

# 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 Wednesday, the 30th day of November, 2011, 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, 2012; 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 be transferred to the Snow and Ice deficit for the fiscal year ending on June 30, 2011; or take any other action relative thereto.

### **ARTICLE 3**

**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 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, 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 5**

**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 6**

**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 7**

**Submitted by the Board of Selectmen**

To see if the Town will vote to accept M.G.L. c. 138, §33B, as previously amended, to authorize the Board of Selectmen, as local licensing authority, to authorize holders of on premises pouring licenses under M.G.L. c. 138, §12 to sell alcoholic beverages between the hours of 10:00 a.m. and noon on Sundays; or take any other action relative thereto.

**ARTICLE 8**

**Submitted by the Board of Selectmen**

To see if the Town will vote to accept a deed in lieu of foreclosure from Intoccia Development Corporation to three parcels located within the Christina Estates Subdivision, commonly known as “Open Space Parcel A” (Assessor’s Parcel 16-34-264), located on Evergreen Road, commonly known as “Open Space Parcel B” (Assessor’s Parcel 17-34-221), located on Applewood Road and commonly known as “Open Space Parcel C” (Assessor’s Parcel 16-34-248) located on Evergreen Road, or any one or more of said parcels, which parcels are each subject to tax takings for unpaid FY 2009, 2010 and 2011 real estate taxes, as provided for under the provisions of General Laws Chapter 60, Section 77C, said parcel(s) to be acquired for conservation purposes and to be held in the care, custody, management and control of the Conservation Commission, pursuant to General Laws Chapter 40, Section 8(C), and to authorize the Board of Selectmen to record said deed or deeds, provided the Board of Selectmen determines that the parcel(s) are subject to no other liens or encumbrances other than the liens of the Town, as required by General Laws Chapter 60, Section 77C; or take any other action relative thereto.

**ARTICLE 9**

**Submitted by the Town Clerk**

To see if the Town will vote to amend the Town of Norfolk General Bylaws, Article 13, Section 3.C.3 by deleting said Section 3.C.3 and replacing it as follows:

**EXISTING:**

- 3) Should any owner of a dog previously licensed in the Town of Norfolk, fail to re-license his/her dog before March 1, the owner shall pay a late fee of \$50.00.

**PROPOSED:**

- 3) Should any owner of a dog previously licensed in the Town of Norfolk, fail to re-license his/her dog before May 1, the owner shall pay a late fee of \$15.00 for the month of May and increase the late fee by \$5 per month through the end of the calendar year for a maximum fine of \$50. The late fee shall be in addition to the licensing fee. The late fee shall be imposed per residence, not per dog.

or take any other action relative thereto.

**ARTICLE 10** **Submitted by the Community Preservation Committee**  
To see if the Town will vote to appropriate and transfer from the Community Preservation Fund, Historic Preservation reserves \$2,000 for descriptive signage detailing the history of Town Hill, to be installed on Town Hill; or take any other action relative thereto.

**ARTICLE 11** **Submitted by the Community Preservation Committee**  
To see if the Town will vote to appropriate and transfer from the Community Preservation Fund, Open Space reserves \$3,150 for the purpose of conducting an environmental assessment and survey, including water quality sampling to rehabilitate and/or preserve the upper (southern) portion of Bush Pond, located at the intersection of Lawrence and Park Streets; Highland Lake, located between Main, Seekonk, and Campbell Streets; and Town Pond, located off Main Street; or take any other action relative thereto.

**ARTICLE 12** **Submitted by the Board of Selectmen**  
To see if the Town will vote to transfer certain property identified as “Proposed Conservation Area = 8.60 AC” on a plan entitled “Town of Norfolk Solar Project Proposed Conservation Land Norfolk, Massachusetts,” dated July 8, 2011, being a portion of that property described in an Order of Taking for the Purpose of Establishing a Sanitary Land Fill Area, recorded with the Norfolk Registry of Deeds in Book 4995, Page 737, from the board or commission having custody thereof, to the Conservation Commission for the purpose of holding said property for conservation purposes pursuant to G.L. c. 40, §8C, and for the purpose of imposing a Declaration of Restrictions thereon, which Declaration of Restrictions shall be enforceable by the Commonwealth of Massachusetts, through its Division of Fisheries and Wildlife; or take any other action relative thereto.

**ARTICLE 13** **Submitted by the Town Administrator**  
To see if the Town will vote to amend ARTICLE III, SECTION 8 of the Town of Norfolk General Bylaws by deleting the reference to “G.L. c. 39, § 23B” and substituting therefore “G.L. c. 30A, §§ 18-25” and by deleting “, and shall make provision for audio or audiovisual recording of the public portions of its meetings. Tapes or other audio or audiovisual recordings of meetings shall be preserved for a minimum of two years.” ;or take any other action relative thereto.

**ARTICLE 14** **Submitted by the Town Administrator**  
To see if the Town will vote to rename the “Arts Council” created pursuant to G.L. c.10 §58 as the “Cultural Council” to be consistent with the language used in the statute; or take any other action relative thereto.

**ARTICLE 15**

**Submitted by the Town Administrator**

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 Water Department debt budget for the fiscal year ending on June 30, 2012; or take any other action relative thereto.

**ARTICLE 16**

**Submitted by the Building Commissioner**

To see if the Town will vote to amend the Norfolk Zoning Bylaws, Section D.1, Basic Requirements, first paragraph regarding tree clearing by deleting the text shown below as stricken and inserting text shown as bold and underlined as follows, for the purposes of deleting soil absorption system setback requirements, eliminating the special permit requirement for new residential dwellings and replacing the Zoning Board of Appeals as the permitting authority for tree clearing and instead have a proposed plot plan for tree clearing submitted to the Building Commissioner for approval as part of the building permit application for new Residential Dwellings:

All applicants for new Residential Dwellings (excluding additions, accessory buildings and septic systems) hereinafter constructed shall be prohibited from cutting down any trees **from the back corner of the house to the back corner of the lot within twenty-five feet of the side or rear lot line** ~~within the side or rear setbacks set forth in Section E.1.b or within the soil absorption system setbacks set forth in 310 CMR 15.00, unless relief is granted by a special permit by the Zoning Board of Appeals unless relief is granted by the~~ **Building Commissioner, after submission, with the building permit application, of a tree clearing plan, consisting of a plot plan demonstrating clearly where proposed tree clearing will be performed.** This prohibition shall remain in effect until the occupancy permit has been issued. **An applicant may appeal the decision of the Building Inspector regarding the tree clearing plan within thirty days pursuant to Section 8 of Chapter 40A.**

or take any other action relative thereto.

**ARTICLE 17**

**Submitted by the Building Commissioner**

To see if the Town will vote to amend the Norfolk Zoning Bylaws Section J.7.a.3 Prohibited Uses in the C-1 District by removing the words “or Side YARD or More Than Ten Commercial Vehicles in the Rear YARD” so that it reads as follows, or take any other action relative thereto.

Section J.7.a.3 Prohibited Uses in the C-1 District

Outdoor Storage of Commercial Vehicles in the Front YARD ~~or Side YARD or More Than Ten Commercial Vehicles in the Rear YARD~~

**ARTICLE 18**

**Submitted by the Library Trustees**

To see if the Town will vote to appropriate \$10,568.23 from the Library Addition Project for the purpose of replacing the siding including any related repairs of the Norfolk Public Library; or take any other action relative thereto.