

NORFOLK RECORDS
FALL TOWN MEETING
October 23, 2007

Pursuant to a warrant dated September 24, 2007 signed by Jonathan Smith, Ramesh Advani and James Lehan, Selectmen of Norfolk, the inhabitants of Norfolk qualified to vote in elections and town affairs met in the King Philip Middle School, 18 King Street, Norfolk, MA on Tuesday, October 23, 2007 at 7:30 in the evening there and then to act on the following articles. The meeting was called to order at 7:35pm by Moderator Daniel Winslow who introduced the Acting Town Clerk, Town Administrator, members of the Board of Selectmen, Town Counsel, and the Advisory Board Chairman who then introduced the members of that Board. There were 182 registered voters in attendance.

God Bless America was sung by Madeleine Crump, a 10-year old resident of Norfolk, and the Pledge of Allegiance was led by Acting Town Clerk Gail Bernardo. Sworn counters were Robert Garrity, Robert Boucher and Lorraine Sweeney. It was approved by voice vote to waive the reading of the warrant and the return of the warrant.

ARTICLE 1

APPROVED BY VOICE VOTE to transfer from Free Cash the sum of \$50,000.00 to the Advisory Board Reserve Fund.

Note: This Article was originally voted incorrectly and, upon a motion to reconsider, was correctly stated and voted as indicated above.

ARTICLE 2

APPROVED BY VOICE VOTE to Indefinitely Postpone Article 2.
(unpaid bills of a prior year)

ARTICLE 3

APPROVED BY VOICE VOTE to accept the provisions of MGL C41 section 1B for the purpose of having the elected Town Clerk become an appointed Town Clerk of the Town.

ARTICLE 4

The Advisory Board moved and it was seconded to Indefinitely Postpone Article 4.

The Personnel Board Chairperson moved to amend the motion by replacing it with the following: I move to replace the existing Personnel Bylaw with the comprehensively revised Personnel Bylaw dated September 12, 2007 and on file in the Town Clerk's Office, as amended to replace Section 18 Longevity with the previous version of both the Full-time and Part-time Longevity Schedules.

The amended motion failed on a voice vote.

APPROVED BY VOICE VOTE to Indefinitely Postpone Article 4.

ARTICLE 5

APPROVED BY VOICE VOTE to accept the provisions of G.L. c. 48 section 42 for the purpose of establishing a fire department to be under the control of an officer to be known as the Chief of the Fire Department.

ARTICLE 6

APPROVED BY VOICE VOTE to delete from the Town of Norfolk Bylaws Article III, Section 6: Permanent Building Committee in its entirety and replace it with the following:

Section 6. Committees for Major Building Projects

The Town Meeting shall establish a committee to oversee the design, construction, and completion of major buildings in the Town, the projected cost of which is in excess of 5% of the General Fund budget.

The term of the committee shall be the length of time of the project. The Committee shall consist of (subject to State and/or Federal statute or regulation) members of the Board or Committee for whose benefit the project is being constructed, the number of whom is the maximum number of members not constituting a quorum of that Board or Committee, the Senior manager(s) working under the supervision of that board or committee, the Town Administrator, the Building Commissioner (ex-officio and non-voting), and at least three, but not more than five members of the community appointed by the Board of Selectmen.

ARTICLE 7

APPROVED BY VOICE VOTE to Indefinitely Postpone Article 7.
(add a committee for the design & construction of a Public Safety facility).

ARTICLE 8

APPROVED BY VOICE VOTE to transfer from Free Cash the sum of \$36,000 to conduct a feasibility study for the design and construction of a sewer treatment facility to service the B-1 Business District and municipal facilities including schools which are located in or abutting the District.

ARTICLE 9

APPROVED BY 2/3 VOTE called by the Moderator to appropriate the sum of \$200,000.00 to purchase a parcel of land containing 1.13 acres +/- as shown on plan titled 'Proposed Lot Line Adjustment 117 Main Street' prepared by Coler & Colantonio, Inc. of Norwell, Massachusetts; owned by the Federated Church of Norfolk, #1 Union Street Norfolk, Massachusetts, and that the Treasurer, with the approval of the Board of Selectmen, borrow under MGL C44 up to \$200,000.00 for said purpose.

ARTICLE 10

APPROVED BY VOICE VOTE to Indefinitely Postpone Article 10.
(debt exclusion for Public Safety architectural and engineering fees).

ARTICLE 11

APPROVED BY VOICE VOTE to accept the provisions of MGL C32B section 18 for the purpose of requiring all retirees, their spouses and dependents who are enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, their spouse or dependents, be required to enroll in a Medicare health benefit supplement plan offered by the Town.

ARTICLE 12

APPROVED BY VOICE VOTE to amend the Town of Norfolk Bylaws by inserting the following as Section 8 of Article VII:

SECTION 8: Property Stabilization By-law

A. Purpose: To protect against erosion and sedimentation; to limit adverse impacts to adjacent properties; to protect against attractive nuisances; and to preserve scenic and historic vistas by and to ensuring that any property or portion thereof that is cleared in preparation for construction or any other purposes is not left in an open and unstabilized state.

B. Applicability: All properties that have been cleared of trees, shrubbery, grass, topsoil and/or any other natural features shall be considered an "Unstabilized Property" which shall require a special permit under this by-law if such property remains in an unstabilized state for more than 60 days. This By-law shall apply to all Unstabilized Properties even if such property is the subject of a permit for construction, earth removal, improvement or alteration of any type. This By-law shall also apply to all properties that are the subject of such permit under which activities have been commenced, if such activities are delayed, postponed, halted, ceased or otherwise inactive for any period of 60 days or more. Under this by-law, "Unstabilized Property" shall not include: (1) property on which any activities, in the aggregate, destabilize less than 7500 square feet; and (2) property on which clearing, plowing, tilling, harvesting or other destabilizing activities are associated with any legitimate agricultural activity.

C. Special Permit required. All owners of Unstabilized Properties must apply to the Board of Selectmen for a Special Permit for the stabilization of such property or such other orders and conditions as the Selectmen may deem appropriate to satisfy the provisions of this By-law. Similarly, the Board of Selectmen may issue orders hereunder for any Unstabilized Property that does not voluntarily seek a Special Permit hereunder.

D. Basic Requirements. Any application, order or Special Permit hereunder shall make accommodations for the temporary or permanent landscaping of an Unstabilized Property that shall, in the discretion of the Selectmen be necessary for the stabilization of the subject property. At the very least, such landscaping improvements shall include the placement of fertile topsoil and the maintenance of grass thereon, provided however, that, for good cause shown, the Selectmen may allow an Unstabilized Property to remain in an unstabilized state for an additional 60 days. In reviewing the propriety of any landscaping improvements, it must be demonstrated that the proposed landscaping improvements comply with accepted standards for stormwater management, including state, local and federal guidelines as well as recognized best management practices. In issuing a special permit hereunder, the Board of Selectmen may impose any such conditions as may be necessary to further the purposes of this by-law, including, but not limited to, conditions for the continued maintenance of landscaping improvements. The Selectmen may also waive strict compliance with the terms hereof where good cause is demonstrated by the applicant.

E. A public hearing shall be held on each application for a Permit under this bylaw. The Board shall cause a notice of the public hearing to be published at the expense of the applicant in a daily or weekly newspaper in general circulation in the Town at least fourteen (14) days prior to the date of said hearing. The notice shall set forth the name of the applicant and the location of the premises. Every applicant or an agent in his behalf shall, within three (3) days after publication as herein provided, cause a copy of the published notice to be sent by certified mail, return receipt requested, to each of the persons appearing upon the Assessors' most recent valuation list as the owners of property abutting the premises for which a Permit is sought together with those persons appearing as owners across any public or private way from said premises. An affidavit of the applicant or of the person mailing such notice in his behalf together with a copy of the notice mailed and the post office receipts for the certified mailings herein required, shall be filed with the Board as the first order of business at the public hearing. Such affidavit shall be prima facie evidence that notice has been given in compliance herewith.

F. The Board shall be and hereby is authorized to set a reasonable application fee for all original and renewal applications for a Special Use Permit.

G. The Board of Selectmen shall be and is hereby authorized to determine the costs of any engineering fees incurred in the measurement of earth removed or to be removed under such Permit. The engineering fees charged for each Permit issued or renewed will be paid by the applicant.

H. The applicant shall provide plans of the proposed landscaping improvements along with the necessary documentation to demonstrate that such improvements satisfy the provisions of this By-law.

I. Validity: The invalidity of any section or provision of this bylaw shall not invalidate any section or provision thereof.

J. Penalty. Any person, firm, or corporation willfully violating, disobeying, or refusing to comply with any of the provisions of this bylaw shall be prosecuted under the terms of the Massachusetts General Laws, Chapter 40, Section 21, Clause 17, and shall be subject to a fine of not more than fifty (50) dollars for the first offense, not more than one hundred (100) dollars for the second offense, and not more than two hundred (200) dollars for any subsequent offense. Each day of non-compliance shall constitute a separate offense. The Board of Selectmen may also enforce the provisions of this By-law in equity in a Court of competent jurisdiction. The Board of Selectmen may also revoke any Special Permit issued hereunder for violations of any terms thereunder.

K. This By-law shall be immediately effective and shall apply to all properties in Norfolk, including all those properties that have been altered, cleared or de-stabilized prior to the date that this by-law became effective.

At 11:00PM the Acting Town Clerk made a motion and it was seconded to adjourn the meeting to 7:30PM on Wednesday October 24, 2007 at the King Philip Middle School.

The motion was amended to Tuesday October 30, 2007 at the King Philip Middle School. The amended motion was accepted and so voted.

The second session of the Annual Town Meeting was called to order by the Moderator at 7:30pm on Tuesday, October 30, 2007. There were 90 registered voters in attendance. Sworn counters were Bruce Simpson and Robert Boucher.

ARTICLE 13

APPROVED BY COUNTED VOTE, 34-Yes to 22-No, to amend the Town of Norfolk Bylaws by deleting Section 4 of ARTICLE I, Fall Town Meeting.

ARTICLE 14

APPROVED BY VOICE VOTE to Indefinitely Postpone Article 14.

(a sum of money to raze the buildings and secure the site of land commonly known as the Buckley and Mann property).

ARTICLE 41 was brought forward at this time.

ARTICLE 41

APPROVED BY UNANIMOUS VOTE to accept as a General By-Law of the Town of Norfolk, as Article VII, section 7, the By-law Governing Post-construction Stormwater Management of New Developments and Redevelopments, as follows:

SECTION 7: POST-CONSTRUCTION STORMWATER MANAGEMENT OF NEW DEVELOPMENTS & REDEVELOPMENTS

Section 1. PURPOSE

Regulation of discharges to the municipal separate storm sewer system (MS4) is necessary for the protection of the Town of Norfolk's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. Increased and contaminated stormwater runoff associated with developed land uses and the accompanying increase in impervious surface are major causes of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;

1. impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater,
2. contamination of drinking water supplies,
3. erosion of stream channels;
4. alteration or destruction of aquatic and wildlife habitat; and
5. flooding.

Therefore, this bylaw establishes stormwater management standards for the final conditions that result from development and redevelopment projects to minimize adverse impacts offsite and downstream which would be born by abutters, townspeople and the general public.

The objectives of this by-law are:

1. To require practices to control the flow of stormwater from new and redeveloped sites into the Town of Norfolk storm drainage system in order to prevent flooding and erosion;
2. To protect groundwater and surface water from degradation;
3. To promote groundwater recharge;
4. To prevent pollutants from entering the town's municipal separate storm sewer system (MS4) and to minimize discharge of pollutants from the MS4;
5. To ensure adequate long-term operation and maintenance of structural stormwater best management practices so that they work as designed;
6. To comply with state and federal statutes and regulations relating to stormwater discharges; and
7. To establish the Town of Norfolk's legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

Section 2. DEFINITIONS

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge, change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

THE BOARD – Town of Norfolk Planning Board.

CLEARING: Any activity that removes the vegetative surface cover.

DEVELOPMENT: The modification of land to accommodate a new use or expansion of use, usually involving construction.

DISTURBANCE OF LAND: Any action that causes a change in the position, location, or arrangement of soil, sand rock, gravel or similar earth material.

GRADING: Changing the level or shape of the ground surface.

GRUBBING: The act of clearing land surface by digging up roots and stumps.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and roof tops.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity and quality of runoff from a site.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Norfolk.

NORMAL MAINTENANCE: Includes activities generally recognized as tasks relating to the use of fertilizers, compost materials and other soil amendments; mowing and brush cutting; maintenance and repair of existing fences; and the cleaning, clearing, repairing or restoring of existing man-made or natural water management systems, such as ditches, channels, or other waterways. In all cases, normal maintenance does not include placing fill, or dredging water bodies.

OPERATION AND MAINTENANCE PLAN: A plan establishing the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to insure that it continues to function as designed.

OUTFALL: The point at which stormwater flows out from a point source discernible, confined and discrete conveyance into waters of the Commonwealth.

OUTSTANDING RESOURCE WATERS (ORWs): Waters designated by Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00) and the Massachusetts Stormwater Management Standards. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.

OWNER: A person with a legal or equitable interest in property.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

STORMWATER MANAGEMENT PLAN: A plan required as part of the application for a Stormwater Management Permit. See Section 7.

STORMWATER: Storm water runoff, snow melt runoff, and surface water runoff and drainage.

TSS: Total Suspended Solids.

Section 3. AUTHORITY

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

Section 4. APPLICABILITY

A. No person may undertake a construction activity, including clearing, grading and excavation that results in a land disturbance that will disturb equal to or greater than one acre of land, or will disturb less than one acre but is part of a larger plan of development that will ultimately disturb equal to or greater than one acre of land, without a permit from the Planning Board. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or the original purpose of the site.

B. Exemptions

Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04;

Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling;

The construction of fencing that will not substantially alter existing terrain or drainage patterns;

Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns;

As authorized in the Phase II Small MS4 General Permit for Massachusetts, storm water discharges resulting from the activities identified in Section 4 that are wholly subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Storm Water Management Policy as

reflected in an Order of Conditions issued by the Conservation Commission is exempt from compliance with this bylaw.

Section 5. ADMINISTRATION

A. The Planning Board shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Board may be delegated in writing by the Board to its employees or agents. Specifically, the Board relies upon the Department of Public Works (DPW) for the review of technical and engineering documentation required under this by-law. All projects meeting the requirements will be processed and administered through the Planning Board.

B. Rules and Regulations. The Planning Board may adopt, and periodically amend, rules and regulations relating to the procedures and administration of this Stormwater Management By-law, by majority vote of the Board, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least seven (7) days prior to the hearing date.

Section 6. PERMITS and PROCEDURE

A. Filing Application. The site owner or his agent shall file with the Planning Board hereinafter the Board, twelve (12) copies of a completed application package for a Stormwater Management Permit (SMP). Permit issuance is required prior to any site altering activity. While the applicant can be a representative, the permittee must be the owner of the site. The SMP Application package shall include:

Completed Application Form with original signatures of all owners;

List of abutters, certified by the Assessors Office;

One (1) copy of the Stormwater Management Plan and project description as specified in Section 7.A.;

One (1) copy of the Operation and Maintenance Plan as required by Section 8 of this bylaw;

Payment of the application and review fees.

Applicant shall file one (1) original Application Form, the Stormwater Management Plan, the Operation & Maintenance Plan, and the list of abutters with the Town Clerk.

B. Entry. Filing an application for a permit grants the Board, or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with the resulting permit.

C. Other Boards. The Board shall give one copy of the application package to each of the other relevant boards, including Conservation Commission, Department of Public Works, Board of Health, and Building Department.

D. Fee Structure. The Board shall obtain with each submission an Application Fee established by the Board to cover expenses connected with the public hearing and application review of the Stormwater Management Permit and a technical Review Fee sufficient to cover professional review. The Board is authorized to retain a Registered Professional Engineer or other professional consultant to advise the Board on any or all aspects of these plans. Applicants must pay review fees before the review process may begin.

E. Public Hearing. The Board shall hold a public hearing within forty-five (45) days of the receipt of a complete application and shall take final action within twenty-one (21) days from the close of the hearing unless such time is extended by agreement between the applicant and the Planning Board. Notice of the public hearing shall be given by publication in a local paper of general circulation, by posting and by first-class mailings to abutters at least seven (7) days prior to the hearing.

F. Actions. The Board's action, rendered in writing, shall consist of either:

Approval of the Stormwater Management Permit Application based upon determination that the proposed plan meets the Standards in Section 7 and will adequately protect the water resources of the community and is in compliance with the requirements set forth in this by-law;

Approval of the Stormwater Management Permit Application subject to any conditions, modifications or restrictions required by the Board which will ensure that the project meets the Standards in Section 7 and adequately protect water resources, set forth in this by-law;

Disapproval of the Stormwater Management Permit Application based upon a determination that the proposed plan, as submitted, does not meet the Standards in Section 7 or adequately protects water resources, as set forth in this by-law.

H. Failure of the Board to take final action upon an Application within the time specified above shall be deemed to be approval of said Application. Upon certification by the Town Clerk that the allowed time has passed without Board action, the Board must issue a Stormwater Management Permit.

I. The permittee, or their agent, shall notify the Board in writing of any change or alteration of a land-disturbing activity authorized in a Stormwater Management Permit before any change or alteration occurs. If the Board determines that the change or alteration is significant, based on the design requirements listed in Section 7A and accepted construction practices, the Board may require that an amended Stormwater Management Permit application be filed and a public hearing held. If any change or deviation from the Stormwater Management Permit occurs during a project, the Board may require the installation of interim measures before approving the change.

J. Project Completion. At completion of the project the permittee shall submit as-built record drawings of all structural stormwater controls and treatment best management practices required for the site. The as-built drawing shall show deviations from the approved plans, if any, and be certified by a Registered Professional Engineer.

Section 7. STORMWATER MANAGEMENT PLAN

A. The application for a stormwater management permit shall consist of submittal of a Stormwater Management Plan to the Board. This Stormwater Management Plan shall contain sufficient information for the Board to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The Plan shall be designed to meet the Massachusetts Stormwater Management Standards as set forth in Part B of this section and DEP Stormwater Management Handbook Volumes I and II. The Stormwater Management Plan shall fully describe the project in drawings, and narrative. It shall include:

A locus map,

The existing zoning, and land use at the site,

The proposed land use,

The location(s) of existing and proposed easements,

The location of existing and proposed utilities,

The site's existing & proposed topography with contours at 2 foot intervals,

The existing site hydrology,

A description & delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows.

A delineation of 100-year flood plains, if applicable

Estimated seasonal high groundwater elevation in areas to be used for stormwater retention, detention, or infiltration.

The existing and proposed vegetation and ground surfaces with runoff coefficient for each,

A drainage area map showing pre and post construction watershed boundaries, drainage area and stormwater flow paths,

A description and drawings of all components of the proposed drainage system including:

locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization;

all measures for the detention, retention or infiltration of water;

all measures for the protection of water quality;

the structural details for all components of the proposed drainage systems and stormwater management facilities;

notes on drawings specifying materials to be used, construction specifications, and typicals, and expected hydrology with supporting calculations.

Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable.

Timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization, (an approved Erosion and Sediment Control Plan, as described in the Subdivision Rules and Regulations Section 5.3(6) is understood to meet the requirements of this section.)

A maintenance schedule for the period of construction, and

Any other information requested by the Board.

B. Standards

All projects at a minimum shall meet the stormwater runoff control standards of the Massachusetts Stormwater Management Policy, which are as follows:

No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or water of the Commonwealth.

Stormwater management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.

Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from the post-development site should approximate the annual recharge rate from the pre-development or existing site conditions, based on soil types.

For new development, stormwater management systems must be designed to remove 80% of the average annual load (post development conditions) of Total Suspended Solids (TSS). It is presumed that this standard is met when:

Suitable nonstructural practices for source control and pollution prevention and implemented;

Stormwater management best management practices (BMPs) are sized to capture the prescribed runoff volume; and

Stormwater management BMPs are maintained as designed.

Stormwater discharges from areas with higher potential pollutant loads require the use of specific stormwater management BMPs (see Stormwater Management Volume I: Stormwater Policy Handbook). The use of infiltration practices without pretreatment is prohibited.

Stormwater discharges to critical areas must utilize certain stormwater management BMPs approved for critical areas (see Stormwater Management Volume I: Stormwater Policy Handbook). Critical areas are Outstanding Resource Waters (ORWs), shellfish beds, swimming beaches, cold water fisheries and recharge areas for public water supplies.

Redevelopment of previously developed sites must meet the Stormwater Management Standards to the maximum extent practicable. However, if it is not practicable to meet all the Standards, new (retrofitted or expanded) stormwater management systems must be designed to improve existing conditions.

Erosion and sediment controls must be implemented to prevent impacts during disturbance and construction activities.

All stormwater management systems must have an operation and maintenance plan to ensure that systems function as designed.

Section 8. OPERATION AND MAINTENANCE PLANS

An Operation and Maintenance plan (O&M Plan) is required at the time of application for all projects. The maintenance plan shall be designed to ensure compliance with the Permit, this Bylaw and that the Massachusetts Surface Water Quality Standards, 314, CMR 4.00 are met in all seasons and throughout the life of the system. The Board shall make the final decision of what maintenance option is appropriate in a given situation. The Board will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. The Operation and Maintenance Plan shall remain on file with the Board and shall be an ongoing requirement. The O&M Plan shall include:

A. The name(s) of the owner(s) for all components of the system

B. Maintenance agreements that specify:

The names and addresses of the person(s) responsible for operation and maintenance

The person(s) responsible for financing maintenance and emergency repairs.

A Maintenance Schedule for all drainage structures, including swales and ponds.

A list of easements with the purpose and location of each.

The signature(s) of the owner(s).

C. Stormwater Management Easement(s).

Stormwater management easements shall be provided by the property owner(s) as necessary for:

access for facility inspections and maintenance,

preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event.

direct maintenance access by heavy equipment to structures requiring regular cleanout.

The purpose of each easement shall be specified in the maintenance agreement signed by the property owner.

Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Board.

Easements shall be recorded with the Norfolk County Registry of Deeds prior to issuance of a Certificate of Completion by the Board.

D. Changes to Operation and Maintenance Plans

The owner(s) of the stormwater management system must notify the Board of changes in ownership or assignment of financial responsibility.

The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this by-law by mutual agreement of the Board and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties. Responsible Parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility.

Section 9. SURETY

The Board may require the permittee to post before the start of land disturbance or construction activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by town counsel, and be in an amount deemed sufficient by the Board to ensure that the work will be completed in accordance with the permit. If the project is phased, the Board may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Board has received the final inspection report as required by Section 10 and issued a Certificate of Completion.

Section 10. INSPECTIONS

The Board shall inspect the project site at the following stages:

A. Initial Site Inspection: prior to approval of any plan.

B. Erosion Control Inspection: to ensure erosion control practices are in accord with the filed plan.

C. Bury Inspection: prior to backfilling of any underground drainage or stormwater conveyance structures.

D. Final Inspection. After the stormwater management system has been constructed and before the surety has been released, the applicant must submit a record plan detailing the actual stormwater management system as installed. The Board shall inspect the system to confirm the "as-built" features. This inspector shall also evaluate the effectiveness of the system in an actual storm. If the inspector finds the system to be adequate he shall so report to the Board which will issue a Certificate of Completion.

If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the Stormwater Management Plan, it shall be corrected by the permittee before the performance guarantee is released. If the permittee fails to act the Town of Norfolk may use the surety bond to complete the work. Examples of inadequacy shall be limited to: errors in the infiltrative capability, errors in the maximum groundwater elevation, failure to properly define or construct flow paths, or erosive discharges from basins.

Section 11. WAIVERS

A. The Board may waive strict compliance with any requirement of this by-law or the rules and regulations promulgated hereunder, where:

such action is allowed by federal, state and local statutes and/or regulations,

is in the public interest, and

is not inconsistent with the purpose and intent of this by-law.

B. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the by-law does not further the purposes or objectives of this bylaw.

C. All waiver requests shall be discussed and voted on at the close of the public hearing for the project.

Section 12. CERTIFICATE OF COMPLETION

The Board will issue a letter certifying completion upon receipt and approval of the final inspection reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this bylaw.

Section 13. ENFORCEMENT

A. The Board or an authorized agent of the Board shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

B. Orders

The Board or an authorized agent of the Board may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include requirements to:

cease and desist from construction or land disturbing activity until there is compliance with the by-law and the stormwater management permit;

repair, maintain; or replace the stormwater management system or portions thereof in accordance with the operation and maintenance plan.

perform monitoring, analyses, and reporting;

remediate adverse impact resulting directly or indirectly from malfunction of the stormwater management system.

If the enforcing person determines that abatement or remediation of adverse impacts is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the town may, at its option, undertake such work, and the property owner shall reimburse the town's expenses.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Board within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57, after the thirty-first day at which the costs first become due.

C. Criminal Penalty. Any person who violates any provision of this by-law, or regulation, order or permit issued thereunder by indictment or complaint brought to the Superior Court, Housing Court or Worcester District Court, shall be punished by a fine of not more than \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

D. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the town may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D and [insert citation town enabling vote/bylaw (if applicable)] of the Town of Norfolk, in which case [the insert title or other authorized agent] of the town] shall be the enforcing person. Specific penalty fees for violations will be established as part of the rules and regulations.

E. Appeals

The decisions or orders of the Board shall be final. Further relief shall be to a court of competent jurisdiction.

F. Remedies Not Exclusive

The remedies listed in this by-law are not exclusive of any other remedies available under any applicable federal, state or local law.

Section 14. SEVERABILITY

If any provision, paragraph, sentence, or clause of this by-law shall be held invalid for any reason, all other provisions shall continue in full force and effect.

ARTICLE 15

It was moved and seconded to authorize the Board of Selectmen to advertise in a local newspaper and sell at public sale, as it may deem in the best interests of the Town, "Old Town Hall" otherwise known as the property located at 100 Main Street or a portion of said property, 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 costs incidental to such sale, including, without limitation, recording fees, documentary stamps and auctioneer's fees, if required

The Motion FAILED as it did not receive the required 2/3 vote, as called by the Moderator.

ARTICLE 16

APPROVED BY 2/3 VOTE, called by the Moderator, to appropriate an amount not to exceed five hundred and fifty thousand dollars (\$ 550,000.00) from the Community Preservation Fund Open Space and Undesignated accounts to purchase approximately 44 acres of land around and including Highland Lake and any costs and fees incidental thereto. Said property is shown on Assessors Map 22, section 73 as lots 18, 34, 35 and 51 as further described on a "Plan of Land in Norfolk, Mass" prepared by Landmark Engineering of New England, Inc. and dated March 16, 1988 and is to be acquired for Community Preservation purposes as defined in G.L. c. 44B, § 1 as conservation and passive recreational uses.

ARTICLE 17

APPROVED BY VOICE VOTE to Indefinitely Postpone Article 17.
(salary and compensation of the Norfolk Public School Committee members).

ARTICLE 18

APPROVED BY VOICE VOTE to transfer the sum of \$20,129.00 from the Department of Public Works Water Division Retained Earnings to fund the reimbursement for water service overpayment.

ARTICLE 19

APPROVED BY VOICE VOTE to transfer the sum of \$6,341.00 from the Department of Public Works Water Division Retained Earnings to fund testing for the Leak Detection.

ARTICLE 20

APPROVED BY 2/3 VOTE, called by the Moderator, to appropriate the sum of \$887,248.00 for the Department of Public Works Water Division, to pay costs of extending the water main 2,200 l.f. +/- on Park Street and 1,300 l.f. +/- on Bush Pond Road; that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 8(5) of the General Laws, or pursuant to any other enabling authority and to issue bonds or notes of the Town therefore; that the appropriate officials of the Town are authorized to apply for and accept any State and Federal Grants and reimbursements that become available in connection therewith, and that betterments shall be assessed to pay costs of this project in conjunction with the Betterment Act of 1991, 30% residential contribution and 70% Department of Public Works Water Division contribution.

ARTICLE 21

APPROVED BY VOICE VOTE to authorize the Board of Selectmen to enter into an Intermunicipal Agreement with the Town of Wrentham pursuant to Massachusetts General Laws, Chapter 40, Section 4A, and said Agreement to include provisions for the purpose of billing, collecting and maintaining the water systems for municipal water services located on Forest Grove Avenue, Spruce Road and Park Street in the Town of Norfolk.

ARTICLE 22

APPROVED BY VOICE VOTE to authorize the Board of Selectmen to enter into an Intermunicipal Agreement with the Town of Walpole pursuant to Massachusetts General Laws, Chapter 40, Section 4A, and said Agreement to include provisions for the purpose of billing, collecting and maintaining the water systems for municipal water services located on Highland Lake Drive, Campbell Street and Daisy Drive in the Town of Norfolk.

ARTICLE 23

APPROVED BY VOICE VOTE to authorize the Board of Selectmen to enter into an Intermunicipal Agreement with the Town of Foxboro pursuant to Massachusetts General Laws, Chapter 40, Section 4A, and said Agreement to include provisions for the purpose of billing, collecting and maintaining the water systems for municipal water services located on Pine Street in the Town of Norfolk.

ARTICLE 24

Reports were given by the Economic Development Committee, the Medical Reserve Corp., and the Board of Selectmen.

A resident requested that the Cable Advisory Committee, through the Board of Selectmen, be instructed not enter into an exclusive agreement with Comcast.

ARTICLE 25

It was moved and seconded to move “Small wastewater treatment facilities as regulated by the Town Board of Health” in the Norfolk Zoning Bylaw Section I.7.b Special Permit Uses by the Zoning Board of Appeals to Section I.7.a Allowed Uses.

On a counted vote of 35-Yes to 22-No, this motion FAILED. It did not receive the required 2/3 vote (38 Yes required).

ARTICLE 26

It was moved and seconded to move “Small wastewater treatment facilities as regulated by the Town Board of Health” in the Norfolk Zoning Bylaw Section K.7.b Special Permit Uses by the Zoning Board of Appeals to Section K.7.a Allowed Uses.

On a counted vote of 32-Yes to 22-No, this motion FAILED. It did not receive the required 2/3 vote (36 Yes required).

ARTICLE 27

It was moved and seconded to move “Small wastewater treatment facilities as regulated by the Town Board of Health” in the Norfolk Zoning Bylaw Section L.7.b Special Permit Uses by the Zoning Board of Appeals to Section L.7.a Allowed Uses.

This motion FAILED to receive the required 2/3 vote, called by the Moderator.

ARTICLE 28

It was moved and seconded to add “Small wastewater treatment facilities as regulated by the Town Board of Health” in the Norfolk Zoning Bylaw Section J.7.a.1.A Allowed Uses.

This motion FAILED to receive the required 2/3 vote, called by the Moderator.

ARTICLE 29

APPROVED BY UNANIMOUS VOTE to remove the word “rock” in the Norfolk Zoning Bylaw Section F.9.a.17.

ARTICLE 30

APPROVED BY VOICE VOTE to Indefinitely Postpone Article 30.
(to amend Section F.9.b. Schedule of Sign Regulations)

ARTICLE 31

APPROVED BY UNANIMOUS VOTE to amend Section I.6.a of the Zoning Bylaws, Town Center District (B-1), Shared Parking, to delete the phrase “the same side of any” before the term “street” and insert “within the” after the words parking spaces and insert “of the entrance of the principal BUILDING, STRUCTURE, or use of the premises” after the words “450 feet”.

ARTICLE 32

APPROVED BY UNANIMOUS VOTE to amend Section B of the Zoning Bylaws, Definitions, to insert in the definition of the term “Lot”: “Except as otherwise provided herein, “at the beginning of the definition, before “a parcel...”.

ARTICLE 33

APPROVED BY UNANIMOUS VOTE to Indefinitely Postpone Article 33.
(to amend section J.4.b.1.B.3 by changing “1,000 square feet” to “5,000 square feet”).

ARTICLE 34

APPROVED BY UNANIMOUS VOTE to Indefinitely Postpone Article 34.
(to amend section I.4.b.2.B by amending “(B) Minimum front YARD setback: none” to read as follows: (B) Minimum front YARD setback: BUILD-TO LINE).

**At 11:00PM the Acting Town Clerk made a motion and it was seconded to adjourn the meeting to 7:30PM on Monday, November 5, 2007 at the H O Day School.
The motion passed unanimously.**

The third session of the Annual Town Meeting was called to order by the Moderator at 7:30pm on Monday, November 5, 2007. The Pledge of Allegiance was led by members of the Roake family. There were 37 registered voters in attendance.

Two members of the Norfolk Police Department were recognized for their recent promotions: **Kevin Roake** was promoted to Sergeant and received his Sergeant’s pin which was presented to him by his spouse. Sergeant Roake was commended for his hard work and dedication to his job by Police Chief Charles Stone.
Eric VanNess was promoted to detective and was also commended for his hard work and dedication by Police Chief Charles Stone.

ARTICLE 35

APPROVED BY UNANIMOUS VOTE to amend section I.4.b.2.D of the Zoning Bylaw by amending “(D) Maximum LOT COVERAGE: 80 percent* or 60 percent;” to read as follows: (D) Maximum LOT COVERAGE: 80 percent.

ARTICLE 36

APPROVED BY 2/3 VOTE called by the Moderator to amend section I.4.b.3.D of the Zoning Bylaw by amending “(D) Maximum LOT COVERAGE: 60 percent* or 40 percent;” to read as follows: (D) Maximum LOT COVERAGE: 60 percent.

ARTICLE 37

APPROVED BY 2/3 VOTE called by the Moderator to add to the Zoning Bylaw the following: “Mixed use comprised of any of the Allowed uses” to section J.7.a.1.A Allowed Uses.

ARTICLE 38

APPROVED BY 2/3 VOTE called by the Moderator to add to the Zoning Bylaw the following “Mixed use comprised of any of the Allowed uses” to section K.7.a. Allowed Uses.

ARTICLE 39

APPROVED BY 2/3 VOTE called by the Moderator to add to the Zoning Bylaw the following “Mixed use comprised of any of the Allowed uses” to section L.7.a. Allowed Uses.

ARTICLE 40

APPROVED BY VOICE VOTE to endorse the Master Plan for the Town of Norfolk for the Town as most recently adopted by the Planning Board.

(ARTICLE 41 was previously acted upon)

ARTICLE 42

APPROVED BY 2/3 VOTE called by the Moderator to amend Section F.9.b.1.c.4 of the Zoning Bylaw by adding the following: Such signs advertising multiple businesses in one or more buildings may be combined into a single structure by special permit, provided that none shall exceed 12 square feet, except by special permit, and the total area of all signs, excluding the supporting structure but including mounting surfaces, shall not exceed 100 square feet per side.

ARTICLE 43

APPROVED BY 2/3 VOTE called by the Moderator to amend section J.4.b.1.D. of the Zoning Bylaw by amending the residential setback requirement to be 50 feet from 150 feet.

ARTICLE 44

APPROVED BY 2/3 VOTE called by the Moderator to amend section F.7.a. of the Zoning Bylaw to replace the special permit granting authority from the Zoning Board of Appeals to the Planning Board for a reduction in required parking.

ARTICLE 45

APPROVED BY UNANIMOUS VOTE to accept a gift of land or take by eminent domain pursuant to Chapter 79 of the General Laws, and further to accept as a public way and to accept all easements, a portion of Liberty Lane, from Union Street to Liberty Lane for a distance of 210 linear feet, more or less, as approved by the Board of Selectmen as shown on the acceptance plan dated September 13, 2006, revised October 19, 2007, drawn by Coler & Colantonio, Inc. of Norwell, Massachusetts; and further to authorize the Board of Selectmen to acquire from the County of Norfolk any interest in land associated with the former county layout of North Street and to release or convey such interests as may no longer be needed for roadway purposes to the abutters of said street.

ARTICLE 46

It was moved and seconded to accept a gift of land or take by eminent domain pursuant to Chapter 79 of the General Laws and further to accept as a public way and to accept all easements, Sherwood Drive a distance of 1100 +/- feet, from Pond Street to the end of the cul-de-sac, as shown on the acceptance plan dated November 27, 1985, drawn by Landmark Engineering of New England, Inc. of Wrentham, Massachusetts.

It was moved and seconded to amend the main motion and Indefinitely Postpone Article 46.

APPROVED BY VOICE VOTE to accept the amended motion.
APPROVED BY VOICE VOTE to Indefinitely Postpone Article 46.

ARTICLE 47

It was moved and seconded to accept a gift of land or take by eminent domain pursuant to Chapter 79 of the General Laws and further to accept as a public way and to accept all easements, David Road a distance of 850 +/- feet, from Pond Street to the end of the cul-de-sac, as shown on the acceptance plan dated November 27, 1985, drawn by Landmark Engineering of New England, Inc. of Wrentham, Massachusetts.

It was moved and seconded to amend the main motion and Indefinitely Postpone Article 47.

APPROVED BY VOICE VOTE to accept the amended motion.
APPROVED BY VOICE VOTE to Indefinitely Postpone Article 47.

ARTICLE 48

APPROVED BY 2/3 VOTE called by the Moderator to accept a gift of land and further to accept as a public way and to accept all easements, Massachusetts Avenue, from Station 32 + 06.09 to 38 + 26.51 and running to the end of cul-de-sac terminus, as approved by the Board of Selectmen as shown on the acceptance plan dated September 11, 2006 drawn by Dunn-McKenzie, Inc. of Norfolk, Massachusetts and as further described in documents entitled, "Land Description of Massachusetts Avenue – Christina Estates" dated September 2005 and September 11, 2006, provided, however, that this vote shall not take effect until the instruments conveying the necessary property interests in such way and the easements appurtenant thereto have been accepted by the Board of Selectmen and recorded at the Norfolk County Registry of Deeds, said recording to occur not late than 120 days from the date of this vote.

ARTICLE 49

APPROVED BY 2/3 VOTE called by the Moderator to accept a gift of land and further to accept as a public way and to accept all easements, Willow Place, from Massachusetts Avenue to Applewood Road, as approved by the Board of Selectmen as shown on the acceptance plan dated August 9, 2007 drawn by Dunn-McKenzie, Inc. of Norfolk, Massachusetts and as further described in documents entitled, "Land Description of Massachusetts Avenue – Christina Estates" dated September 2005 provided, however, that this vote shall not take effect until the instruments conveying the necessary property interests in such way and the easements appurtenant thereto have been accepted by the Board of Selectmen and recorded at the Norfolk County Registry of Deeds, said recording to occur not late than 120 days from the date of this vote.

ARTICLE 50

APPROVED BY 2/3 VOTE called by the Moderator to accept a gift of land and further to accept as a public way and to accept all easements, Applewood Road, from Massachusetts Avenue to the end of cul-de-sac, as approved by the Board of Selectmen as shown on the acceptance plan dated February 27, 2004 drawn by Dunn-McKenzie, Inc. of Norfolk, Massachusetts and as further described in documents entitled, "Land Description of Applewood Road – Christina Estates" dated August 2006, provided, however, that this vote shall not take effect until the instruments conveying the necessary property interests in such way and the easements appurtenant thereto have been accepted by the Board of Selectmen and recorded at the Norfolk County Registry of Deeds, said recording to occur not late than 120 days from the date of this vote.

ARTICLE 51

APPROVED BY 2/3 VOTE called by the Moderator to accept a gift of land or take by eminent domain pursuant to Chapter 79 of the Massachusetts General Laws, a parcel of land identified as "Parcel A" (containing 567,072 square feet of land, more or less) for the purpose of open space conservation and public passive recreation; a parcel of land identified as "Parcel B" (containing 400,789 square feet of land, more or less) for the purpose of open space conservation and public passive recreation; "Parcel C" (containing 444,493 square feet of land, more or less); Parcel F (containing 7,133 square feet of land, more or less) for emergency access from Turner Lane to the subdivision roadway known as "Massachusetts Avenue"; Parcel G for drainage purposes; and further described on sheets 1D – 12D of a definitive plan entitled "Christina Estates" by Dunn-McKenzie, Inc. revised most recently on November 20, 1998 and recorded at the Norfolk County Registry of Deeds as Plan No. 38 of 1999 in Plan Book 462 on January 15, 1999. These parcels are also described in those attachments hereto, identified as Attachments "Land Description of Open Space Parcel B - Christina Estates - Norfolk" dated August, 2004, "Land Description of Open Space Parcel C - Christina Estates - Norfolk" dated August, 2004. – Quitclaim Deed for Parcel F and Quitclaim Deed for Parcel G.

ARTICLE 52

It was moved and seconded to accept a gift of land and further to accept as a public way and to accept all easements, Berry Lane a distance of 650 +/- feet, from Park Street to the end of cul-de-sac, as approved by the Board of Selectmen as shown on the acceptance plan dated January 15, 1992 drawn by Landmark Engineering of New England, Inc. of Wrentham, Massachusetts and as further described in documents entitled, "Legal Description of Berry Lane" in Norfolk, Massachusetts" along with a parcel of land identified as "Future Roadway" on the Acceptance Plan entitled "Acceptance Plan of Berry Lane" by Landmark Engineering of New England, Inc. dated January 15, 1992; for the purpose of ensuring that it is available for use as a future roadway connecting Berry Lane with abutting property.

It was moved and seconded to amend the main motion and Indefinitely Postpone Article 52.

APPROVED BY VOICE VOTE to accept the amended motion.

APPROVED BY VOICE VOTE to Indefinitely Postpone Article 52.

All articles on the Warrant having been acted upon, it was moved, seconded and voted to dissolve this Annual Town Meeting at 8:10PM.

Respectfully Submitted,

Gail E. Bernardo, Acting Town Clerk