

**WARRANT ARTICLE SUMMARY
2009 ANNUAL TOWN MEETING**

Article Number	Proponent	Description
1	Town Clerk	Election of Town Officers
2	Board of Selectmen	Prior Year Unpaid Bills
3	Board of Selectmen	Fiscal 2008 Budget Transfers
4	BOS/Personnel Board	Compensation Schedule Increase
5	BOS/Personnel Board	Amend Annual Step Increase
6	Board of Selectmen	Land Use Board Reorganization
7	Board of Selectmen	Fiscal 2009 Operating Budget
8	Board of Selectmen	Fiscal 2009 Water Division Budget
9	Board of Selectmen	Debt Transfer
10	Board of Selectmen	Fiscal 2009 Capital Budget
11	Board of Selectmen	Amend CPC Surcharge
12	Board of Selectmen	Parking Easement – Federated Church
13	Board of Selectmen	Architectural Study – Public Safety Building
14	Board of Selectmen	Affordable Housing – Leland Road
15	Norfolk School Committee	Smoke Detectors – Freeman-Centennial School
16	Board of Assessors	Fund Recertification Plan
17	Board of Assessors	Fund Recertification Plan
18	Dept. of Public Works	Fund Water System Master Plan
19	Dept. of Public Works	Fund Gold Street Well #3
20	Dept. of Public Works	Fund Upgrading Water System – Rt. 115
21	Zoning Bylaw Study Comm.	Rezone B1 District
22	Economic Development Comm.	Establish Mun. Wastewater District w/in B1
23	Economic Development Comm.	Establish Mun. Storm Water District w/in B1
24	Board of Selectmen	Chapter 90 Authorization
25	Petition	Create a Road Maintenance Stabilization Fund
26	Petition	Fund a Road Maintenance Stabilization Fund
27	Board of Selectmen	Amend the Zoning Bylaw
28	Zoning Bylaw Study Comm.	Amend the Zoning Bylaw
29	Zoning Bylaw Study Comm.	Amend the Zoning Bylaw
30	Zoning Bylaw Study Comm.	Amend the Zoning Bylaw
31	Zoning Bylaw Study Comm.	Amend the Zoning Bylaw
32	Zoning Bylaw Study Comm.	Amend the Zoning Bylaw
33	Zoning Bylaw Study Comm.	Amend the Zoning Bylaw
34	Zoning Bylaw Study Comm.	Amend the Zoning Bylaw
35	Zoning Bylaw Study Comm.	Amend the Zoning Bylaw
36	Zoning Bylaw Study Comm.	Amend the Zoning Bylaw
37	Zoning Bylaw Study Comm.	Amend the Zoning Bylaw
38	Zoning Bylaw Study Comm.	Amend the Zoning Bylaw
39	Zoning Bylaw Study Comm.	Amend the Zoning Bylaw
40	Zoning Bylaw Study Comm.	Amend the Zoning Bylaw
41	Zoning Bylaw Study Comm.	Amend the Zoning Bylaw
42	Zoning Bylaw Study Comm.	Amend the Zoning Bylaw
43	Zoning Bylaw Study Comm.	Amend the Zoning Bylaw
44	Zoning Bylaw Study Comm.	Amend the Zoning Bylaw
45	Zoning Bylaw Study Comm.	Amend the Zoning Bylaw
46	Zoning Bylaw Study Comm.	Amend the Zoning Bylaw
47	Zoning Bylaw Study Comm.	Amend the Zoning Bylaw
48	Zoning Bylaw Study Comm.	Amend the Zoning Bylaw
49	Economic Development Comm.	Increase the EDC Membership
50	Economic Development Comm.	Accept Chapter 43D

51	Economic Development Comm.	Amend the Zoning Bylaw
52	Economic Development Comm.	Amend the Zoning Bylaw
53	Planning Board	Amend the General Bylaw
54	Planning Board	Establish a Zoning Bylaw
55	Historical Commission	Designate a Portion of Property
56	Community Preservation Comm.	CPC Budget
57	Community Preservation Comm.	Reservation of Funds
58	Community Preservation Comm.	Reservation of Funds
59	Community Preservation Comm.	Reservation of Funds
60	Community Preservation Comm.	Expenditure of Funds
61	Community Preservation Comm.	Expenditure of Funds
62	Community Preservation Comm.	Expenditure of Funds
63	Community Preservation Comm.	Expenditure of Funds
64	Community Preservation Comm.	Expenditure of Funds
65	Community Preservation Comm.	Expenditure of Funds
66	Board of Selectmen	Abolish the Personnel Board
67	Advisory Bd/Bylaw Comm.	Amend the General Bylaws
68	Bylaw Committee	Amend the General Bylaws
69	Bylaw Committee	Amend the General Bylaws
70	Bylaw Committee	Amend the General Bylaws
71	Petition	Create a Tax & Fee Amnesty (temporary)
72	Petition	Amend the Zoning Bylaw
73	Petition	Bid MBTA services
74	Petition	Amend the General Bylaws
75	Petition	Amend the General Bylaws
76	Petition	Amend the General Bylaws
77	Board of Health	Establish a Revolving Fund
78	Fire Chief	Establish a Revolving Fund
79	Board of Selectmen	Revolving Funds
80	Board of Selectmen	Acceptance of Grant Monies
81	Board of Selectmen	Acceptance of Grant Monies
82	Board of Selectmen	Sell Foreclosed Properties
83	Board of Selectmen	Acquire Easements
84	Board of Selectmen	Sell Surplus Property
85	Board of Selectmen	Committee Reports

REMINDER: Per KP Administration

NO refreshments, including bottled water, are allowed inside the Auditorium during the town meeting.

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, 3 and 4, to assemble in the designated polling places in the H. Olive Day School, 232 Main Street, Norfolk, Massachusetts, on **Tuesday, May 5, 2009, 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 12, 2009 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 Town Clerk

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

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.

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, 2009; or take any other action relative thereto.

ARTICLE 4

Submitted by the Board of Selectmen/Personnel Board

To see if the Town will vote to amend the Town of Norfolk Personnel Bylaws Schedule B. COMPENSATION SCHEDULE by applying a general increase of 1.5% to all Steps on the COMPENSATION SCHEDULE effective July 1, 2009; or take any other action relative thereto.

ARTICLE 5

Submitted by the Board of Selectmen/Personnel Board

To see if the Town will 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 6

Submitted by the Board of Selectmen

To see if the Town will 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

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, 2009; or take any other action relative thereto. (Operating Budget)

ARTICLE 8

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. (Operating Budget)

ARTICLE 9

Submitted by the Board of Selectmen

To see if the Town will vote to transfer a sum of money to the Vehicle Stabilization Fund from unexpended General Fund accounts; or take any other action relative thereto.

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)

ARTICLE 11

Submitted by the Board of Selectmen

To see if the Town will vote 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; or take any action in relation thereto.

ARTICLE 12

Submitted by the Board of Selectmen

To see if the Town will 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, or take any other action relative thereto.

ARTICLE 13

**Submitted by the Board of Selectmen and
Public Safety Building Committee**

To see if the Town will vote to appropriate, borrow or transfer from available funds, a sum of money, not to exceed \$295,000, to be expended under the direction of the Public Safety Building Committee for the purpose of architectural and engineering services; or take any other action relative thereto.

ARTICLE 14

Submitted by the Affordable Housing Municipal Trust

To see if the Town will vote pursuant to the provisions of G.L. c. 40, § 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 Board of Selectmen, the Affordable Housing Trust, or another suitable municipal agency, for the purpose of accepting the relocation of a dwelling structure now located at 23 Leland Road, and further to authorize said agency to sell or 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; or take any other action relative thereto.

ARTICLE 15

Submitted by Norfolk 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, a sum of money to design, purchase, and install a smoke detector system at the Freeman-Centennial School; or take any other action relative thereto.

ARTICLE 16

Submitted by Board of Assessors

To see if the Town will vote to appropriate or transfer the sum of \$35,000 to implement the Recertification Plan of the Board of Assessors for maintaining and upgrading all real and personal property valuations at full and fair cash values as required by the Commonwealth of Massachusetts and to achieve uniform assessments, such funds to be used to contract for professional appraisal services by a state approved revaluation company; or to take any other action relative thereto.

ARTICLE 17

Submitted by Board of Assessors

To see if the Town will vote to appropriate the sum of \$12,000 this year and for each of the next two years, to implement the following Recertification Plan of the Board of Assessors for maintaining and upgrading all real and personal property valuations at full and fair cash values as required by the Commonwealth of Massachusetts and to achieve uniform assessments. Such funds to be used to contract for professional appraisal services by a state approved revaluation company; or to take any other action relative thereto.

ARTICLE 18

Submitted by Department of Public Works

To see if the Town will vote to transfer the sum of \$36,000 from the DPW Water Division retained earnings to fund a water system master plan; or take any other action relative thereto.

ARTICLE 19

Submitted by Department of Public Works

To see if the Town will 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; or take any other action relative thereto.

ARTICLE 20**Submitted by Department of Public Works**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow 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; or take any other action relative thereto.

ARTICLE 21**Submitted by the Zoning Bylaw Study Committee**

To see if the Town will vote 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 according to the Norfolk Town Center map; or take any other action relative thereto.

ARTICLE 22**Submitted by Economic Development Committee**

To see if the Town will vote to adopt a bylaw, submit a home rule petition to the General Court, establish a revolving fund, or take any other action necessary to establish a municipal wastewater district within the B-1 District area to include the Freeman/Centennial School Complex as shown on plan Norfolk Town Center, Norfolk Strategic Plan, Norfolk, MA dated March 18, 2009, prepared by Bergmeyer Associates, Inc.; or take any other action relative thereto.

ARTICLE 23**Submitted by Economic Development Committee**

To see if the Town will vote to adopt a bylaw, submit a home rule petition to the General Court, establish a revolving fund, or take any other action necessary to establish a municipal storm water district within the B-1 District area to include the Freeman/Centennial School Complex as shown on plan Norfolk Town Center, Norfolk Strategic Plan, Norfolk, MA dated March 18, 2009, prepared by Bergmeyer Associates, Inc.; or take any other action relative thereto.

ARTICLE 24**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.

ARTICLE 25**Submitted by Petition**

To see if the Town will vote to create a Road Maintenance Stabilization Fund in the Town of Norfolk for purposes of maintenance, paving and striping of public ways; or take any other action relative thereto.

ARTICLE 26**Submitted by Petition**

To see if the Town will appropriate the amount of \$200,000, subject to a Proposition 2 ½ override, for purposes of funding the Town of Norfolk Road Maintenance Stabilization Fund; or take any other action relative thereto.

ARTICLE 27

Submitted by the Board of Selectmen

To see if the Town will 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, or take any other action relative thereto:

“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 one year after the occupancy permit has been issued.”

ARTICLE 28

Submitted by the Economic Development Committee

To see if the Town will 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 at least ten (10) 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
- E. Chairman of the Conservation Commission
- F. Chairman of the Planning Board
- G. Chairman of the Zoning Board of Appeals
- 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 29 **Submitted by the Zoning Bylaw Study Committee**
 To see if the Town will vote to amend Section **F.7.b SCHEDULE OF MINIMUM OFF-STREET PARKING REQUIREMENTS** by adding:

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

or take any other action relative thereto.

ARTICLE 30 **Submitted by the Zoning Bylaw Study Committee**
 To see if the Town will vote to amend 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
F.7.b.12. 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.
F.7.B.13 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.

Existing:

Permitted Uses	Minimum Number of Spaces
F.7.b.12. Retail, service or mercantile establishment	1 Per 200 Sq. Ft. USABLE FLOOR AREA
F.7.B.13 Professional Office or General Office	1 Per 200 Sq. Ft. USABLE FLOOR AREA

or take any other action relative thereto.

ARTICLE 31

Submitted by the Zoning Bylaw Study Committee

To see if the Town will vote to remove 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**; or take any other action relative thereto.

ARTICLE 32

Submitted by the Zoning Bylaw Study Committee

To see if the Town will vote to add to 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

or take any other action relative thereto.

ARTICLE 33

Submitted by the Zoning Bylaw Study Committee

To see if the Town will vote to add Section F.2.d Reductions for Affordable Housing to the Norfolk Zoning bylaws, as follows: Section **F.2 Nonconforming Structures and Nonconforming Uses**

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; or take any other action relative thereto.

ARTICLE 34 **Submitted by the Zoning Bylaw Study Committee**

To see if the Town will vote 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; or take any other action relative thereto.

D.3. WATERSHED PROTECTION DISTRICT

D.3.e. Special Permit Uses

D.3.e.1.a. Any commercial, industrial activities or uses, and residential infrastructures, including driveways, wetland crossings, and drainage infrastructures;

D.3.e.1.b. The construction of dams, weirs, culverts, wetland roadway crossings/bridges/spans/ or any water control devices, including the temporary alteration of the water level for maintenance purposes and periodic cleaning;

ARTICLE 35 **Submitted by the Zoning Bylaw Study Committee**

To see if the Town will vote to amend Section **L.7.a. Allowed Uses** in the C6 District of the Norfolk Zoning Bylaws to include Medical Research and or Treatment facilities; or take any other action relative thereto.

ARTICLE 36 **Submitted by the Zoning Bylaw Study Committee**

To see if the Town will vote to amend 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'; or take any other action relative thereto.

Existing:

I.4.a.6. Streetscape. 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';

ARTICLE 37

Submitted by the Zoning Bylaw Study Committee

To see if the Town will 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;** or take any other action relative thereto.

Existing:

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.

ARTICLE 38

Submitted by the Zoning Bylaw Study Committee

To see if the Town will 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; or take any other action relative thereto.

Existing:

I.4.b.1.D. Landscaping Requirements: For each foot of FRONTAGE the LOT shall contain 40 square feet of landscaping. This requirement shall not be conditioned to require landscaping of more than 20% of the LOT.

ARTICLE 39

Submitted by the Zoning Bylaw Study Committee

To see if the Town will 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; or take any other action relative thereto.

Existing:

J.4.b.1.E. Landscaping Requirements: For each foot of FRONTAGE the LOT shall contain 40 square feet of landscaping. This requirement shall not be conditioned to require landscaping of more than 20% of the LOT.

ARTICLE 40

Submitted by the Zoning Bylaw Study Committee

To see if the Town will 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; or take any other action relative thereto.

Existing:

(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 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 41 **Submitted by the Zoning Bylaw Study Committee**
To see if the Town will 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**; or take any other action relative thereto.

ARTICLE 42 **Submitted by the Zoning Bylaw Study Committee**
To see if the Town will 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**; or take any other action relative thereto.

ARTICLE 43 **Submitted by the Zoning Bylaw Study Committee**
To see if the Town will 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**; or take any other action relative thereto.

ARTICLE 44 **Submitted by the Zoning Bylaw Study Committee**
To see if the Town will 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**; or take any other action relative thereto.

ARTICLE 45 **Submitted by the Zoning Bylaw Study Committee**
To see if the Town will 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**; or take any other action relative thereto.

ARTICLE 46 **Submitted by the Zoning Bylaw Study Committee**
To see if the Town will 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**; or take any other action relative thereto.

ARTICLE 47 **Submitted by the Zoning Bylaw Study Committee**
To see if the Town will 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”; or take any other action relative thereto.

ARTICLE 48**Submitted by the Zoning Bylaw Study Committee**

To see if the Town will 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”; or take any other action relative thereto.

ARTICLE 49**Submitted by the Economic Development Committee**

To see if the Town will vote to increase the membership of the Economic Development Committee from five members to seven members, or take any other action relative thereto.

ARTICLE 50**Submitted by the Economic Development Committee**

To see if the Town of Norfolk will 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; or take any other action relative thereto.

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

Location	Block	Lot(s)	Description	Lot Size		
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 30	See Des.	See Des.	Lots Approved/Article 30	Art. 30		

ARTICLE 51 **Submitted by the Economic Development Committee**
 To see if the Town will vote to add or amend to the Norfolk Zoning Code, **Section B Definitions**, BIOTECHNOLOGY as listed below; or take any other action relative thereto.

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.

ARTICLE 52 **Submitted by the Economic Development Committee**
 To see if the Town will 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.

ARTICLE 53 **Submitted by Planning Board**
 To see if the Town will vote to amend Article VII of the General Bylaws as follows:

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 have 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 of Selectmen 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 I 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

Submitted by Planning Board

To see if the Town will 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.

or take any other action relative thereto.

ARTICLE 55

Submitted by the Historical Commission

To see if the Town will vote to designate a portion of the property abutting Highland Lake and purchased using Community Preservation Funds as the Fales Memorial Park Preserve; or take any other action relative thereto.

ARTICLE 56

Submitted by 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.

ARTICLE 57

Submitted by 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 FY2010 Community Preservation Fund revenues for the future appropriation of Open Space creation, acquisition and preservation.

ARTICLE 58

Submitted by 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 FY2010 Community Preservation Fund revenues for the future appropriation of Affordable Housing creation, preservation and support.

ARTICLE 59

Submitted by 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 FY2010 Community Preservation Fund revenues for future appropriation towards the acquisition, preservation, rehabilitation, and restoration of Historic Resources.

ARTICLE 60 **Submitted by Community Preservation Committee**
To see if the Town will 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 **Submitted by Community Preservation Committee**
To see if the Town will 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 **Submitted by Community Preservation Committee**
To see if the Town will 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 **Submitted by Community Preservation Committee**
To see if the Town will 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 **Submitted by Community Preservation Committee**
To see if the Town will 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 **Submitted by Community Preservation Committee**
To see if the Town will 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 66 **Submitted by the Board of Selectmen/Personnel Board**
To see whether the Town will 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; or take any other action relative thereto.

ARTICLE 67 **Submitted by the Advisory Board & Bylaw Committee**
To see if the Town will vote 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.

or take any other action relative thereto.

ARTICLE 68

Submitted by the Bylaw Committee

To see if the Town will vote to amend the Town of Norfolk Bylaws, Article 7 by adding a new Section 10 as follows; or take any other action relative thereto.

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 reasonable regulations for the carrying out of said Trench Safety Law.

ARTICLE 69

Submitted by the Bylaw Committee

To see if the Town will vote to amend the Town of Norfolk Bylaws, Article II Financial Affairs, by adding a new SECTION 7, as follows; or take any other action relative thereto.

ARTICLE II FINANCIAL AFFAIRS

SECTION 7. Use of Municipal Buildings in the Town of Norfolk

1: Purpose

The purpose of this bylaw is to provide a uniform and fair method of imposing fees and regulations for the use of Municipal Buildings by non-municipal organizations or other entities.

2: Definitions

“Municipal Buildings” are defined as available facilities that include all buildings owned and operated by the Town of Norfolk including, but not limited to, the Public Library, Town Hall, the Senior Center and Old Town Hall but excluding all School buildings.

“In-town” entities include all entities that have a principal place of business with a physical address in the Town of Norfolk.

“User” includes any person, group, organization, or other entity using a Municipal Building for such purposes as conducting a meeting, seminar, conference, or any other use outside of the normal daily operations of such facility. Users shall not include municipal boards or committees conducting town business. *For example, a resident going to the library for a library program would not pay any fees under this by-law; whereas an organization wishing to use or reserve a meeting room would fall under this section.*

“Custodian” shall be the municipal board or official that is charged with the care, custody and control of any Municipal Building.

3: Fees

A. The Custodian of any particular Municipal Building may impose a fee to Users of said Municipal Building. Such fees may not exceed \$50.00 per hour and reduced or waived fees may be considered for any In-Town User or non-profit entity.

B. Fee Collection, Limitations

1. Fees for use as indicated above must be paid to the Town Treasurer Collector prior to use and shall be deposited in the General Fund.
2. Fees imposed herein do not include any additional expenses that are the responsibility of the User due to damage to any municipal facility or property, additional cleaning fees, police details, custodial services, etc.

ARTICLE 70

Submitted by the Bylaw Committee

To see if the Town will vote to Amend the Town of Norfolk Bylaws, Article 10, by adding a new Section 37, as follows; or take any other action relative thereto:

PUBLIC CONSUMPTION OF MARIJUANA OR TETRAHYDROCANNABINOL

§ 1 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.

§ 2 Violations and Penalties

Whoever violates this bylaw shall be punished by a fine not exceeding \$100.00 for the first offense, \$200.00 for the second offense and \$300.00 for each subsequent offense. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, §32L. If a violator fails to pay the fine issued, he or she may be subject to civil contempt proceedings.

§ 3 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

Submitted by Petition

To see if the Town will vote to establish a temporary Tax and Fee Amnesty to allow any current or former resident of the Town of Norfolk who owes unpaid taxes or fees to the town of Norfolk to be excused from paying any interest, costs or penalties for late payment or non-payment, provided that the amount of all taxes and fees owed to the Town of Norfolk are paid in full on or before July 1, 2009; or take any other action relative thereto.

ARTICLE 72

Submitted by Petition

To see if the Town will amend Section F.7.d. of the Zoning Bylaw by inserting the following:

F.7.d. Commuter Parking. Notwithstanding any contrary provision in this Zoning Bylaw, any commercial parking lot, church parking lot, municipal parking lot, or residential driveway located within a one-third (1/3) mile radius of the intersection of Main Street and Union Street shall be allowed to permit commuters to park their vehicles on their property and to charge a price for the same, provided that appropriate fees for each commuter parking space have been paid to the Town of Norfolk in accordance with the Town Bylaw.

or take any action relative thereto.

ARTICLE 73

Submitted by Petition

To see if the Town will 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; or take any other action relative thereto.

ARTICLE 74

Submitted by Petition

To see if the Town will amend the Norfolk Bylaw by inserting the following Article XVI after proposed Article XV, as follows:

ARTICLE XVI. OFF-STREET PARKING LICENSE FEES AND REGULATION

1. Location: Except as otherwise provided in this Article, off-street commuter parking shall be allowed in any commercial parking lot, church parking lot, or residential driveway located within a one-third mile radius of the intersection of Main Street and Union Street ("the designated area"), where the property owner has paid an annual fee to the Board of Selectmen for each parking space to be available for off-street commuter parking. In the discretion of the Board of Selectmen, such annual fee may be paid in monthly increments on the last business day of each month.

2. Off-Street Parking License Fee: Property owners in the designated area may charge commuters for parking in their parking lots or driveways, provided that such property owners have paid a "Off-Street Parking License" fee to the Board of Selectmen as follows:

a. Residential Driveways: \$200 per commuter parking space per year, with a limit of two commuter parking spaces per driveway;

b. Commercial Parking Lot: \$200 per commuter parking space per year, with a limit of 20 percent of all spaces in the parking lot available for commuter parking;

c. Church Parking Lot: \$200 per commuter parking space per year, with a limit of 40 percent of all spaces in the parking lot available for commuter parking.

3. Enforcement: The Board of Selectmen shall provide the Zoning Enforcement Officer with periodic updates of the locations of businesses, churches and residences that have paid the off-street parking license fee to allow for enforcement in accordance with the Zoning Bylaw.

or take any other action relative thereto.

ARTICLE 75

Submitted by Petition

To see if the Town will amend the Norfolk Bylaw by inserting the following Article XV after Article XIV as follows:

ARTICLE XV. ON-STREET PARKING PERMITS AND REGULATION

1. Location: Except as otherwise provided in this Article, on street parking shall be allowed for any vehicle displaying a permit issued by the Board of Selectmen on Mondays through Fridays in the following areas of the Town Center area:

- a. On-street parking areas on both sides of Meetinghouse Road, except where otherwise posted by signs approved by the Board of Selectmen;
- b. On-street parking area on the north side of Liberty Lane, adjacent to the Library;
- c. Both sides of Main Street, from the intersection of Boardman Street to a point not closer than 200 feet from the Main Street bridge, excluding the way in front of any driveway and within 20 feet of either side of any driveway;
- d. On-street parking area on the east side of Carlson Circle;
- e. Thirty (30) parking spaces located at the southernmost portion of the new Town Hall parking lot, except where otherwise posted by signs approved by the Board of Selectmen or prohibited by the Zoning Bylaw;
- f. Such other areas on street or within public ways as the Board of Selectmen may designate from time to time as available for on-street parking in the Town Center.

2. Permits: Beginning on July 1 of each year, the Board of Selectmen shall make available for purchase by all interested persons of duly registered cars, motorcycles and light trucks Town Center parking stickers which shall be valid until the following July 1. Said stickers shall be available for sale to Norfolk residents only for the first week of July and thereafter available to all interested persons. The Board of Selectmen shall charge an annual price of \$500 for such stickers, except that the Board of Selectmen shall charge a semi-annual price of \$275 for any such stickers purchased after December. Such stickers shall be affixed and visibly displayed on the reverse side of the vehicle's rear view mirror so that it can be easily seen from outside the vehicle. The Board of Selectmen may retain from such fees an amount equal to the cost of procuring the stickers and shall forthwith transmit the balance of all fees received to the Town Treasurer for deposit in the general fund. In the event the Board of Selectmen fails by July 1 to make parking stickers available for purchase in accordance with this bylaw, on-street parking shall be allowed in all designated areas without a parking sticker until such date as parking stickers are available for purchase.

3. Snow Emergency: The Board of Selectmen may declare a snow emergency prohibiting all on-street parking in the Town Center area anytime snow is forecast within 24 hours and for not longer than 48 hours after the snow has passed. The Board of Selectmen shall give notice of such snow emergency by publication on the official town website and by causing temporary signs to be posted at all on-street parking areas.

4. Weekends, After Business Hours and Holidays: Unless otherwise posted by signs approved by the Board of Selectmen, on-street parking shall be allowed without permit on weekends, legal holidays, and on weekdays after 10:00 a.m. in the areas described in Section 1 of this Article.

5. Fire hydrants: No vehicle shall park on-street within 10 feet of a fire hydrant.

6. Enforcement: The Norfolk Police Department shall be authorized to enforce compliance with this bylaw. Any vehicle parked on-street in violation of this bylaw shall be ticketed, and any vehicle parked on-street during a snow emergency shall be ticketed and may

be towed by order of the Norfolk Police. The civil assessment for violation of the on-street parking bylaw shall be \$35 for each violation, as well as payment of the cost of towing and storage for any vehicle towed during a snow emergency. The registered owner of any ticketed vehicle shall be responsible for payment of civil assessments. Any civil assessment that remains unpaid after 21 days shall increase to \$50 unless the registered owner has within that period of time filed a written notice of appeal to the Norfolk Parking Clerk.

7. Striping: For ease of use, the Board of Selectmen may direct the Department of Public Works to paint lines or parking spaces in the areas designated for on-street parking.

or take any other action relative thereto.

ARTICLE 76

Submitted by Petition

To see whether the Town will amend the Town Bylaw Article IX SIGN REGULATIONS, Section 4, Signs That Are Allowed, The following signs are allowed by this bylaw, provided however, one sign is allowed per lot, located on private property, unless otherwise indicated: A, Temporary political signs, no more than two (2) per lot, concerning candidates for public office and ballot issues and not exceeding eight (8) square feet in area per sign. Such signs shall be erected no earlier than thirty (30) days prior to an election or referendum and removed no later than two (2) days after the election or referendum, 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.

ARTICLE 77

Submitted by the Board of Health

To see if the Town will vote to establish a revolving fund pursuant to Massachusetts General Laws, Chapter 44, §53E ½ , to be funded by permit fees, inspection fees, and other funds required by the Board of Health for expenses including, but not limited to: equipment, supplies, training, and the services of inspectors, agents, clerical support, consultants and contractors to advise and assist with the development, implementation, and enforcement of federal, state, and local public health, safety and environmental laws, codes, and regulations (limit: \$75,000); or take any other action relative thereto.

ARTICLE 78

Submitted by the Fire Chief

To see if the Town will vote to establish a revolving fund pursuant to Massachusetts General Laws, Chapter 44, §53E ½ , to be funded by fees collected from ambulance receipts, said sums to be expended under the direction of the Fire Chief to pay for costs associated with ambulance fee collections and reporting (limit \$19,000); or to take any other action relative thereto.

ARTICLE 79

Submitted by the Board of Selectmen

To see if the Town will vote pursuant to Massachusetts General Laws, Chapter 44, §53 ½ , to reauthorize the following revolving funds for Fiscal Year 2009 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: \$5000); 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: \$5000); 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 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); or take any other action relative thereto.

(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); or take any other action relative thereto.

(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); or take any other action relative thereto.

ARTICLE 80

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.

ARTICLE 81

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; or take any other action relative thereto.

ARTICLE 82

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.

ARTICLE 83

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 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; or take any other action relative thereto.

ARTICLE 84

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.

ARTICLE 85

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.