

**TOWN OF NORTON
FALL ANNUAL TOWN MEETING
OCTOBER 7, 2013**

The Fall Annual Town Meeting was called to order by Moderator William A. Gouveia at 7:00 PM at the Norton Middle School Auditorium. He led the crowd in the Pledge of Allegiance.

The Moderator recognized some distinguished guests:

Jay Barrows & Stephen Howitt, State Representative
Jim Timilty, State Senator

The Moderator reviewed some pre-meeting rules:

- If you wish to address this meeting, you must do so only after being recognized by the Moderator. There is a microphone located up front. When speaking, please identify yourself by name and address for the record. Please try and keep your remarks brief and to the point, and confine them only to the matter under consideration at the time.
- All speakers at this meeting will be treated with courtesy by the Moderator and everyone else in the room. No speaker will be allowed to use the meeting for personal attacks on any individual. All remarks will be directed towards the Moderator, and although questions to be asked of individuals will be allowed, cross-examination type discussions from the floor will not be allowed.
- In recognizing people to speak, the Moderator will call upon those who have not yet spoken on a topic before recognizing those who have already spoken. The Moderator will recognize motions to move the question, but if in the Moderator's opinion there are still people waiting to speak who may add to the discussion, the Moderator will exercise his authority to not accept a motion to move the question under those circumstances.
- If a standing vote is required, you will be instructed to stand at your seats until your vote is counted. If a ballot vote is required, you will be given instructions by the Moderator as to how to proceed.
- If you wish to make an amendment to any motion, you must do so in writing and present it to the Moderator.
- I remind you all that no motion to reconsider any article will be accepted by the Moderator until at least three articles following the article being reconsidered have been acted upon by this meeting. If the article is one of the last three on the warrant, I will accept any motions to reconsider them prior to adjourning.

The Town Clerk read the call and return of service as written in the warrant.

ARTICLE 1 (Requires 4/5 Vote)

Motion was made by Michael Flaherty, Chairman of the Finance Committee, that the Town vote to transfer \$10,108.63 from Free Cash for the following unpaid bills for which obligation was incurred in prior fiscal years:

\$ 2,233.76	Legal	Kopelman and Paige, P.C.
\$ 165.00	Planning	Landlaw Specialty Publishers
\$ 420.00	Planning	Amory Engineers, P.C.
\$ 3,052.85	Municipal Building	Bolt Security Electric, Inc.
\$ 1,608.41	School	Roche Brothers
\$ 445.67	Public Health Nurse	UHealth Solutions, Inc.
\$ 775.00	Insurance	Scope Medical, LLC
\$ 1,137.38	Insurance	University of MA Medical School
\$ 270.56	Insurance	Sturdy Memorial Hospital
<u>\$ 10,108.63</u>		

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 2 (Requires Majority Vote)

Motion was made by Michael Flaherty, Chairman of the Finance Committee, that the Town vote to transfer the amount of \$43,455.00 from Free Cash to supplement the Fiscal Year 2014 operating budget by increasing appropriations for certain line items appropriated under Article 14 of the May 13, 2013, Annual Town Meeting as printed in the warrant:

ARTICLE 2 as printed in the Warrant:

Account	Department	Use	Amount
001-122-510	Selectmen	Wages	\$ 946.00
001-123-510	Town Manager	Wages	\$ 1,151.00
001-161-570	Town Clerk	Software	\$ 2,745.00
001-306-560	Southeastern Regional	Assessment	\$ 9,363.00
001-541-510	Council on Aging	Wages	\$ 29,250.00
TOTAL SUPPLEMENTS:			<u>\$ 43,455.00</u>

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 3 **LOST FOR LACK OF MOTION** (FY14 Water Enterprise Operating Budget)

ARTICLE 4 **LOST FOR LACK OF MOTION** (FY14 Sewer Enterprise Operating Budget)

ARTICLE 5 (Requires Majority Vote)

Motion was made by Michael Flaherty, Chairman of the Finance Committee, that the Town vote to transfer the amount of \$600,000.00 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.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 6 (Requires 2/3 Vote)

Motion was made by Michael Flaherty, Chairman of the Finance Committee, that the Town vote to appropriate the amount of \$1,552,798.00 and amend the Fiscal Year 2014 capital improvements budget appropriated under Article 13 of the May 13, 2013, Annual Town Meeting to pay costs of purchasing, or leasing 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 and for the payment of all costs incidental and related thereto all as follows, and, as funding therefor, to transfer the amount of \$456,815.00 from the Capital Improvements Account, \$135,000.00 from the Ambulance Reserve Fund, and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow the amount of \$960,983.00 under and pursuant to Chapter 44, Section 7(9), of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor as printed in the warrant:

ARTICLE 6 as printed in the Warrant:

Town Hall/Fire Station Improvements *	Municipal Building *	\$ 350,000.00
Police Station Gutter System	Municipal Building	\$ 20,000.00
Highway Building Repairs and Upgrades	Municipal Building	\$ 37,000.00
Police Line Cruiser Replacement (One)	Police Department	\$ 33,000.00
Ambulance Stretchers with Load System (two)	Fire Department	\$ 60,000.00
Lucas CPR Device	Fire Department	\$ 15,000.00
Cardiac Monitors/Defibrulators (two)	Fire Department	\$ 60,000.00
Squad #1 Brush/Mini Pumper and Engine 4 Replacement		
<i>Supplemental Request</i> (Year 1 of 5; \$45,000 voted previously)	Fire Department	\$ 30,315.00
Replace Boilers/Circulator Pumps *	Schools (HAY) *	\$ 25,000.00
Wireless Devices and Infrastructure for Entire Building *	Schools (HAY) *	\$ 125,000.00
Replace Boilers/Circulator Pumps *	Schools (LGN) *	\$ 25,000.00
Wireless Devices and Infrastructure for Entire Building *	Schools (LGN) *	\$ 30,000.00
Replace Boilers/Circulator Pumps *	Schools (JCS) *	\$ 25,000.00
Wireless Devices and Infrastructure for Entire Building *	Schools (JCS) *	\$ 125,000.00
Pave Back Parking Lot Area	Schools (NMS)	\$ 60,000.00
Network Switches	Schools (NMS)	\$ 125,000.00
Wireless Devices and Infrastructure for Entire Building *	Schools (NMS) *	\$ 125,000.00
Safety and Security Upgrades - District Wide	Schools (NMS)	\$ 100,000.00
Replace SPED bus	Schools (NMS)	\$ 51,500.00
District Kitchen Equipment Replacement *	Schools (NMS) *	\$ 95,000.00
HVAC Replacement - Unit 1 *	Library *	\$ 35,983.00

**Denotes borrowing as funding source.*

DECLARED VOTED BY 2/3 BY THE MODERATOR

ARTICLE 7 **LOST FOR LACK OF MOTION** (Electronic Sign at Town Hall)

ARTICLE 8 (Requires Majority Vote)

Motion was made by Michael Flaherty, Chairman of the Finance Committee, that the Town vote to appropriate from insurance loss proceeds the sum of \$44,345.21, to be expended under the direction of the Norton School Committee for the repair and replacement of all or a portion of the gym floor at the H. A. Yelle Elementary School, located at 64 West Main Street, Norton, including all costs incidental and related thereto.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 9 (Requires Majority Vote)

Motion was made by Michael Flaherty, Chairman of the Finance Committee, that the Town vote to transfer the amount of \$10,000.00 from Free Cash to the “Other Post Employment Benefits Liability Trust Fund” established to cover the unfunded actuarial liability for retirees’ health care and life insurance benefits.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 10 (Requires Majority Vote)

Motion was made by Michael Flaherty, Chairman of the Finance Committee, that the Town vote to transfer the amount of \$50,000.00 from Free Cash for legal services and/or technical assistance relative to G.L. c.40B (Comprehensive Permit) projects.

DECLARED VOTED BY MAJORITY BY THE MODERATOR

ARTICLE 11 (Requires 2/3 Vote)

Motion was made by Michael Flaherty, Chairman of the Finance Committee, that the Town vote to transfer the care, custody and control of land off Woodlock Road, shown as Assessor’s Map 16, Parcel 178, adjacent to permanently preserved parcels of land in the Norton Reservoir, from the Board of Selectmen for tax title purposes to the Conservation Commission to be permanently preserved for passive recreation and water resource protection purposes, pursuant to G.L. c.40, §8C, and Article 97 of the Amendments to the Constitution, and further vote to authorize the Conservation Commission to record a certified copy of the vote taken hereunder to serve as notice of the dedication of this land to open space/conservation purposes.

Counted vote

Yes - 164

No - 1

DECLARED VOTED BY 2/3 BY THE MODERATOR

ARTICLE 12 (Requires 2/3 Vote)

Motion was made by Michael Flaherty, Chairman of the Finance Committee, that the Town vote to appropriate the sum of \$400,000.00 for the acquisition by purchase, gift, or eminent domain of a certain property, known locally as portions of the Crane Farm, consisting of approximately 42 acres of land on Crane Street, as shown on Assessor’s Map 29, Parcels 9 (portion), 10-03, 85 and, 10-02 (portion) for conservation and passive recreation purposes and for the purpose of conveyance and that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow

\$400,000.00 under G.L. c.44, §7(3) or any other enabling authority and issue bonds and notes therefor; and further, that the Town vote to authorize the Board of Selectmen to acquire said property, and convey to the Land Preservation Society of Norton or a similarly qualified conservation organization, all or a portion of said property, on such terms and conditions and for such consideration, including nominal consideration, as the Board may deem appropriate, either retaining or accepting a conservation restriction in said property meeting the requirements of G.L. c.184, §§31-33, which conservation restriction shall be held by the Conservation Commission under the provisions of G.L. c.40, §8C and the Provisions of Article 97 of the amendment to Massachusetts Constitution; and further, that the Town vote to authorize the Board of Selectmen and Conservation Commission to file on behalf of the Town any and all applications deemed necessary for state or federal grants and/or reimbursements, including the LAND Grant program (G.L.132A, §11); provided however, that no expenditure shall be made hereunder until the Town has been allotted federal or state grant(s) in an amount no less than \$259,200.00 and the Town has received private donations from The Nature Conservancy, the Land Preservation Society of Norton, and/or other private sources in an amount no less than \$135,800.00.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 13 (Requires 2/3 Vote)

Motion was made by Michael Flaherty, Chairman of the Finance Committee, that the Town vote to appropriate the additional amount of \$137,000 for the purpose of acquiring the land described as printed in Article 13 of the warrant, to be added to the \$338,000 appropriated under Article 12 of the May 13, 2013, Special Town Meeting for such purposes, and as funding therefor, to authorize the borrowing of such additional amount, for a total borrowing authorization of \$475,000 for the acquisition of such land and all expenses related thereto, and to authorize the Town Treasurer with the approval of the Board of Selectmen, to borrow said total sum under G.L. c. 44, §7 or any other enabling authority, and to issue bonds or notes therefor; and further, to authorize the Board of Selectmen to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from any state and/or federal programs and to accept and expend the same; and to authorize the Board of Selectmen to convey all or a portion of the above property upon such terms and conditions as it deems appropriate and to enter into all agreements, execute any and all instruments and take all related actions necessary or appropriate to effect the interest of the foregoing.

ARTICLE 13 as printed in the Warrant:

To see if the Town will authorize the Board of Selectmen to acquire by purchase, gift, or eminent domain or otherwise all or a portion or portions of the parcel described below, currently owned by Daggett-Crandall-Newcomb Home, Inc., upon such terms and conditions as the Board shall determine to be appropriate, for general municipal purposes, including conveyance by the Board of Selectmen, said parcel of land being described as follows:

That certain parcel of land located off Newcomb Street and Newland Street in Norton, shown on Assessors Map 5, Lot 5, and also shown as "Lot 2" on a plan entitled "Plot Plan of Land in Norton, Mass. Prepared for: Daggett-Newcomb Home, and being a portion of the premises described in a deed recorded with the Bristol (North) District Registry of Deeds in Book 1499, Page 899.

and, further, to a) raise, appropriate, transfer from available funds, accept gifts, or borrow a sum of money for this purpose and any expenses related thereto; b) authorize the Town Treasurer with the approval of the Board of Selectmen, in order to meet such appropriation, to borrow a sum of money under G.L. c. 44, §7 or any other enabling authority, and to issue bonds or notes therefor; c) authorize the Board of Selectmen to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from any state and/or federal programs and to accept and expend the same; d) authorize the Board of Selectmen to convey all or a portion of the above property upon such terms and conditions as it deems appropriate; and (e) authorize the Board of Selectmen and Town officers to enter into all agreements, execute any and all instruments and take all related actions necessary or appropriate to effect the interest of the foregoing, or to take any action related thereto.

DECLARED VOTED BY 2/3 BY THE MODERATOR

ARTICLE 14 (Requires Majority Vote)

Motion was made by Michael Flaherty, Chairman of the Finance Committee, that the Town vote to transfer the amount of \$50,000.00 from Free Cash to retain the services of a consultant for the creation and management of an overall Water Shed Plan for four water bodies (i.e. Barrowsville Pond, Chartley Pond, Norton Reservoir, and Winnecunnet Pond), obtain the required permits for the recommended treatment for each water body so as to reclaim degraded water resources for natural resource quality and recreational uses and to perform certain activities required to bring the Town into compliance with the EPA's Small MS4 (Municipal Separate Storm Sewers) General Permit, including but not limited to treatment, incidental costs, expenses, and professional services associated therewith.

DECLARED VOTED BY MAJORITY BY THE MODERATOR

(NOTE: Article 14 appears as voted (Original Motion). See end of Article for Record of Amendments)

RECORD OF AMENDMENTS and MOTIONS FOR ARTICLE 14

A MOTION to Amend Article 14 was made by Diane McElligott and was seconded.

I MOVE that the Town vote to appropriate the sum of \$500,000.00 for the purpose of retaining the services of a consultant and to procure services for the creation and management of an overall Water Shed Plan for four water bodies (i.e. Barrowsville Pond, Chartley Pond, Norton Reservoir, and Winnecunnet Pond), obtain the required permits for the recommended treatment for each water body so as to reclaim degraded water resources for natural resource quality and recreational uses and to perform certain activities required to bring the Town into compliance with the EPA's Small MS4 (Municipal Separate Storm Sewers) General Permit, including but not limited to treatment, incidental costs, expenses, and professional services associated therewith; and, as funding therefor, to transfer \$50,000 from free cash, and authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$450,000 under the provisions of G.L. c.44, secs. 7 or 8 or any other enabling authority, and issue bonds and notes therefor.

The Moderator called a **brief recess** to discuss the Amendment with Town Counsel.

A MOTION to Amend the Amendment to Article 14 was made by Nick Adams and was seconded.

Motion was to change the dollar amounts underlined in the Amended Motion to sum of \$150,000.00; 50,000 from free cash and borrow \$100,000.

A MOTION to move the Question was made by George Merrill and was seconded.

Motion to Move Question - DECLARED PASSED BY THE MODERATOR

Amendment to Amendment -- DECLARED LOST BY THE MODERATOR

Amendment – DECLARED LOST BY THE MODERATOR

ARTICLE 15 (Requires Majority Vote)

Motion was made by Michael Flaherty, Chairman of the Finance Committee, that the Town vote to transfer the amount of \$10,000.00 from Free Cash to implement the federally mandated Governmental Accounting Standards Board Statement #45.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 16 (Requires Majority Vote)

Motion was made by Michael Flaherty, Chairman of the Finance Committee, that the Town vote to transfer the amount of \$15,667.49 from the Overlay Surplus Account in order to supplement the Fiscal Year 2012 Overlay Account relating to a recent settlement in a matter before the Massachusetts Appellate Tax Board.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 17 (Requires 2/3 Vote)

Motion was made by Michael Flaherty, Chairman of the Finance Committee, that the Town vote to accept as a public way under the provisions of G.L. c.82, Feck Way, as laid out by the Board of Selectmen and shown on a plan titled “As-Built Plan and Profile of Feck Way within Autumn Park, a conventional subdivision in Norton, MA,” dated April 4, 2011, drawn by RIM Engineering, Co., Inc., and on file in the office of the Town Clerk; and further, to authorize the Board of Selectmen to acquire on behalf of the Town, by gift, purchase, or eminent domain an easement to use said street for all purposes for which public ways are used in the Town of Norton and other associated easements, and to appropriate therefor the sum of One Dollar from Free Cash.

DECLARED VOTED BY 2/3 BY THE MODERATOR

ARTICLE 18 (Requires Majority Vote)

Motion was made by Michael Flaherty, Chairman of the Finance Committee, that the Town vote to accept the provisions of G.L. c.200A, §9A, to authorize an alternative procedure for the Town to dispose of abandoned funds in the custody of the Town as set forth in said section.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 19 (Requires 2/3 Vote)

Motion was made by Michael Flaherty, Chairman of the Finance Committee, to amend the Norton Zoning Bylaw, Article III-Zoning Map and Districts and the Town of Norton Zoning Map adopted thereunder, all as printed under Article 19 in the October 7, 2013, Annual Town Meeting Warrant.

ARTICLE 19 as printed in the Warrant:

To see if the Town will vote to amend the Norton Zoning Bylaw, Article III - Zoning Map and Districts and the Town of Norton Zoning Map adopted thereunder, which is entitled "Zoning Map Town of Norton, Massachusetts" and dated June 1999, last revised March 27, 2012, so as to amend the current boundaries of the Village Commercial District as shown on said Map so as to create the new following new boundaries for the said district: so that the existing Village Commercial District as shown on the Zoning Map shall be extended westerly from the existing westerly boundary (which is approximately perpendicular to East Main Street and runs back from East Main Street to a depth of some 425 feet), at the depth of 425 feet until the line reaches the easterly boundary of land shown on the 2013 Assessors Map 17 as Lot 98 and the new boundary then shall follow the boundary line of said Lot 98 southerly and then westerly along the southerly boundary of said Lot 98 and the southerly boundaries of the land shown on the 2013 Assessors Map 17 as Lots 49-01 and 49 until reaching Elm Street. The said Lots 98, 49-01 and 49 shall not be included in the newly configured Village Commercial District and shall in their entirety remain in the R-60 zoning district and the new district boundary change is shown on a sheet entitled "Proposed Zoning Amendment Fall Town Meeting October 7, 2013" and which sheet shall, if this amendment is adopted, become part of the Zoning Map by being physically attached thereto, or take any other action relative thereto.

Joanne Haracz, Chairman of the Planning Board reported that the Planning Board meet on this article on September 17, 2013 and voted 6-0 in favor of Recommendation of Article 19.

DECLARED VOTED BY 2/3 BY THE MODERATOR

ARTICLE 20 (Requires 2/3 Vote)

Motion was made by Michael Flaherty, Chairman of the Finance Committee, that the Town vote to amend the Norton Zoning Bylaw, Article IV - Use Regulations, Section 4.4 Commercial Uses, by inserting a new category of use after the category of "adult entertainment ..." and to insert a new Article XXI - REGISTERED MEDICAL MARIJUANA DISPENSARY, all as printed under Article 20 in the October 7, 2013, Annual Town Meeting Warrant.

ARTICLE 20 as printed in the Warrant:

To see if the Town will vote to amend the Norton Zoning Bylaw, Article IV - Use Regulations, Section 4.4 Commercial Uses, by inserting a new category of use after the category of "adult entertainment ..." to read as follows:

	R-80	R-60	R-40	VC	C	I
Registered Medical Marijuana Dispensary	N	N	N	N	N	SP

and to insert a new Article XXI - REGISTERED MEDICAL MARIJUANA DISPENSARY to read as follows:

REGISTERED MEDICAL MARIJUANA DISPENSARY

1. Purpose: To provide for the placement of **a Registered Medical Marijuana Dispensary (RMD)**, in accordance with the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, App. §1-1, et seq., in **a** location suitable for lawful medical marijuana facilities and to minimize adverse impacts of RMDs on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement, security, and removal of RMDs.

2. Definitions: where not expressly defined in the Norton Zoning Bylaws, terms used in this Article shall be interpreted as defined in the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, App. §1-1, et seq. and the Department of Public Health Regulations promulgated thereunder, 105 CMR 725.001, et seq., and otherwise by their plain language.
 - a. Registered Marijuana Dispensary: also known as a Medical Marijuana Treatment Center, means a not-for-profit entity registered under 105 CMR 725.100, that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products (“MIPs”), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

3. Location
 - a. RMDs may be permitted in the **Industrial zoning district if located no less than 1000 feet from other zoning districts and** pursuant to a Special Permit **from the Norton Planning Board**.

 - b. RMDs may not be located within **1,000** feet of the following:
 - (1) School, including a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;
 - (2) Child Care Facility;
 - (3) Library;
 - (4) Playground;
 - (5) Public Park;
 - (6) Youth center;
 - (7) Public swimming pool;
 - (8) Video arcade facility; or
 - (9) Similar facility in which minors commonly congregate.

- c. The distance under this section is measured in a straight line from the nearest point of the property line of the protected uses identified in Section 4.b. to the nearest point of the property line of the proposed RMD.
 - d. The distance requirement may be reduced by twenty-five percent or less, but only if:
 - (1) The applicant demonstrates that the RMD would otherwise be effectively prohibited within the municipality;
 - (2) The applicant demonstrates that the RMD will employ adequate security measures to prevent diversion of medical marijuana to minors who are not qualifying patients pursuant to 105 CMR 725.004.
4. Procedure: The **Planning Board** shall be the Special Permit Granting Authority (SPGA) for a RMD special permit.
- a. Application: **the applicant shall provide the following information:**
- (1) A copy of its registration as an RMD from the Massachusetts Department of Public Health (“DPH”);
 - (2) a detailed floor plan of the premises of the proposed RMD that
 - (3) identifies the square footage available and describes the functional areas of the RMD, including areas for any preparation of MIPs;
 - (4) detailed site plans that include the following information:
 - (a) Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this Bylaw;
 - (b) Convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;
 - (c) Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected be substantially affected by on-site changes;

- (d) Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for home delivery vehicle(s), as applicable;
 - (e) Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and
 - (f) Adequacy of water supply, surface and subsurface drainage and light.
 - (5) a description of the security measures, including employee security policies, approved by DPH for the RMD;
 - (6) a copy of the emergency procedures approved by DPH for the RMD;
 - (7) a copy of the policies and procedures for patient or personal caregiver home-delivery approved by DPH for the RMD;
 - (8) a copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between RMDs approved by DPH;
 - (9) a copy of proposed waste disposal procedures; and
 - (10) a description of any waivers from DPH regulations issued for the RMD.
- b. The **Applicant** shall **provide** copies of the application to the **Board of Selectmen, the Building Department, Fire Department, Police Department, Board of Health, the Conservation Commission, the Highway Department, and Board of Water Commissioners**. These boards/departments shall review the application and shall submit their written recommendations. Failure to make recommendations within 35 days of referral of the application shall be deemed lack of opposition.
- c. After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other town boards and departments, the **Planning Board** may act upon such a permit.
5. Special Permit Conditions on RMDs: The **Planning Board** shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this section. In addition to any specific conditions applicable to the applicant's RMD, the **Planning Board** shall include the following conditions in any special permit granted under this Bylaw:

- a. Hours of Operation, including dispatch of home deliveries.
 - b. The permit holder shall file a copy of any Incident Report required under 105 CMR 725.110(F) with the Zoning Enforcement Officer and the SPGA within 24 hours of creation by the RMD. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations.
 - c. The permit holder shall file a copy of any summary cease and desist order, cease and desist order, quarantine order, summary suspension order, order limiting sales, notice of a hearing, or final action issued by DPH or the Division of Administrative Law Appeals, as applicable, regarding the RMD with the Zoning Enforcement Officer and SPGA within 48 hours of receipt by the RMD.
 - d. The permit holder shall provide to the Zoning Enforcement Officer and Chief of the Police Department, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
 - e. The special permit shall lapse within **[five]** years of its issuance. If the permit holder wishes to renew the special permit, an application to renew the special permit must be submitted at least 120 days prior to the expiration of the special permit.
 - f. The special permit shall be limited to the current applicant and shall lapse if the permit holder ceases operating the RMD.
 - g. The special permit shall lapse upon the expiration or termination of the applicant's registration by DPH.
 - h. The permit holder shall notify the Zoning Enforcement Officer and SPGA in writing within 48 hours of the cessation of operation of the RMD or the expiration or termination of the permit holder's registration with DPH.
6. Exemption from RMD Special Permit Requirement: RMDs that demonstrate that they are protected pursuant to the agricultural exemption under G.L. c.40A §3 are not required to obtain a special permit, but shall apply for Site Plan Approval pursuant to **Article XV-Site Plan Approval of the Norton Zoning Bylaw**.
 7. Prohibition Against Nuisances: No **RMD** shall be allowed which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including, but not limited to fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare,

objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

8. Severability: The provisions of this Bylaw are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.

or take any other action relative thereto.

Joanne Haracz, Chairman of the Planning Board reported that the Planning Board meet on this article on September 17, 2013 and voted 6-0 in favor of Recommendation of Article 20.

DECLARED VOTED BY 2/3 BY THE MODERATOR

ARTICLE 21 (Requires Majority Vote)

Motion was made by Michael Flaherty, Chairman of the Finance Committee, that the Town vote to adopt a new Town By-Law entitled “Permanent Building Committee”, as printed under Article 21 in the October 7, 2013, Annual Town Meeting Warrant.

ARTICLE 21 as printed in the Warrant (with approved amendment—see record of amendments)

PERMANENT BUILDING COMMITTEE

Section 1: Purpose

The purpose of this bylaw is to provide a Permanent Building Committee having continuing responsibility for the execution of major construction and maintenance projects for the Town and for the development of a capital spending plan. Working with the Board of Selectmen, School Committee, Historical Commission, Planning Board, and other Town committees and boards that propose building and renovation projects, the Permanent Building Committee shall establish general criteria for Town building projects and guidelines for communication regarding these projects between and among interested committees and the public.

Section 2: Establishment

There is hereby established a Permanent Building Committee which shall oversee and supervise the design, construction, reconstruction, major alteration, renovation, enlargement, major maintenance, demolition, and removal of Town buildings, including School Department buildings, and including any significant installation, renovation, or upgrade of service equipment and major systems as provided in this bylaw.

Section 3: Definitions

For purposes of this Bylaw, the following definitions shall apply:

- 1) “Major maintenance” shall not include routine maintenance and upkeep of a building or other structure, or its service equipment and major systems, which is performed on a regular basis and shall include projects that are capital in nature, that is, having a useful life of five or more years and an estimated cost of more than \$25,000, or such higher amount as may be established from time to time by the Town Manager, subject to approval by the Board of Selectmen and School Committee.
- 2) “Construction” and “Demolition” shall include excavation, filling, and grading of the building or project site.
- 3) “Service equipment and major systems” shall include boilers, elevators, generators, HVAC systems, septic systems, fire alarms, overhead doors, automatic handicapped access doors, major electrical service including wiring and fixtures, major plumbing service including piping and sanitation fixtures, building skin (roofs, gutters, masonry, windows, exterior paint, etc.). It shall not include information system technology (computers and computer systems).
- 4) “Design” includes selection of architects and consultants as needed in compliance with applicable provisions of the General Laws.
- 5) “Proposing Body” means the Town of Norton appointed or elected board, committee or officer sponsoring or requesting a construction or major maintenance project, or in the case of major maintenance initiated by the Permanent Building Committee itself, the board, committee or officials whose facility would be the subject of the project. The Proposing Body shall be responsible for:
 - a) Determination of the program for the proposed project, including the function and needs which it is designed to fulfill, expanded services, auxiliary public use if any, additional personnel required to maintain the facility, annual maintenance costs, expected hours of the facility’s availability, and overall effect on the Town.
 - b) Recommending performance or procurement of feasibility studies for determination of the estimated size and cost requirements of the project.
 - c) Determination of the estimated requirements for equipment and furnishings.
 - d) Approval of transitional building plans, including health and safety protocols for maintaining the underlying service associated with the facility while construction takes place.
 - e) Approval of any design change or budget reprioritization having a material impact, as determined by the Proposing Body, on the programmatic design, transitional building plans, or outcome of the project.

Section 4: Membership

- 1) Regular Members. The Permanent Building Committee shall consist of five regular voting members, all serving without compensation. The composition of the Committee shall include, to the extent possible, one registered architect, one licensed engineer, one licensed builder and one attorney. All regular members shall be residents of the Town of Norton. All regular members shall be appointed by the Board of Selectmen and School Committee acting jointly in accordance with a selection process that includes public solicitation of interested persons. Any interviews of applicants shall be conducted in open session during a joint meeting of the Board of Selectmen and School Committee.

Provided that a quorum of each body is present, the appointment shall be made by majority vote of those present, provided the majority contains at least one member of each of the Board of Selectmen and School Committee.

- 2) Temporary Members. For each non-school project, a temporary member who is a member or representative of the Proposing Body shall be appointed by the Board of Selectmen. For each school project, a temporary member shall be appointed by the School Committee. A temporary member shall have the right to vote only with respect to the particular project for which such member was appointed.
- 3) Ex Officio Members. For each project, the Permanent Building Committee may request the appointment of staff or other Town residents with particular expertise to advise the Committee. Any such request shall be made to the Town Manager, provided, however, that with respect to School Department personnel, such request shall be made to the Superintendent of Schools. The Town Manager and Superintendent shall determine the appropriate staff member in each case. Ex Officio members shall have a voice but not a vote on matters before the Committee.
- 4) Term of Appointment:
 - a) Regular members shall be appointed for alternating three-year terms, and shall serve until a successor has been appointed and qualified. In making the original appointments under this bylaw, the Board of Selectmen and School Committee shall designate two regular members to serve for three years, two regular members to serve for two years and one regular member to serve for one year; and thereafter shall make appointments for terms of three-years. A vacancy shall be filled for the remainder of the unexpired term.
 - b) Temporary members shall be appointed to the Committee for the period of time during which the Committee is exercising its functions with respect to the project for which they were appointed.

Section 5: Powers and Duties of the Committee

- 1) The Committee shall have the following powers and duties:
 - a) Oversee and supervise the design and construction of all projects within its jurisdiction, including the designer selection process for the solicitation, evaluation and recommendation of a project designer, schematic design, design development, production of construction documents, public construction bidding, contract award recommendation

and construction administration in compliance with the General Laws. All projects shall be developed in a manner consistent with the project goals and physical requirements established by the Proposing Body and the applicable provisions of the General Laws.

- b) Review and report to the Proposing Body the financial requirements of all projects within its jurisdiction, or for which it may become responsible, and oversee the expenditure of funds in the course of execution of such projects.
 - c) Conduct a periodic review and audit of the physical condition of all Town buildings, including service equipment and major systems.
 - d) Develop a rolling 10-year property management plan for the major maintenance, construction, enlargement, or replacement of all Town buildings, including service equipment and major systems.
 - e) On or about November 15 of each year, present to the Board of Selectmen, the School Committee, and the Capital Improvements Committee a recommendation of major construction and/or maintenance project(s) to be undertaken by the Town in the ensuing fiscal year.
- 2) The Committee shall act by majority vote. Temporary members shall be counted for purposes of determining the presence of a quorum.
 - 3) Unless otherwise requested by a Proposing Body, the Committee shall have no duties and responsibilities in connection with projects for which design or construction funding has been appropriated prior to the adoption of this Bylaw.
 - 4) The Committee may, subject to agreement with a Proposing Body, waive its duties and responsibilities under this Bylaw with respect to any project and in such case, the Proposing Body shall have the authority of the Permanent Building Committee with respect to the project.

Section 6: Policies and Procedures

- 1) The Committee shall adopt local designer selection procedures consistent with the requirements of G. L. c. 7C.
- 2) The Committee may, consistent with the requirements of the Town Charter and bylaws, adopt policies and procedures for implementing the provisions of this Bylaw.
- 3) The Town Manager shall, subject to appropriation, provide appropriate staff support for the Committee.

(MOTION AS AMENDED) - DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

(NOTE: Article 21 appears as voted. See end of Article for Record of Amendments)

RECORD OF AMENDMENTS and MOTIONS FOR ARTICLE 21

A **MOTION** to Amend Article 21 was made by Deniz Savas and was seconded. Motion was to make the following changes to final sentence in Section 4.1: (1) add the word “the” before appointment (2) remove the words “and voting” after the word “present” (3) add the following to the end, after the word present: “, provided the majority contains at least one member of each of the Board of Selectmen and School Committee.”

Amendment -- DECLARED VOTED BY MAJORITY BY THE MODERATOR

ARTICLE 22 (Requires 2/3 Vote)

Motion was made by Michael Flaherty, Chairman of the Finance Committee, that the Town vote to transfer the amount of \$100,000.00 from Free Cash to the Stabilization Fund, in accordance with G.L. c. 40, §5B.

DECLARED VOTED BY 2/3 BY THE MODERATOR

The Annual Town Meeting was declared Adjourned at 9:19 PM.

ATTEST:

Danielle M. Sicard
Town Clerk