

ANNUAL TOWN MEETING

MAY 9, 2005

The Annual Town Meeting was called to order at 7:05 PM by Moderator Phillip Warren. He then led the Pledge of Allegiance to the Flag. Moderator Warren appointed Michael Wynn as Deputy Moderator, which was ratified by Town Meeting.

ARTICLE 2: Motion was made by Michael Fiore, Chairman of the Finance Committee, that the Town amend the "Salary Plan" by changing the existing range of \$50,000 - \$67,000 to \$65,000 - \$77,000 for the Water & Sewer Superintendent and by changing the existing range of \$45,000 - \$60,000 to \$50,000-\$67,000 for the Highway Superintendent:

<u>POSITION</u>	<u>EXISTING</u>	<u>PROPOSED</u>
Office Administrator	\$28,000-38,000	\$28,000-38,000
Assistant to Town Manager	\$35,000-48,000	\$35,000-48,000
Highway Superintendent	\$45,000-60,000	\$50,000-67,000
Town Accountant	\$50,000-65,000	\$50,000-65,000
Assistant Town Accountant	\$30,000-45,000	\$30,000-45,000
Water & Sewer Superintendent	\$50,000-67,000	\$65,000-77,000
Asst. Water & Sewer Superintendent	\$28,840-35,020	\$28,840-35,020
Public Health Nurse	\$16.00-24.00 Hourly	\$16.00-24.00 Hourly
Custodian – Municipal	\$8.50-13.50 Hourly	\$8.50-13.50 Hourly

DECLARED VOTED BY THE MODERATOR

ARTICLE 3: Motion was made by Mr. Fiore that the Town raise and appropriate from available funds pursuant to Chapter 291B of the Acts of 2004 the sum of \$333,397.00 for the purpose of road and other municipal improvements within the Town of Norton which are eligible for reimbursement, subject to conditions detailed by the Massachusetts Department of Public Works pursuant to Chapter 90, Section 34(2a), of the Massachusetts General Laws.

DECLARED VOTED BY THE MODERATOR

ARTICLE 4: Motion was made by Mr. Fiore that the Town raise and appropriate the sum of \$39,081,357.00 for the purpose set forth in Article 4 to fund the Town's FY06 Operating Budget and to fix the salaries of all elected officials of the Town, as presented in the Finance Committee's Report, these monies to be raised by taxation and appropriated, and to transfer the sum of \$1,775,425.00 from the following funds:

Overlay Surplus	\$ 75,000.00
Water Reimbursement	\$ 166,711.00
Hicks Fund	\$ 100,000.00
Ambulance Receipts	\$ 396,631.00
Septic Betterments	\$ 43,425.00
Dog Fund	\$ 8,658.00

Wetlands Protection	\$ 10,000.00
Free Cash	\$ 750,000.00
Stabilization	\$ 225,000.00

FY 2006 Operating Budget**No.****MODERATOR (114)**

Other Personnel Services	510	0.00
Other Charges & Expenses	570	0.00
Total		0.00

SELECTMEN (122)

Other Personnel Services	511	46,359.00
Other Charges & Expenses	570	4,700.00
Total		51,059.00

TOWN MANAGER (123)

Personnel Services	510	135,635.00
Other Charges & Expenses	570	7,990.00
Total		143,625.00

FINANCE COM. (131)

Other Charges & Expenses	570	3,355.00
--------------------------	------------	----------

RESERVE ACCOUNT (132)

Reserve Account	502	150,000.00
-----------------	------------	------------

ACCOUNTING (135)

Personnel Services	510	105,891.00
Purchase of Services	520	20,000.00
Other Charges & Expenses	570	3,715.00
Total		129,606.00

ASSESSORS (141)

Personnel Services	510	118,694.00
Purchase of Services	520	400.00
Other Charges & Expenses	570	13,290.00
Total		132,384.00

TREAS/COLLECT (147)

Treasurer/Collector	510	54,106.00
Other Personnel Services	511	114,650.00
Other Charges & Expenses	570	52,900.00
Total		221,656.00

LEGAL SERVICES (151)

Purchase of Services	520	80,000.00
----------------------	-----	-----------

INFORMATION TECHNOLOGY (155)

Other Charges & Expenses	570	83,500.00
--------------------------	-----	-----------

WEB COMMITTEE (156)

Other Charges & Expenses		0.00
--------------------------	--	------

TAX FORECLOSURE (158)

Other Charges & Expenses	570	20,000.00
--------------------------	-----	-----------

TOWN CLERK (161)

Town Clerk	510	39,800.00
Other Personnel Services	511	35,952.00
Purchase of Services	520	0.00
Other Charges & Expenses	570	2,925.00
Total		78,677.00

ELECTION REGIS. (162)

Personnel Services	510	550.00
Other Charges & Expenses	570	15,692.00
Total		16,242.00

CONSERV. COMM (171)

Personnel Services	510	79,872.00
Other Charges & Expenses	570	3,860.00
Total		83,732.00

PLANNING BOARD (175)

Personnel Services	510	76,993.00
Other Charges & Expenses	570	4,750.00
Total		81,743.00

SERPEDD (176)

Assessment	560	2,914.00
------------	-----	----------

ZON. BD. OF APPEALS (177)

Personal Service	510	0.00
Other Charges & Expenses	570	300.00
Total		300.00

INDUS. DEV. COMM. (182)

Other Charges & Expenses	570	100.00
--------------------------	-----	--------

MUNICIPAL BLDG. (192)

Personnel Services	510	0.00
Other Charges & Expenses	570	218,900.00
Total		218,900.00

TOWN REPORTS (195)

Purchase of Services	520	3,500.00
----------------------	-----	----------

POSTAGE (199)

Purchase of Services	520	0.00
Other Charges & Expenses	570	38,000.00
Total		38,000.00

POLICE (210)

Personnel Services	510	1,792,174.00
Other Charges & Expenses	570	161,689.00
Total		1,953,863.00

FIRE (220)

Personnel Services	510	2,101,801.00
Other Charges & Expenses	570	127,100.00
Total		2,228,901.00

EMERG. MEDICAL (230)

Other Charges & Expenses	570	62,500.00
--------------------------	-----	-----------

EMERGENCY MANAGEMENT (240)

Personnel Services		0.00
Purchase of Services		0.00
Other Charges & Expenses	570	7,500.00
Total		7,500.00

INSPECTION DEPT. (241)

Personnel Services	510	125,813.00
Purchase of Services	520	0.00
Other Charges & Expenses	570	12,500.00
Total		138,313.00

SEAL.OF WGTS & MEAS.(244)

Other Charges & Expenses	570	2,000.00
--------------------------	-----	----------

COMMUNICATIONS (290)

Personnel Services	510	299,174.00
Other Charges & Expenses	570	119,550.00
Total		418,724.00

DOG OFFICER (292)

Personnel Services	510	24,855.00
Other Charges & Expenses	570	9,488.00
Total		34,343.00

TREE WARDEN (294)

Other Charges & Expenses	570	1,000.00
--------------------------	-----	----------

SCHOOL (300)

Operating Expenses	571	21,818,500.00
--------------------	-----	---------------

ATHLETIC COMPLEX (304)

Other Charges & Expenses	570	0.00
--------------------------	-----	------

S.E.REG. VOC. TECH. (306)

Assessment	560	541,021.00
------------	-----	------------

COUNTY AG (308)

Assessment	560	18,000.00
------------	-----	-----------

HIGHWAY (420)

Personnel Services	510	416,203.00
Other Charges & Expenses	570	133,600.00
Capital Outlay	580	31,428.00
Capital Improvements	581	3,000.00
Total		584,231.00

SNOW REMOVAL (423)

Other Charges & Expenses	570	60,000.00
--------------------------	-----	-----------

STREET LIGHTING (425)

Purchase of Services	520	81,900.00
----------------------	-----	-----------

SANITARY LANDFILL (438)

Other Charges & Expenses	570	3,956.00
--------------------------	-----	----------

SEWER DEPT. (440)

Personnel Services	510	95,578.00
Other Charges & Expenses	570	448,283.00
Total		543,861.00

BOARD OF HEALTH (510)

Personnel Services	510	102,796.00
Other Charges & Expenses	570	10,500.00
Total		113,296.00

PUBLIC HEALTH NURSE (522)

Personnel Services	510	19,220.00
Other Charges & Expenses	570	6,500.00
Total		25,720.00

HUMAN SERVICES (541)

Personnel Services	510	51,604.00
Other Charges & Expenses	570	15,675.00
Total		67,279.00

VETERANS AGENT (543)

Personnel Services	510	30,318.00
Other Charges & Expenses	570	1,560.00
Other Expenses	579	200,000.00
Total		231,878.00

HDGP. COMMISSION (549)

Other Charges & Expenses	570	100.00
--------------------------	-----	--------

LIBRARY (610)

Personnel Services	510	
Other Charges & Expenses	570	413,018.00
Total		413,018.00

RECREATION (630)

Personnel Services	510	38,024.00
Other Charges & Expenses	570	23,650.00
Total		61,674.00

CULTURAL COUNCIL (650)

Other Charges & Expenses	570	0.00
--------------------------	-----	------

HISTORICAL COMMISSION (691)

Other Charges & Expenses	570	100.00
--------------------------	-----	--------

MEMORIAL & VETS (692)

Other Charges & Expenses	570	1,500.00
--------------------------	-----	----------

HISTORIC DISTRICT COMMISSION (693)

Other Charges & Expenses	570	315.00
--------------------------	-----	--------

MATURING DEBT (711)

Purchase of Services	520	0.00
Other Charges and Expenses	570	0.00
Other Expenses	579	0.00
Debt Service	590	1,740,508.00
Short-Term Debt	594	128,334.00
Total		1,868,842.00

INTEREST (750)

Other Charges and Expenses	570	0.00
Debt Service	590	939,404.00
Short-Term Debt	594	9,000.00
Total		948,404.00

EMPLOYEE BENEFITS (910)

Contributory Retirement	510	1,421,649.00
Medical Insurance	511	4,916,193.00
Social Security & Medicare	570	234,000.00
Total		6,571,842.00

UNEMPLOYMENT (911)

Other Charges & Expenses	570	85,000.00
--------------------------	-----	-----------

MISCELLANEOUS (940)

Gasoline & Diesel	540	90,000.00
Insurances	570	339,908.00
Total		429,908.00

Grand Totals

40,856,782.00

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

Motion for Reconsideration was Declared Lost by the Moderator.

ARTICLE 5: Motion was made by Mr. Fiore that the Town transfer \$238,000.00 from the Capital Improvements Fund and \$57,500.00 from the Ambulance Account to purchase, or lease with an option to purchase, new and/or replacement capital items for various Town Departments as follows:

Police Department	\$ 58,000.00	Two Cruisers
Police Department	\$ 8,000.00	Repeater
Fire Department	\$ 57,500.00	Ambulance (Year 3 of 3)
Fire Department	\$ 10,000.00	Hose Replacements (Year 3 of 3)
Fire Department	\$ 90,000.00	Pumper (Year 2 of 5)
School (Systemwide)	\$ 42,000.00	Replace SPED Bus
Highway (Cemetery Dept.)	\$ 30,000.00	4 x 4 Pick Up Truck with Plow

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 6: Motion was made by Mr. Fiore 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 2006" and that the Town approve the Fiscal Year 2006 Water Department Budget in the amount of \$1,451,021.00 to be appropriated from Water Department Revenue and allocated as follows:

Salaries	\$ 456,116.00
Expenses	\$ 630,900.00
Town Reim Serv	\$ 167,998.00
Outstanding Debt	\$ 196,007.00

DECLARED VOTED BY THE MODERATOR

ARTICLE 7: Motion was made by Mr. Fiore that the Town continue a revolving account of the Board of Health. The purpose for this account is to allow the Board of Health to receive fees for processing recycled materials, including but not limited to white goods, newspapers, tires, etc., and allow the Board of Health 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; household hazardous waste collection day(s); seminars, workshops, information for Board of Health members; studies, reports on recycling issues, etc.

DECLARED VOTED BY THE MODERATOR

ARTICLE 8: Motion was made by Mr. Fiore that the Town continue a revolving fund pursuant to Chapter 44, Section 53E-1/2, 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 9: Motion was made by Mr. Fiore that the Town continue a revolving fund pursuant to Chapter 44, Section 53E½, of the General Laws for the use of the Norton Cable Access to receive franchise, access, and license fees, to be expended by Norton Cable Access, with written approval of the Board of Selectmen, to expend such funds to a maximum of \$175,000.00 for Fiscal Year 2006 for purposes of providing local access programming and for payment of any expenses related thereto.

DECLARED VOTED BY THE MODERATOR

ARTICLE 10: Motion was made by Mr. Fiore that the Town authorize the Board of Selectmen to petition the General Court for a special act, providing that legislation be adopted to facilitate the recognition of affordable housing in the Town of Norton; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

An Act Regarding Affordable Housing in the Town of Norton

Section 1: Whereas, for 30 years, the North Cottage Program and its affiliates, with an address of 69 Main Street in Norton, Massachusetts, has successfully operated both residential and day programs in the Town of Norton, for the purpose of housing and treating individuals recovering from drug and alcohol addiction.

Section 2: Whereas, the North Cottage Program, as an integral part of its services, provides 68 units of true long-term housing to low-income program graduates who are no longer in treatment.

Section 3: Whereas, on March 9, 2004, the Massachusetts Housing Finance Agency, an agency that is actively involved in the subsidization of affordable housing under a variety of affordable housing programs, approved a substantial grant in express recognition the housing provided by the North Cottage Program. The grant allowed for vital renovation of affordable housing units provided by the North Cottage Program.

Section 4: Whereas, with the grant from the Massachusetts Housing Finance Agency, the units of affordable units provided by the North Cottage Program are "housing subsidized by the federal or state government under any program to assist the construction of low or moderate income housing" as required under G.L. c. 40B § 20 and the regulations promulgated hereunder. Furthermore, the housing provided by the North Cottage Program provides equivalent or greater affordable housing opportunities to group home units for clients equivalent or similar to what is provided by the Department of Mental Health or the Department of Mental Retardation; and accessory apartments all of which are defined as low and moderate income housing under 760 CMR 30.02, which is a regulation promulgated under G.L. c 40B, §§ 20-23.

Section 5: Notwithstanding any special or general law to the contrary, in the Town of Norton, the term "Low and Moderate Income Housing," as defined in G.L. c. 40B, §20, shall also include all units of affordable housing provided and operated by the North Cottage Program. The number of such units shall be included in any calculation by the Town of Norton or the Norton Zoning Board of Appeals to determine the percentage of low and moderate income housing in the Town of Norton.

Section 6: This act shall take effect upon passage and shall also apply to any pending application under G.L. c. 40B, §21 submitted to the Norton Zoning Board of Appeals prior to the date of the passage of this act.

YES 303

NO 6

DECLARED VOTED BY THE MODERATOR

ARTICLE 11: LOST FOR LACK OF MOTION (Medicaid/Circuit Breaker receipts)

ARTICLE 12: Motion was made by Kevin O'Neil and seconded that the Town raise and appropriate a sum of money for the purpose of conducting a feasibility study for an addition and building code/air quality upgrades for Norton High School.

DECLARED LOST BY THE MODERATOR

ARTICLE 13: Motion was made by Mr. Fiore that the Town amend its By-Laws for the purpose of adopting, ratifying, and incorporating therein the Roadside Memorials by-law:

Roadside Memorials

This Section shall apply to any memorial of a fatal accident or occurrence that is placed along a roadside and is visible to the naked eye. The presence of such memorials has been determined to be an unsafe distraction to motorists.

In cases where a death is caused by a fatal accident or occurrence in or along such public street, sidewalk, or walkway, a temporary memorial sign may be applied for in accordance with this ordinance by a member of the deceased's immediate family. "Immediate family" is defined for purposes of this ordinance as the deceased's spouse, mother, father, sister, brother, or child.

An immediate family member would have to submit a written request to the Department of Public Works, within one hundred eighty (180) days of the date of the fatality, requesting that a memorial sign be erected. Such a memorial sign request shall be accompanied by payment of a \$50.00 fee. After the one hundred eighty (180) day time period has elapsed, no request for said temporary memorial sign shall be accepted.

The temporary memorial sign will be a round, eighteen (18") inch diameter, white sign with the words, in blue lettering, "Drive Safely In Memory of [Deceased's Name]." The memorial sign will be installed on a pole, the top of the sign being located four and one-half (4.5') feet from the ground.

No such "roadside memorial" shall be left on or within the boundaries of any public street, sidewalk, or walkway for more than thirty (30) days.

Motion was made by Michael Wynn and seconded to amend Article 13 as follows:

Roadside Memorials

This Section shall apply to any memorial of a fatal accident or occurrence that is placed along a roadside and is visible to the naked eye. The presence of such memorials has been determined to be an unsafe distraction to motorists.

In cases where a death is caused by a fatal accident or occurrence in or along such public street, sidewalk, or walkway, a temporary memorial sign may be erected in accordance with this ordinance by a member of the deceased's immediate family. "Immediate family" is defined for purposes of this ordinance as the deceased's spouse, mother, father, sister, brother, or child.

No such "roadside memorial" shall be left on or within the boundaries of any public street, sidewalk, or walkway for more than thirty (30) days.

Amendment

DECLARED VOTED BY THE MODERATOR

Article 13 as amended

DECLARED VOTED BY THE MODERATOR

ARTICLE 14: LOST FOR LACK OF MOTION (Storm water discharge By-Law)

ARTICLE 15: LOST FOR LACK OF MOTION (Illicit discharge to storm water sewer system)

ARTICLE 16: Motion was made by Mr. Fiore that the Town amend the Zoning By-Law, Article VI, Table 6.2 - Dimensional Requirements, by inserting the number "80,000" under "R-60" and "R-80" for use "duplex".

Planning Board recommends Article 16 (7-0)

DECLARED VOTED BY 2/3 VOTE BY THE MODERATOR

ARTICLE 17: Motion was made by Mr. Fiore that the Town amend the Zoning By-Law, Article VII, Section 7.6 – Non-Residential Parking and Loading Requirements, by inserting the following words prior to the list of parking requirements:

"The following parking requirements shall be used to determine parking need for all non-residential uses. However, the Planning Board recognizes that the inflexible application of the parking standards set forth below may result in a development either with inadequate parking space or parking spaces in excess of needs. Therefore, in the case of those uses which require a Special Permit pursuant to Section 4.4 - Commercial Uses and Section 4.5 - Industrial Uses and for those uses which require Site Plan Approval, the Planning Board may permit deviations from the presumptive requirements and may require more parking or allow less parking and shall determine the final number of parking spaces required based upon reference to available studies and data and, at the Board's discretion, with the assistance of qualified expert consultants."

Planning Board recommends Article 17 (7-0)

DECLARED VOTED BY 2/3 VOTE BY THE MODERATOR

ARTICLE 18: Motion was made by Joanne Haracz and seconded that the Town amend the Zoning By-Law, Article IV, Section 4.4 – Commercial Uses, under use "drive-through facility" by changing the designation for the Village Commercial zoning district from "SP" (Special Permit) to "N" (not allowed).

Planning Board recommends Article 18 (6-1)

DECLARED LOST BY THE MODERATOR

ARTICLE 19: Motion was made by Mr. Fiore that the Town amend the Zoning By-Law, Article VI, Section 6.8, by deleting Paragraph #10 which requires a 100-foot buffer around cluster developments.

Planning Board recommends Article 19 (5-2)

DECLARED VOTED BY 2/3 VOTE BY THE MODERATOR

ARTICLE 20: Motion was made by Mr. Fiore that the Town amend the Zoning By-Law, Article XV, as follows:

In Section 15.6.2 – Traffic, Parking and Pedestrian Circulation, by deleting the words “**to the extent feasible**” to read as follows:

- **Parking areas shall be located to the side or rear of structures.**

and, in Section 15.6.3 under Design in the Village Commercial District in the paragraph labeled “Buildings”, by changing the words “**building should** be placed close to the road” to “**building shall** be placed close to the road” and by changing the words “parking areas **should** be placed to the rear of buildings” to “parking areas **shall** be placed to the rear of buildings.”

Planning Board recommends Article 20 (7-0)

DECLARED LOST BY THE MODERATOR

ARTICLE 21: Motion was made by Joanne Haracz and seconded that Town amend the Norton Zoning By-Law by adding a new Article XX to read as follows: (Motion was made to waive the reading of the entire article as it is printed in the warrant, which was declared voted by the Moderator).

ARTICLE XX – TRANSFER OF DEVELOPMENT RIGHTS

20.0 PURPOSE AND INTENT

The purpose of this bylaw is to provide the Town of Norton with a means to enable the transfer of development rights from one property to another property. The transfer of development rights (TDR) makes it possible to restrict or prohibit development on property called the Sending Parcel(s) and transfer the right to develop such property to another property called the Receiving Parcel(s). Transferring the development rights allows the owner of land to receive a financial benefit from such land while at the same time preserving the land as open space. The preservation of open space and the natural environment are important goals of the Town of Norton.

20.1 APPLICATION

Transfer Development Rights (TDR) are granted by the Norton Planning Board through grant of a Special Permit pursuant to the requirements of Massachusetts General Law, Chapter 40A, Section 9, the Norton Zoning Bylaw, Article X, as applicable, and the requirements of the Article XX-Transfer of Development Rights. Applicants seeking to Transfer Development Rights shall own or represent both the sending and receiving property. Proof of such representation shall be provided with the application for a TDR Special Permit.

20.2 DEFINITIONS

Development Right: The right to develop a detached, single-family home on a sending parcel.

Transfer of Development Rights (TDR): The transfer from a sending parcel to a receiving parcel of development rights.

Sending Parcel: A parcel or parcels of land from which development rights may be transferred.

Receiving Parcel: A parcel or parcels of land to which development rights may be transferred.

Development Right Transfer Ratio: The ratio at which development rights may be transferred within single family residential zoning districts. Development rights may be transferred in the following ratios*:

From the R-40 zoning district to the R-60 zoning district: .66

From the R-40 zoning district to the R-80 zoning district: .5

From the R-60 zoning district to the R-80 zoning district: .75

All other transfers are at the ratio of one to one. Fractions of development rights shall not be counted.

*For example, if the Planning Board determines that a property located within the R-60 zoning district can support the development of 12 homes and the applicant proposes to transfer the development rights from this property to property located within the R-80 zoning district, the transfer would occur at a ratio of 60 to 80 or .75% ($60 \div 80$). This would result in 9 additional homes available to the receiving parcel.

20.3 DETERMINATION OF DEVELOPMENT RIGHTS

To establish the development rights available for transfer, the applicant shall file a Preliminary Plan for the sending parcel(s) with the Planning Board. The Planning Board may require additional information, such as a wetland determination by the Conservation Commission, to make a reasonable determination of the development rights available for transfer. The preliminary plan shall comply with the density limitations of the Norton Zoning Bylaw at the

time of the application and the Rules and Regulations Governing the Subdivision of Land in the Town of Norton. The Planning Board shall determine the number of development rights available for transfer.

20.4 DENSITY

Density on a receiving property shall not be increased more than twice that available to the receiving property under the Norton Zoning Bylaw at the time of the application for the TDR Special Permit, and the lot size shall not be reduced to less than one-half the area required by the Norton Zoning Bylaw at the time of application for the TDR Special Permit.

20.5 PERMANENT DEVELOPMENT RESTRICTIONS

The sending parcel(s) must be permanently restricted from future development by way of a "conservation restriction" in accordance with Massachusetts General Law Chapter 184, Section 31-33 as most recently amended.

20.6 DECISION

In making its determination to approve or deny a TDR Special Permit the Planning Board shall consider the following:

Will the proposed TDR benefit or contribute to the enhancement of the Town's drinking water supply;

Will the proposed TDR preserve or protect wetlands;

Will the proposed TDR benefit or enhance the quality of the Town's surface water;

Will the proposed TDR benefit or enhance wildlife habitat or habitat for rare or endangered species;

Will the proposed TDR improve the public's access to open space;

Will the proposed TDR contribute more efficient use of public infrastructure;

Will the proposed TDR have a beneficial or deleterious impact on the Town's roadway system;

Does the proposed TDR accord with the goals of the Town's Master Plan or Open Space Plan.

20.7 TITLE, RECORDATION, TAX ASSESSMENT, AND RESTRICTION OF DEVELOPMENT RIGHT

The record owner of the sending parcel(s) shall, within one-hundred and twenty days (120) days of the filing of the TDR Special Permit with the Norton Town Clerk, record at the

Registry of Deeds a Conservation Restriction as defined by Massachusetts General Law Chapter 184, Section 31-33 as most recently amended, in favor of the Town of Norton or other such governmental body or charitable corporation or trust as shall be determined by the Norton Planning Board. Evidence of said recording shall be provided to the Planning Board indicating the date of recording and deed book and page number at which the recording can be located. The TDR Special Permit shall not be effective until the Conservation Restriction has been recorded in the Registry of Deeds.

No building permit shall be issued for a transferred development right until the Conservation Restriction has been recorded in the Registry of Deeds and proof of such recording is provided to the Building Inspector.

All other instruments implementing the transfer of development rights shall be recorded in the manner of a deed in the Registry of Deeds for both sending and receiving parcels and shall specify the lot and parcel numbers of the sending and receiving parcels.

20.8 SEVERABILITY

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the zoning bylaw.

Planning Board recommends Article 21 (5-2)

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

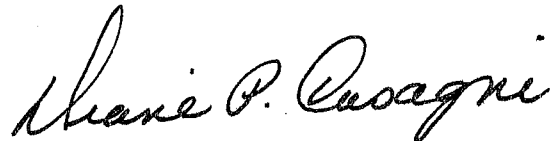
Article 21

DECLARED LOST BY THE MODERATOR

At 8:00 PM the Annual Town Meeting was adjourned until after completion of the Special Town Meeting. At 8:30 PM the Annual Town Meeting was continued.

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

ATTEST:



Diane P. Casagni
Town Clerk