

FALL TOWN MEETING WARRANT

NORFOLK, ss.

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

GREETINGS:

You are hereby 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 meet on Tuesday, the 15th day of November, 2016, 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, 2017; or take any other action relative thereto.

Note: This is the standard transfer article.

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.

Note: This is the standard article to allow us to pay prior year bills.

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, borrow or bond pursuant to any applicable statute to fund capital and other expense items; or take any other action relative thereto. (Capital Budget)

Note: This is the capital article, the Selectmen intend to limit spending at the Fall Town Meeting, but there are a few items that will be requested.

ARTICLE 4

Submitted by the Board of Selectmen

To see if the Town will 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.

Note: This article provides the opportunity for town committees to provide an update.

ARTICLE 5

Submitted by the DPW Director

To see if the Town will authorize the Board of Selectmen to purchase property for \$550,000 totaling approximately 29 +/- acres and described as land located at Dean Street and Turner Street, Millis, MA shown as Lot 4 on plan recorded with the Norfolk County

Registry of Deeds as Plan Number 123 of 1984 in Plan Book 308; 95 Holbrook Street, Norfolk, MA, shown as “Lot 8” on said plan excluding therefrom the portion of “Lot 8” shown as “Pcl. A” containing 5,936 S.F. on a Plan recorded as Plan Number 444 of 1994; the land shown as Lots 3D and 3C on a plan recorded as Plan Number 242 of 1987 for the purpose of contracting and operating a municipal well; or take any other action relative thereto.

Note: This article is a request to authorize the town to purchase land for the purpose of building a third well. The purchase and sale is subject to successful testing by the town and our engineers and approval of a new well by the Department of Environmental Protection. This purchase will be funded from retained earnings in the Water Enterprise Fund.

ARTICLE 6

Submitted by the Town Planner

To see if the Town will vote to amend the Norfolk Zoning Map by adding the following parcel to the B1 Inner Zone (currently zoned B1 Outer): Map 14, Block 56, Lot 39 (as shown on the relevant section of the Zoning Map of Norfolk); or take any other action relative thereto.

Note: The owner of this property is seeking to include this property in the adjacent zone to expand development options for the property.

ARTICLE 7

Submitted by the Board of Selectmen

To see if the Town will vote to amend the Zoning Bylaws, Section L. C-6 RESIDENTIAL / COMMERCIAL USE DISTRICT (ROUTE 1A/DEDHAM STREET), by adding a new section L.8, The Hospital Redevelopment Overlay District (“HRO”), and by amending the Zoning Map to designate the boundary of the HRO; or take any other action relative thereto.

Note: The town has been working with the developer of this property to create an overlay zone where specific agreed upon development can occur. All of the following language would be added.

Section L.8 The C-6 Hospital Redevelopment Overlay District (“HRO”)

- A. Purpose:** The HRO has been developed to encourage redevelopment of the former Southwood Hospital site (“Southwood site”) that will cooperatively benefit the town, Pondville and the region, via an age restricted housing development, alongside an assisted living facility, upscale multi-family housing, and a retail/office building.

It is the intent of the HRO to encourage and allow development of the Southwood site while establishing reasonable standards that permit and control the residential, commercial and mixed uses within this area, and further to:

- a. Encourage a mix of uses that can coexist and enhance the district;
- b. Create a cohesive site design that avoids uses that create heavy traffic volumes and hazards;
- c. Encourage safe pedestrian and bicycle traffic that reduces automobile traffic in the area;

- d. Promote uses that complement the visual character, scale and architectural style of existing development in the area;
- e. Minimize the visual and functional conflicts between the residential and non-residential uses within the nearby area;
- f. Allow for higher density than may be permitted in other parts of town;
- g. Promote sharing of parking where complimentary uses can be located;
- h. Reduce curb cuts for vehicular access and to promote more efficient use of roads and parking;
- i. Allow for appropriate density and mix of land uses to support a vibrant community.

This L.8 section of the Bylaws is intended to be allowed through a Special Permit issued by the Planning Board according to Section L.4.a.1 of the Bylaws and used in conjunction with existing regulations including, but not limited to, site plan review, design guidelines and others designed to encourage appropriate and consistent patterns of development.

B. Applicability: The HRO is established as an Overlay District as defined in Section L.8.E of the Bylaws. The boundaries of the HRO district are shown on the Hospital Redevelopment Overlay Map on file with the Town Clerk. Within the HRO, all regulations of the underlying zoning remain in effect, except for property which is the subject of a HRO special permit issued pursuant to this Section L.8. In the event there is a conflict between the regulations, the HRO regulations shall take precedence. In cases where the HRO is silent, the underlying regulations will take precedence.

The HRO is designed to be applied to the entire district. If the HRO is evoked on any of the properties within the district, then all the properties must also be built to the requirements of the HRO. Variations to the layout and design are expected to occur as the development progresses

C. Nodes and Uses: The HRO has been divided into separate nodes of development that are restricted to specific uses and units (number & type) identified below:

- **Age Restricted Townhouses** – This node is in the most northerly portion of the site and allows up to 220 townhouses set on 40 acres. It borders the town of Walpole and Dedham Street (Rt 1A).
- **Multi-Family Housing** – This node is to the south of the Townhouse node and allows up to 150 luxury multi-family housing units in a minimum of two (2) buildings. To the maximum extent permissible, the units will either be 1- or 2-bedroom units, and the breakdown shall be as follows: 50% 1-bedroom units and 50% 2-bedroom units. Three-bedroom units shall be allowed only to the extent necessary for all units to qualify for listing on the Subsidized Housing Inventory (SHI).
- **Assisted Living** – This node is south of the apartment node and allows for a maximum of 120 assisted living units, 30 units of memory care and 30 of hospice care units for a total of 180 units.
- **Professional Office and Retail** – This node is south of the Assisted Living node and contains a minimum of 16,000 square feet Gross Floor Area (GFA) of Commercial Services and an option for an additional 16,000 square feet GFA of Retail Services. In the event that additional development of this node is desired, there is no prohibition to this occurring.

- **Open Space** – It is required that any development proposal shall have at least 25% open space to act as a buffer to neighboring uses and for passive recreational use .
- **Affordable Housing** - It is a requirement that Affordable Housing be built as part of the residential component of this development. At a minimum, at least 20-25 percent of the built units must be Affordable Housing as defined in Section L.8.E of the Bylaws. .

D. Development Impact Fees: Upon application for a Special Permit, the Special Permit Granting Authority (Planning Board) shall consider any reasonable development impact costs or expenses necessary to defray the Town's costs and expenses associated with the development including, but not limited to, (a) study or studies that may be required to address the development's impacts on the Town's existing public safety facilities and equipment, (b) costs associated with impacts upon public safety personnel, facilities and equipment and the acquisition of additional land for municipal facilities, (c) purchase of additional equipment, vehicles, software or other capital items, (d) upgrades to infrastructure such as water, sewer, electrical and other municipal services, and (e) such other costs and expenses that the Town may incur.

E. Definitions:

Affordable Housing - "Low or moderate income housing" as defined by Massachusetts General Law Chapter 40B, its associated regulations (including, but not limited to, 760 CMR 56.00, et seq.), and the guidelines of Massachusetts Department of Housing and Community Development (DHCD), and which the DHCD determines count toward the Subsidized Housing Inventory (SHI) for the Town of Norfolk.

Age Restricted - Age 55 and older.

Townhouses - A usually single-family house of two or sometimes three stories that is usually connected to a similar house by a common sidewall.

Assisted Living - A system of housing and limited care that is designed for adults who need some assistance with daily activities but do not require care in a nursing home.

Commercial Services - A PROFESSIONAL BUILDING or OFFICE, BUSINESS OFFICE or other Commercial BUILDING which provides goods or services other than retail sales as its principal function. (*Existing definition found in Zoning By-law*).

Retail Services - Establishments providing retail services on the premises to the general public; e.g. barber shops, beauty shops, travel agencies. (*Existing definition found in Zoning By-law*).

Overlay District - A description of a certain area of land in Town which defines both the boundaries of the district and exactly what kind and quantity of development is allowed in that district. Under an Overlay District, only that specific kind of development will be allowed.

ARTICLE 8

Submitted by Community Preservation Committee

To see if the Town will vote to allocate from the Community Preservation Fund, Historical Reserve, an amount not to exceed \$47,000 to restore and preserve Norfolk town records, primarily from the late 1800's through the mid-1900's, including but not

limited to de-acidification, mending, and reinforcement of paper, and re-sewing and rebinding of books; plus digital scanning of all documents; or take any other action relative thereto.

Note: This is a request originating from the Town Clerk to authorize the expenditure of CPC funds for the purpose of preserving Town records.

ARTICLE 9

Submitted by the Town Planner

To see if the Town will vote to amend the Norfolk Zoning Map by extending the C-3 Zoning district onto a 6.1 acre Parcel with 150' frontage on Main Street (being a portion of Map 2 Block 6 Parcel 3) that is currently located in the R-2 Zoning District; or take any other action relative thereto.

Note: The owner of the adjacent commercial property located at 364 Main Street is seeking a zone change for a portion of property to be used for future expansion.

ARTICLE 10

Submitted by the Town Planner

To see if the Town will vote to amend the town Zoning Map by replacing the existing map with the revised GIS map; or take any other action relative thereto.

Note: No changes have been made to the zoning district lines. However, small changes have been made to the map that makes it easier to read. These include adding colors to depict each of the zoning districts, removal of information unrelated to zoning such as the specification of state and county roads, state and federal owned land and flood plains. This information is not normally depicted on Zoning maps and available on other town and state maps and also on the State GIS website.

ARTICLE 11

Submitted by the Town Planner

To see if the Town will vote to amend Section D.4 Aquifer and Water Supply and Interim Wellhead Protection Districts of the Norfolk Zoning Bylaws by making the following revisions, with underline type indicating additions and strikethrough type indicating deletions; or take any other action relative thereto.

Note: Aquifer and Water Supply Districts - Consider amendments to this bylaw that will direct users to the most updated maps, remove unnecessary special permits, ensure that groundwater protection is part of all development proposals and removes language that creates a committee which has never met and is unnecessary.

D.4.d.2. Delete and replace as follows. The boundaries of the Water Supply Protection District are delineated on a map available on the Mass GIS Oliver Maps, Aquifer and Zone IIs for aquifer and water supply zone IIs. ~~at a scale of 1-inch = 1000 feet. This map, as it may be amended from time to time, is entitled, "Aquifer and Water Resource Protection Map - Town of Norfolk, MA" is dated August 20, 1997, is on file in the office of the Town Clerk, and is hereby made a part of this Bylaw. These boundaries reflect the~~

best hydrologic information available as of the date of the map(s). In the event of a discrepancy between the map and the criteria that follow, the criteria shall govern.

Note: By using State GIS Map reference we can insure that the most updated information is being accessed rather than local map information which has not been updated in almost 20 years (1997). Updated maps are very important because the wellhead protection zones change as new public wells are established.

D.4.e.3.f Delete entire first sentence; “Any use which will render impervious more than 15% or 2,500 square feet of any LOT, whichever is greater.”

Note: Delete this sentence as this provision is unnecessary and ends up requiring Special Permits for every subdivision or site plan.

D.4.e.3.f Move the remaining sentences of the paragraph below to “B. Definitions” and create a new section in D.4.e.1 “Permitted Uses” as D.4.e.1.j with the heading “STORMWATER RECHARGE SYSTEMS.” *“For non-residential uses, recharge shall be by stormwater infiltration basins or similar system covered with natural vegetation, and dry wells shall be used only where other methods are not feasible. For all non-residential uses, all such basins and wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.”*

Note: Groundwater recharge systems are installed routinely as part of subdivisions, home building and commercial development. They are currently allowed only with a special permit, which are routinely granted by the permitting authority. Relocating this provision and moving the definition makes the bylaw more understandable and allows the installation of groundwater recharge systems allowed without a special permit, thus removing an unnecessary special permit.

Delete the “Aquifer Protection Advisory Committee” in the following four (4) sections and replace with the “Town Planner”.

Note: Because this committee does not meet and since the town has hired a Town Planner, it would be appropriate for the Building Official to work with the Town Planner to make a determination quickly.

D.4.f.2. The Building Commissioner shall review the application and shall make a finding as to applicability within fourteen (14) days of receipt. The Building Commissioner may consult with ~~a Committee to be named the Aquifer Protection Advisory Committee~~ **Town Planner** for its input as to the applicability of any and all applications and/or uses.

D.4.f.3. The ~~Aquifer Protection Advisory Committee~~ **Town Planner** shall act as an advisor to the Building Commissioner. ~~The Committee membership shall consist of three members. One member or representative thereof shall be~~

~~each from the Board of Water Commissioners, Conservation Commission, Board of Health and all shall be appointed by the Board of Selectmen for a term of one year.~~

D.4.f.4. The ~~Aquifer Protection Advisory Committee~~ Town Planner shall, within ten (10) days of receipt of an inquiry by the Building Commissioner, submit a written recommendation to the Building Commissioner.

D.4.f.5. The Building Commissioner shall review the recommendation of the ~~Aquifer Protection Advisory Committee~~ Town Planner and shall then render his written decision to the APPLICANT as to the applicability of the bylaw and whether a Special Permit or other action is required.

D.4.f.6. The APPLICANT shall be notified, in writing, as to the applicability of the Aquifer Protection Bylaw applies and shall proceed accordingly.

ARTICLE 12

Submitted by the Town Planner

To see if the Town will vote to amend *F.4. Nonconforming Structures* of the Norfolk Zoning Bylaws by revising F.4.b by adding the words OR between two paragraphs, with underline type indicating additions and strikethrough type indicating deletions; or take any other action relative thereto.

Amend Demolition and Reconstruction.

Note: Since each paragraph describes different situations where demolition or reconstruction can occur, any of the situations may be relevant to the circumstances. The first situation is a by right reconstruction because there is no violation of setback, coverage or height restriction. The second situation allows reconstruction with a special permit because there is a violation of the setback, coverage or height requirements but not more than the previous structure. The third situation does not allow reconstruction because the proposed structure violates either the setback, coverage or height requirements more than the original structure.

F.4.b. Demolition and Reconstruction

If the DEMOLITION of a NONCONFORMING STRUCTURE used for single and two family residential purposes, and its reconstruction does not violate the setback, coverage, or height requirements of Section E.1.b, the STRUCTURE may be demolished and constructed as a matter of right, **OR**;

If the DEMOLITION of a NONCONFORMING STRUCTURE used for single and two family residential purposes, and its reconstruction does violate the setback, coverage, or height requirements of Section E.1.b, but does not violate those requirements to a greater extent than the original STRUCTURE, the STRUCTURE may be demolished and constructed only with a special permit issued by the Zoning Board of Appeals, **OR**

No DEMOLITION and reconstruction of a NONCONFORMING STRUCTURE used for single and two family residential purposes shall violate any setback, coverage, or height requirements of Section E.1.b to a greater extent than the original STRUCTURE.

ARTICLE 13

Submitted by the Town Planner

To see if the Town will vote to amend B. Definitions of the Norfolk Zoning Bylaws by revising as follows, with underline type indicating additions and strikethrough type indicating deletions; or take any other action relative thereto.

B. Definitions

Combine all definitions from sections into one section, B. DEFINITIONS. This includes D.4.c. Aquifer and Water Supply, Wellhead Districts, M.2. "Solar Energy Overlay Zone"

Note: This is a housekeeping amendment that will place all terms and definitions in one place within the Zoning Bylaw. It will also help with ensuring consistent use of terms within the bylaw. Also, a change is being made to Child Care from Facility to Center to conform with changes in state law definitions.

- **Earth Removal – Moving, stripping, digging or excavating soil, loam, sand or gravel and removal from one lot or parcel and transported to another.**
- **Child Care Facility Center** – Remove the word "Facility" and replace with "Center" to be consistent with current state usage of term (MGL-15D).
- **Stormwater Recharge Systems - A system for groundwater recharge which does not degrade groundwater quality**

ARTICLE 14

Submitted by the Town Planner

To see if the Town will vote to amend D. Use Regulations of the Norfolk Zoning Bylaws by revising D.2 Schedule of Use Regulations as follows, with underline type indicating additions and strikethrough type indicating deletions; or take any other action relative thereto.

- **Add to Professional Office, the following similar uses of Medical Office and Dental Office**

D.2.e.13. Professional Office **or Medical Office** where patients or clients are seen by appointment, such as the office of a **dentist**, physician, psychiatrist, physiotherapist, speech therapist, or other licensed health professionals occupied by practitioners not resident on the premises.

- **D.2.d.3 Agricultural Uses in a Residential Zone - Add distance requirement of "100 feet from a residence for animal enclosures as required in MGL 40A**

D.2.d.3. Poultry or stock raising except that the number of swine shall be limited to not more than 5 and animal enclosures for such animals shall be at least 100' from any neighboring residence.

Note: the added language is found in Massachusetts State law.

- **D.2.d.5.b. & D.2.e.26 & D.2.e.28 Kennels** Revise distance from neighboring dwellings to be consistent with MGL40A and remove the distance from property line. Also Add Pet Services, Pet Grooming, Pet Sitting to Commercial Kennels and create a new section in the use table that will better describe services that are frequently offered.

D.2.d.5.b. & D.2.e.26 Commercial Kennel (including commercial, boarding, training and breeder kennels may include, pet services, pet grooming and pet sitting services) Minimum requirements: 5 acres of land, kennel enclosures must be at least 100 feet from any neighboring residence. to property line and 500 feet to neighboring dwellings. Subject to Site Plan Approval

D.2.e.31 , Pet services, pet grooming and pet sitting services not associated with a Commercial Kennel R- SP, B1- No, B2 – B4 - SP, C1- SP, C2.C3/C5- No, C4 –No, C6 – No.

Create definitions in Section 2 for the following:

Pet Services - Provision of pet grooming, pet sitting, dog walking, or caring for pets that would commonly be provided by a professionals either on site or in a customer's home.

Pet Grooming – Hygenic and cosmetic care of dog, cats and other domestic animals which may include trimming, styling, shampooing, bathing, nail trimming or other procedures for said animals.

Pet Sitting - A contracted service provider who takes care of a pet or other animal at its own home.

ARTICLE 15

Submitted by the Town Planner

To see if the Town will vote to amend H. Option Zoning of the Norfolk Zoning Bylaws by revising H.2.f.3, Open Space Preservation as follows, with underline type indicating additions and strikethrough type indicating deletions; or take any other action relative thereto.

H.2.f.3 Minimum Dimensional Requirements for Individual LOTS with the Open Space Preservation Development. Increase side setbacks from 15' to 25' so that it is consistent with the 50' separation between buildings currently required in H.2.f.4 and with all other subdivisions.

H.2.f.3. Minimum Dimensional Requirements for Individual LOTS within the OPEN SPACE PRESERVATION Development

Minimum LOT area: 20,000 square feet

Minimum LOT FRONTAGE: 50 feet

Minimum BUILDING setbacks:

From any boundary line of the OPEN SPACE PRESERVATION development 30 feet

From the Permanent Open Space 30 feet

From a public way within the OPEN SPACE PRESERVATION development 20 feet

From a LOT line within the OPEN SPACE PRESERVATION development 15-25 feet

ARTICLE 16

Submitted by the Town Planner

To see if the Town will vote to amend E. Intensity Regulations of the Norfolk Zoning Bylaws by revising E.2.h. Estate Lots as follows, with underline type indicating additions and strikethrough type indicating deletions; or take any other action relative thereto.

Note: Regarding Estate Lot Special Permit. Create new section E.2.h.5. Currently Special Permits expire in 1 year from date of approval. Extend to 2 years and renewable without a public hearing.

ADD NEW SECTION: E.2.h.5. A Special Permit for an Estate Lot shall expire 2 years from the date of approval and may be renewed by SPGA without a public hearing.

ARTICLE 17

Submitted by the Town Planner

To see if the Town will vote to amend E. Intensity Regulations of the Norfolk Zoning Bylaws by revising **E.2 Modifications** as follows, with underline type indicating additions and strikethrough type indicating deletions; or take any other action relative thereto.

Note: The term "modifications" does not adequately describe the information found in this subsection. E.2 Contains zoning requirements for Exempted Lots, Corner or Through Lots, Open Space opportunities, Visual Corner Clearances conversion of Retitle to a more descriptive of the information found in this subsection

Currently: Section E.2 "~~Modifications~~".

New Title: Section E.2 "Miscellaneous Regulations"

Article 18

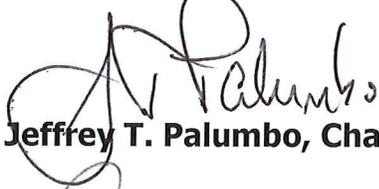
Submitted by the Board of Selectmen

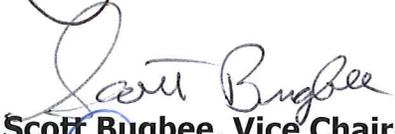
To see if the Town will vote to approve the Payment In Lieu Of Tax ("PILOT") agreements negotiated by the Board of Selectmen pursuant to Massachusetts General Laws Chapter 59, Section 38H with one or more renewable energy generation companies operating one or more community solar systems, including the installations at 42 Pine Street and 33 Medway Branch; or take any other action relative thereto.

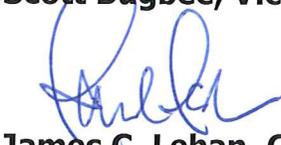
Note: This is a follow up to an article from the May ATM, when we authorized the Board of Selectmen to negotiate PILOTs with these property owners. This article will now request approval of those PILOTs.

Hereof, fail not, but make due return of this warrant, with your doings thereon to the Town Clerk, on or before the hour of said meeting. Given under our hands and seal of the Town of Norfolk on the twenty-fifth day of October, 2016 A.D.

NORFOLK BOARD OF SELECTMEN


Jeffrey T. Palumbo, Chairman


Scott Bugbee, Vice Chairman


James C. Lehan, Clerk

A true copy, attest:
Town of Norfolk
Norfolk, ss

By virtue of this Warrant, I have notified and warned the legal voters of the Town of Norfolk aforesaid to meet at the time and place and for the purposes specified in said Warrant, by posting true and attested copies thereof in the Town Hall, and in at least one public place in each of the three (3) precincts, not less than fourteen (14) days at least before the date of said meeting.



Constable



Date