

**TOWN OF NORTON  
WARRANT FOR THE ANNUAL TOWN MEETING  
OCTOBER 17, 2016**

To Leon Dumont, or any of the Constables of the Town of Norton:

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Norton, qualified to vote in Norton affairs, to meet in the Norton High School Auditorium, 66 West Main Street, in said Norton, on Monday, the 17th day of October, 2016, A.D., at seven o'clock in the evening, then and there to act on the following articles, viz.

ARTICLE 1

To see if the Town will vote to raise and appropriate and/or transfer and/or appropriate from available funds, a sum of money to pay unpaid bills for which obligation was incurred in prior fiscal years, or take any other action relative thereto.

(BOARD OF SELECTMEN)

ARTICLE 2

To see if the Town will vote to raise and appropriate and/or transfer and/or appropriate from available funds, a sum of money to pay all outstanding separation expenses associated with the retirement of various employees from the Town of Norton and authorize the Town Accountant, in consultation with the Town Manager, to allocate amounts to appropriate departments, or take any other action relative thereto.

(BOARD OF SELECTMEN)

ARTICLE 3

To see if the Town will vote to raise and appropriate and/or transfer and/or appropriate from available funds a sum of money to supplement the Fiscal Year 2017 operating budget appropriated under Article 16 of the May 9, 2016, Annual Town Meeting, or otherwise amend said vote, or take any other action relative thereto.

(BOARD OF SELECTMEN)

ARTICLE 4

To see if the Town will vote to raise and appropriate and/or transfer and/or appropriate from available funds a sum of money to supplement the Fiscal Year 2017 Water Enterprise operating budget appropriated under Article 9 of the May 9, 2016, Annual Town Meeting, or otherwise amend said vote, or take any other action relative thereto.

(WATER AND SEWER COMMISSIONERS)

ARTICLE 5

To see if the Town will vote to raise and appropriate and/or transfer and/or appropriate from available funds a sum of money to supplement the Fiscal Year 2017 Sewer Enterprise operating budget appropriated under Article 10 of the May 9, 2016, Annual Town Meeting, or otherwise amend said vote, or take any other action relative thereto.

(WATER AND SEWER COMMISSIONERS)

ARTICLE 6

To see if the Town will vote to raise and appropriate and/or transfer and/or appropriate from available funds a sum of money 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, or take any other action relative thereto.

(BOARD OF SELECTMEN)

## ARTICLE 7

To see if the Town will vote to raise and appropriate and/or appropriate and/or transfer from available funds, including but not limited the Capital Improvements Fund, and/or borrow a sum of money to supplement the Fiscal Year 2017 capital improvements budget appropriated under Article 12 of the May 9, 2016, 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, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow under and pursuant to Chapter 44, Section 7(9), of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, or take any other action relative thereto.

(BOARD OF SELECTMEN)

## ARTICLE 8

To see if the Town will vote to accept the last paragraph of G.L. c.59, §5, clause Twenty-second F, inserted by St. 1993, Chapter 110, Section 110, reducing the residency requirement from five years to one year for an otherwise eligible person to be granted a tax exemption under clauses Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E and Twenty-second F of G.L. c.59, §5, or take any other action relative thereto.

(BOARD OF ASSESSORS)

## ARTICLE 9

To see if the Town will vote to raise and appropriate and/or transfer and/or appropriate from available funds, a sum of money for the Open Space and Recreation Plan update, or take any other action relative thereto.

(BOARD OF SELECTMEN)

## ARTICLE 10

To see if the Town will vote to authorize the Board of Selectmen to negotiate and enter into a Payment in Lieu of Taxes Agreement, also known as a PILOT or "Tax Agreement", pursuant to the provisions of G.L. Chapter 59, Section 38H(b) and any other enabling authority, in the form substantially as on file with the Town Clerk or in such other form as is acceptable to the Board of Selectmen, between the Town of Norton and Norton Solar I LLC, its successor, assignee, or

affiliate, on such terms and conditions and for such term not to exceed twenty (20) years as negotiated by the Board of Selectmen for payment of taxes related to personal and/or real property associated with a solar renewable energy generation facility to be installed, owned, and operated by such entity on land owned by Wheaton College, and described more particularly below, all as set forth in said PILOT; and further, to authorize the Board of Selectmen and Town Manager to take such action as many be necessary to carry out the vote taken hereunder, or take any other action relative thereto:

MAP	LOT	STREET
23	53	20 Clapp Street

(BOARD OF SELECTMEN)

ARTICLE 11

To see if the Town will vote to authorize the Board of Selectmen to negotiate and enter into a Payment in Lieu of Taxes Agreement, also known as a PILOT or “Tax Agreement”, pursuant to the provisions of G.L. Chapter 59, Section 38H(b) and any other enabling authority, in the form substantially as on file with the Town Clerk or in such other form as is acceptable to the Board of Selectmen, between the Town of Norton and Norton Solar II LLC, its successor, assignee, or affiliate, on such terms and conditions and for such term not to exceed twenty (20) years as negotiated by the Board of Selectmen for payment of taxes related to personal and/or real property associated with a solar renewable energy generation facility to be installed, owned, and operated by such entity on land owned by Wheaton College, and described more particularly below, all as set forth in said PILOT; and further, to authorize the Board of Selectmen and Town Manager to take such action as many be necessary to carry out the vote taken hereunder, or take any other action relative thereto:

MAP	LOT	STREET
23	70	36 Clapp Street

(BOARD OF SELECTMEN)

## ARTICLE 12

To see if the Town will vote to amend its Bylaws by deleting the current Bylaw entitled "Motor Boats and Personal Watercraft" in its entirety and adopting, ratifying, and incorporating therein the following new Bylaw entitled "Boats and Waterways", or take any other action relative thereto:

### **BOATS AND WATERWAYS**

#### **Definitions.**

As used in the chapter, the following terms shall have the meanings indicated:

**EXOTIC, INVASIVE PLANTS AND ANIMALS** – Non-native species that have spread into native or minimally managed plant systems in Massachusetts, causing economic or environmental harm by developing self-sustaining populations and becoming dominant and/or disruptive to those systems.

**HEADWAY SPEED** – The slowest speed at which a watercraft may be operated and maintain steerage way, but not to exceed six (6) miles per hour.

**PERSONAL WATERCRAFT (PWC)** – A small vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by persons sitting, standing or kneeling on the vessel. The term includes but is not limited to a jet ski, wet bike, or surf jet so-called, plus motorized or propelled surfboards.

**POWERBOATS** – Any boat powered by an internal combustion engine permanently or temporarily affixed to said boat.

**WATERCRAFT** – Any vessel or object used to navigate the waterways. The term includes but is not limited to a motorboat, row boat, jet boat, sail boat, dinghy, canoe, kayak, inflatable boat or personal watercraft.

**WATERWAYS** – Any body of water upon which watercraft can be used.

#### **Regulations Pertaining to Norton's Lakes and Ponds**

##### **A. General:**

1. No person, while on any inland waters, or on shores thereof, shall annoy or cause annoyance to another person, or utter any profane, threatening or abusive language or loud outcries, or do any obscene or indecent act.
2. No person shall operate any boat or PWC under the influence of alcohol, marijuana, or any mind-altering substances pursuant to MGL. 90 b section 8.
3. No person shall throw, drop or otherwise leave in place in the water, vegetation or on the shore of any of the inland water any paper, rubbish, glass, fishing line, fishing lures, oil, oily waste, gasoline, raw sewage, toxic matter, garbage, rubbish, refuse or any other debris. No person shall discharge swimming pool water into any waterbody, waterway or wetland.

4. Vegetation shall not be altered or removed from any inland water or from along any shore without a valid Order of Conditions from the Conservation Commission. Removal of any vegetation shall be a violation of the Wetland Protection Act (MGL chapter 131, section 40) and shall be punishable by a fine in accordance with the Regulations (310CMR10.00).
5. All power boats and personal watercraft shall be inspected by the operator both before entering any inland waterbody and immediately upon exiting any inland waterbody, for any exotic, invasive plants pursuant to the Massachusetts Invasive Plant Advisory Group (MIPAG). All plants shall be removed and properly disposed as solid waste and shall not be spread to any other Water of the Commonwealth.
6. All power boats operated on any inland waters shall be registered with the Environmental Police Department pursuant to MGL 90 b section 2 and shall bear a number on both sides of not less than four inches in height and one half inch in width, assigned by such department, in a form clearly visible from a distance of not less than 100 yards.
7. No power-propelled boat or PWC shall be operated at a speed creating an excessive wash or wake so as to interfere with the operation of other watercraft, to endanger swimmers, damage property or alter the bank of the pond or wetland vegetation as defined in Massachusetts Wetland Protection Act MGL Chapter 131, Section 40 and its Regulations 310 CMR 10.00.
8. All boating or water-skiing accidents involving personal injury or \$500 property damage must be reported to the Norton Police Department within twenty-four (24) hours of the occurrence.
9. No person shall feed any wild animal including birds, ducks, geese, or similar water fowl in any waterbody or waterway or within its adjoining shores.

**B. Speed restrictions.**

The maximum speed limit for all watercraft in Winnecunnet Pond and Norton Reservoir is 35 miles per hour (MPH) and 15 miles per hour (MPH) for Barrowsville Pond and Chartley Pond, except as approved by the Board of Selectmen for safety or rescue purposes.

**C. Distance restrictions; reduction of speed.**

All watercraft must reduce speed to headway speed (6 MPH) when operating within 150 feet of:

1. The shore, watercraft not underway (for example moored or anchored vessels), and private docking areas; and
2. A public boat launch and a public or private swim area.

**D. Nighttime operation.**

No watercraft shall operate at a speed greater than headway speed (6 MPH) from the hours of dusk to dawn. For the purpose of enforcement, "dusk to dawn" shall mean ½ hour after sunset and ½ hour before sunrise.

1. All watercraft operated from dusk to dawn must be equipped with a light for emergency use.
2. Towing from any watercraft from dusk to dawn operation is prohibited.

**E. PWC operation.**

1. PWC operation shall be allowed from 9am to 4pm only. PWC shall not be operated in less than 30 inches of water; and
2. PWC are not permitted on waterbodies less than 75 acres (Barrowsville Pond and Chartley Pond).

**F. Waterskiing.**

1. Any power-propelled boat towing a person or persons on water-skis shall be occupied by two persons, one of whom shall give full attention to the operation of the boat, and the other shall give full attention to the safety of the person or persons being towed.
2. The maximum length of a ski-rope shall not exceed seventy-five (75) feet.

**G. Seaplanes.**

The operation of seaplanes is prohibited.

**H. Motorized vehicles and frozen conditions.**

No road vehicles, including but not limited to automobiles, trucks, all terrain vehicles (ATVs), or motorcycles shall be allowed onto the waterbody when the lake is frozen, except for emergency purposes only, or by permit of the Selectmen.

1. Snowmobiles may be allowed on frozen waterbodies and shall adhere to Sections B of this bylaw;
2. All structures including ice fishing houses built on or moved onto the ice over waterbodies in the Town of Norton are subject to the following:
  - a. Structures must identify and display the owners name and address with at least two inch block letters;
  - b. The Town reserves the right to establish a permit fee of \$20.00 per year per structure;
  - c. Structures must be removed prior to ice out, no later than February 15<sup>th</sup> of each year; and
  - d. If the structure is not removed the owner will forfeit the privilege for future permits and be subject up to a \$500.00 fine.

**I. Distance restrictions for rafts, floats, moorings.**

No raft, float, mooring or similar device shall be attached to the bottom by anchor or other means at a distance of more than 150 feet from the shore line without a special permit issued by the Police Chief. Anchors are not permitted in Winnecunnet Pond.

**J. Docks.**

1. Any person installing or placing a dock in the Town of Norton shall apply for a wetland permit and construct said dock in compliance with "*Small Docks and Piers: A Guide to Permitting Small, Pile-Supported Docks and Piers, DEP, November 2003*". At a minimum, all deck construction shall consist of material that allows a minimum of 60% light penetration or decking planks spaced a minimum of ¾ inch apart. Motorized vessels shall be moored stern seaward at the end of the dock to prevent "propeller dredging" or "propeller wash". The dock shall be anchored to the shore to prevent it from being dislodged by wind or wave action. The dock shall contain a name plate with the owner's name and phone number in case the dock is dislodged and washed away from its anchor. The owner is responsible for recovering the dock if it is dislodged.
2. All docks must be maintained in a safe structural condition. The Building Inspector may order the repair or removal of any dock or part thereof deemed hazardous by a commissioner or police officer authorized by the commission. The commission may order the repair or removal of said dock. If a dock is deemed a hazard, the owner shall be given 30 days to either repair or remove said dock. The failure of the owner to repair or remove said dock may result in an order by the Building Inspector to remove said dock at the expense of the owner in addition to fines and court fees.

**K. Commercial operation.** No person shall conduct a powerboat rental agency, carrying of passengers for hire, or any other type of commercial business on the waters of the Town of Norton except as prescribed by and specified in an annual license issued by the Norton Conservation Commission. Commercial operations may be subject to an annual fee.

**L. Permits and fees.**

The Board of Selectmen shall establish a fee schedule and issue parking and lease agreements for the use of the Town's land.

**M. Public safety and good order.**

If, in the judgment of the Town, the safety of life and/or property or over use of an area creates a danger, hazard or disturbance of the peace, immediate action may be taken to remedy the situation. Such action may include but not be limited to removing a navigational hazard and removing or redirecting watercraft to another area or off the water.

**N. Enforcement; violations and penalties.**

1. Unless otherwise specified, the provisions of this chapter as well as Chapter 90B of the Massachusetts General Laws shall be enforced by the Police Department.



2. Whoever violates any of the provisions of this chapter may receive a fine of \$150 for each offense or be required to make restitution for damage. Violations of this chapter may be enforced by noncriminal disposition pursuant to MGL c. 40, § 21D.

**O. Effective date.**

This by-law shall take effect in the manner provided in section thirty-two of chapter forty.

**P. Severability.**

If any provision of this by-law is held to be invalid such invalidity shall not affect any other provision of this by-law.

(BOARD OF SELECTMEN)

ARTICLE 13

To see if the Town will vote to amend its By-laws by adopting a new By-law entitled “Stormwater Management”, substantially as on file with the Town Clerk, the purpose of which is to establish a local stormwater runoff control program to minimize or eliminate erosion and maintain sediment at construction sites so that it is not transported to a water of the Commonwealth; reduce the discharge of pollutants found in stormwater through the retention and treatment of stormwater after construction; ensure long-term operation and maintenance of stormwater drainage systems; and meet the Federal mandate for compliance with requirements of the Massachusetts MS4 General Permit; or take any other action relative thereto.

(CONSERVATION COMMISSION)

ARTICLE 14

To see if the Town will vote to amend the Norton Zoning Bylaws, Article XXII – Large-Scale Ground-Mounted, Solar, Photovoltaic Facilities, by making the following revisions with text to be deleted shown in bold strike-through text, and language to be inserted shown in bold underline text, as follows:

22.2.8 Required Documents

Pursuant to the site plan approval process, the Project Proponent(s) shall provide the following documents:

- (a) A site plan showing:
  - i. Property lines and physical features, including wetland resource areas **and** roads, for the project site;

- ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
  - iii. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures
  - iv. One or three-line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices;
  - v. Documentation of the major system components to be used, including the photovoltaic panels, mounting system, and inverter;
  - vi. Name, address, and contact information for the proposed system installer if known at the time of application;
  - vii. Name, address, phone number and signature of the Project Proponent, as well as all co-proponents and property owners, if any;
  - viii. The names, contact information and signature of any agents representing the Project Proponent; and
- (b) Documentation of actual or prospective access and control of the project site (see also section 22.2.9)
  - (c) An operation and maintenance plan (see 22.2.10);
  - (d) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel[s] identified is suitable for this purpose);
  - (e) Proof of liability insurance; the Project Proponent shall be required to provide evidence of liability insurance in an amount sufficient to cover loss or damage to persons and property pursuant to industry standard; and
  - (f) Description of financial surety that satisfies Section 22.7
  - (g) A public outreach plan, including a project development timeline, which indicates how the project proponent will meet the required site plan approval notification procedures and otherwise inform abutters and the community.
  - (h) A Stormwater Management Checklist, Drainage Report and construction-term stormwater management plan. **Solar array projects are subject to Massachusetts DEP Stormwater Standards. The arrays are considered impervious surface and peak rate of runoff control must be provided.**

The Planning Board may waive the above cited documentary requirements as it deems appropriate.

### 22.3.1 Designated Location:

Large-scale, ground-mounted, solar, photovoltaic installations shall be allowed as follows: on no less than two acres within the Commercial and Industrial zoning districts; and, on no less than five acres within the Residential-60 and Residential-80 zoning districts subject to the provisions of this article. Solar installations shall not be allowed within "bordering vegetated wetland", ~~or~~ bordering land subject to flooding" **or "Riverfront Area", all** as defined in the Massachusetts Wetland Protection Act Regulations, 310 CMR 10.55(2) or CMR 10.57(2) Section 10.57(2), respectively.

### 22.5.2 Land Clearing and Soil Erosion

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws. Land alterations exceeding one acre shall comply with Environmental Protection Agency's (EPA's) National ~~Pollution~~ **Pollutant** Discharge Elimination System (NPDES) **Storm Water Discharges from Construction Activities**, requirements and submit a Stormwater. **A Storm Water** Pollution Prevention Plan (SWPPP) **shall be submitted** to the ~~Building Inspector~~ **Conservation Director** for review **and comment** a minimum of 45 days prior to the commencement of work. Sediment controls shall be properly installed and maintained until the project is stabilized. All disturbed areas shall be permanently stabilized prior to final approval.

or take any other action relative thereto.

(PLANNING BOARD)

## ARTICLE 15

To see if the Town will vote to amend the Norton Zoning Bylaws, Article XII – Zoning Amendments, by making the following revisions, with text to be deleted shown in bold strikethrough text, and language to be inserted shown in bold underlined text, as follows:

- 12.2. b The Planning Board shall hold a public hearing, duly advertised as required by General Laws, Chapter 40A, Section 5, on any proposed amendment referred to it by the Board of Selectmen within ~~60~~ **65** days of such referral. Notice of such hearing shall be ~~mailed to all property owners according to the latest tax record, included within or abutting land subject to amendment, abutting communities, and the Regional Planning Agency~~ **completed according to the requirements of General Laws, Chapter 40A, Section 5.** General notice will serve where the proposed amendment is of universal or wide application to the Town.

12.4 Whenever an amendment to the Zoning Map proposes that the zoning classification of a parcel of land be changed, the initiators of such amendment, at least three weeks prior to the public hearing, shall submit, **to the Planning Director**, an accurate map ~~drawn by a registered land surveyor~~, identifying the extent of the proposed change ~~and shall post the boundaries of land included in such amendment with signs at least two feet square identifying the proposed change, the date, time and place of public hearing thereon.~~

or take any other action relative thereto.

(PLANNING BOARD)

#### ARTICLE 16

To see if the Town will vote to raise and appropriate and/or transfer and/or appropriate from available funds a sum of money to the "Other Post Employment Benefits Liability Trust Fund" established to cover the unfunded actuarial liability for retirees' health care and life insurance benefits, or take any other action relative thereto.

(TOWN MANAGER)

#### ARTICLE 17


To see if the Town will vote to raise and appropriate and/or transfer and/or appropriate from available funds, a sum of money for the Stabilization Fund, in accordance with G.L. c. 40, §5B, or take any other action relative thereto.

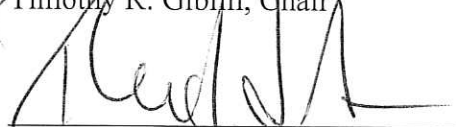
(BOARD OF SELECTMEN)

And you are hereby directed to serve this Warrant by posting attested copies of the body of same at Chartley Post Office, Norton Post Office, Norton Municipal Center, Norton Public Library, and three (3) other public places within the limits of said Town, seven (7) days at least, before the time of holding said meeting. Hereof, and fail not and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of holding said meeting. Given under our hands and seals this 6th day of October in the year Two Thousand Sixteen.

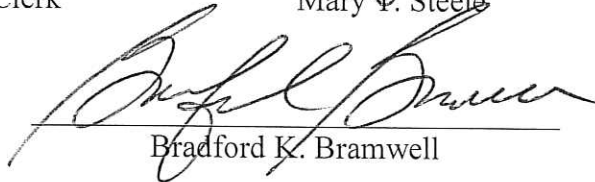
TOWN OF NORTON BOARD OF SELECTMEN, BY:

  
\_\_\_\_\_  
Timothy R. Giblin, Chair

  
\_\_\_\_\_  
Robert W. Kimball, Jr., Vice Chair

  
\_\_\_\_\_  
Robert S. Salvo, Sr., Clerk

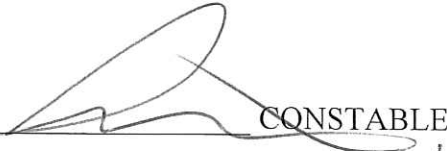
  
\_\_\_\_\_  
Mary P. Steele

  
\_\_\_\_\_  
Bradford K. Bramwell

Norton, Massachusetts

I have served this Warrant by posting attested copies at Chartley Post Office, Norton Post Office, Norton Municipal Center, Norton Public Library, and three (3) other public places within the limits of said Town, seven (7) days at least before the time of holding said Meeting.

ATTEST

  
\_\_\_\_\_  
CONSTABLE

DATE

10/7/16

Leon J. Dumont