

NORFOLK, ss.

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

GREETINGS:

You are required in the name of the Commonwealth of Massachusetts to notify and warn the inhabitants of Norfolk, qualified to vote in Town affairs residing in Precincts 1, 2, and 3 , to assemble in the designated polling places in the H. Olive Day School, 232 Main Street, Norfolk, Massachusetts, on Tuesday, May 1, 2012, 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 8, 2012 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; one Assessors for a three year term; one Board of Health member for a three year term; one Member of the Housing Authority for a five year term; one Library Trustee for a three year term; two Planning Board members, one for a three year term and one to fill a one year unexpired term ; one Recreation Commission member for a three year term; two Norfolk School Committee members for three year terms; 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, 2012; or take any other action relative thereto.

ARTICLE 4

Submitted by the Town Administrator

To see if the Town will vote to amend the Town of Norfolk Board of Selectmen's Human Resource Policy, Schedule B. COMPENSATION SCHEDULE by applying a general increase of 1.5% to all Steps on the COMPENSATION SCHEDULE effective July 1, 2012; or take any other action relative thereto.

ARTICLE 5

Submitted by the Board of Selectmen

To see if the Town will vote to fix the salary and compensation of all elected officers of the Town as provided for by Massachusetts General Laws, Chapter 41, Section 108; and further to see what sum of money the Town will raise and appropriate, transfer from any available source of funds, borrow or bond, to defray the departmental and incidental expenses of the Town not otherwise provided for, for the fiscal year commencing on July 1, 2012; or take any other action relative thereto. (Operating Budget)

ARTICLE 6**Submitted by the Board of Selectmen**

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

ARTICLE 7**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 8**Submitted by the Board of Selectmen**

To see if the Town will vote to raise and appropriate or transfer from any available source of funds, 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 9**Submitted by the Community Preservation Committee**

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

ARTICLE 10**Submitted by the Community Preservation Committee**

To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 44B, to reserve a sum of money equal to the state-mandated minimum amount of 10% from FY2012 Community Preservation Fund revenues for the future appropriation of Open Space creations, acquisition and preservation; 10% from FY2012 Community Preservation Fund revenues for the future appropriation of Affordable Housing creations, preservation and support; and 10% from FY2012 Community Preservation Fund revenues for the future appropriation towards the acquisition, preservation, rehabilitation and restoration of Historic Resources; or take any other action relative thereto.

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

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund, Affordable Housing Reserve, an amount not to exceed \$65,000 for the purpose of acquiring, creating, and/or supporting community housing, to fund an affordable housing purchase price subsidy program for income-eligible individuals and households, with a preference for Norfolk residents and others with Norfolk ties including municipal employees, and to authorize the Board of Selectmen to acquire affordable housing restrictions having a term of no more than fifteen (15) years on properties purchased with the use of such funds; or take any other action relative thereto.

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

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund, Undesignated Reserves, an amount not to exceed \$300,000, to be transferred to the Municipal Affordable Housing Trust Fund, subject to a grant agreement between the Town and the

Municipal Affordable Housing Trust, in such form as the Board of Selectmen deems appropriate, for the purpose of acquiring, creating and/or supporting community housing, and authorize the Board of Selectmen to acquire affordable housing restrictions, meeting the requirements of G.L. Chapter 44B, §12 and G.L. Chapter 184, §§31-33, to ensure that property acquired using CPA funds continue to be used for affordable housing in perpetuity; to be used to create affordable housing in the Town of Norfolk; or take any other action relative thereto.

ARTICLE 13

Submitted by the Board of Selectmen

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

ARTICLE 14

Submitted by the Board of Selectmen

To see if the Town will vote pursuant to Massachusetts General Laws, Chapter 44, §53 E ½, to reauthorize the following revolving funds for Fiscal Year 2012 at the limits set forth below:

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 15**Submitted by the Board of Selectmen**

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

ARTICLE 16**Submitted by the Board of Selectmen**

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

ARTICLE 17**Submitted by the Board of Selectmen**

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

ARTICLE 18**Submitted by the Board of Selectmen**

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

ARTICLE 19**Submitted by the Board of Selectmen**

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

ARTICLE 20**Submitted by the Community Preservation Committee**

To see if the Town will vote to amend the Norfolk General Bylaw, Article III, Committees; Section 7, Community Preservation Committee by deleting the words "four precincts" and inserting the words "three precincts and one at large" in section C.7 Membership and Appointment so that it reads, "The four citizens appointed by the Board of Selectmen pursuant to Section C.6 herein shall be chosen one from each of the three precincts and one at large."; or take any other action relative thereto.

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

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund an amount not to exceed \$100,000, with \$75,000 coming from the Affordable Housing Reserve and \$25,000 from Undesignated Reserves, for the purpose of acquiring, creating, and/or supporting community housing, which funds are to be granted to the Municipal Housing Trust, to construct a house at 82 Main Street pursuant to a grant agreement with the Municipal Housing

Trust, and to authorize the Board of Selectmen to enter into said grant agreement, requiring an affordable housing restriction to be granted to the Town and setting forth other terms and conditions for the expenditure of such funds, and, further, to authorize the Board of Selectmen to acquire said restriction meeting the requirements of G.L. Chapter 44B, §12; or take any other action relative thereto.

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

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund, an amount not to exceed \$750,000, with \$100,000 coming from the Open Space Reserve and \$650,000 from Undesignated Reserves, for the purpose of creating recreation land on the parcel known as Gump's Farm, including, without limitation, creating a Kids' Place playground (with shade structure and open field), community gardens, walking and/or biking trails, a parking area and related infrastructure improvements, in accordance with the sketch plan titled Gumps Farm Master Plan, by Kyle Zick Landscape Architecture; or take any other action relative thereto.

ARTICLE 23 **Submitted by the Board of Selectmen**

To see if the Town will vote to raise and appropriate or transfer \$150,000 from any available source of funds, for the purpose of updating the septic system, roof, siding, paint and fire escape of the Old Town Hall, 100 Main St.; or take any other action relative thereto.

ARTICLE 24 **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, on such terms and conditions as it may deem in the best interests of the Town, all or a portion of the property known as "Old Town Hall" and located at 100 Main Street, subject to the Town reserving an easement for access to "Town Pond" and furthermore subject to developing a transition strategy to relocate the Recreation Department, such sales to be made on behalf of the inhabitants of the Town of Norfolk,; or take any other action relative thereto.

ARTICLE 25 **Submitted by the Board of Selectmen**

To see if the Town will add a new Section 39 to Article X of the General Bylaws, entitled "Hunting," as follows:

No person shall hunt, whether by rifle, shotgun, bow or cross-bow in the Town of Norfolk, except that, for hunting on private property, a hunter may apply for and receive a license on an annual basis from the Norfolk Chief of Police, or his designee. Applications for such licenses shall be on an approved form and must be signed by the owner of the property, authorizing such activities. The Chief of Police may deny such licenses in his sole discretion, if he determines that said hunting activities may pose a potential risk to public safety; or the Chief may impose such conditions on an approved license as he may deem necessary to protect public safety. In no circumstance may any licensee hunt within 500 feet of a residential structure, recreational facility, school property or such other property as the Chief of Police may determine. Violations of this bylaw shall be punishable by a fine of \$300.00 per violation. As an alternative to criminal prosecution or civil action, the Town may elect to enforce this bylaw by non-criminal disposition procedure pursuant to G.L. c 40, §21D and Article XIV of these bylaws, in which case the Chief of Police or any Norfolk Police Officer

shall be the enforcing officer. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

And further to amend Appendix A of the General Bylaws to include the penalty and enforcing officer for a violation of this bylaw; or take any other action relative thereto.

ARTICLE 26

Submitted by the Treasurer/Collector

To see if the Town will vote to accept a deed to a parcel of land on River Rd., containing approximately 20,500 square feet, and shown on Assessors' Map 4 as Parcel 13-46 which is subject to a tax taking held by the Treasurer for unpaid real estate taxes, from Andrew Smith and any and all other owner thereof in lieu of foreclosure, as allowed by and in compliance with MGL Chapter 60, Section 77C; or take any other action relative thereto.

ARTICLE 27

Submitted by the Treasurer/Collector

To see if the Town will vote to accept a deed to a parcel of land on 22 Campbell St., containing approximately 18,500 square feet, and shown on Assessors' Map 22 as Parcel 74-3 which is subject to a tax taking held by the Treasurer for unpaid real estate taxes, from George Nichols and any and all other owners thereof in lieu of foreclosure, as allowed by and in compliance with MGL Chapter 60, Section 77C; or take any other action relative thereto.

ARTICLE 28

Submitted by the Treasurer/Collector

To see if the Town will vote to accept a deed to a parcel of land on 24 Campbell St., containing approximately 15,168 square feet, and shown on Assessors' Map 22 as Parcel 73-20 which is subject to a tax taking held by the Treasurer for unpaid real estate taxes, from George Nichols and any other owner thereof in lieu of foreclosure, as allowed by and in compliance with MGL Chapter 60, Section 77C; or take any other action relative thereto.

ARTICLE 29

Submitted by the Planning Board

To see if the Town will vote to accept as public ways Parcels A and B as shown on a plan recorded with the Norfolk Registry of Deeds in Plan Book 607, Pages 77 and 78, and on a plan entitled "Plan of Land on Toils end Road by United Consultants, Inc., dated March 30, 2011," on file with the Town Clerk, as heretofore laid out by the Board of Selectmen, which Parcels A and B are an extension of the existing public way known as Toils End Road, and to authorize the Board of Selectmen to acquire by purchase, gift, and/or eminent domain, the fee to or easements in said Parcels A and B and any drainage, access, utility, and other easements related thereto; or take any other action relative thereto.

ARTICLE 30

Submitted by the Planning Board

To see if the Town will vote to accept as public ways (1) Liberty Lane, from Station 0+00 at the end of the previously accepted portion of Liberty Lane and extending westerly through the cul-de-sac to Station 8+94.54 and (2) a segment of Meeting House Road from Station 0+31.18 at the sideline of Liberty Lane extending southerly to Station 2+48.08, Norfolk Commons Phase 1 Subdivision, as heretofore laid out by the Board of Selectmen and shown on the acceptance plan entitled "Liberty Lane/Meetinghouse Road As Built" dated April 2012 and prepared by Vanasse Hangen Brustlin, Inc. on file with the Town Clerk, and to authorize the Board of Selectmen to acquire by purchase, gift, and/or eminent domain the fee to or easements in said public ways and

any drainage, access, utility and other easements related thereto and, further, to raise and appropriate, transfer from available funds, and/or borrow a sum of money for the foregoing acquisition, including damages, fees, and related expenses; or take any other action relative thereto.

ARTICLE 31

Submitted by the Planning Board

To see if the Town will vote to accept as a public way, Surrey Lane in its entirety, from Station 0+30.06 at the sideline of Canterbury Lane through the cul-de-sac to Station 4+46.81, Canterbury Estates Phase III, as heretofore laid out by the Board of Selectmen and shown on the acceptance plan entitled "As-Built/Acceptance Plan, Canterbury Estates Phase III, A Subdivision of Norfolk, MA" dated December 8, 2011 and prepared by Glossa Engineering, Inc., on file with the Town Clerk, and to authorize the Board of Selectmen to acquire by purchase, gift, and/or eminent domain the fee to or easements in said public ways and any drainage, access, utility and other easements related thereto and, further, to raise and appropriate, transfer from available funds, and/or borrow a sum of money for the foregoing acquisition, including damages, fees, and related expenses; or take any other action relative thereto.

ARTICLE 32

Submitted by the Planning Board

To see if the Town will vote to accept as a public way, Shady Way in its entirety, from Station 0+00 at the sideline of Maple Street Relocation through the cul-de-sac to Station 5+40, as laid out by the Board of Selectmen and shown on the acceptance plan entitled "Acceptance Plan of Shady Way" dated September 29, 1994, and prepared by Landmark Engineering of New England, Inc., on file with the Town Clerk, and to authorize the Board of Selectmen to acquire by purchase, gift, and/or eminent domain the fee to or easements in said public ways and any drainage, access, utility and other easements related thereto and, further, to raise and appropriate, transfer from available funds, and/or borrow a sum of money for the foregoing acquisition, including damages, fees, and related expenses; or take any other action relative thereto.

ARTICLE 33

Submitted by the Planning Board

To see if the Town will vote to accept as a public way Analore Circle in its entirety from Station 0+25 at the sideline of Park Street and extending first easterly, then northerly, then westerly to Station 23+63.74 at the sideline of Park Street including (a) Lot 29 containing approximately 134 sq.-ft., (b) Lot 27 Analore Circle South, containing approximately 72,884 sq.-ft., (c) Parcel D containing approximately 9,720 sq.-ft, (d) Lot 28 Analore Circle North containing approximately 58,444 sq.-ft., and (e) Lot 9, containing approximately 138 sq.-ft. as heretofore laid out by the Board of Selectmen, and to authorize the Board of Selectmen to acquire by purchase, gift, and/or eminent domain the fee to or easements in the foregoing, and, further to accept for drainage, access, utility and other certain parcels of land lying between Analore Circle and Toils End Road, including (i) Parcel B, containing approximately 11,951 sq.-ft., (ii) Parcel C, containing approximately 2385 sq.-ft., and (iii) Lot 31 containing approximately 197 sq.-ft., Avoca Village.

The aforesaid public way and easements are shown on the acceptance plan entitled "_____ " dated _____, _____ and prepared by _____, on file with the Town Clerk, and, further, to raise and appropriate, transfer from available funds, and/or borrow a sum of money for the foregoing acquisition, including damages, fees, and related expenses; or take any other action relative thereto.

ARTICLE 34**Submitted by the Historical Commission**

To see if the Town will vote to amend the Town of Norfolk Bylaws, Article XV, DEMOLITION OF HISTORICALLY SIGNIFICANT PROPERTIES, as follows:

(i) To amend Section 3 "Procedure" paragraph (b), by deleting the words "fourteen (14)" in the first and fourth sentences and inserting in its place "forty-five (45)" so that the amended paragraph b will read:

b. Within forty-five (45) days from the Commission's receipt of a complete demolition permit application, the Commission shall determine whether the structure is historically or architecturally significant. If the Commission determines the building or structure is not considered significant, the Commission shall so notify the Building Commissioner in writing and the Building Commissioner may issue a demolition permit. If the building or structure is determined to be significant, the Commission shall so notify the owner and the Building Commissioner in writing, and the Building Commissioner shall not issue a demolition permit for a period of six (6) months from the date of the application, unless the Commission informs the Building Commissioner prior to the expiration of said six (6) months that the applicant for the demolition has made a reasonable but unsuccessful effort to locate a purchaser for the building or structure, or one who is willing to preserve, rehabilitate or restore the building or structure, or has agreed to accept a demolition permit on specified conditions approved by the Commission. If the Commission does not determine that the building or structure is considered significant within forty-five (45) days of the Historical Commission's receipt of a complete demolition permit application, the Building Commissioner may issue a demolition permit; or take any other action relative thereto.

ARTICLE 35**Submitted by Petition**

To authorize the Board of Selectmen to petition the legislature for one (1) additional license for the sale of alcoholic beverages not to be drunk on the premises substantially as follows:

Notwithstanding Section 17 of Chapter 138 of the General Laws, the licensing authority of the Town of Norfolk may grant an additional license for the sale of all alcoholic beverages not be drunk on the premises under Section 15 of said Chapter 138 to Sarthi Convenience, Inc., d/b/a Norfolk Food Mart, located at 10 Rockwood Road, Norfolk, MA. The license shall be subject to all of said Chapter 138 except said Section 17. The applicant holds a Wine and Malt License which shall be surrendered upon licensing authority approval of the Package Store license.

The licensing authority shall not approve the transfer of the license to any other location. The license may be reissued by the licensing authority to a new applicant at the same location if the applicant files with the licensing authority a letter from the Department of Revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

If the license granted under this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the license to a new applicant.

ARTICLE 36

Submitted by the Board of Selectmen

To see if the Town will vote to petition the General Court to adopt the following legislation. The Legislature may reasonably vary the form and substance of the requested legislation subject to the approval of the Board of Selectmen who are hereby authorized to approve amendments within the scope of the general public objectives of this petition. In addition, the Board of Selectmen are authorized to pursue the general public objectives of this article through one or more separated petitions of a more limited or specific scope, offered at such time as the Board of Selectmen deem appropriate, to accomplish the general public objectives of this petition:

AN ACT AUTHORIZING THE TOWN OF NORFOLK TO GRANT AN ADDITIONAL ALCOHOLIC BEVERAGE LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON PREMISES

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follow:

SECTION 1. Notwithstanding Section 17 of Chapter 138 of the General Laws, the licensing authority of the Town of Norfolk may grant an additional license for the sale of all alcoholic beverages not be drunk on the premises under Section 15 of said Chapter 138.

SECTION 2. If the license granted under this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the license to a new applicant.

SECTION 3. This act shall take effect upon its passage.

or take any other action relative thereto.

ARTICLE 37

Submitted by the Town Administrator

To see if the Town will vote to submit a home rule petition to the General Court, or take any other action necessary to establish a regional public safety communications and dispatch center for the Towns of Norfolk, Franklin, Plainville and Wrentham; or take any other action relative thereto.

ARTICLE 38

Submitted by the Board of Selectmen

To see if the Town will vote to amend the Zoning Bylaw, as set forth below, by deleting the provisions shown in strike-out as being deleted and inserting the provisions shown as insertions, with the text not being changed shown for informational purposes only.

D.5. FLOOD PLAIN - WETLANDS PROTECTION DISTRICT

D.5.a. The purposes of the Flood Plain/Wetlands Protection District are:

D.5.a.1. To provide that lands in the Town of Norfolk subject to seasonal or periodic flooding as described hereinafter shall not be used for residence or other purposes in such a manner as to endanger the health or safety of the occupants thereof or any residents of the Town of Norfolk;

D.5.a.2. Protect, preserve, and maintain the water table, watershed, groundwater and water recharge areas within the town so as to preserve present public and private water supplies for the public health and safety of the town of Norfolk;

D.5.a.3. To assure the continuation of the natural flow pattern of the water courses within the Town of Norfolk in order to provide adequate and safe floodwater storage capacity and to protect persons and property against the hazards of flood inundation;

D.5.a.4. To protect and preserve wetland areas, lakes, ponds, streams, rivers, brooks, marshes, meadows and bogs so as to maintain as recharge and water storage sites. To conserve natural conditions, wildlife and open spaces for the education, recreation, and general welfare of the Town of Norfolk and/or residents of the Town of Norfolk;

D.5.a.5. To protect the Town of Norfolk from the detrimental use and development of land and waters within the Flood Plain/Wetlands Protection District.

D.5.b. Permitted Uses - The Flood Plain/Wetlands Protection Districts shall be considered as overlying other districts. All developments in the district including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Compliance with the Massachusetts State Building Code which addresses floodplain hazard areas (currently 780 CMR)
- Wetlands Protection Regulations of the Department of Environmental Protection (DEP) (currently 310 CMR 10.00)
- Inland Wetlands Restriction, G.L., c.131, s.40A
- Minimum requirements for the Subsurface Disposal of Sanitary Sewage, (currently 310 CMR 15.000, Title 5)

Any variances from the provisions and requirements of the above referenced state regulations may only be granted by the appropriate state or local agencies in accordance with the required variance procedures of these state regulations.

In the Floodplain/Wetlands Protection District, further described in Section D.5.e. herein, the following conditions shall apply:

- A. All encroachments in the FLOODWAY, including new fill, new construction, substantial improvement to existing STRUCTURES, and other development are prohibited unless certification by a registered professional engineer is provided by the APPLICANT demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the 100 year flood (BASE FLOOD).
- B. Any encroachment meeting the above standard shall comply with the floodplain requirement of the State Building Code, "Flood Resistant Construction" and the goals of the NFIP.
- C. Along all watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the BASE FLOOD discharge.
- D. BASE FLOOD elevation data is required for subdivision proposals or other developments greater than 7 lots or 5 acres, whichever is the lesser within areas described in section D.5.e. of the Flood Plain / Wetland Protection District.
- E. Notification of the relocation of a watercourse must be made to the NFIP State Coordinator, Massachusetts Office of Water Resources, the NFIP Program Specialist, FEMA Region 1, and adjacent communities if the watercourse lies within the watershed of those communities.
- F. All subdivision and other development proposals shall be designed so that: (a) The potential for flood damage is minimized; (b) All utilities and facilities shall be located and constructed to minimize or eliminate flood damage; and (c) Storm water runoff shall be controlled as to rate and volume, post construction, to minimize or eliminate flood damage and, in any event, shall not be greater when post-construction drainage calculations are compared to pre-construction drainage calculations

The following uses shall be allowed within the Flood Plain/Wetlands Protection Districts without requiring a Special Permit:

D.5.b.1. Conservation of water supply, plants, wildlife, lakes, ponds, streams, brooks, rivers, marshes, swamps, bogs, land, soil, trees, shrubs, meadows;

D.5.b.2. Outdoor recreation, including play areas, nature study, boating, fishing, and hunting which is not harmful to the physical environment, where otherwise legally permitted, but excluding BUILDINGS and STRUCTURES;

D.5.b.3. Non-commercial signs (as permitted in the residential district) wildlife management areas, foot , bicycle and/or horse paths and bridges to allow adequate and safe crossing by pedestrians, bicyclists or horses, provided such uses are in compliance with .G.L. c. 131, s. 40, 40A and 310 CMR 10.00 as amended, and all local zoning and wetland laws and provided such uses do not affect the natural flow pattern on any watercourse.

D.5.b.4. Grazing and farming, gardening, nurseries, conservation, including truck gardening and harvesting of crops;

D.5.b.5. Forestry management, providing stumps are not removed and reforestation takes place, by the parties or individual responsible for forestry management;

D.5.b.6. Proper operation and maintenance of existing dams, and other water control, supply and conservation devices including the temporary alteration of the water level for emergency or maintenance purposes and the emergency removal of any and all flashboards of a privately owned dam in order to lower the water level of its backwaters to a safe level providing no downstream properties are damaged by the cumulative increase in any water surface elevation.

D.5.b.7. DWELLINGS lawfully existing prior to the adopting of these provisions, but not including any enlargement more than 25% and/or extension thereof;

D.5.b.8. In the case of fire destruction to BUILDINGS or STRUCTURES existing in Flood Plain/Wetlands Protection Districts prior to the adoption of these provisions, said BUILDING STRUCTURE or STRUCTURES may be rebuilt, and increased up to a maximum of 25% of its original size, provided however, that proper flood-proofing is taken when rebuilt, and said construction complies with all applicable local zoning and wetland laws and the provisions of the Wetlands Act and 310 CMR 10.00, as amended. Any substantial improvement or reconstruction of a structure within the floodplain/wetlands district which has been damaged by any cause is subject to the requirements of the State Building Code.

D.5.b.9. Any of the following uses, if permission is, in each case, obtained from the Board of Appeals as described in this bylaw:

- a. Commercial Golf Course
- b. PRIVATE CLUBS for recreation
- c. Temporary stands for sale of produce grown on the premises

D.5.b.10. The portion of any LOT within the area delineated in Section D.5.e. may not be used to meet the area and YARD requirements for the district or districts in which the remainder of the LOT is situated.

D.5.c. Excluded (Prohibited) Uses in the Flood Plain/Wetlands Protection District:

D.5.c.1. In the Flood Plain/Wetlands Protection District no new BUILDING or BUILDINGS or STRUCTURE shall be erected or constructed, and any existing BUILDING prior to the establishment of this bylaw shall not be altered or enlarged to more than 25% of its original size, or moved;

D.5.c.2. No person shall remove, fill, dredge, or alter any lake, pond, river, stream, brook, marsh, swamp, bog, meadow or flood plain or any land within the flood plain and/or wetlands and no ponds or pools shall be created or other changes in watercourses allowed, whether for swimming, fishing, or other recreational uses, scenic features, or drainage improvements, except as permitted in Section D.5.b. of the Flood Plain/Wetlands Protection District Zoning Bylaw;

D.5.c.3. No person shall transfer or relocate earth products except as permitted in Section D.5.b.

D.5.c.4. No septic tanks, leachfields or sewer lines shall be installed in the Flood Plain/Wetlands Protection District.

D.5.d. Exceptions

D.5.d.1. Any person, entity, or governmental agency may seek an exception to Section D.5.c. for authority to make use of land, water bodies, or water courses in a manner which is not permitted by Section D.5.b. by application to the Board of Appeals, in accordance with G. L., c. 40A. The application shall be accompanied by plans, certified by a Registered Land Surveyor or a Registered Professional Civil Engineer, of any construction and of the premises on which it is to be situated. All plans shall show two-foot contour intervals. Contours shall be delineated within two hundred feet of the proposed construction (elevations above mean sea level). Copies of such application shall also be sent to the Building Inspector, Board of Health, Planning Board, and Conservation Commission who shall submit their recommendations in writing to the Board of Appeals.

D.5.d.2. The Board of Appeals, after holding a public hearing, may grant an exception of special permit under this Section if the proposed use will not be detrimental to the public health, safety and welfare, if the land is shown to be neither subject to flooding nor unsuitable for the proposed use because of hydrological and topographical conditions, and if the proposed use will comply in all respects to the provisions of the underlying District or Districts within which the land is located.

D.5.d.3. Nothing contained in this Section shall excuse compliance with the wetlands protection statutes, G. L., c. 131, ss. 40 and 40A, or any other laws of the Commonwealth of Massachusetts.

D.5.e. Description of Areas

D.5.e.1. Flood Plain – The Flood Plain is established as an overlay district and includes all of the special flood hazard areas within the Town of Norfolk designated as Zone A and AE on the Norfolk County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The Flood Plain also includes all land bordering on the river segments that lies below the elevations listed in paragraph D.5.e.3 below.

D.5.e.2 The map parcels of the Norfolk FIRM that are wholly or partially within the Town of Norfolk are panel numbers 25021C0144E, 25021C0163E, 25021C0164E, 25021C0168E, 25021C0307E, 25021C0321E, 25021C0322E, 25021C003, 25021C0324E, 25021C0331E, 25021C0333E, and 25021C0334E dated July 17, 2012. The exact boundaries of the district are defined by the 100-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) report dated July 17, 2012. The map parcels of the Norfolk FIRM FIS are incorporated herein by reference and are on file in the Town Clerk's Office.

D.5.e.3 Flood elevations are listed below and reference the North American Vertical Datum of 1988 (NAVD 88).

	Below Elevation NAVD 88
Charles River	
West of Lark Road including Populatic Pond	138
Lark Road to Myrtle Street	137
Town line north of Baltimore Street to Medfield town line	126
Mill River	
North of Main Street to Charles River confluence	137

Stop River

Route 1A to Prison Road Dam	153
Prison Road Dam to MBTA right-of-way	150 to 147
MBTA right-of-way to Medfield town line	124

D.5.e.4. Wetlands - Wetlands Districts are indicated on the flood plain map overlay and the numbering of these districts refers to corresponding areas which have been projected on assessors' maps. Further, the official plans showing the Wetlands Districts consist of two (2) sets of maps, one set entitled "Wetland Protection Districts Town of Norfolk" and one entitled "Assessors Maps showing Wetland Districts" and both are on file with the Town Clerk's Office.

D.5.f. Administration

The Planning Board, Board of Appeals, and the Building Inspector shall be responsible for administration of this amendment to the Zoning Bylaws within the limits of their lawful authority.

D.5.g. Limit of Authority

Nothing contained in this amendment to the Zoning Bylaws of the Town of Norfolk shall otherwise limit the lawful authority of other agencies of government within the Town of Norfolk ; or take any action relative thereto.