

# FALL TOWN MEETING WARRANT

**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 meet on Tuesday, the 9th day of November, 2010, at 7:00 p.m. at the King Philip Middle School, 18 King Street, Norfolk, MA 02056, for a Special Town Meeting, then and there to act on the following articles, viz:

**ARTICLE 1**

**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, 2011; or take any other action relative thereto.

**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 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.

**ARTICLE 4**

**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 5**

**Submitted by the Energy Committee**

To see if the Town will vote to amend the Town of Norfolk Zoning Bylaws by inserting the following Section M; or take any other action relative thereto:

**Section M: Solar Energy Overlay Zone.**

**M.1 Purpose**

The purpose of this bylaw is to promote the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that

address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

### **M.1.a Applicability**

This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

## **M.2 Definitions**

**As-of-Right Siting:** As-of-Right Siting shall mean that development of a solar photovoltaic installation may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development may be subject to site plan review to determine conformance with the Zoning Bylaws. Projects cannot be prohibited, but can be reasonably regulated by the Building Inspector and the Planning Board as Site Plan Review Authority.

**Building Inspector:** The inspector of buildings, building commissioner, or local inspector, or person or board designated by local ordinance or bylaw charged with the enforcement of the zoning ordinance.

**Building Permit:** A construction permit issued by the building inspector; the building permit evidences that the project is consistent with the state and federal building codes as well as local zoning bylaws, including those governing ground-mounted large-scale solar photovoltaic installations.

**Designated Location:** The location designated as the Solar Energy Overlay Zone, in accordance with Massachusetts General Laws Chapter 40A, section 5, where large-scale ground-mounted solar photovoltaic installations may be sited as-of right. Said location shown on Assessors Map 09, Block 32, Lot 32 and Assessors Map 15, Block 32, Lot 27, pursuant to Massachusetts General Laws Chapter 40A Section 4. This map is hereby made a part of this Zoning Bylaw and is on file in the Office of the Town Clerk.

**Large-Scale Ground-Mounted Solar Photovoltaic Installation:** A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

**On-Site Solar Photovoltaic Installation:** A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

**Rated Nameplate Capacity:** The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

**Site Plan Review:** review by the Site Plan Review Authority pursuant to Section F.11 to determine conformance with the Zoning Bylaws.

**Site Plan Review Authority:** For purposes of this bylaw, Site Plan Review Authority refers to the Planning Board.

**Solar Energy Overlay District:** This district shall include land under the control of the Department of Public Works on the east side of Medway Branch, specifically property identified as Assessors Map 09, Block 32, Lot 32 and Assessors Map 15, Block 32, Lot 27, which is a part of this Zoning Bylaw and on file with the Town Clerk.

**Solar Photovoltaic Array:** an arrangement of solar photovoltaic panels.

**Zoning Enforcement Authority:** The Building Inspector.

### **M.3 General Requirements for all Large-scale Solar Power Generation Installations**

The following requirements are common to all solar photovoltaic installations to be sited in designated locations.

#### **M.3.a Compliance with Laws, Ordinances and Regulations**

The construction and operation of all large-scale ground-mounted solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.

#### **M.3.b Building Permit and Building Inspection**

No large-scale ground-mounted solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

#### **M.3.c Fees**

The application for a building permit for a large-scale solar photovoltaic installation must be accompanied by the fee required for a building permit.

#### **M.3.d Site Plan Review**

Large-scale ground-mounted solar photovoltaic installations with 250 kW or larger of rated nameplate capacity shall undergo site plan review by the Site Plan Review Authority prior to construction, installation or modification as provided in this section.

**M.3.d.1 General**

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

**M.3.d.2 Required Documents**

Pursuant to the site plan review process, the project proponent shall provide the following documents:

- (a) A site plan showing:
  - i. Property lines and physical features, including roads, for the project site;
  - ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
  - iii. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures
  - iv. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
  - v. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
  - vi. Name, address, and contact information for proposed system installer;
  - vii. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
  - viii. The name, contact information and signature of any agents representing the project proponent; and
- (b) Documentation of actual or prospective access and control of the project site (see also Section M.4);
- (c) An operation and maintenance plan (see also Section M.5);
- (d) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
- (e) Proof of liability insurance; and
- (f) Description of financial surety that satisfies Section M.11.c.

The Site Plan Review Authority may waive documentary requirements as it deems appropriate.

**M.4. Site Control**

The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

### **M.5. Operation & Maintenance Plan**

The project proponent shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

### **M.6. Utility Notification**

No large-scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the Site Plan Review Authority that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

### **M.7. Dimension and Density Requirements**

#### **M.7.a Setbacks**

For large-scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:

1. Front yard: The front yard depth shall be at least 10 feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the front yard shall not be less than 50 feet.
2. Side yard. Each side yard shall have a depth at least 15 feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the front yard shall not be less than 50 feet.
3. Rear yard. The rear yard depth shall be at least 25 feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the front yard shall not be less than 50 feet.

#### **M.7.b Appurtenant Structures**

All appurtenant structures to large-scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

### **M.8 Design Standards**

#### **M.8.a Lighting**

Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as

appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

#### **M.8.b Signage**

Signs on large-scale ground-mounted solar photovoltaic installations shall comply with Section F.9. A sign consistent with the requirements of Section F.9 shall be required to identify the owner and provide a 24-hour emergency contact phone number.

Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.

#### **M.8.c Utility Connections**

Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

### **M.9 Safety and Environmental Standards**

#### **M.9.a Emergency Services**

The large-scale ground-mounted solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

#### **M.9.b Land Clearing, Soil Erosion and Habitat Impacts**

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

### **M.10 Monitoring and Maintenance**

#### **M.10.a Solar Photovoltaic Installation Conditions**

The large-scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall

include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

**M.10.b Modifications**

All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Site Plan Review Authority.

**M.11 Abandonment or Decommissioning**

**M.11.a Removal Requirements**

Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned or discontinued consistent with Section M.11.b of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

1. Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
3. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

**M.11.b Abandonment or Discontinuance**

Absent notice of a proposed date of decommissioning and removal or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned or discontinued when it fails to operate for more than one year without the written consent of the Site Plan Review Authority. If the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or discontinuance, or the proposed date of decommissioning, the town may enter the property and physically remove the installation. As a condition of approval, an applicant shall bind itself to grant the necessary license or easement to the Town to allow entry to remove the installation. The Town shall have the right, but not the obligation to remove the installation.

**M.11.c Financial Surety**

Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Site Plan Review Authority, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

**M.12 Expedited Permitting**

All local permitting decisions - formal determinations, orders of conditions, licenses, certificates, authorizations, registrations, plan approvals, or other approvals or determinations with respect to the siting and construction of clean energy facilities within the Solar Energy Overlay District shall be issued within 1 year of submission of a completed application.

**ARTICLE 6**

**Submitted by the Board of Selectmen**

To see if the Town will vote to transfer from the Board of Selectmen for sanitary landfill purposes to the Board of Selectmen for general municipal purposes and for the purpose of leasing, the parcel of land having approximately ten acres at 33 Medway Branch, being shown on the Assessors Map as Parcel 9-36-15, being the land acquired by Order of Taking recorded with the Norfolk County Registry of Deeds in Book 4495, Page 741, and to authorize the Board of Selectmen to lease all or any portion of said land from time to time by one or more leases for such term of years up to fifty years and for such consideration as the Selectmen shall determine, for the purpose of a solar array for electric power generation and distribution, and to authorize the Selectmen to grant such easements and rights of entry over said land and over Medway Branch, for utility and access and ingress purposes as necessary to construct and operate such a solar array; or take any other action relative thereto.

**ARTICLE 7**

**Submitted by the Energy Committee**

To see if the Town will vote to adopt the “Stretch Energy Code” set forth in the State Building Code at 780 CMR 120.AA (i.e., Appendix 120.AA), as may be amended from time to time, and to amend the Town of Norfolk General By-laws by inserting a new Section 11 under Article VII, Land Use and Resource Protection, entitled “Stretch Energy Code” as set forth below:

## **Section 11. Stretch Energy Code**

**A. Adoption.** The Town of Norfolk has adopted the provisions of 780 CMR 120.AA (i.e., Appendix 120.AA of the State Building Code or the “Stretch Energy Code”), as may be amended from time to time, in place of the provisions set forth under 780 CMR 13.00, 34.00, 61.00 and 93.00.

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

or take any other action relative thereto.

## **ARTICLE 8**

### **Submitted by Economic Development Committee**

To see if the Town will vote, pursuant to Chapter 101 of the Acts of 2004 and G.L. Chapter 83, Sections 1, 10 and 16, to authorize the Board of Selectmen to establish a policy and adopt rules and regulations and a schedule of user charges for connections to and discharges into the portion of the system of Town stormwater drains and stormwater treatment facilities in the portion of the territory of the Town within a municipal stormwater service area as shown on a plan entitled “Norfolk Town Center, Norfolk Strategic Plan, Norfolk, MA: Proposed Storm Water Service Area Map” dated September 23, 2010, prepared by Bergmeyer Associates, Inc., which is on file in the office of the Town Clerk, and to authorize the Board of Selectmen to enter into agreements with property owners to allow said connections and discharges within said Town Center municipal stormwater service area, upon such terms and conditions as the Board of Selectmen deem in the best interests of the Town; and, further to see whether the town will accept the provisions of Section 53F ½ of Chapter 44 of the General laws for purposes of establishing the operation, maintenance and extension, as deemed appropriate by the Board of Selectmen, of said system of Town stormwater drains and stormwater treatment facilities within said Town Center municipal stormwater service area and the billing and collection of stormwater user charges as an enterprise fund effective fiscal year 2011, to be known as the Town Center Stormwater Enterprise Fund, and authorize and direct the transfer of any balances appropriated in connection with the operation, maintenance and extension of said stormwater system to such fund and adopt a budget relative to the Town Center Stormwater Enterprise Fund ; or take any other action relative thereto.

## **ARTICLE 9**

### **Submitted by Economic Development Committee**

To see if the Town will vote to authorize the Selectmen to petition the General Court to enact legislation as follows; provided that the General Court may make any clerical or editorial changes of form only to the bill submitted by the Selectmen, and such other amendments to the bill submitted, as the Selectmen may approve before enactment by the General Court. And further, to authorize the Selectmen to approve amendments which shall be within the scope of the general public objectives of this petition; or to take any other action relative thereto.

AN ACT RELATIVE TO A TOWN CENTER WASTEWATER SERVICE AREA FOR THE TOWN OF NORFOLK.

SECTION 1. The first sentence of Section 2 of Chapter 101 of the Acts of 2004 is hereby amended by deleting the first sentence and by substituting therefor the following: The board [of selectmen] of the Town of Norfolk shall have all the powers and duties now or from time to time vested by general or special law, or by town by-law, in the following boards, commissions, or officers: highway department, including highway superintendent; water department, including the board of water commissioners; sewer department, including the board of sewer commissioners; and cemetery commission.

SECTION 2. Chapter 101 of the Acts of 2004 is hereby amended by deleting Section 3 and substituting therefor the following: The department [of public works] shall have all the functions now or from time to time vested by general or special law, or by town by-law, in the following departments or offices: highway department, water department, sewer department, cemetery department, and the tree warden.

SECTION 3. Notwithstanding Chapter 83 of the General Laws, or any other general or special act, rule or regulation to the contrary, the sewer commission of the Town of Norfolk, in order to preserve and manage limited wastewater treatment capacity, may allow, at its discretion, owners of parcels of land or portions of parcels of land located within a municipal wastewater service area as shown on a plan entitled “Norfolk Town Center, Norfolk Strategic Plan, Norfolk, MA: Proposed Waste Water Service Area Map” dated September 23, 2010, prepared by Bergmeyer Associates, Inc., which is on file in the office of the Town Clerk (referred to hereinafter as the “Town Center Wastewater Service Area”), including in such term any later expansion of such Town Center Wastewater Service Area as may be approved by the board of sewer commissioners, and any other wastewater service area established by the Town by two-thirds town meeting *vote*, to connect to common sewers located within such wastewater service area subject to available capacity, and may provide that each property owner proposing to connect to the common sewer shall pay to the Town, in advance of construction of the common sewers within such service area, a proportional part of the cost of common sewers within such service area as the sewer commission shall determine is to be paid by those who initially propose to connect to the sewer.

SECTION 4. Notwithstanding said Chapter 83, the sewer commission may also allow property owners who did not initially propose to connect to the sewer and did not initially make the prepayment referred to in Section 3 above, to connect to the common sewer, provided that such subsequent connectors shall be assessed a surcharge upon and in addition to the annual sewer use charges authorized under Section 16 of Chapter 83 of the General Laws, which surcharge shall be proportionate to said prepayment and shall be over such term of years as the sewer commission shall determine to be just and equitable, with the objective that those owners who made such prepayment shall enjoy a proportionate reduction in their annual sewer use charges.

SECTION 5. A property owner who undertakes new construction or who changes the use of all or part of land or structure or expands a use or structure that existed at the time of connection, or otherwise increases sewage flow or estimated flow in a manner not contemplated by the sewer commission at the time the sewer commission calculated the prepayment referred to in Section 3 above or the surcharge referred to in Section 4 above, which construction, change of use or expansion of use is estimated by the sewer commission to result in an increased estimated sewage design flow allocation to the property, may be assessed a proportionate sewer use surcharge or additional surcharge, with the objective that those owners who made such prepayment and who did not so increase their estimated use of the common sewer shall enjoy a further proportionate reduction in their sewer use charges.

SECTION 6. The provisions of this act are not in derogation of the powers of the sewer commission under Chapter 83 of the general laws to assess betterments, special assessments, privilege fees, sewer connection fees, and annual sewer use charges as provided in said Chapter 83, in addition to or instead of the prepayment and sewer use surcharges authorized herein.

SECTION 7. The sewer commission may, from time to time, prescribe rules and regulations for the connection of estates and buildings with common sewers and the assessment of charges and surcharges, as provided in this Act, in the manner provided by Section 10 of Chapter 83 of the general laws.

SECTION 8. An enterprise fund is hereby established for the Town of Norfolk under the provisions of Section 53F ½ of Chapter 44 of the General Laws for purposes of funding the construction, operation, maintenance, repair and replacement of a system of Town common sewers and wastewater facilities in the Town Center Wastewater Service Area, to be known as the Town Center Wastewater Enterprise Fund, such enterprise fund to become effective as of the first day of July of the fiscal year following the effective date of this Act.

SECTION 9. The provisions of Sections 16A through 16F of Chapter 83 of the General Laws shall be effective within the Town of Norfolk upon the effective date of this Act with no further vote of acceptance required by the Town, and an affidavit attesting to the enactment of this Act, recorded in lieu of the certificate referred to in Section 16A of said Chapter 83 and shall have the same effect as such a certificate.

SECTION 10. This Act shall take effect upon passage.

; or take any other action relative thereto.

## **ARTICLE 10**

## **Submitted by the Board of Selectmen**

To see if the Town will vote, pursuant to M.G.L. C. 41, Section 1B to change the office of Town Clerk from an elected office to an appointed office of the Town; or take any other action relative thereto.

**ARTICLE 11** **Submitted by the Community Preservation Committee**

To see if the Town will vote to (a) authorize the Board of Selectmen to acquire, by gift, purchase, or eminent domain, a parcel of land containing 21,855 square feet, more or less, located at 60 River Road, and shown on Assessors Map 4, Section 27, Lot 8, (b) appropriate and transfer a sum of money from the Community Preservation Fund Open Space, Affordable Housing and Undesignated accounts for said purchase and any costs and fees incidental thereto, said property to be acquired for open space, passive recreation, and/or affordable housing, as such terms are defined in G.L. c. 44B, §1, (c) authorize the Board of Selectmen and/or such other boards as may be appropriate to file on behalf of the Town any and all applications for funds in any way connected with the scope of this acquisition, and (d) further authorize the Board of Selectmen to convey restrictions in the portions of the property to be acquired by the Town for open space and recreational purposes, and accept an affordable housing restriction on the portion of the property to be acquired for community housing purposes, all in accordance with Chapter 184 of the General Laws, as required by G.L. c. 44B, §12(a); or take any other action relative thereto.

**ARTICLE 12** **Submitted by Community Preservation Committee**

To see if the Town will vote to (a) authorize the Board of Selectmen to acquire, by gift, purchase, or eminent domain, two parcels of land, one containing approximately 0.93 acres, identified as Assessors Map 15, Block 48, Lot 4, and located at 47 Rockwood Road, and the other containing approximately 22.35 acres, identified as Assessors Map 14, Block 48, Lot 2-1, and known as Gump's Farm, for said parcels to be acquired for open space, passive recreation, and/or affordable housing purposes, as such terms are defined in G.L.c. 44B, §1, (b) appropriate and transfer a sum of money from the Community Preservation Fund Open Space, Affordable Housing and Undesignated accounts for said purchase and any costs and fees incidental thereto, (c) authorize the Board of Selectmen and/or such other boards as may be appropriate to file on behalf of the Town any and all applications for funds in any way connected with the scope of this acquisition, and (d) further authorize the Board of Selectmen to convey restrictions in the portions of the parcels to be acquired by the Town for open space and recreational purposes, and/or accept an affordable housing restriction on the portion of the parcels to be acquired for community housing purposes, all in accordance with Chapter 184 of the General Laws, as required by G.L. c. 44B, §12(a); or take any other action relative thereto.

**ARTICLE 13** **Submitted by the Conservation Commission**

To see if the Town will vote to amend the Town of Norfolk Bylaws, Article VII, Section 2, Wetlands Protection Bylaw as follows:  
(i) To amend Section A. "Purpose", by deleting the word "wetland" after "or cumulative effect upon" and after "(collectively, the """, and inserting in its place the words "resource area", so that the amended Section A will read:

## A. Purpose

The purpose of this bylaw is to protect the wetlands, related water resources, and adjoining land areas in this municipality by prior review and control of activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon ~~wetland~~ **resource area** values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water pollution prevention, fisheries, wildlife habitat, recreation, aesthetics, agriculture, aquaculture values (collectively, the "~~wetland~~ **resource area** values protected by this bylaw").

(ii) To amend Section B. "Jurisdiction", first paragraph, by inserting additional words, so that the amended first paragraph will read:

Except as permitted by the Conservation Commission (Commission) or as provided in this bylaw, no person shall remove, fill, dredge, build upon, **degrade, discharge into, or otherwise** alter the following **resource areas**:

(iii) To amend Section B. "Jurisdiction" subsection B (1), by inserting "or vernal pool" after "bog or swamp", so that the amended subsection B (1) will read:

- (1) Resource areas within 100 feet of any freshwater wetland, marsh, wet meadow, bog or swamp, **or vernal pool**; within 100 feet of any bank, beach, or flat; any lake, river, pond, stream, estuary; or Riverfront Area; any land under said waters; or within 100 feet of any land subject to flooding or inundation by groundwater or surface water. (Riverfront Area – May 26, 1998 Annual Town Meeting).

(iv) To amend Section E. "Notice and Hearings", subsection E (1), by deleting the words "or a request for determination" after "Any person filing an application"; by inserting the words "or any property owner" after "abutters to the abutters"; by deleting the number "300" and inserting in its place "100"; by deleting the word "applicant" after "of the property line of the" and inserting in its place the words "land where the activity is proposed"; by deleting the words "or request," after "The notice to abutters shall enclose a copy of the application"; and by separating the last sentence of subsection E (1) from that subsection and renumbering that sentence as subsection E (2), and renumbering the subsequent subsections accordingly, so that the amended Section E will read:

## E. Notice and Hearings

- 1) Any person filing an application ~~or a request for determination~~ with the Commission at the same time shall give written notice thereof, by certified mail (return receipt requested) or hand delivery, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters **or any property owner** within ~~300~~**100** feet of the property line of the ~~applicant~~ **land where the activity is proposed**, including any

in another municipality or across a body of water. The notice to abutters shall enclose a copy of the application ~~or request~~, with plans, or shall state where copies may be examined and obtained by abutters free of charge. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission.

- 2) When a person requesting a determination is other than the owner, the request, the notice of the hearing and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.

[Subsections formerly numbered E (2) through E (6) will be renumbered E (3) through E (7)]

(v) To amend the first sentence of Section F. “Coordination with Other Boards”, by inserting the words “Fire Department,” after “Board of Health”; and by deleting the words “Board of Water Commissioners” after “Building Commissioner and” and inserting in their place the words “Department of Public Works”; so that the amended first sentence of Section F will read:

#### **F. Coordination with Other Boards**

Any person filing a permit application or a Request for Determination with the Commission shall provide a copy thereof at the same time, by certified mail (return receipt requested) or hand delivery, to the Board of Selectmen, Planning Board, Board of Appeals, Board of Health, **Fire Department**, Building Commissioner and ~~Board of Water Commissioners~~ **Department of Public Works**.

(vi) To amend Section G. “Permits, Determinations and Conditions”, subsection G (4), by deleting the words “5, and” after “Section”, and inserting in their place the words “E and Section F and after”, so that the amended subsection G (4) will read:

- 4) For good cause, the Commission may revoke or modify a permit issued under this bylaw after notice to the holder of the permit, notice to the public, abutters, and town boards, pursuant to Section 5, ~~and E and Section F~~ **and after** a public hearing.

or take any other action relative thereto.

#### **ARTICLE 14**

#### **Submitted by the Board of Selectmen**

To see if the Town will vote to discontinue as a public way all or a portion of Toils End Road, shown as “Toils End Road,” commencing at the Wrentham/Norfolk town boundary, and running northerly to the southerly boundary of Maple Street, on a plan entitled “Abandonment Plan of Toils End Road in Norfolk, MA,” dated February 6, 2008, recorded or to be recorded with the Norfolk Registry of Deeds, and on file in the Office of the Town Clerk, and to transfer the care, custody, control and management of said discontinued road from the Board of Selectmen for public way purposes to the Board of Selectmen for the purpose of conveyance, and further to authorize the Board of

Selectmen to declare any easements in or over said road abandoned and to convey all or a portion of the Town's right, title and interest in said discontinued road on such terms and conditions, and for such consideration, as the Board of Selectmen deems in the best interest of the Town; or take any other action relative thereto.

**ARTICLE 15**

**Submitted by Board of Selectmen**

To see if the Town will vote to accept the layout as a public way of Kilpatrick Way depicted as Chaffee Road on the plan entitled "Subdivision Plans of Chaffee Estates in Norfolk, Mass.," dated October 18, 1986, prepared by Stavinski Engineering Associates, Inc., recorded with the Norfolk Registry of Deeds in Plan Book 419, Page 45, a copy of which is on file in the office of the Town Clerk, and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain a fee interest in or easement for such public way; or take any other action relative thereto.

**ARTICLE 16**

**Submitted by Board of Selectmen**

To see if the Town will vote to accept the layout as a public way of Berry Lane, as shown on the plan entitled "Subdivision Plans of Cranberry Knoll Estates in Norfolk, Mass.," dated January 10, 1988, prepared by Landmark Engineering of New England, Inc., recorded with the Norfolk Registry of Deeds in Plan Book 378, Page 167, a copy of which is on file in the office of the Town Clerk, and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain a fee interest in or easement for such public way; or take any other action relative thereto.

**ARTICLE 17**

**Submitted by Board of Selectmen**

To see if the Town will vote to accept the layout as a public way of Sherwood Drive, as shown on the plan entitled "Subdivision Plans of Sherwood Industrial Park in Norfolk, Mass.," dated February 15, 1974, prepared by Landmark Engineering of New England, Inc., recorded with the Norfolk Registry of Deeds in Plan Book 245, Page 710, as amended by a plan entitled "Revision of a Portion of Sherwood Industrial Park in Norfolk, Mass.," dated November 30, 1979, recorded with the Norfolk Registry of Deeds in Plan Book 281, Page 327, copies of which are on file in the office of the Town Clerk, and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain a fee interest in or easement for such public way; or take any other action relative thereto.

**ARTICLE 18**

**Submitted by Board of Selectmen**

To see if the Town will vote to accept the layout as a public way of David Road, as shown on the plan entitled "Subdivision Plans of Sherwood Industrial Park in Norfolk, Mass.," dated February 15, 1974, prepared by Landmark Engineering of New England, Inc., recorded with the Norfolk Registry of Deeds in Plan Book 245, Page 710, as amended by a plan entitled "Revision of a Portion of Sherwood Industrial Park in Norfolk, Mass.," dated November 30, 1979, recorded with the Norfolk Registry of Deeds in Plan Book 281, Page 327, copies of which are on file in the office of the Town Clerk, and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain a fee interest in or easement for such public way; or take any other action relative thereto.

**ARTICLE 19**

**Submitted by Board of Selectmen**

To see if the Town will vote to accept the layout as a public way of Lee Ann Drive, as shown on the plan entitled "Subdivision Plan of Land in Norfolk," dated October 11, 1985, prepared by Paul N. Robinson Associates, Surveyors, filed with the Norfolk County Registry District of the Land Court as Plan 40076D, a copy of which is on file in the office of the Town Clerk, and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain a fee interest in or easement for such public way; or take any other action relative thereto.

**ARTICLE 20**

**Submitted by Board of Selectmen**

To see if the Town will vote to accept the layout as a public way of Trailside Way, sometimes formerly known as Trail Side Way, and shown on the plan entitled "Definitive Plan Submission for 'The Preserve @ Keeney Pond,'" dated April 5, 1999, prepared by Commonwealth Engineers & Consultants, Inc., recorded with the Norfolk Registry of Deeds in Plan Book 480, Page 659, a copy of which is on file in the office of the Town Clerk, and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain a fee interest in or easement for such public way; or take any other action relative thereto.

**ARTICLE 21**

**Submitted by Board of Selectmen**

To see if the Town will vote to accept the layout as a public way of Keeney Pond Road, as shown on the plan entitled "Definitive Plan Submission for 'The Preserve @ Keeney Pond,'" dated April 5, 1999, prepared by Commonwealth Engineers & Consultants, Inc., recorded with the Norfolk Registry of Deeds in Plan Book 480, Page 659, a copy of which is on file in the office of the Town Clerk, and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain a fee interest in or easement for such public way; or take any other action relative thereto.