

**TOWN OF NORTON
ANNUAL TOWN MEETING
JUNE 8, 2009**

The Annual Town Meeting was called to order by Moderator William A. Gouveia at 7:00 PM at the Henri A. Yelle Elementary School Gym. He then led the Pledge of Allegiance to the Flag.

The Annual Town Meeting was Recessed at 8:00 PM for the Special Town Meeting and reconvened at 8:30 PM.

ARTICLE 2: Motion was made by Michael Thomas, Chairman of the Finance Committee that the Town appropriate from available funds that have been or may be allotted by the Commonwealth, the sum of \$420,484.00, or any other sum or sums so allotted, for the purpose of road and other municipal improvements within the Town of Norton which are eligible for reimbursement, subject to conditions detailed by Massachusetts Highway Department pursuant to Chapter 90, Section 34(2a), of the Massachusetts General Laws.

DECLARED VOTED BY THE MODERATOR

ARTICLE 3: Motion was made by Mr. Thomas that the Town transfer from the sum of \$25,000.00 from Free Cash for the purpose of the cyclical measure and list of all properties within the Town as mandated by the Department of Revenue.

DECLARED VOTED BY THE MODERATOR

ARTICLE 4: Motion was made by Mr. Thomas that the Town establish a revolving fund pursuant to Chapter 44, Section 53E-1/2, of the General Laws to allow the Board of Selectmen to receive fees and other funds associated with use of the property commonly known as the Wendell Jackson property and located at 237 Mansfield Avenue, Norton, Massachusetts, including but not limited to revenue resulting from leasing or licensing of the property, or public parking on the property for access to the Norton Reservoir, to be expended by the Board of Selectmen to a maximum of \$15,000.00 in Fiscal Year 2010 for expenses directly related to the use, rental, development, and maintenance of the property, including creating and providing access to the Norton Reservoir.

DECLARED VOTED BY THE MODERATOR

ARTICLE 5: Motion was made by Mr. Thomas that the Town establish a forestry revolving fund pursuant to Chapter 44, Section 53E-½, of the General Laws to allow the Norton Conservation Commission and Norton Tree Warden to receive fees and other funds in connection with the sale and harvest of timber, and other forestry products, from conservation and Town-owned land, to be expended by the Conservation Commission and the Tree Warden to a maximum of \$30,000.00 for Fiscal Year 2010, for the creation and implementation of Forest Stewardship Plans and other forestry projects within the Town of Norton.

DECLARED VOTED BY THE MODERATOR

ARTICLE 6: Motion was made by Mr. Thomas that the Town continue a revolving fund pursuant to Chapter 44, Section 53E-½, of the General Laws to allow the Norton Historical Commission to receive fees and other funds in connection with the sale of literature, products, or information designed to promote public education regarding the historical significance of the Town of Norton, to be expended by the Historical Commission to a maximum of \$4,000.00 for Fiscal Year 2010, for the creation, production, reproduction, and/or dissemination of literature, products, and information designed to promote public education regarding the historical significance of the town of Norton, including but not limited to the creation of coloring books and other materials intended to educate the public.

DECLARED VOTED BY THE MODERATOR

ARTICLE 7: Motion was made by Mr. Thomas that the Town continue a revolving fund pursuant to Chapter 44, Section 53E-½, of the General Laws to allow the Board of Health to receive revenue from home composting bin sales or donations to the Home Composting Bin Distribution Program and allow the Board of Health to expend such funds to a maximum of \$2,000.00 in Fiscal Year 2010 for the purchase of additional Compost Bins, advertising, administrative expenses, or other such expenses as are directly related to furthering the Town's Home Composting Bin Distribution Program, and, should funds remain in this account after demand for compost bins has been satisfied, such funds may be used for public education on home composting, or another solid waste program approved by MassDEP.

DECLARED VOTED BY THE MODERATOR

ARTICLE 8: Motion was made by Mr. Thomas that the Town continue a revolving fund pursuant to Chapter 44, Section 53E-½, of the General Laws to allow the Highway Department to receive fees for processing recycled materials, including but not limited to white goods, newspapers, tires, etc., and allow the Highway Superintendent to expend such funds to a maximum of \$10,000.00 in the fiscal year in support of recycling activities such as the operation of the Recycling Center; public education efforts;

seminars, workshops, information for the Highway Department; studies, and reports on recycling issues.

DECLARED VOTED BY THE MODERATOR

ARTICLE 9: Motion was made by Mr. Thomas that the Town continue a revolving fund pursuant to Chapter 44, Section 53E-½, of the General Laws to fund salaries and expenses related to the Norton Fire Department's Certified Hazardous Materials Technician(s), to receive funds from the Southeastern Massachusetts Fire Chief's Hazardous Materials Committee and other available sources for hazardous materials incidents attended by the Department's Hazardous Materials Technician(s), and to authorize the Department to expend up to \$10,000.00 per year from such fund during any fiscal year.

DECLARED VOTED BY THE MODERATOR

ARTICLE 10: Motion was made by Mr. Thomas that the Town transfer the sum of \$10,000.00 from the Water Pollution Abatement Trust Program Interest Earnings Account to support administrative costs of said program.

DECLARED VOTED BY THE MODERATOR

ARTICLE 11: Motion was made by Mr. Thomas that the Town adopt the following resolution: "Be it resolved that the Water Department continue to be operated under the provisions of the Mass. General Laws, Chapter 41, Section 69B, for the Fiscal Year 2010" and that the Town approve the Fiscal Year 2010 Water Department Budget in the amount of \$3,164,870.00 to be appropriated from Water Department Revenue and allocated as follows:

WATER DIVISION:

Salaries	\$ 636,251
Expenses	\$ 995,100
Town Reim Serv	\$ 218,000
Outstanding Debt	\$1,315,519
Total	\$3,164,870

DECLARED VOTED BY THE MODERATOR

ARTICLE 12: Motion was made by Mr. Thomas that the Town transfer the sum of \$127,499.00 from Free Cash for the Capital Improvements Fund established by the By-Law entitled "Capital Improvements Fund," from which appropriations may be made by a two-thirds vote at any Town Meeting.

Motion was made to Move the Question which was declared Voted by the Moderator.

ARTICLE 12

DECLARED VOTED BY THE MODERATOR

ARTICLE 13: Motion was made by Mr. Thomas that the Town approve the amount of \$206,865.00, by transferring the amount of \$113,200.00 from the Capital Improvements Account and \$93,665.00 from the Ambulance Reserve Account to purchase, or lease with an option to purchase for periods of time up to or in excess of three years, new and/or replacement capital items for various Town Departments as follows:

Cruiser Replacement (Two)		Police Department		\$ 56,000.00
Ambulance #2 Replacement (Year 3 of 3)		Fire Department		\$ 67,665.00
Defibrillators-3 (Year 1 of 1)		Fire Department		\$ 52,000.00
Multi-Purpose Vehicle (Year 2 of 5)		Highway		\$ 31,200.00

DECLARED VOTED BY 2/3 VOTE BY THE MODERATOR

ARTICLE 14: Motion was made by Mr. Thomas that the Town raise and appropriate the sum of \$44,095,003.00 for the purpose set forth in Article 14 to fund the Town's FY10 Operating Budget and to fix the salaries of all elected officials of the Town, all as presented in the Finance Committee's Report, these monies to be raised by taxation and appropriated, and further to transfer the sum of \$1,343,013.00 from the following funds:

Overlay Surplus	\$ 150,000.00
Water Reimbursement	\$ 218,000.00
Hicks Fund	\$ 100,000.00
Ambulance Receipts	\$ 400,000.00
Septic Betterments	\$ 62,013.00
Dog Fund	\$ 5,000.00
Wetlands Protection	\$ 8,000.00
Free Cash	\$ 400,000.00
 Total Transfers	 \$1,343,013.00

**FY 2010 Operating
Budget****NO.****Board of Selectmen
(122)**

Personal Service	510	\$47,301.00
Charges & Expenditures	570	\$3,850.00
Totals		\$51,151.00

Town Manager (123)

Personal Service	510	\$169,280.00
Charges & Expenditures	570	\$4,400.00
Totals		\$173,680.00

**Finance Committee
(131)**

Charges & Expenditures	570	\$2,700.00
Totals		\$2,700.00

Reserve Fund (132)

Appropriation		\$150,000.00
Transfers	502	
Totals		\$150,000.00

Town Accountant (135)

Personal Service	510	\$135,964.00
Purchase Of Services	520	\$22,000.00
Charges & Expenditures	570	\$3,098.00

Totals		\$161,062.00
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Assessors (141)

Personal Service	510	\$120,799.00
Charges & Expenditures	570	\$20,995.00

Totals		\$141,794.00
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**Treasurer/Collector
(147)**

Personal Service	510	\$201,600.00
Charges & Expenditures	570	\$51,665.00

Totals		\$253,265.00
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Legal Services (151)

Charges & Expenditures	520	\$80,000.00
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Totals		\$80,000.00
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Data Processing (155)

Personal Service	510	\$-
Charges & Expenditures	570	\$111,000.00

Totals		\$111,000.00
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Web Committee (156)

Charges & Expenditures	570	\$100.00
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Totals		\$100.00
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Tax Title Foreclosure (158)

Charges & Expenditures	570	\$40,000.00
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Totals	570	\$40,000.00
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Town Clerk (161)

Personal Service	510	\$84,689.00
Charges & Expenditures	570	\$2,650.00

Totals		\$87,339.00
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Elections (162)

Personal Service	510	\$550.00
Charges & Expenditures	570	\$17,232.00

Totals		\$17,782.00
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Conservation Comm (171)

Personal Services	510	\$94,878.00
Charges & Expenditures	570	\$10,775.00

Totals		\$105,653.00
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Planning Board (175)

Personal Services	510	\$80,140.00
Charges & Expenditures	570	\$3,550.00

Totals		\$83,690.00
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SE REG Plan & Econ Dev (176)

Assessment	560	\$2,914.00
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Totals		\$2,914.00
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Zoning Bd Of Appeals (177)

Charges & Expenditures	570	\$300.00
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Totals		\$300.00
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Municipal Bldg Maint (192)

Charges & Expenditures	570	\$268,936.00
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Totals		\$268,936.00
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Town Report (195)

Printing	520	\$3,000.00
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Totals		\$3,000.00
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**Postage -All Depts
(199)**

Charges & Expenditures	570	\$42,521.00
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Totals		\$42,521.00
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**Police Department
(210)**

Personal Service	510	\$2,085,697.00
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Charges & Expenditures	570	\$175,333.00
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Totals		\$2,261,030.00
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Fire Department (220)

Personal Service	510	\$2,517,163.00
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Charges & Expenditures	570	\$158,550.00
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Total		\$2,675,713.00
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Emergency Medl Serv (230)

Charges & Expenditures	570	\$79,200.00
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Totals		\$79,200.00
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Emergency Planning (240)

Charges & Expenditures	570	\$6,250.00
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Totals		\$6,250.00
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Inspection Dept (241)

Personal Service	510	\$142,939.00
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Charges & Expenditures	570	\$11,200.00
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Totals		\$154,139.00
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Sealer Weights (244)

Charges & Expenditures	570	\$2,000.00
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Totals		\$2,000.00
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Communication Center (290)

Personal Service	510	\$347,725.00
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Charges & Expenditures	570	\$131,849.00
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Totals		\$479,574.00
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Animal Control (292)

Personal Service	510	\$47,822.00
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Charges & Expenditures	570	\$8,000.00
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Totals		\$55,822.00
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Tree Warden (294)

Personal Service	510	\$2,000.00
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Totals		\$2,000.00
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**School Department
(300)**

Personal Services	510	\$17,683,283.96
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Charges & Expenditures	570	\$4,884,036.04
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Totals		\$22,567,320.00
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Southeastern Reg Voc (306)

Assessments	560	\$1,078,291.00
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Totals		\$1,078,291.00
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Reg Agricultural Sch (308)

Assessments	560	\$29,106.00
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Totals		\$29,106.00
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Highway (420)

Personal Service	510	\$507,870.00
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Charges & Expenditures	570	\$127,750.00
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Surface Treatment	580	\$11,547.00
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Repairs to Private Ways	581	\$100.00
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Totals		\$647,267.00
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Snow Removal (423)

Charges & Expenditures	570	\$80,000.00
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Totals		\$80,000.00
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Street Lighting (425)

Charges & Expenditures	570	\$102,000.00
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Totals		\$102,000.00
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Sanitary Landfill (438)

Charges & Expenditures	570	\$3,956.00
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Reserve Fund Supplement		
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Totals		\$3,956.00
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Sewer Division (440)

Personal Service	510	\$128,042.00
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Charges & Expenditures	570	\$685,181.00
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Reserve Fund Supplement		
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Totals		\$813,223.00
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Board of Health (510)

Personal Service	510	\$119,122.00
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Charges & Expenditures	570	\$9,500.00
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	Totals		\$128,622.00
Public Health Nurse (522)			
	Personal Service	510	\$27,269.00
	Charges & Expenditures	570	\$9,650.00
	Totals		\$36,919.00
Council on Aging (541)			
	Personal Service	510	\$1,000.00
	Charges & Expenditures	570	\$6,790.00
	Reserve Fund Supplement		
	Totals		\$7,790.00
Veterans Agent (543)			
	Personal Service	510	\$50,843.00
	Charges & Expenditures	570	\$1,875.00
	Veterans Benefits	579	\$220,000.00
	Reserve Fund Supplement		
	Totals		\$272,718.00
Library (610)			
	Other Charges & Expenditures	570	\$307,245.00
	Totals		\$307,245.00
Recreation (630)			
	Charges & Expenditures	570	\$9,695.00
	Totals		\$9,695.00
Historical Comm (691)			
	Charges & Expenditures	570	\$300.00
	Totals		\$300.00
Memorial & Vets Day (692)			
	Other Charges & Expenditures	570	\$1,500.00
	Totals		\$1,500.00
Historical Dist Comm (693)			
	Charges & Expenditures	570	\$300.00
	Totals		\$300.00

Maturing Debt (711)

Maturing Principal on LT Debt	590	\$1,658,511.00
Repayment of Temporary Loans	594	\$221,265.00

Totals		\$1,879,776.00
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Interest (750)

Interest on Long-Term Debt	590	\$724,184.00
Interest on Notes	594	\$20,799.00

Totals		\$744,983.00
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Employee Benefits (910)

Personal Service	510	\$1,905,860.00
Other Personal Service	511	\$6,330,000.00
Charges & Expenditures	570	\$308,530.00

Totals		\$8,544,390.00
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Unemployment Comp (911)

Charges & Expenditures	570	\$130,000.00
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Totals		\$130,000.00
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Miscellaneous (940)

Fuel Expenses	540	\$162,000.00
Charges & Expenditures	570	\$398,000.00

Totals		\$560,000.00
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GRAND TOTALS		\$45,438,016.00
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DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

Motion was made to Reconsider Article 14 which was Declared Lost by the Moderator.

ARTICLE 15: LOST FOR LACK OF MOTION (Transfer/Stabilization Fund)

ARTICLE 16: LOST FOR LACK OF MOTION (Amend Zoning Map)

ARTICLE 17: Motion was made by Mr. Thomas that the Town amend the Town of Norton Zoning By-Laws as set forth in Article 17 of the June 8, 2009, Annual Town Meeting Warrant.

By inserting in Article II - Definitions in appropriate alphabetic order the following:

Accessory Apartment shall mean a self-contained dwelling unit incorporated into a single-family dwelling that is incidental and subordinate to the single-family dwelling and which complies with all of the criteria listed below:

- 1 The accessory unit shall be a complete, separate housekeeping unit containing both a kitchen and a bath;
- 2 The accessory unit shall not exceed 750 square feet of living area;
- 3 No more than one accessory unit shall be permitted within a single-family dwelling;
- 4 The owner(s) of the single-family dwelling in which the accessory unit is created shall occupy one of the two dwelling units as their primary residence;
- 5 The exterior of an accessory unit shall be designed to complement the architecture of the primary structure, by use of compatible scale, colors, exterior materials and through articulation (emphasis on architectural elements such as windows, balconies, roof lines or entrances). The entrance to the accessory unit, if located on the front of the building facing the street shall be offset from the plane of the façade of the primary residence.
- 6 An accessory dwelling unit shall be occupied by no more than two persons and shall not contain more than one bedroom; however, the Planning Board by grant of a Special Permit may allow a maximum of four persons to occupy an accessory dwelling unit and may allow a maximum of two bedrooms;
- 7 At least one additional off street parking space shall be available for use by the accessory dwelling unit tenant(s) for each bedroom;

- 8 Prior to occupancy of the accessory dwelling unit by a tenant, the owner of the property shall submit a notarized letter to the Building Inspector stating that the owner will occupy one of the dwelling units on the premises as the owner's primary residence. The notarized letter shall be recorded in the Bristol County Registry of Deeds and proof of such recording shall be provided to the Building Inspector prior to issuance of an occupancy permit;
- 9 If the primary residence containing the accessory dwelling unit is sold, the new owner, if they wish to continue occupancy of the accessory unit, shall within 60 days of the date of purchase, submit to the Building Inspector a notarized letter stating that they will occupy one of the dwelling units on the premises as their primary residence; otherwise the accessory occupancy permit shall no longer be valid;
- 10 Prior to the issuance of a building permit to create an accessory unit, a floor plan of the existing structure and of the proposed accessory unit shall be submitted along with drawings showing the proposed exterior elevation of the proposed accessory addition and existing structure from the front and both sides; and
- 11 No accessory unit shall be occupied until it has been inspected and issued an occupancy permit by the Building Inspector.

Planning Board recommends Article 17, 6-1 in favor.

DECLARED VOTED BY 2/3 VOTE BY THE MODERATOR

ARTICLE 18: Motion was made by Joanne Haracz, Chairperson of the Planning Board and seconded that the Town amend the Town of Norton Zoning By-Laws as set forth in Article 18 of the June 8, 2009, Annual Town Meeting Warrant.

By inserting in Article XIII – SIGNS, Section 8.3.1 SIGNS PROHIBITED, the following:

- (f) Electronic Message Center (EMC). (an electronic message center displaying the time and temperature, gasoline prices or that is displayed by a municipal, state or federal government entity for purposes related to public safety and welfare shall not be prohibited.)

and by deleting in Article XIII – SIGNS, Section 8.2 - DEFINITIONS the following:

Electronic Message Center. (See “Changeable Copy Sign, Automatic”.)

and by replacing it in Article XIII – SIGNS, Section 8.2 DEFINITIONS, with the following definition:

Electronic Message Center (EMC) – a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

Planning Board recommends Article 18, 5-1 in favor.

Motion was made to Move the Question which was Declared Voted by the Moderator.

DECLARED LOST BY THE MODERATOR

ARTICLE 19: Motion was made by Ms. Haracz and seconded that the Town amend the Town of Norton Zoning By-Laws as set forth in Article 19 of the June 8, 2009, Annual Town Meeting Warrant. (**NOTE: Article 19 appears as voted. See end of Article for record of amendments).**

By inserting in the Town of Norton Zoning By-Laws, Article IV – Use Regulations, Section 4.4 Commercial Uses, after “Repair and service shops....” the following:

R-80	R-60	R-40	VC	C	I
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Electronic Message Center (EMC)	N	N	N	SP	SP	SP
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and by deleting in Article VIII – SIGNS, Section 8.2 DEFINITIONS, the following:

Electronic Message Center (See “Changeable Copy Sign, Automatic”.)

and by replacing it with the following definition:

Electronic Message Center (EMC). – a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. An EMC may be allowed only upon grant of a Special Permit from the Planning Board and shall be subject to all of the following standards:

1. The EMC shall contain messages using only letters, numbers and symbols (as punctuation marks and mathematical symbols) and static images, but shall not contain moving images;

2. Each message on the EMC sign shall be displayed for a minimum of 10 seconds;
3. The change of the message shall be accomplished immediately (no dissolve, fade, scrolling or travel of the message);
4. No more than one EMC shall be allowed per lot;
5. The maximum size for an electronic message center shall not exceed 16 square feet in area;
6. Each EMC shall have a default mechanism that freezes the sign in one position if a malfunction occurs;
7. Notwithstanding any other section of this by-law, an Electronic Message Center shall not be lit between the hours of 11:00 P.M. and 6:00 A.M., except as special emergency messages (for example, an Amber Alert, major Road Hazard, etc.):
8. Each EMC shall have a light detector which automatically adjusts the brightness according to ambient light conditions;
9. Each EMC shall contain a brightness regulator which does not allow the sign to register more than 0.3 foot candles over ambient light levels and shall be accompanied by a manufacturer's certification of such compliance.

Planning Board supports Article 19.

Article 19 as amended

DECLARED VOTED BY 2/3 VOTE BY THE MODERATOR

**RECORD OF AMENDMENTS
FOR ARTICLE 19**

Motion was made by Joanne Haracz and seconded that the Planning Board proposes that Article 19 be amended as follows:

Delete standard #10 as printed in the warrant:

10. Each EMC shall contain a brightness regulator which does not allow the sign to register more than 0.3 foot candles over ambient levels as measure using a foot candle meter at a distance of 100 feet from the sign; and

AND CHANGE TO READ:

10. Each EMC shall contain a brightness regulator which does not allow the sign to register more than 0.3 foot candles over ambient light levels and shall be accompanied by a manufacturer's certification of such compliance. (Now # 9 in Article 19 as amended)

AND DELETE standard # 11 in its entirety:

11. Brightness measurements process shall be as follows:

- a. At least thirty (30) minutes past sunset, use a foot candle meter to record the ambient light reading for the area. This done while the sign is off or displaying all black;
- b. The reading should be taken with the meter aimed directly at the sign at a distance of one hundred (100) feet from the EMC;
- c. Turn the EMC on to full white copy and take a reading;
- d. If the different between the reading is 0.3 foot candles or less, the brightness is properly adjusted.

AMENDMENTS

DECLARED VOTED BY THE MODERATOR

Motion was made by Pasquale Barletta and seconded that Article 19 be amended as follows and renumber appropriately:

Amend #1 as printed in the warrant:

- 1 The EMC shall contain messages using only letters, numbers and symbols (as punctuation marks and mathematical symbols) and shall not contain either static or moving images (i.e. pictures, animation, or video);

AMEND TO READ:

- 1 The EMC shall contain messages using only letters, numbers and symbols (as punctuation marks and mathematical symbols) and static images, but shall not contain moving images.

Amend # 2 as printed in the warrant:

- 2 Each message on the EMC sign shall be displayed for a minimum of 10 seconds; the color of the message text may vary, however, the background of the message text shall be black;

AMEND TO READ:

- 2 Each message on the EMC sign shall be displayed for a minimum of 10 seconds.

DELETE # 4

- 4 The message of the sign shall refer only to products or events available or occurring on the same premises although they may show the time and temperature;

Amend # 8 as printed in the warrant:

- 8 Notwithstanding any other section of this by-law, an Electronic Message Center shall not be lit between the hours of 11:00 P.M. and 6:00 A.M.

AMEND TO READ:

- 8 Notwithstanding any other section of this by-law, and EMC shall not be lit between the hours of 11:00 PM and 6:00 AM., except as special emergency messages (for example, an Amber Alert, major Road Hazard, etc.) (**Now # 7 in Article 19 as amended**)

AMENDMENTS

DECLARED VOTED BY THE MODERATOR

ARTICLE 20: Motion was made by Mr. Thomas that the Town amend the Town of Norton Zoning By-Laws as set forth in Article 20 of the June 8, 2009, Annual Town Meeting Warrant.

ARTICLE XIII-FLOODPLAIN DISTRICT

13.1 FLOODPLAIN DISTRICT BOUNDARIES AND BASE FLOOD ELEVATION AND FLOODWAY DATA

13.1.1 FLOODPLAIN DISTRICT BOUNDARIES AND BASE FLOOD ELEVATION DATA

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Norton designated as Zone A, AE, AH, AO, A99, V, or VE on the Bristol County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program.

The map panels of the Bristol County FIRM that are wholly or partially within the Town of Norton are panel numbers 25005C0039F, 25005C0043F, 25005C0044F, 25005C0107F, 25005C0109F, 25005C0126F, 25005C0127F, 25005C0128F, 25005C0129F, 25005C0131F, 25005C0132F, 25005C0133F, 25005C0134F, 25005C0136F, 25005C0137F, 25005C0141F, 25005C0151F and 25005C0153F dated July 7, 2009. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Bristol County Flood Insurance Study (FIS) report dated July 7, 2009. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission and.

13.1.2 BASE FLOOD ELEVATION AND FLOODWAY DATA

In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

13.2 STATEMENT OF PURPOSE

The purposes of the Floodplain District are to:

- a) Ensure public safety through reducing the threats to life and personal injury;
- b) Eliminate new hazards for emergency response officials;
- c) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
- d) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- e) Eliminate costs associated with the response and cleanup of flooding conditions;
- f) Reduce damage to public and private property resulting from flooding waters.

13.3 DEFINITIONS

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year as identified in maps entitled XXXX and dated XXXX.. These areas shall be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, deforesting, clear cutting, paving, excavation or drilling operations.

DISTRICT means floodplain district.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed

analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM) means an official map of a community issued by FEMA where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or unheated storage in an area (other than a basement area) shall not be considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, **NEW CONSTRUCTION** means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

ONE-HUNDRED-YEAR FLOOD - see **BASE FLOOD**.

REGULATORY FLOODWAY - see **FLOODWAY**

SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1-30, VE.

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. **STRUCTURE**, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, which is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" shall be considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

ZONE A means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.

ZONE A1-30 and ZONE AE (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined.

ZONE AH and ZONE AO means the 100-year floodplain with flood depths of 1 to 3 feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

ZONE A99 means areas to be protected from the 100-year flood by federal flood protection system under construction. Base flood elevations have not been determined.

ZONES B, C, AND X are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

ZONE V means a special flood hazard area along a coast subject to inundation by the 100-year flood with the additional hazards associated with storm waves. Base flood elevations have not been determined.

ZONE V1-30 and ZONE VE (for new and revised maps) means a special flood hazard area along a coast subject to inundation by the 100-year flood with additional hazards due to velocity (wave action). Base flood elevations have been determined.

13.4 USE REGULATIONS

13.4.1 REFERENCE TO EXISTING REGULATIONS

The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit shall comply with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- a) Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");

- b) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- c) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- d) Coastal Wetlands Restriction, DEP (currently 310 CMR12.00);
- e) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);
- f) Town of Norton Zoning By-law; and
- g) Town of Norton Wetlands By-law, if any.

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

13.4.2 PERMITTED USES

The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying zoning district and they do not require structures, fill, or storage of materials or equipment:

- a) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
- b) Forestry and nursery uses.
- c) Outdoor recreational uses, including fishing, boating, play areas, etc.
- d) Conservation of water, plants, wildlife.
- e) Wildlife management areas, foot, bicycle, and/or horse paths.
- f) Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
- g) Buildings lawfully existing prior to the adoption of these provisions and minor alterations that do not increase the floor space of the structure.

13.4.3 SPECIAL PERMIT USES

The Planning Board may, after a duly advertised public hearing, grant a special permit for a building, structure or use in the flood plain provided that such building, structure or use is permitted in the underlying zoning district and subject to the following limitations:

- a) No permit shall be issued to fill or excavate in the floodway or to build a new structure or to substantially improve an existing structure in the floodway;
- b) In Zones A and AE, the proposed use including filling or excavating when combined with all existing uses shall not increase the water surface elevation of the 100-year flood more than zero (0) inches at any point. This is to be so certified to the Planning Board by a Registered Professional Engineer upon application of the Special Permit.

13.4.4 OTHER USE REGULATIONS

- a) Within Zones AH and AO on the FIRM, adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- b) In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Bristol County FIRM or Flood Boundary & Floodway Map encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- c) All subdivision proposals shall be designed to minimize flood damage, including that all utilities and facilities shall be located and constructed to minimize or eliminate flood damage and that adequate stormwater drainage controls are provided to reduce exposure to flood hazards and so that there, at a minimum, shall be no increase in stormwater runoff when post-construction conditions are compared to pre-construction conditions, using drainage calculations prepared by a licensed professional engineer.
- d) Existing contour intervals of site and elevations of existing structures shall be included on the plans provided.

- e) There shall be established a "routing procedure" which shall circulate or transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health and Building Commissioner and for comments which shall be considered by the appropriate permitting board prior to issuing applicable permits.
- f) Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 5 lots or 5 acres within unnumbered A zones.
- g) In all Special Flood Hazard Areas it shall be the responsibility of the owner or builder to notify in writing prospective owners of the Flood Plain designation and the availability of Flood Insurance.

13.5 NOTIFICATION OF WATERCOURSE ALTERATION

In a riverine situation, the Conservation Commission (Conservation Agent) shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- NFIP State Coordinator (or a successor official)
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- NFIP Program Specialist (or a successor official)
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

13.6 ADMINISTRATION

Administration of this section shall be in accordance with Article X, Section 10.8

Planning Board Recommends Article 20, 6-1 in favor.

DECLARED VOTED BY 2/3 VOTE BY THE MODERATOR

The Annual Town Meeting was declared concluded at 10:30 PM.

ATTEST:
Diane P. Casagni
Town Clerk

**TOWN OF NORTON
SPECIAL TOWN MEETING
JUNE 8, 2009**

The Special Town Meeting was called to order by Moderator William A. Gouveia at 8:00 PM at the Henri A. Yelle Elementary School Gym.

ARTICLE 1: Motion was made by Michael Thomas, Chairman of the Finance Committee, that the Town transfer the amount of \$1,071.50 from Free Cash to pay the following unpaid bills incurred in a prior fiscal year:

ACCOUNT	DEPARTMENT	VENDOR	PURPOSE	AMOUNT
151	Legal	Kopelman and Paige, P.C.	Legal Services	\$ 821.50
910	Employee Benefits	School Employee	Medical Expense	\$ 250.00

\$ 1,071.50

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 2: Motion was made by Mr. Thomas that the Town transfer from Account #001-910-511-5171-00-000 to fund and implement Collective Bargaining Agreements between the Town and various unions, and/or for general collective bargaining settlement purposes, as follows:

- The sum of \$10,500.00 to fund the first fiscal year of a three-year contract for the period of July 1, 2008, to June 30, 2009, for the American Federation of State, County, and Municipal Employees, Council 93, Local 1702 – Clerical Workers;
- The sum of \$ 21,800.00 to fund the first fiscal year of a three-year contract for the period of July 1, 2008, to June 30, 2009, for the American Federation of State, County, and Municipal Employees, Council 93, Local 1702 – Highway and Water/Sewer Department Employees;
- The sum of \$ 26,000.00 to fund the first fiscal year of a three-year contract for the period of July 1, 2008, to June 30, 2009, for the Norton Police Association;
- The sum of \$ 11,000.00 to fund the first fiscal year of a three-year contract for the period of July 1, 2008, to June 30, 2009, for the Norton Police Superior Officers Association;
- The sum of \$ 13,700.00 to fund the first fiscal year of a three-year contract for the period of July 1, 2008, to June 30, 2009, for the United Steelworkers of America, AFL-CIO-CLC, on behalf of Salaried Employees of North America (SENA-A), Local Union 9158-A;

- The sum of \$ 10,000.00 to fund the first fiscal year of a three-year contract for the period of July 1, 2008, to June 30, 2009, for the United Steelworkers of America, AFL-CIO-CLC, on behalf of Salaried Employees of North America (SENA-B), Local Union 9158-B; and
- The sum of \$ 39,200.00 for general collective bargaining settlement purposes.

DECLARED VOTED BY THE MODERATOR

ARTICLE 3: Motion was made by Mr. Thomas that the Town amend the vote taken under Article 21 of the May 12, 2008, Annual Town Meeting by increasing appropriations for certain line items and transferring others and to do so, by transferring the additional amount of \$104,751.06 from Free Cash, by transferring the amount of \$1,200.00 from the Dog Fund Account #019-293-100 to the Dog Officer Overtime Account #001-292-510-5131, and by transferring the amount of \$3,000.00 from the Dog Fund Account #019-293-100 to the Dog Officer Salary Account #001-292-510-5110 as follows:

Department	Account	Use	Amount
Legal Services	001-151-570	Services	\$30,000.00
Snow Removal	001-423-570	Miscellaneous Expenses	\$59,751.06
Street Lighting	001-425-570	Expense	\$10,000.00
Landfill	001-428-570	Expense	\$ 5,000.00

TOTAL SUPPLEMENTS: \$104,751.06

Dog Officer	001-292-510	Transfer from 019-293-100 to 001-292-510-5131	\$1,200.00
Dog Officer	001-292-510	Transfer from 019-293-100 to 001-292-510-5110	\$3,000.00

TOTAL TRANSFERS: \$4,200.00

DECLARED VOTED BY THE MODERATOR

ARTICLE 4: LOST FOR LACK OF MOTION (Water Department Transfer)

ARTICLE 5: Motion was made by Mr. Thomas that the Town transfer from the Board of Selectmen for landfill purposes to the Board of Selectmen for landfill and general municipal purposes, and also for the purpose of leasing a portion or portions of the Town-owned properties identified on Assessor's Map 24 as Lot 31-03, Lot 36, Lot 49, and Lot 50, and further, to authorize the Board of Selectmen, under such terms and conditions as the Board of Selectmen deems to be in the best interest of the Town, to enter into a long-term Lease Agreement up to or in excess of three years to develop a solar project, or similar project, for a portion or portions of the aforementioned Town-owned properties.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

Moderator Gouveia declared the Special Town Meeting concluded at 8:30 PM.

ATTEST:

Diane P. Casagni
Town Clerk