collectively the “Trench Safety Law”). The Board of Selectmen may adopt regulations for the carrying out of said Trench Safety Law.

**APPROVED BY VOICE VOTE** to advance Articles #80, #81, #82, and #84.

**ARTICLE 80**

**APPROVED BY UNANIMOUS VOTE** to authorize the Board of Selectmen to accept any monies received through grants applied for by various Town Departments or Boards.

**ARTICLE 81**

**APPROVED BY UNANIMOUS 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.

**ARTICLE 82**

**APPROVED BY UNANIMOUS 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.

**ARTICLE 84**

**APPROVED BY UNANIMOUS 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.

**APPROVED BY VOICE VOTE** to adjourn this Town Meeting to June 16, 2009 at 7:00pm at the King Philip Middle School.

**The third session of the Annual Town Meeting was called to order by the Moderator at 7:05PM on June 16, 2009. There were 131 registered voters in attendance.**

**The Moderator explained the procedure that would be followed to conduct the Special Town Meeting which was called for June 16, 2009.**

**The Annual Town Meeting was recessed at 7:10pm.  
The Annual Town Meeting reconvened at 7:16pm.**

**ARTICLE 69**

**APPROVED BY VOICE VOTE** to Indefinitely Postpone Article 69.  
*(fees for use of Municipal Buildings)*

**ARTICLE 70**

**APPROVED BY VOICE VOTE** to amend the Town of Norfolk Bylaws, Article 10, by adding a new Section 37, as follows.

**PUBLIC CONSUMPTION OF MARIJUANA OR TETRAHYDROCANNABINOL**

Prohibition on Use

- A. Not in a Motor Vehicle: No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. c. 94C, §1) while in or upon any public building, vehicle controlled by the Town, recreational area, playground, park, beach, boat landing or launch, schoolhouse, school grounds, street, sidewalk, public way, passageway, bridge, stairs, parking lot, cemetery, bus stop, or any area or property owned or under the control of the Town, or any area accessible to the public.
  
- B. In a Motor Vehicle: The consumption of marijuana or tetrahydrocannabinol is also prohibited in any motor vehicle in or on a public way whether or not the user is operating the vehicle or whether the vehicle is in operation at all.

Violations and Penalties

Whoever violates this bylaw shall be punished by a fine of \$300.00 for each offense. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, Section 32L. If a violator fails to pay the fine issued, he or she may be subject to civil contempt proceedings.

Enforcement

Violations of any provision of this bylaw may be processed pursuant to Chapter 40, section 21 D of the General Laws of the Commonwealth and shall be in amount set forth above. Enforcement of this bylaw under the Non-Criminal Disposition process shall be carried out by the Police Chief, and duly sworn Police Officers who shall have full enforcement powers.

**ARTICLE 71**

**APPROVED BY VOICE VOTE** to Indefinitely Postpone Article 71.  
*(Tax and Fee Amnesty)*

**APPROVED BY VOICE VOTE** to advance Articles #6, #7, and #8.

**ARTICLE 6**

**APPROVED BY VOICE VOTE** to amend Article VII of the Town Bylaws by inserting the following Section 9:

**SECTION 9. Planning Department**

- A. There shall be a consolidated Planning Department in the Town of Norfolk which shall be responsible for the administration and support of all of the activities of the Zoning Board of Appeals, the Planning Board, the Conservation Commission and the Board of Health as further described in this Section.

- B. The Planning Department shall be under the direction and control of the Director of Planning, provided that, in the absence of an appropriation for, or in the event of a vacancy in, such position, those duties shall be performed by the Town Administrator or his designee.
- C. The functions of the consolidated Planning Department shall include the following:
- 1) Employment and supervision of all town staff and independent contractors providing services to the Zoning Board of Appeals, Planning Board, Conservation Commission and Board of Health;
  - 2) Coordination of all land use and planning activities and services;
  - 3) Maintenance of all records relating to land use and planning activities and services;
  - 4) Payment of all financial obligations incurred by the Planning Department on behalf of the said Boards and Commission;
  - 5) Collection of fees and fines due on account of the administration and enforcement of statutes, bylaws and regulations pertaining to land use;
  - 6) Assistance to all other Town departments or offices in any matter related to land use or planning;
  - 7) Oversight of the budget for land use and planning activities and services;
  - 8) Management and performance of such additional matters and tasks as may be requested or determined necessary from time to time by the Zoning Board of Appeals, Planning Board, Conservation Commission and/or Board of Health.
- D. Nothing in this bylaw shall be deemed to alter or infringe upon the authority, duties or responsibilities of the Zoning Board of Appeals, Planning Board, Conservation Commission or Board of Health as the same may be defined by statute or the bylaws of the Town, nor to alter the method of appointment or election of the members of said Boards and Commission. The intent of this bylaw is to centralize the responsibility for the expenditure of funds appropriated by the Town Meeting in support of the activities of the said Boards and Commission, to provide day-to-day supervision of full-time and part-time staff, to aid in the solicitation, award and management of contracts, and to achieve greater efficiencies in the provision of administrative support to the said Boards and Commission. Upon approval of this Bylaw, the individual salary and expense line items in the Town Budget for each of the aforesaid Boards and Commission shall be consolidated into salary and expense budget line items for the Planning Department.

**ARTICLE 7**

A motion was made and seconded to fix the salary and compensation of the elected position of Town Clerk at \$60,000 as provided for by Massachusetts General Laws, Chapter 41, Section 108 for the fiscal year commencing on July 1, 2009;

and further to raise and appropriate \$28,227,522

and transfer	\$	15,000	from Cemetery Receipts Reserved for Appropriation
	\$	65,000	from Free Cash
	\$	160,000	from Ambulance Receipts Reserved for Appropriation
	\$	75,000	from FY10 Prison Mitigation Funds
	<u>\$</u>	<u>400,000</u>	from Receipts Reserved from Settled Litigation
		\$28,942,522	total, to defray the departmental and incidental expenses of the

Town not otherwise provided for, for the fiscal year commencing on July 1, 2009.

It was moved and seconded to amend by increasing the Elementary School Budget by \$200,000 contingent upon a Proposition 2.5 operating override. The motion **FAILED**

It was moved and seconded to amend by increasing the King Philip Regional Budget by \$400,000 contingent upon a Proposition 2.5 operating override. The motion **FAILED**

The following Omnibus Budget was **APPROVED BY VOICE VOTE.**

TOWN OF NORFOLK	FY2010 OMNIBUS BUDGET	<u>Fy09 Budget</u>	<u>FY10 Approved Budget</u>
<u>GENERAL GOVERNMENT</u>			
<b>Moderator</b>			
	Salary	\$0	\$1
	Expense	\$150	\$50
	<b>Total</b>	<b>\$150</b>	<b>\$51</b>
<b>Selectmen/Town Admin.</b>			
	Salary	\$201,000	\$194,340
	Expense	\$27,200	\$28,489
	Cable Committee	\$5,000	
	<b>Total</b>	<b>\$233,200</b>	<b>\$222,829</b>
<b>Advisory Board</b>			
	Salary	\$6,262	\$6,412
	Expense	\$6,005	\$5,223
	Reserve Fund	\$30,000	\$50,000
	<b>Total</b>	<b>\$42,267</b>	<b>\$61,635</b>
<b>Municipal Finance</b>			
	Salary	\$453,100	\$422,064
	Expense	\$141,568	\$140,000
	Audit	\$36,000	\$36,000
	<b>Total</b>	<b>\$630,668</b>	<b>\$598,064</b>
<b>Board of Assessors</b>			
	Salary	\$0	\$0
	Recertification		\$25,000
	Expense	\$1,500	\$1,500
	<b>Total</b>	<b>\$1,500</b>	<b>\$26,500</b>
<b>Town Counsel</b>			
	Litigation	\$35,000	\$31,000
	Retainer Fees	\$40,000	\$40,000
	<b>Total</b>	<b>\$75,000</b>	<b>\$71,000</b>
<b>Personnel Board</b>			
	Salary	\$5,007	\$0
	Expense	\$1,200	\$400
	<b>Total</b>	<b>\$6,207</b>	<b>\$400</b>
<b>IT Coordinator</b>			
	Salary	\$6,640	\$4,000
	Expenses	\$68,057	\$66,962
	<b>Total</b>	<b>\$74,697</b>	<b>\$70,962</b>
<b>Tax Title/Foreclosure</b>			
	Expense	\$0	\$10,000
	<b>Total</b>	<b>\$0</b>	<b>\$10,000</b>
<b>Facilities Management</b>			
	Salary	\$44,654	\$43,463
	Facilities Management Expense	\$432,357	\$408,550
	<b>Total</b>	<b>\$477,011</b>	<b>\$452,013</b>
<b>Town Clerk</b>			
	Salary	\$94,021	\$92,764
	Expense	\$9,000	\$9,000
	<b>Total</b>	<b>\$103,021</b>	<b>\$101,764</b>
<b>Elections</b>			

	Salary	\$10,530	\$3,510
	Expense	\$18,180	\$8,980
	<b>Total</b>	<b>\$28,710</b>	<b>\$12,490</b>
<b>Conservation</b>			
	Salary	\$27,880	\$0
	Expense	\$10,954	\$10,500
	<b>Total</b>	<b>\$38,834</b>	<b>\$10,500</b>
<b>Planning Board</b>			
	Salary	\$56,216	\$0
	Expense	\$47,885	\$36,000
	<b>Total</b>	<b>\$104,101</b>	<b>\$36,000</b>
<b>Zoning Board of Appeals</b>			
	Salary	\$27,788	\$0
	Expense	\$2,580	\$60
	<b>Total</b>	<b>\$30,368</b>	<b>\$60</b>
<b>Planning and Development</b>			
	Salary	\$0	\$119,071
	Expense		\$16,882
	<b>Total</b>		<b>\$135,953</b>
<b>Permanent Building Committee</b>			
	Salary		
	Expense	\$300	\$300
	<b>Total</b>	<b>\$300</b>	<b>\$300</b>
<b>Town Reports</b>			
	Expense	\$3,200	\$3,200
	<b>Total</b>	<b>\$3,200</b>	<b>\$3,200</b>
<b>GENERAL GOVERNMENT</b>		<b>\$1,849,234</b>	<b>\$1,813,721</b>
<b>PUBLIC SAFETY</b>			
<b>Police</b>			
	Salary	\$1,617,428	\$1,617,428
	Expense	\$105,555	\$105,555
	<b>Total</b>	<b>\$1,722,983</b>	<b>\$1,722,983</b>
<b>Fire &amp; Ambulance</b>			
	Salary	\$1,073,365	\$1,073,365
	Expense	\$128,116	\$113,116
	<b>Total</b>	<b>\$1,201,481</b>	<b>\$1,186,481</b>
<b>Ambulance Billing</b>			
	Expense		\$15,000
	<b>Total</b>		<b>\$15,000</b>
<b>Building Dept</b>			
	Salary	\$189,528	\$181,765
	Expense	\$8,100	\$6,000
	<b>Total</b>	<b>\$197,628</b>	<b>\$187,765</b>
<b>Weights &amp; Measure</b>			
	Salary		
	Expense	\$1,100	\$800
	<b>Total</b>	<b>\$1,100</b>	<b>\$800</b>
<b>Emergency Management</b>			
	Salary	\$700	\$700
	Expense	\$1,000	\$900
	<b>Total</b>	<b>\$1,700</b>	<b>\$1,600</b>
<b>Animal Inspector</b>			
	Salary	\$2,194	\$2,194
	Expense	\$200	\$50
	<b>Total</b>	<b>\$2,394</b>	<b>\$2,244</b>

<b>Animal Control</b>			
	Salary	\$38,792	\$38,792
	Expense	\$4,650	\$4,000
	<b>Total</b>	<b>\$43,442</b>	<b>\$42,792</b>
<b>Fire/Police Comm</b>			
	Salary	\$198,315	\$198,315
	Expense	\$6,150	\$6,150
	<b>Total</b>	<b>\$204,465</b>	<b>\$204,465</b>
<b>Total Public Safety</b>		<b>\$3,375,193</b>	<b>\$3,364,130</b>
<b>EDUCATION</b>			
	Norfolk Elementary	\$9,799,314	\$9,799,314
	King Philip Regional (Operating)	\$5,406,400	\$5,880,104
	King Philip Regional (Excluded Debt)	\$969,483	\$983,810
	<b>King Philip Total</b>	<b>\$6,375,883</b>	<b>\$6,863,914</b>
	Tri-County	\$397,818	\$379,912
<b>Total Education</b>		<b>\$16,573,015</b>	<b>\$17,043,140</b>
<b>PUBLIC WORKS</b>			
<b>DPW Administration</b>			
	Salary	\$170,137	\$178,022
	Expense	\$81,715	\$83,176
	<b>Total</b>	<b>\$251,852</b>	<b>\$261,198</b>
<b>Highway</b>			
	Salary	\$162,473	\$128,125
	Expense	\$110,964	\$109,792
	<b>Total</b>	<b>\$273,437</b>	<b>\$237,917</b>
<b>Vehicle Maintenance</b>			
	Salary	\$126,692	\$128,638
	Expense	\$82,883	\$89,068
	<b>Total</b>	<b>\$209,575</b>	<b>\$217,706</b>
<b>Grounds Municipal</b>			
	Salary	\$149,033	\$130,579
	Expense	\$33,075	\$32,331
	<b>Total</b>	<b>\$182,108</b>	<b>\$162,910</b>
<b>Grounds - Cemetery</b>			
	Salary	\$26,431	\$22,680
	Expense	\$7,444	\$6,113
	<b>Total</b>	<b>\$33,875</b>	<b>\$28,793</b>
<b>Custodian of Veteran Graves</b>			
	Salary	\$700	\$700
	Expense	\$1,700	\$1,550
	<b>Total</b>	<b>\$2,400</b>	<b>\$2,250</b>
<b>Transfer Station</b>			
	Salary	\$192,717	\$199,142
	Expense	\$149,629	\$152,987
	<b>Total</b>	<b>\$342,346</b>	<b>\$352,129</b>
<b>Road Program</b>	<b>Total</b>	<b>\$1</b>	<b>\$1</b>
<b>Landfill</b>			
	Expense	\$80,674	\$85,776
	<b>Total</b>	<b>\$80,674</b>	<b>\$85,776</b>

Snow & Ice	Expense	\$123,647	\$123,647
	Total	<b>\$123,647</b>	<b>\$123,647</b>
Street Lighting	Expense	\$34,578	\$40,578
	Total	<b>\$34,578</b>	<b>\$40,578</b>
Town Vehicle Fuel	Expense	\$96,376	\$100,984
	Total	<b>\$96,376</b>	<b>\$100,984</b>
<b>Total Public Works</b>		<b>\$1,630,869</b>	<b>\$1,613,889</b>
<u>HUMAN SERVICES</u>			
<b>Board of Health</b>			
	Salary	\$45,750	
	Expense	\$24,813	\$17,603
	Total	<b>\$70,563</b>	<b>\$17,603</b>
<b>Special Programs</b>			
	MAY Mental Health	\$0	\$0
	SNCARC	\$4,025	\$4,025
	Total	<b>\$4,025</b>	<b>\$4,025</b>
<b>Council on Aging</b>			
	Salary	\$102,152	\$102,152
	Senior Program	\$0	\$0
	Expense	\$8,838	\$8,838
	Total	<b>\$110,990</b>	<b>\$110,990</b>
<b>Veteran's Services</b>			
	Salary	\$5,700	\$5,700
	Expense	\$3,000	\$3,000
	Total	<b>\$8,700</b>	<b>\$8,700</b>
<b>Total Human Services</b>		<b>\$194,278</b>	<b>\$141,318</b>
<u>CULTURE AND RECREATION</u>			
<b>Library</b>			
	Salary	\$356,381	\$331,023
	Expense	\$113,301	\$115,145
	Total	<b>\$469,682</b>	<b>\$446,168</b>
<b>Recreation</b>			
	Salary	\$70,265	\$70,265
	Expense	\$4,035	\$300
	Total	<b>\$74,300</b>	<b>\$70,565</b>
<b>Historical Commission</b>			
	Expense	\$325	\$250
	Total	<b>\$325</b>	<b>\$250</b>
<b>Memorial Day</b>			
	Expense	\$750	\$600
	Total	<b>\$750</b>	<b>\$600</b>
<b>Total Culture &amp; Recreation</b>		<b>\$545,057</b>	<b>\$517,583</b>
<u>FIXED COSTS</u>			
	Employee Benefits	\$2,709,128	\$3,004,195
	Building/Liability Insurance	\$350,086	\$320,169
<b>Total Fixed Costs</b>		<b>\$3,059,214</b>	<b>\$3,324,364</b>
<u>DEBT SERVICE (KP not Included)</u>			
	Excluded Debt(other than KP)	\$969,483	\$692,750

Non-Excluded Debt	\$483,737	\$431,628
<u>Total Local Debt Service</u>	<u>\$1,453,220</u>	<u>\$1,124,378</u>
<hr/>		
<b>TOTAL OPERATING BUDGET</b>	<b>\$28,680,080</b>	<b>\$28,942,522</b>

**ARTICLE 8**

**APPROVED BY UNANIMOUS VOTE** to transfer the sum of \$1,363,007.00 from Department of Public Works Water Division Revenues and Retained Earnings to fund the Water Division's Maintenance and Operating Expenses and the Water Division Debt for the fiscal year commencing July 1, 2009 as follows:

Salaries	\$ 181,835
Expenses	<u>\$ 656,499</u>
Sub-Total	\$ 838,334
Debt Service	<u>\$ 524,673</u>
Total Water Division Budget	\$1,363,007

**ARTICLE 72**

**APPROVED BY VOICE VOTE** to Indefinitely Postpone Article 72  
(*F.7.d. Commuter Parking*)

**ARTICLE 73**

**APPROVED BY VOICE VOTE** to authorize the Board of Selectmen to competitively bid to the Massachusetts Bay Transportation Authority ("MBTA") to provide parking fee collection, snow removal, street cleaning, and ice melt/sanding services for the commuter parking lots, walkways and platforms using town resources and personnel for the MBTA, provided that the Town receives payments from the MBTA in excess of the costs of such resources and personnel.

**ARTICLE 74**

**APPROVED BY VOICE VOTE** to Indefinitely Postpone Article 74  
(*off-street parking license fees and regulation*)

**ARTICLE 75**

**APPROVED BY VOICE VOTE** to Indefinitely Postpone Article 75.  
(*on-street parking permits and regulation*)

**ARTICLE 76**

A motion was made and seconded to Indefinitely Postpone Article 76

A motion was made and seconded to substitute a motion to amend the Town Bylaw Article IX SIGN REGULATIONS, Section 4, Signs That Are Allowed, by adding the following sentence thereto:

In the case of the quadrennial national election for President and Vice President of the United States, signs, no more than two (2) per lot and not exceeding eight (8) square feet in area per

sign, may be erected the day the candidates accept their party's nomination for those offices at the national party conventions and removed no later than two (2) days after the election.  
The motion to substitute FAILED

**APPROVED BY VOICE VOTE** to Indefinitely Postpone Article 76

**ARTICLE 77**

**APPROVED BY VOICE VOTE** to Indefinitely Postpone Article 77  
*(establish a revolving fund for the Board of Health)*

**ARTICLE 78**

**APPROVED BY VOICE VOTE** to Indefinitely Postpone Article 78  
*(establish a revolving fund for ambulance receipts)*

**ARTICLE 2**

**APPROVED BY VOICE VOTE** to Indefinitely Postpone Article 2  
*(unpaid bills of a prior year)*

**ARTICLE 4**

**APPROVED BY VOICE VOTE** to Indefinitely Postpone Article 4  
*(compensation schedule, general increase of 1.5%)*

**ARTICLE 5**

**APPROVED BY VOICE VOTE** to amend the Town of Norfolk Personnel Bylaws Schedule Section 10 – Annual Step Increase by inserting the following sentence at the end of the first paragraph;

“Due to the economic condition of the Town and State, no employee shall receive an Annual Step increase for the Fiscal year 2010. Annual Step increases will be awarded in Fiscal 2011 and the employee will advance on his/her Anniversary Date to the next appropriate step that he/she would have advanced to during Fiscal year 2010.”

**ARTICLE 10**

**APPROVED BY VOICE VOTE** to Indefinitely Postpone Article 10  
*(Capital Budget)*

**ARTICLE 13**

**APPROVED BY A DECLARED 2/3 VOTE** to appropriate the sum of \$295,000 to be expended at the direction of the Public Safety Building Committee, to pay costs of architectural and engineering services necessary for the development of a new public safety services facility, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(22) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore.

## **ARTICLE 26**

A motion was made and seconded to appropriate the amount of \$200,000, subject to a Proposition 2 ½ operating override, for purposes of funding the Town of Norfolk Road Maintenance Stabilization Fund.

A motion was made to substitute by removing the words “subject to a Proposition 2 ½ override”, and inserting the words “raise and” before the word appropriate. This motion **FAILED**

**APPROVED BY VOICE VOTE** to cut off debate.

**APPROVED BY VOICE VOTE** to appropriate the amount of \$200,000, subject to a Proposition 2 ½ operating override, for purposes of funding the Town of Norfolk Road Maintenance Stabilization Fund.

**NOTE: it was determined following the dissolution of Town Meeting that this article required a 2/3 voter and so this vote became null and void.**

## **ARTICLE 79**

**APPROVED BY VOICE VOTE**, pursuant to Massachusetts General Laws, Chapter 44, Section 53 ½, to reauthorize the following revolving funds for Fiscal Year 2010 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).
- (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).
- (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.).
- (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: \$5000).
- (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: \$5000).
- (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).
- (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).
- (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).

(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).

(10) A revolving fund for the Town Clerk to receive funds required by the Town Clerk for the processing of passports, to be expended under the direction of the Town Clerk for postage expenses associated with the processing of passports (limit: \$1,000).

(11) 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).

(12) 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).

## **ARTICLE 27**

**APPROVED BY A DECLARED 2/3 VOTE** to amend the Norfolk Zoning Bylaw by adding a paragraph to the end of section D.1 Basic Requirements to read as set forth below:

“All applicants for new Residential Dwellings (excluding additions, accessory buildings and septic systems) hereinafter constructed shall be prohibited from cutting down any trees within the side or rear setbacks and setbacks set forth in Section E.1.b, or within the soil absorption system setbacks set forth in 310 CMR 15.000, unless relief is granted by a special permit by the Zoning Board of Appeals. This prohibition shall remain in effect until the occupancy permit has been issued.”

## **ARTICLE 28**

**APPROVED BY UNANIMOUS VOTE** to amend the Norfolk Zoning Bylaws by inserting section H.4 Priority Development Site Permitting for the purpose of creating a Priority Development Site Committee to read as follows:

### **H.4 Priority Development Site Permitting**

This bylaw is established under M.G.L. Chapter 43D Expedited Permitting to specific Priority Development Sites (PDS) which have been designated by prior town meeting approval. The 43D statute requires the municipality to issue decisions on all PDS projects within 180 days of an application being deemed complete. This includes but not limited to Orders of Conditions and wetland decisions issued by the Conservation Commission, Special Permits issued by the ZBA and or Planning Board, Site Plan Review issued by the Planning Board, Flammable Materials license issued by the Fire Chief, Historic Commission decisions and title V and septic decisions by the Board of Health. Building permits and ANR plan approval and subdivisions under the subdivision control law are not affected by this statute.

**H.4.1 Establish-** There shall be established a Development Review Coordination Council (DRCC) consisting of members who reside in Norfolk or work for the Town of

Norfolk who shall be sworn to the faithful performance of their duties. This Council will review 43D Priority Development Site (PDS) Applications.

**2. The Committee** – the Development Review Coordinating Council shall be comprised of the following:

- A. Fire Chief or designee
- B. Zoning Enforcement Officer
- C. Police Chief or designee
- D. Chairman of the Board of Health or designee
- E. Chairman of the Conservation Commission or designee
- F. Chairman of the Planning Board or designee
- G. Chairman of the Zoning Board of Appeals or designee
- H. Representative of the Board of Selectmen
- I. DPW Director or designee
- J. Town Administrator
- K. 43D Contact Person

At the discretion of the Town Administrator, other Town Boards/committees/departments/agencies including but not limited to Design Review Committee, Historical Commission, or their agents and the Town’s Engineer and Planner, may also be represented.

**3. The Mission Statement:**

The Committee shall be available to meet with developers, businesses, property owners and/or their agents, who have submitted an application for a development project within a designated PDS. The Council shall review plans and applications to determine whether they are deemed complete to start the 180 day timeline. The goal is to encourage private investment in Norfolk by providing for more coordinated project review and permitting procedures.

**4. Convened**

The Council shall be convened by the 43D Contact Person or upon request of any council member based upon an application for development of a PDS.

**5. Procedures**

The Council may establish internal procedures and develop other tools to facilitate permitting review and coordination.

**6. Operating Guidelines**

The Council may establish its own operating guidelines relative to scheduling, participation and coordination.

**ARTICLE 37**

**APPROVED BY UNANIMOUS VOTE** to amend Section I.4.b. Lot and Building Requirements and Standards in the B1 District of the Norfolk Zoning Bylaws by adding in Section I.4.b.1.A “Unless otherwise provided by Special Permit by the Zoning Board of Appeals” at the end of the bylaw so that it reads:

I.4.b.1.A. No BUILDING, STRUCTURE, Use, PARKING AREA, driveway, vehicle circulation area, or other vehicle access way shall be located less than 50 feet from an adjacent

parcel within a Residential Zoning District unless otherwise provided by Special Permit by the Zoning Board of Appeals.

**ARTICLE 52**

**APPROVED BY UNANIMOUS VOTE** to amend section L.7.a. Allowed Uses in the C6 District of the Norfolk Zoning Bylaws to include BIOTECHNOLOGY; or take any other action relative thereto.

**All articles on the Warrant having been acted upon, it was moved, seconded and voted to dissolve this Annual Town Meeting at 11:15PM.**

Respectfully Submitted,

Gail E. Bernardo, Town Clerk