

FALL TOWN MEETING WARRANT

NORFOLK, ss.

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

GREETINGS:

You are required in the name of the Commonwealth of Massachusetts to notify and warn the inhabitants of Norfolk, qualified to vote in Town affairs residing in Precincts 1, 2, and 3, to meet on Thursday, the 29th day of November, 2012, at 7:00 p.m. at the Freeman-Kennedy School, 70 Boardman 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, 2013; or take any other action relative thereto.

ARTICLE 2

Submitted by the Board of Selectmen

To see if the Town will vote to raise and appropriate or transfer from any available source of funds, a sum of money to pay unpaid bills of a prior year pursuant to Massachusetts General Laws Chapter 44, Section 64; or take any other action relative thereto.

ARTICLE 3

Submitted by the Board of Selectmen

To see if the Town will vote to appoint any committee, or hear or act on the report of any committee or town officer, or instruct any committee or town officer; or take any other action relative thereto.

ARTICLE 4

Submitted by the Board of Selectmen

To see if the Town will vote to transfer from Free Cash, \$500,000 to the Stabilization Fund; or take any other action relative thereto.

ARTICLE 5

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 6

Submitted by the Board of Selectmen

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; or take any other action relative thereto.

ARTICLE 7

Submitted by the Board of Selectmen

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

No person shall hunt on Town owned lands without the permission of the Board of Selectmen. A hunter will be allowed on private property with the written permission of the property owner. Each property owner who wishes to allow hunting on their property must file written notification in person with the Norfolk Police Department. It is the responsibility of all duly licensed hunters to register with the Norfolk Police Department each day that they intend to hunt, to ascertain the location of properties where hunting is prohibited and to not exceed said boundaries.

Violations of this bylaw shall be punishable by a fine of \$100 for the first violation and \$300 for each subsequent 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.

This bylaw is not intended to apply to nuisance trapping and/or control.

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 8

Submitted by the Planning Board

To see if the Town will vote to amend Section H.3 AFFORDABLE HOUSING DEVELOPMENT of the Zoning Bylaw, as set forth below, by inserting the provisions shown that are underlined, with the text not being changed shown for informational purposes only.

H.3.e.1 Provisions Applicable to Affordable Housing Units On- and Off-Site:

1. Siting of affordable units. All affordable units constructed or rehabilitated under this bylaw shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units. The affordable units shall be located within the subdivision unless otherwise waived by the SPGA. If such a waiver is granted, it shall be subject to H.3.f (provision of Affordable Housing Units Off-Site). The affordable units shall not be replaced with Market Rate units within the subdivision unless the developer demonstrates, to the satisfaction of the SPGA, that doing so will create a clear benefit to the Town.

H.3.f Provision of Affordable Housing Units Off-Site:

1. As an alternative to the requirements of Section H.3.e, an applicant subject to the bylaw may develop, construct or otherwise provide affordable units equivalent to those required by Section H.3.d off-site. All requirements of this bylaw that apply to on-site provision of affordable units, shall apply to provision of off-site affordable units. In addition, the location of the off-site units to be provided shall be approved by the SPGA as an integral element of the Special Permit review and approval process. If off-site affordable units are approved, the SPGA may allow replacement of affordable units on-site with equivalent Market Rate units if the developer demonstrates, to the satisfaction of the SPGA, that doing so will create a clear benefit to the Town.

or take any other action relative thereto.

ARTICLE 9

Submitted by Zoning Bylaw Study Committee

To see if the Town will vote to amend Section D.1.a of the Norfolk Zoning Bylaws; by changing the numbering from “D.1.a” to” D.1.a.1” and adding the phrase “For non-residential uses,” to the beginning of D.1.a.1, removing the word “Very” from the last sentence of D.1.a.1 and adding a new D.1.a.2 so that it reads as follows, with inserted text underlined and deleted text stricken:

D.1.a.1 For non-residential uses, ~~Land~~ clearing, excavation, filling, gravel removal, or other clear cutting of trees in anticipation of any use permitted or authorized by these Zoning Bylaws, Town Bylaws, and regulations of the Town of Norfolk and the Planning

Board, or laws of the Commonwealth is prohibited prior to issuance of all required approvals, permits, VARIANCES, licenses, and authorizations. ~~Very H~~ Limited clearing and excavation is permitted to obtain necessary survey and engineering data or other activities required to secure necessary permits.

D.1.a.2 Clearing, excavation, filling, gravel removal, or other clear cutting of trees prior to receiving a building permit may be performed on individual lots for SINGLE-FAMILY DWELLINGS within an approved subdivision, on a plan endorsed by the Planning Board as not subject to approval under the Subdivision Control Law, or otherwise legally in existence, but only in accordance with the provisions of the first paragraph of Section D.1. The cleared area must be stabilized by loaming and seeding or other method approved by the Building Commissioner within 90 days of the completion of the clearing, excavation, filling, gravel removal, or other clear cutting of trees unless construction activity is underway or has been authorized to commence during that time.

or take any other action relative thereto.

ARTICLE 10

Submitted by Zoning Bylaw Study Committee

To see if the Town will vote to amend Section I.4.a.11 Residential Density of the Norfolk Zoning Bylaws by deleting the word “sixteen” and replacing it with “thirty-two” so that it reads as follows, with inserted text underlined and deleted text stricken:

I.4.a.11 Residential Density. Residential DWELLING UNITS, except for ASSISTED LIVING FACILITIES, shall not have more than two bedrooms per unit. Residential densities, except for ASSISTED LIVING FACILITIES, shall not exceed the ratio of ~~sixteen~~ thirty-two bedrooms for any single LOT except by special permit. Residential densities for ASSISTED LIVING FACILITIES shall not exceed the ratio of 16 bedrooms per acre for any single LOT except by Special Permit by the Zoning Board of Appeals.

or take any other action relative thereto.

ARTICLE 11

Submitted by Zoning Bylaw Study Committee

To see if the Town will vote to amend Section I.7.a of the Norfolk Zoning Bylaws by deleting the words “provided that all said buildings are located within a PLANNED MULTILOT DEVELOPMENT; from the item “Residential DWELLING UNITS as part of . . . provided that all said buildings are located within a PLANNED MULTILOT DEVELOPMENT; so that it now reads as follows, with deleted text stricken:

Residential DWELLING UNITS as part of a commercial site plan where the square footage of residential dwelling units consists of 65% or less of the total combined square footage of the residential and commercial structure(s), provided that the commercial structure is constructed prior to residential occupancy. ~~and further provided that all said buildings are located within a PLANNED MULTILOT DEVELOPMENT~~

or take any other action relative thereto.

ARTICLE 12

Submitted by Zoning Bylaw Study Committee

To see if the Town will vote to amend Section I.4.a.6 Streetscape in the Norfolk Zoning Bylaws by adding the following: between the sentence “Outside the BUSINESS CORE, BUILDINGS shall not be more than 40 feet in height,” and “BUILDING HEIGHT shall not include flag poles, weather vanes, or cupolas.”:

BUILDING HEIGHT may be extended up to 46 feet for the purpose of accommodating pitched roof lines as approved as part of site plan review by the Planning Board, but in no case shall the height exceed 3 stories.

or take any other action relative thereto.

ARTICLE 13

Submitted by Zoning Bylaw Study Committee

To see if the Town will vote to amend Section **F.7.b SCHEDULE OF MINIMUM OFF-STREET PARKING REQUIREMENTS** of the Norfolk Zoning Bylaws by adding F.7.b.1.a for DWELLING UNITS other than SINGLE FAMILY DWELLINGS and requiring 1 space per unit as follows:

Permitted Uses	Minimum Number of Spaces
F.7.b.1.a. DWELLING UNIT, other than a SINGLE FAMILY DWELLING	1 per unit

or take any other action relative thereto.

ARTICLE 14

Submitted by Zoning Bylaw Study Committee

To see if the Town will vote to amend Section I.6.b of the Norfolk Zoning Bylaws by deleting the phrase “where an on-STREET space abuts the FRONTAGE of that LOT. Where an on-STREET space abuts more than one LOT, said space may be allocated to a particular LOT only if more than 66% of the space abuts that LOT.” And inserting in its place the following: “ in accordance with the provisions of Section I.6.a Shared Parking,” so that it reads as follows, with inserted text underlined and deleted text stricken:

I.6.b Attribution of Parking Spaces. Parking spaces may be considered as a part of the requisite parking allocated to a particular LOT or use, if those spaces are entirely on that LOT or the use of the spaces has been assured by assignment through easement or other legal guaranty. On-STREET parking, where allowed, may be considered as part of the requisite parking allocated to a LOT where an on-STREET space abuts the FRONTAGE of that LOT. ~~Where an on-STREET space abuts more than one LOT, said space may be~~

~~allocated to a particular LOT only if more than 66% of the space abuts that LOT. in accordance with the provisions of Section I.6.a Shared Parking.~~

or take any other action relative thereto.

ARTICLE 15

Submitted by Zoning Bylaw Study Committee

To see if the Town will vote to amend Section I.6.a of the Norfolk Zoning Bylaws by deleting the number “450” and replacing it with “500.”

or take any other action relative thereto.

ARTICLE 16

Submitted by Zoning Bylaw Study Committee

To see if the Town will vote to amend the Norfolk Zoning Map by adding the following parcel to the B-1 – Outside the Business Core district:

Map 14, Block 49, Lot 11

As shown on attached map

or take any other action relative thereto.

ARTICLE 17

Submitted by Planning Board

To see if the Town will vote to amend Section 1 Earth Removal of Article VII of the Town Bylaws by deleting the words “stockpiled or” from the first sentence of Section B. Applicability, and adding the phrase “or contiguous parcels under common ownership” so that it now reads as follows, with inserted text underlined and deleted text stricken:

B. Applicability: No earth shall be ~~stockpiled or~~ removed from any parcel of land or contiguous parcels under common ownership within the Town to another parcel either within or without the Town without a special permit except as follows:

and

adding to Section 4 of Section B the words “including construction on individual lots as well as of roadways” between the words “under construction,” and “provided that” so that it reads as follows, with inserted text underlined:

- 4) Moving and/or stockpiling of earth within a subdivision under construction, including construction on individual lots as well as

roadways, provided that any stockpiles shall not be located within 500 feet of any lot for which an occupancy permit has been granted;

or take any other action relative thereto.

ARTICLE 18

Submitted by Zoning Bylaw Study Committee

To see if the Town will vote to amend Section I.4. of the Norfolk Zoning Bylaws by adding a new Section I.4.c as follows:

I.4.c For PLANNED MULTI-LOT DEVELOPMENTS, the Planning Board may waive the dimensional requirements of Section I.4.b.2 and I.4.b.3 as part of the special permit approval process for a PMLD if it determines that APPLICANT has presented a comprehensive design concept meets all of the following standards:

1. The design fulfills the purpose of this Section I in terms of advancing the goals of the Master Plan.
2. The design addresses architectural detail, the location of buildings in relation to the access road and each other, general open space, local open space adjacent to buildings, pathways/sidewalks, any non-residential or common recreation or assembly facilities, and streetscape issues such as streetlights, street trees, sidewalks and landscaping,
3. All other requirements, including Residential Density, of Section I are met.
4. The comprehensive design concept provides greater quantifiable public benefits in terms of environmental and/or fiscal impacts or community amenities than a plan that meets the dimensional requirements. [e.g. less impervious surface, more public open space (perhaps with amenities), better vehicular and pedestrian access and circulation, energy consumption, use of sustainable materials, etc.]

or take any other action relative thereto.

ARTICLE 19

Submitted by Zoning Bylaw Study Committee

To see if the Town will vote to amend Section I.4.B.3 Outside the Business Core of the Zoning Bylaw, as set forth below, with inserted text underlined and deleted text stricken:

I.4.b.3 Outside the Business Core

- (A) BUILD-TO LINE: none;
- (B) Minimum front YARD setback: 25 feet for principle BUILDING;
- (C) Minimum LOT size: ~~8000~~ 4000 square feet* or 30,000 square feet;
- (D) Minimum LOT COVERAGE: 60 percent;

- (E) Minimum side YARD setbacks: zero (0) feet;
- (F) Minimum LOT FRONTAGE: 40 feet* or 100 feet; and
- (G) Minimum rear YARD setbacks: 10 feet.

*For PLANNED MULTILOT DEVELOPMENT

or take any other action relative thereto.

ARTICLE 20

Submitted by the Planning Board

To see if the Town will vote to amend the Norfolk Zoning Map by amending the Flood Plain overlay district to reflect the changes in the Flood Plain overlay district that were adopted by Article 38 at the Annual Town Meeting on May 8, 2012 as shown on a map entitled Floodplain Map, dated May 8, 2012, prepared for the Norfolk Planning Board by Professional Services, Corporation, PC,

or take any other action relative thereto.

ARTICLE 21

Submitted by the Board of Assessors

To see if the Town will vote to accept G.L. c. 59, Section 5N, authorizing the Board of Selectmen to establish a program to allow Veterans, as defined in clause Forty-third of Section 7 of Chapter 4, to volunteer to provide services to the Town in exchange for a reduction in the real property tax obligations of that veteran on the veteran's tax bills, in addition to any exemption or abatement to which that person is otherwise entitled, not to exceed \$1,000.00 and not to exceed the current minimum wage of the Commonwealth per hour; and further to see if the Town will vote to adjust the exemption by

- 1) allowing an approved representative for persons physically unable to provide such services to the Town; or
- 2) allowing the maximum reduction of the real property tax bill to be based on 125 volunteer service hours in a given year, rather than \$1,000.00;

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, Historical Reserve, an amount not to exceed \$17,800, to fund the continued restoration and preservation of the historic Pondville Cemetery Crypt, including steel door, grading, stone wall, and plantings; or take any other action relative thereto.

licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

(c) Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

(d) The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight A in the business or activity conducted in or on said property.

This section shall not apply to the following licenses and permits: open burning; section thirteen of chapter forty-eight; bicycle permits; section eleven A of chapter eighty-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, section twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of chapter one hundred and forty; fishing, hunting, trapping license, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty.

or take any other action relative thereto.

ARTICLE 27

Submitted by the Town Clerk

To see if the Town will vote to amend the Town of Norfolk General Bylaws by adding a new Article, sequentially numbered, to read as follows:

Article ____: Fee Schedule Relating to the Town Clerk

The following fees of the Town Clerk have been adopted by the Town Meeting:

FEE SCHEDULE

Bylaws / Regulations: (also available on website)

Subdivision Rules & Regulations (Planning Board)	\$45.00
Zoning bylaws	\$15.00
Zoning Map	\$10.00
Wetlands	\$5.00

Certified Copy of any record \$10.00

Genealogy Research fee – per state mandated guideline
(Currently hourly rate of lowest paid office employee per office and .20 per copy)

DBA Certificate filing	\$50.00
DBA change	\$25.00
DBA – List of current DBA’s	\$20.00

Dog License List of current licenses	\$35.00
Dog License, Male/Female – before May 1 st	\$15.00
Dog License, Spayed/Neutered – before May 1 st	\$10.00
Dog Kennel License up to 4 dogs	\$50.00
“ 5 to 9 dogs	\$100.00
“ 10 or more dogs	\$150.00

(*note: Kennel Licenses require Zoning Board approval prior to licensing)

***Dog late fee for license renewal after May 1st as follows:

A late fee of \$15.00 for the month of May and an increase of the late fee by \$5 per month through the end of the calendar year for a maximum fine of \$50 charged by owner.

General copies – per state mandated guidelines (currently .20 ea.)

Marriage Intentions filing fee	\$40.00
Re-issue certificate due to solemnizer error	\$25.00

Pole Locations (per pole) \$50.00

Residents List (over age 17) on disk	\$25.00
Street Listing Book (must sign log)	\$10.00
Voter Activity Report, per election (disk or email)	\$15.00
Voter List (disk or email)	\$25.00

Any mailed or on-line transactions may also be charged a postage and handling fee.

or take any other action relative thereto.