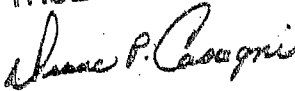


## FALL ANNUAL TOWN MEETING

OCTOBER 8, 2003

A TRUE COPY ATTEST

  
 TOWN CLERK

The Fall Annual Town Meeting was called to order by Moderator Phillip Warren at 7:00 PM.

Herbert Church, Senior Vice Commander of Post 222 of the American Legion, read the names of men and women serving in the Armed Forces of the United States who live or have family in Norton. These service people were recognized as we all sent our support for our troops on "Video's for Veterans". Mr. Church then led the Pledge of Allegiance to the Flag.

Robert Kimball recognized Eugene Boyle for his many years of service to the Town and sent Best Wishes to him from the Town during his recovery. Mr. Boyle received a standing ovation from those present at Town Meeting.

ARTICLE 1: Motion was made by Jacqueline Desrochers, Chairperson of the Finance Committee, that the Town raise and appropriate the sum of \$41,576.22 to pay unpaid bills for which obligation was incurred in prior fiscal years as follows:

\$7,512.00	Project Spoke	(Town Manager)
\$9.60	Attleboro Radiology Partnership	(Fire)
\$203.15	Sturdy Memorial Hospital	(Fire)
\$248.66	Sturdy Memorial Hospital	(Fire)
\$28.50	Pitney Bowes, Inc.	(Town Manager)
\$282.77	Midway Auto	(Police)
\$1,204.27	Maguire Group, Inc.	(Planning)
\$55.00	MSPCA/Brockton Area Animal Shelter	(Dog Officer)
\$30,830.00	Kopelman and Paige, P.C.	(Selectmen)
\$105.00	Roger D. Harden	(Inspection)
\$20.00	Paul DeBaggis	(Inspection)
\$69.93	David Rich	(Recreation)
\$557.34	ECO Services, Inc.	(Recreation)
\$450.00	ECO Services, Inc.	
\$41,576.22	TOTAL	

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

**ARTICLE 2:** Motion was made by Mrs. Desrochers that the Town raise and appropriate the sum of \$166,495.40 and to transfer from the Septic Betterment Fund the sum of \$10,841.60 to supplement the Fiscal Year 2004 operating budget appropriated under Article 4 of the June 2, 2003, Annual Town Meeting as follows:

DEPARTMENT	ACCOUNT	USE	AMOUNT
Southeastern Regional Voc School	1-306-560-5600	To Meet Assessment Requirement	\$58,606.00
Municipal Building	1-192-570-5244	HVAC and Plumbing Repairs	\$4,000.00
Town Accountant	1-135-520-5303	Audit Expense	\$4,300.00
Town Accountant	1-135-510-5115	Wages	\$1,949.00
Legal	1-151-570-5520	Westlaw Service	\$1,177.00
Town Manager	1-123-510-5116	Wages	\$1,857.00
Miscellaneous	1-940-570-5740	Insurance	\$10,000.00
Miscellaneous	1-940-570-5205	Medicaid Billing Services	\$25,000.00
Historical Commission	1-691-570-5700	Expenses	\$200.00
Treasurer/Collector	1-147-570-5200	Payroll Service	\$11,000.00
Board of Selectmen	1-122-511-5115	Wages	\$950.00
Board of Selectmen	1-122-511-5116	Wages	\$85.00
Fire	1-220-510-5160	Wages	\$17,000.00
NEMA	1-240-570-5700	Grant Program Activities (Reimbursable)	\$7,392.00
Treasurer/Collector	1-147-510-5115	Wages	\$1,163.00
Board of Health	1-510-570-5248	Expenses	\$8,000.00
Board of Health	1-510-510-5110	Assistant Health Agent	\$24,658.00
TOTAL:			\$177,337.00

**DECLARED VOTED BY THE MODERATOR**

**ARTICLE 3:** Motion was made by Mrs. Desrochers that the Town raise and appropriate the sum of \$85,678.00 to fund and implement the Collective Bargaining Agreement between the Town of Norton and the International Association of Fire Fighters Local 2678.

**DECLARED VOTED BY THE MODERATOR**

**ARTICLE 4:** Motion was made by Mrs. Desrochers that the Town transfer the sum of \$40,500.00 from the Capital Improvements Fund to supplement the Fiscal Year 2004 capital improvements budget appropriated under Article 5 of the June 2, 2003, Annual Town Meeting for the following items:

Municipal Building	\$ 25,000.00	Code and Building Upgrades
Highway	\$ 7,000.00	Sander Remount
Highway	\$ 7,500.00	Plow Blade
Recreation	\$ 1,000.00	Everett Leonard Park Septic
	\$ 40,500.00	TOTAL

**DECLARED VOTED UNANIMOUSLY BY THE MODERATOR**

**ARTICLE 5:** Motion was made by Mrs. Desrochers that the Town raise and appropriate the sum of \$17,000.00 to implement the federally mandated Governmental Accounting Standards Board Statement #34 for all fixed assets of \$5,000.00 and above.

**DECLARED VOTED BY THE MODERATOR**

**ARTICLE 6:** Motion was made by Mrs. Desrochers that the Town raise and appropriate the sum of \$10,000.00 to fund the cost of a candidate assessment process for the position of Norton Fire Chief.

**DECLARED VOTED BY THE MODERATOR**

**ARTICLE 7:** Motion was made by Mrs. Desrochers that the Town appropriate \$1,000,000.00 and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$1,000,000.00 from the Massachusetts Water Pollution Abatement Trust for the purpose of financing the repair, replacement and/or upgrading of septic systems and/or making household connections to sanitary sewer systems pursuant to agreements between the Board of Health and residential property owners, including without limitations all costs defined in Section 1 of Chapter 29C of the General Laws.

**DECLARED VOTED UNANIMOUSLY BY THE MODERATOR**

**ARTICLE 8:** Motion was made by Mrs. Desrochers that the Town transfer the sum of \$10,000.00 from the Massachusetts Water Pollution Abatement Trust Interest Earnings account to support administrative costs of said program.

**DECLARED VOTED BY THE MODERATOR**

**ARTICLE 9:** Motion was made by Mrs. Desrochers that the Town raise and appropriate the sum of \$15,000.00 for the purpose of having Household Hazardous Waste Collection day(s).

**DECLARED VOTED BY THE MODERATOR**

**ARTICLE 10:** LOST FOR LACK OF MOTION (Money to Stabilization Fund)

**ARTICLE 11:** Motion was made by Mrs. Desrochers that the Town raise and appropriate the sum of \$79,373.00 for the Capital Improvements Fund established by the by-law entitled "Capital Improvements Fund" from which appropriation may be made by a two-thirds vote at any Town Meeting.

**DECLARED VOTED BY THE MODERATOR**

**ARTICLE 12:** Motion was made by Mrs. Desrochers that the Town amend the Town By-Laws, Town Meetings, #1 which currently reads as follows:

"Town by-law to establish the second Monday in May of every year as the date for convening the Spring Annual Town Meeting to consider all articles on the warrant following Article 1, (ballot election of Town Officers) and to establish the first Monday in October of every year as the date for convening the Fall Annual Town Meeting."

and substituting the following language in its place:

"The Spring Annual Town Meeting to consider all articles on the warrant following Article 1, (ballot election of Town Officers) shall be held on the second Monday in May of every year. The Fall Annual Town Meeting shall be held no earlier than September 1 and no later than October 15 of every year."

**DECLARED VOTED BY THE MODERATOR**

**ARTICLE 13:** Motion was made by Mrs. Desrochers that the Town amend the Norton Zoning By-Law for the purpose of adopting, ratifying, and incorporating therein the Affordable Housing by-law as printed in the Finance Committee's transcript of the Annual Town Meeting Warrant and as amended in the printed hand out.

## **ARTICLE XIX - AFFORDABLE HOUSING**

### **19.1 PURPOSE AND INTENT**

The purpose of this bylaw is to provide housing in the Town of Norton that is affordable to low or moderate income households. It is intended that the affordable housing units that result for this bylaw shall qualify as Local Initiative Units (LIP) in compliance with the requirements for the same as specified by the Department of Community Affairs, Division of Housing and Community Development and that said units count toward the Town's requirements under G. L. Chapter 40B, Sections 20-23.

### **19.2 DEFINITIONS**

Affordable Housing Unit. A dwelling unit available at an annual cost of no more than 30% of gross household income of households at or below 80% of the Boston MSA median income as reported by the U.S. Department of Housing and Urban Development including units listed under Massachusetts General Law, Chapter 40B, Sections 20-23 and/or the Commonwealth's Local Initiative Program (LIP).

Qualified Affordable Housing Unit Purchaser or Tenant. An individual or family with household income that does not exceed 80% of the median income, with adjustments for household size, as reported by the most recent information from the United States Department of Housing and Urban Development (HUD) and/or the Massachusetts Department of Housing and Community Development (DHCD).

### **19.3 APPLICABILITY**

19.3.1 Division of Land. This bylaw shall apply to the division of land held in single ownership as of October 8, 2003, or anytime thereafter, into six (6) or more lots, whether such lots are created at one time or cumulatively from said land held in single ownership, and shall require a Special Permit. A Special Permit shall be required for land divisions under G. L. c. 40A, Section 9 as well as for "conventional" or "grid" divisions allowed by G. L. c. 41, Section 81-L and Section 81-U, including those divisions of land that do not required subdivision approval. The Norton Planning Board shall be the Special Permit Granting Authority (SPGA) for all Special Permits under this by-law.

- 19.3.2 Multiple Units. This bylaw shall apply to the construction of six (6) or more multi-family dwelling units, whether on one or more contiguous parcels, in existence as of October 8, 2003 and shall require a Special Permit.

#### 19.4 MANDATORY PROVISION OF AFFORDABLE UNITS

The Planning Board shall, as a condition of approval of any division of land or construction of multiple units referred to in Section 19.3, above, require that the applicant for approval of a Special Permit comply with the obligation to provide affordable housing pursuant to this bylaw and more fully described in Section 19.5, below.

#### 19.5 PROVISION OF AFFORDABLE UNITS

The Planning Board shall deny any application for a Special Permit for division of land or construction of multiple units under this by-law if the applicant does not comply, at a minimum with the following requirements for affordable units.

- 19.5.1 At least ten (10) percent of the lots in a division of land or units in a multiple unit development subject to this by-law shall be established as affordable housing units in any one or combination of methods provided for below. Fractions of a lot or dwelling unit shall be rounded up to the nearest whole number such that a development proposing six (6) dwelling units shall require one affordable unit, a development proposing eleven (11) dwelling units shall require two affordable units and so on:
- 19.5.1.1 The affordable units shall be constructed or rehabilitated on the subject property;
  - 19.5.1.2 the affordable units shall be constructed or rehabilitated on a property different than the property subject to the Special Permit;
  - 19.5.1.3 the applicant shall make an equivalent fees-in-lieu-of payment (see Section 19.10);
  - 19.5.1.4 the applicant may offer, and the Planning Board after consultation with the Board of Selectmen may accept, donations of land in fee simple, on or off-site, that the Planning Board determines are suitable for the construction of affordable housing units. The value of donated land shall be equal to or greater than the value of the construction or set-aside of the affordable units. The Planning Board may require, prior to accepting land as satisfaction of the requirements of this bylaw, that the applicant submit appraisals of the land in

question, as well as other data relevant to the determination of equivalent value.

- 19.5.2 The applicant may offer, and the Planning Board may accept, any combination of the Section 19.5 requirements provided that in no event shall the total number of units or land area provided be less than the equivalent number or value of affordable units required by this bylaw.

## 19.6 PROVISIONS APPLICABLE TO AFFORDABLE HOUSING UNITS ON AND OFF-SITE

- 19.6.1 Siting of Affordable Units. All affordable units constructed or rehabilitated under this bylaw shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.
- 19.6.2 Minimum Design and Construction Standards for Affordable Units. Affordable units within market rate developments shall be integrated with the rest of the development and shall be compatible in design, appearance, construction and quality of materials with other units. Interior feature of affordable units shall comply in all respects to the minimum design and construction standards set forth in the Local Initiative Guidelines by the Division of Housing and Community Development, July 1996, as amended.
- 19.6.3 Timing of Construction or Provision of Affordable Unit or Lots. Where feasible, affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

<u>Market-rate Units %</u>	<u>Affordable Housing Units %</u>
up to 30%	None required
30% plus 1 unit	at least 10%
up to 50%	at least 30%
up to 75%	at least 50%
75% plus 1 unit	at least 70%
up to 90%	100%
Fraction of units shall not be counted.	

## 19.7 LOCAL PREFERENCE

The SPGA shall require the applicant to comply with local preference requirements, if any, as established by the Board of Selectmen.

## **19.8 MARKETING PLAN FOR AFFORDABLE HOUSING UNITS**

Applicants under this bylaw shall submit a marketing plan or other method approved by the SPGA which describes how the units will be marketed to potential home buyers or tenants. This plan shall include a description of the lottery or other process to be used for selecting buyers or tenants. The plan shall be in conformance with DHCD rules and regulations.

## **19.9 PROVISION OF AFFORDABLE HOUSING UNITS OFF-SITE**

Subject to the approval of the SPGA, an applicant subject to this by-law may develop, construct or otherwise provide affordable housing units equivalent to those required by Section 19.5 off-site. All requirements of this bylaw that apply to on-site provision of affordable units, shall apply to provision of off-site affordable units. In addition, the location of the off-site units to be provided shall be approved by the SPGA as an integral element of the Special Permit review and approval process.

## **19.10 PROVISION OF FEES-IN-LIEU OF AFFORDABLE HOUSING UNITS**

As an alternative to the requirements of Section 19.5, and as allowed by law, an applicant may contribute a fee or land to a Norton Housing Trust Fund, established for the purpose of this by-law, to be used for the development of affordable housing in lieu of constructing affordable housing on-site or providing affordable units off-site.

19.10.1 Calculations of fees-in-lieu of units. The applicant for development subject to this by-law may pay fees in lieu of the construction or provision of affordable units. For the purpose of this by-law, the fee in lieu of the construction or provision of affordable units is determined to be \$200,000 per unit. For example, if the applicant is required to construct two affordable income units, they may at their option, pay \$400,000 in lieu of construction or provision of such units.

19.10.2 Schedule of fees in lieu of payments. Fee in lieu of payments shall be made according to the schedule set forth in Section 19.6.3, above.



## 19.11 MAXIMUM INCOME AND SELLING PRICE: INITIAL SALE

- 19.11.1 To ensure that only eligible households purchase affordable housing units, the purchaser of a affordable unit shall be required to submit copies of the last three years federal and state tax returns for the household and certify, in writing and prior to transfer of title, to the developer of the housing units or his/her agent, and within thirty (30) days following transfer of title, to the Norton Local Housing Partnership, that his/her annual household income level does not exceed the maximum level as established by the Commonwealth's Division of Housing and Community Development, and as may be revised from time to time.
- 19.11.2 The maximum price or rent of the affordable units created under this bylaw is established by the Commonwealth's Division of Housing and Community Development and as may be revised from time to time.

## 19.12 PRESERVATION OF AFFORDABILITY; RESTRICTIONS ON RESALE

Each affordable unit created in accordance with this by-law shall have limitations governing its resale. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for affordable income households. The resale controls shall be established through a deed restriction on the property acceptable to DHCD, recorded in the Bristol County Northern Registry of Deeds and shall be in force for a period of ninety-nine (99) years or as long a period as is lawful, whichever is greater.

- 19.12.1 Resale Price - Sales beyond the initial sale to a qualified purchaser shall not exceed the maximum sales price as determined by the DHCD for affordability within the Town of Norton as the time of resale.
- 19.12.2 ~~Right of First Refusal to Purchase.~~ The purchaser of an affordable housing unit developed as a result of this bylaw shall agree to execute a deed rider prepared by the Town, granting, among other things, the Town of Norton's right of first refusal for a period not less than one-hundred eighty days (180) to purchase the property or assignment thereof, in the event that, despite diligent efforts to sell the property, a subsequent qualified purchaser cannot be located.
- 19.12.3 Renting. The Planning Board shall require, as a condition for grant of the Special Permit under this bylaw, that the deeds to the affordable housing units contain a restriction requiring that any subsequent renting or leasing of said

affordable housing unit(s) shall not exceed the maximum rental price as determined by the DHCD for affordability within the Town of Norton.

- 19.12.4 The Planning Board shall require, as a condition for grant of the Special Permit under this bylaw, that the applicant comply with the mandatory set-asides and accompanying restrictions of affordability, The Building Inspector shall not issue an any building permit for any unit(s) until the special permit and deed restriction are recorded at the Bristol County Northern Registry of Deeds or the Land Court.

Planning Board recommends Article 13.

**DECLARED VOTED BY 2/3 VOTE BY THE MODERATOR**

**ARTICLE 14: LOST FOR LACK OF MOTION (Amend Zoning 6.4)**

Moderator Warren declared the Fall Annual Town Meeting adjourned at 7:30 PM.

ATTEST:



Diane P. Casagni  
Town Clerk