

ANNUAL TOWN MEETING

MAY 8, 2006

A TRUE COPY ATTEST

Shane P. Casaghi
TOWN CLERK

The Annual Town Meeting was called to order by Moderator Phillip Warren at 7:00 PM. He then led the Pledge of Allegiance to the Flag.

Motion was made by Robert Kimball, Chairman of the Board of Selectmen, and seconded that Articles be taken in the order as in the Warrant. This motion was declared voted by the Moderator.

ARTICLE 2: Motion was made by Michael Thomas, Chairman of the Finance Committee that the Town amend the "Salary Plan" by changing the existing range of \$50,000 - \$67,000 to \$50,000 - \$70,000 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	\$50,000-67,000	<u>\$50,000-70,000</u>
Town Accountant	\$50,000-65,000	\$50,000-65,000
Assistant Town Accountant	\$30,000-45,000	\$30,000-45,000
Water & Sewer Superintendent	\$65,000-77,000	\$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
Custodian - Municipal	\$8.50-13.50 Hourly	\$8.50-13.50 Hourly

DECLARED VOTED BY THE MODERATOR

ARTICLE 3: Motion was made by Mr. Thomas that the Town raise and appropriate from available funds pursuant to Chapter 291C of the Acts of 2004 the sum of \$331,594.00 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. Thomas that the Town accept as a public way under the provisions of Massachusetts General Laws Chapter 82, as amended, Commerce Way as laid out by the Board of Selectmen and as shown on a plan titled "The Flatley Company, Commerce Way, Norton, Massachusetts, As-Built Plan of Road" dated April

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4, 2006, drawn by Kelly Engineering Group, Inc., and on file in the Office of the Town Clerk, to accept such easements as shown on the plan, and to appropriate therefor the sum of One Dollar.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 5: Motion was made by Mr. Thomas that the Town establish, pursuant to G.L. c.44, §53E ½, a revolving account for the Highway Department to allow the Highway Department to receive fees for processing recycled materials, including but not limited to white goods, newspapers, tires, etc., and allow the Highway Superintendent to expend such funds to a maximum of \$10,000.00 in the fiscal year in support of recycling activities such as the operation of the Recycling Center; public education efforts; seminars, workshops, information for the Highway Department; studies, reports on recycling issues; and transfer the balance remaining in the Board of Health revolving fund for recyclables at the end of the fiscal year to the newly created Highway Department revolving fund.

DECLARED VOTED BY THE MODERATOR

ARTICLE 6: Motion was made by Mr. Thomas that the Town continue a revolving fund pursuant to Chapter 44, Section 53E-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 that the Town 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 7: Motion was made by Mr. Thomas that the Town authorize the School Department, pursuant to Chapter 44, Section 53E-1/2, of the General Laws, to establish a revolving fund for the Public School's Early Childhood Program, such fund to be used to collect and disburse funds for the nurturing, care, and education of young children enrolled in such program, and to provide further that all receipts, tuition, and enrollment fees received by the School Department for participation in the Early Childhood Program shall be deposited in the Early Childhood Program Revolving Fund under the jurisdiction of the School Committee, and to provide that the School Committee may authorize disbursements from such revolving fund during the upcoming fiscal year not to exceed an aggregate total of \$40,000.

DECLARED VOTED BY THE MODERATOR

ARTICLE 8: Motion was made by Mr. Thomas that the Town: (1) authorize the dissolution of the Cable Access Committee upon the execution of a memorandum of agreement with a private not-for-profit cable corporation or foundation to provide cable access services to the Town, and to authorize the Board of Selectmen to enter into such agreement under such terms and conditions as the Board of Selectmen deems appropriate; (2) authorize creation of a revolving fund pursuant to Chapter 44, Section 53E½, of the General Laws, to receive fees and other payments made to the Town by a private not-for-profit cable corporation or foundation, to be expended by the Board of Selectmen to a maximum of \$70,000 for Fiscal Year 2007 for the purposes of paying salaries and fringe benefits for the employee(s) of said corporation or foundation and for other employees or agents of the Town providing services to the corporation or foundation; (3) transfer \$255,863.57 from the revolving fund established for the use of the Norton Cable Access Committee to the Norton Cable Access Committee for local access programming and expenditures related thereto and, upon creation of the private not-for-profit cable corporation or foundation, to such corporation or foundation, and further, to transfer any remaining balance in said revolving fund as of June 30, 2006, to the Norton Cable Access Committee, and, upon creation of a private not-for-profit cable corporation or foundation, to the corporation or foundation, for such purposes; provided, however, that such transfers shall be made pursuant to a grant agreement between the Board of Selectmen and a private not-for-profit cable corporation or foundation, setting forth the public purposes for which such funds may be expended, and to authorize the Board of Selectmen to enter into such agreement.

DECLARED VOTED BY THE MODERATOR

ARTICLE 9: Motion was made by Mr. Thomas that the Town adopt the following resolution: "Be it resolved that the Water Department continue to be operated under the provisions of the Mass. General Laws, Chapter 41, Section 69B, for the Fiscal Year 2007" and that the Town approve the Fiscal Year 2007 Water Department Budget in the amount of \$1,557,027 to be appropriated from Water Department Revenue and allocated as follows:

Salaries	\$ 535,783
Expenses	\$ 662,600
Town Reim Serv	\$ 168,000
Outstanding Debt	\$ 190,644
Total	<u>\$1,557,027</u>

DECLARED VOTED BY THE MODERATOR

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ARTICLE 10: Motion was made by Mr. Thomas that the Town transfer \$301,263 from Free Cash to 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 BY THE MODERATOR

ARTICLE 11: Motion was made by Mr. Thomas that the Town transfer \$266,125.00 from the Capital Improvements Fund, \$43,000.00 from the Ambulance Reserve Account, and \$70,000.00 from Chapter 90 Funds to purchase, or lease with an option to purchase, new and/or replacement capital items for various Town Departments as follows:

DATA PROCESSING	\$ 35,625.00	E-Mail Conversion Plan (Phase 1 - \$23,748; Phase 2 - \$11,877)
MUNICIPAL BUILDING	\$ 10,000.00	Police Station Flooring
POLICE DEPARTMENT	\$ 60,000.00	Cruiser Replacement (1 Explorer at \$31,000; 1 Crown Victoria at \$29,000)
POLICE DEPARTMENT	\$ 16,000.00	Livescan Print Machine
FIRE DEPARTMENT	\$ 90,000.00	Pumper (Year 3 of 5)
FIRE DEPARTMENT	\$ 43,000.00	EMS Billing/Patient Computerization
FIRE DEPARTMENT	\$ 6,500.00	Fire Alarm System - Station 1
COMMUNICATIONS	\$ 3,000.00	CEB Replacement
SCHOOLS	\$ 45,000.00	Purchase SPED Bus
HIGHWAY	\$ 40,000.00	Four-Ton Hot Box Trailer and Mini Paver
TREE DEPARTMENT	\$ 30,000.00	Wood Chipper

DECLARED VOTED BY 2/3 VOTE BY THE MODERATOR

ARTICLE 12: Motion was made by Mr. Thomas that the Town raise and appropriate the sum of \$41,455,325.00 for the purpose set forth in Article 12 to fund the Town's FY07 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 \$1,809,668.00 from the following funds:

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Overlay Surplus	\$ 75,000.00
Water Reimbursement	\$ 168,000.00
Hicks Fund	\$ 100,000.00
Ambulance Receipts	\$ 400,000.00
Septic Betterments	\$ 53,668.00
Dog Fund	\$ 5,000.00
Wetlands Protection	\$ 8,000.00
Free Cash	\$1,000,000.00

FY 2007 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	51,355.00
Other Charges & Expenses	570	4,700.00
Total		56,055.00

TOWN MANAGER (123)

Personnel Services	510	153,636.00
Other Charges & Expenses	570	7,990.00
Total		161,626.00

FINANCE COM. (131)

Other Charges & Expenses	570	3,355.00
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RESERVE ACCOUNT (132)

Reserve Account	502	150,000.00
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ACCOUNTING (135)

Personnel Services	510	110,380.00
Purchase of Services	520	20,500.00
Other Charges & Expenses	570	3,715.00
Total		134,595.00

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ASSESSORS (141)

Personnel Services	510	126,497.00
Purchase of Services	520	0.00
Other Charges & Expenses	570	13,190.00
Total		139,687.00

TREAS/COLLECT (147)

Treasurer/Collector	510	57,681.00
Other Personnel Services	511	128,583.00
Other Charges & Expenses	570	60,500.00
Total		246,764.00

LEGAL SERVICES (151)

Purchase of Services	520	80,000.00
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INFORMATION TECHNOLOGY (155)

Other Charges & Expenses	570	86,000.00
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WEB COMMITTEE (156)

Other Charges & Expenses		100.00
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TAX FORECLOSURE (158)

Other Charges & Expenses	570	40,000.00
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TOWN CLERK (161)

Town Clerk	510	42,429.00
Other Personnel Services	511	38,268.00
Purchase of Services	520	0.00
Other Charges & Expenses	570	2,800.00
Total		83,497.00

ELECTION REGIS. (162)

Personnel Services	510	550.00
Other Charges & Expenses	570	28,090.00
Total		28,640.00

CONSERV. COMM (171)

Personnel Services	510	86,543.00
Other Charges & Expenses	570	3,860.00
Total		90,403.00

PLANNING BOARD (175)

Personnel Services	510	82,449.00
Other Charges & Expenses	570	4,750.00
Total		87,199.00

SERPEDD (176)

Assessment	560	2,914.00
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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
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MUNICIPAL BLDG. (192)

Personnel Services	510	0.00
Other Charges & Expenses	570	248,900.00
Total		248,900.00

TOWN REPORTS (195)

Purchase of Services	520	3,500.00
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POSTAGE (199)

Purchase of Services	520	0.00
Other Charges & Expenses	570	42,400.00
Total		42,400.00

POLICE (210)

Personnel Services	510	1,927,171.00
Other Charges & Expenses	570	167,298.00
Total		2,094,469.00

FIRE (220)

Personnel Services	510	2,230,439.00
Other Charges & Expenses	570	162,300.00
Total		2,392,739.00

EMERG. MEDICAL (230)

Other Charges & Expenses	570	70,550.00
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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	137,644.00
Purchase of Services	520	0.00
Other Charges & Expenses	570	14,650.00
Total		152,294.00

SEAL.OF WGTS & MEAS.(244)

Other Charges & Expenses	570	2,000.00
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COMMUNICATIONS (290)

Personnel Services	510	333,596.00
Other Charges & Expenses	570	126,882.00
Total		460,478.00

DOG OFFICER (292)

Personnel Services	510	33,153.00
Other Charges & Expenses	570	9,050.00
Total		42,203.00

TREE WARDEN (294)

Other Charges & Expenses	570	500.00
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SCHOOL (300)

Operating Expenses	571	22,718,500.00
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ATHLETIC COMPLEX (304)

Other Charges & Expenses	570	0.00
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S.E.REG. VOC. TECH. (306)

Assessment	560	700,085.00
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COUNTY AG (308)

Assessment	560	18,000.00
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HIGHWAY (420)

Personnel Services	510	491,243.00
Other Charges & Expenses	570	134,350.00
Capital Outlay	580	30,000.00
Capital Improvements	581	3,000.00
Total		658,593.00

SNOW REMOVAL (423)

Other Charges & Expenses	570	80,000.00
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STREET LIGHTING (425)

Purchase of Services	520	90,000.00
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SANITARY LANDFILL (438)

Other Charges & Expenses	570	3,956.00
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SEWER DEPT. (440)

Personnel Services	510	111,045.00
Other Charges & Expenses	570	450,661.00
Total		561,706.00

BOARD OF HEALTH (510)

Personnel Services	510	107,704.00
Other Charges & Expenses	570	11,000.00
Total		118,704.00

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PUBLIC HEALTH NURSE (522)

Personnel Services	510	24,000.00
Other Charges & Expenses	570	9,500.00
Total		33,500.00

HUMAN SERVICES (541)

Personnel Services	510	53,691.00
Other Charges & Expenses	570	20,118.00
Total		73,809.00

VETERANS AGENT (543)

Personnel Services	510	32,253.00
Other Charges & Expenses	570	1,700.00
Other Expenses	579	197,825.00
Total		231,778.00

COMMISSION ON DISABILITY (549)

Other Charges & Expenses	570	100.00
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LIBRARY (610)

Personnel Services	510	
Other Charges & Expenses	570	437,722.00
Total		437,722.00

RECREATION (630)

Personnel Services	510	0.00
Other Charges & Expenses	570	76,800.00
Total		76,800.00

CULTURAL COUNCIL (650)

Other Charges & Expenses	570	0.00
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HISTORICAL COMMISSION (691)

Other Charges & Expenses	570	100.00
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MEMORIAL & VETS (692)

Other Charges & Expenses	570	1,500.00
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HISTORIC DISTRICT COMMISSION (693)

Other Charges & Expenses	570	1,000.00
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MATURING DEBT (711)

Purchase of Services	520	0.00
Other Charges and Expenses	570	0.00
Other Expenses	579	0.00
Debt Service	590	1,586,407.00
Short-Term Debt	594	128,334.00
Total		1,714,741.00

INTEREST (750)

Other Charges and Expenses	570	0.00
Debt Service	590	876,168.00
Short-Term Debt	594	6,500.00
Total		882,668.00

EMPLOYEE BENEFITS (910)

Contributory Retirement	510	1,567,963.00
Medical Insurance	511	5,550,000.00
Social Security & Medicare	570	275,000.00
Total		7,392,963.00

UNEMPLOYMENT (911)

Other Charges & Expenses	570	85,000.00
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MISCELLANEOUS (940)

Gasoline & Diesel	540	130,000.00
Insurances	570	345,000.00
Total		475,000.00

Grand Totals

43,264,993.00

DECLARED VOTED BY THE MODERATOR

Motion was made and seconded to reconsider Article 12 which was declared Lost By the Moderator.

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ARTICLE 13: Motion was made by Mr. Thomas that the Town raise and appropriate the sum of \$2,627,740.00 to supplement the Fiscal Year 2007 operating budget for the Town and the public schools, as follows; provided, however, that the appropriation authorized hereunder shall be expressly contingent upon approval by the voters of the Town of a so-called Proposition 2½ override question pursuant to the provisions of G.L. c.59, §21C:

Police Salaries	\$ 85,116	Two additional patrolmen.
Police Expense	\$ 8,600	Uniforms.
Fire Salaries	\$ 78,761	Four additional firefighters for six months
Firefighters Expense	\$ 15,200	Uniforms for the four new firefighters.
School	\$2,233,063	\$1.3 Million to maintain the current level of services and eight new positions.
Employee Benefits	\$ 207,000	Increase in employee benefits (new police, fire, and school employees).

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

15 People stood to request a Ballot Vote.

YES 1065 NO 352 **DECLARED VOTED BY THE MODERATOR**

Motion was made and seconded to Reconsider Article 13 which was Declared Lost by the Moderator.

ARTICLE 14: LOST FOR LACK OF MOTION (Expenses Health Care Employees)

ARTICLE 15: Motion was made by Mr. Thomas that the Town will authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise and to accept the deed of a fee simple interest or less in the parcel described below, currently owned by Wendell C. Jackson and Suzanne Jackson; 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 with the buildings thereon situated in Norton, Bristol County, Massachusetts, being described as follows:

Located on the Easterly side of Mansfield Avenue, shown as Lot 1 on a plan entitled Subdivision Plan of Land in Norton, Massachusetts to be conveyed to Lawrence A. Lyons, Scale 40 feet to an inch, September 9, 1977, Freeman Engineering Co., 178 North Main Street, Attleboro, Massachusetts, recorded

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in Bristol County North Division Registry of Deeds in Plan Book 166, Plan 25. Bounded and described as follows:

WESTERLY by Mansfield Avenue, as shown on said plan, 150.00 feet;

NORTHERLY by Lot 2, as shown on said plan, 526.75 feet;

EASTERLY by high water mark, Wading River Reservoir Co., as shown on said plan, 146.54 feet; and,

SOUTHERLY by land now or formerly of Lakeside Management Trust, in two courses, as shown on said plan, 520.61 feet.

Said Lot 1 contains 77,608 square feet according to said plan.

Together with all the grantors' right, title, and interest to the remaining portion of the premises described in a deed from Mehitable Hall and Hermon Hall dated July 24, 1837, recorded in Bristol County North District Registry of Deeds, Book 590, Page 111, and the remaining portion of the premises described in a deed from John H. Clapp and Fidekia Clapp to Everett Smith dated March 24, 1879, recorded with said Bristol Deeds Book 538, Page 328.

These premises are subject to flowage rights granted to the Wading River Reservoir Company by instrument dated November 6, 1872, and recorded with Bristol Deeds Book 327, Page 104.

and, further:

MOVE that the Town: a) appropriate \$500,000.00 for this purpose and any expenses related thereto; b) in order to meet such appropriation, authorize the Town Treasurer with the approval of the Board of Selectmen to borrow \$500,000.00 under G.L. c.44, §7, or any other enabling authority, and to issue bonds or notes therefore; c) authorize the Board of Selectmen to file on behalf of the Town any and all applications the Board deems necessary or appropriate for grants and/or reimbursements from any state and/or federal programs including those in aid of municipal land acquisition and to receive and accept such grants or reimbursement for this purpose; 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 further to authorize the Board of Selectmen and Town officers to enter into all agreements and execute any and all instruments and to take all related actions necessary or appropriate to effect the interest of the foregoing.

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

DECLARED VOTED BY 2/3 VOTE BY THE MODERATOR

ARTICLE 16: Motion was made by Mr. Thomas that the Town, pursuant to G.L. c.59, §5, clause 41C, adjust the exemption amount and eligibility factors seniors must meet in order to be granted a senior tax exemption as follows:

	<u>From</u>	<u>To</u>
Income Limits:		
Single Seniors	\$13,000	\$15,000
Married Seniors	\$15,000	\$30,000
Assessment Limits:		
Single Seniors	\$28,000	\$40,000
Married Seniors	\$30,000	\$55,000
Exemption Amount:	\$500	\$750

DECLARED VOTED BY THE MODERATOR

ARTICLE 17: Motion was made by Mr. Thomas that the Town appropriate \$8,000,000 for the purpose of upgrading/replacing various water mains throughout the Town, installing the transmission line for the desalinization project, and replacing the center water storage tank; and further, that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow the sum of \$8,000,000 pursuant to G.L. c.44, §§7 or 8, or any other enabling authority, and to issue bonds or notes therefor.

DECLARED VOTED BY 2/3 VOTE BY THE MODERATOR

ARTICLE 18: Motion was made by Mr. Thomas that the Town appropriate \$300,000 for the purpose of installing a sewer force main under West Main Street; and further, that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow the sum of \$300,000.00 pursuant to G.L. c.44 §§7 or 8, or any other enabling authority, and to issue bonds or notes therefore, and further, to transfer from free cash the sum of \$6,375 for the costs of said borrowing for Fiscal Year 2007.

DECLARED VOTED BY 2/3 VOTE BY THE MODERATOR

ARTICLE 19: Motion was made by Mr. Thomas that the Town transfer from Free Cash the sum of \$8,000 for the purpose of having Household Hazardous Waste Collection day(s).

DECLARED VOTED BY THE MODERATOR

ARTICLE 20: Motion was made by Mr. Thomas that the Town transfer land adjacent to the Hockomock Swamp Area of Critical Environmental Concern and other conservation properties, as set forth in the warrant for the May 8, 2006, Annual Town Meeting,

acquired through tax foreclosure proceedings and presently under the care, custody and control of the Board of Selectmen for the purposes of sale at auction, to the care, custody and control of the Conservation Commission to be preserved as open space/conservation land, pursuant to G.L. c.40, §8C, and to authorize the Board of Selectmen to record a certified copy of the vote taken hereunder to serve as notice of the dedication of this land to conservation/recreation purposes.

Street	Map	Parcel	Acres	Book
Lincoln St	12	41	1.1	7750
Lincoln St	12	41-01	2.4	5847
Lincoln St	12	41-02	0	5847
Lincoln St	12	42	1.05	5847
Lincoln St	13	13-01	2.92	6293
Lincoln St rear	13	13-02	2.38	8405
Lincoln St rear	13	13-03	0.78	6407
Lincoln St rear	13	17	14.87	6112
Lincoln St rear	13	21-02	0.44	5927
Lincoln St rear	13	23	1.46	8049
Lincoln St	13	29	27.4	7077
Lincoln St	13	4	6.42	6598
Bay Rd	19	199	0.5	881
Lincoln St	19	66	10	5484
Lincoln St rear	19	66-03	8.23	7645
			78.49	

DECLARED VOTED BY 2/3 VOTE BY THE MODERATOR

ARTICLE 21: Motion was made by Mr. Thomas that the Town transfer land within the Canoe River Area of Critical Environmental Concern, as set forth in the warrant but excluding Bay Road Rear, Map 12, Parcel 40-01, and Bay Road Rear, Map 12, Parcel 40-02, acquired through tax foreclosure proceedings and presently under the care, custody, and control of the Board of Selectmen for the purposes of sale at auction, to the care, custody, and control of the Conservation Commission to be preserved as open space/conservation land pursuant to G.L. c.40, §8C, and to authorize the Board of Selectmen to record a certified copy of the vote taken hereunder to serve as notice of the dedication of this land to conservation/recreation purposes.

Street	Map	Parcel	Acres	Book	Page
Newcomb St	4	189	0.88	8028	47
Cranberry Lane rear	6	14	6.1	2983	74
Norton Glen Rd rear	6	10-01	5	8405	251
Norton Glen Rd rear	6	10-02	6	8405	251
Charlotte Ave	19	15	0.25	5484	215

DECLARED VOTED BY 2/3 VOTE BY THE MODERATOR

ARTICLE 22: Motion was made by Mr. Thomas that the Town transfer land within the Crooked Meadow Swamp, acquired through tax foreclosure proceedings and presently under the care, custody and control of the Board of Selectmen for the purposes of sale at auction, to the care, custody and control of the Conservation Commission to be preserved as open space/conservation land pursuant to G.L. c.40, §8C, as set forth in the warrant, and to authorize the Board of Selectmen to record a certified copy of the vote taken hereunder to serve as notice of the dedication of this land to conservation/recreation purposes.

Street	Map	Parcel	Acres	Book
S Worcester St	32	85	4.75	6598
S Worcester St	32	100	4	6091
S Worcester St	32	101	.04	6091
S Worcester St	33	41	2.5	869
S Worcester St	33	48	0.5	882
East Hodges St rear	36	42	8.2	8004
East Hodges St rear	36	49	2	5999
East Hodges St rear	36	52	6.5	6902
East Hodges St rear	36	53	8	6407
East Hodges St rear	36	54	0.56	6413
East Hodges St	36	58	3	6891
East Hodges St rear	36	59	1.7	894
East Hodges St rear	36	60	1.5	5999
East Hodges St	36	66	1.12	691
East Hodges St rear	36	72	1.6	6823
East Hodges St rear	36	73	2.25	845
East Hodges St rear	36	75	1.3	5999
East Hodges St rear	36	76	2.6	5999
East Hodges St rear	36	78	2	6126
East Hodges St rear	36	79	2.8	7432
			56.92	

DECLARED VOTED BY 2/3 VOTE BY THE MODERATOR

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ARTICLE 23: Motion was made by Mr. Thomas that the Town amend the Town of Norton Zoning Map by changing the zoning classification from Industrial to Village Commercial on the following parcels of land: Assessor's Map 22, Parcels 30, 31, 40, 41, 41-04, 48, 49, 49-01, 49-02, 50, 51, 52, 53, 54, 55, and 56.

Planning Board Recommends Article 23 (7 – 0)

DECLARED VOTED BY 2/3 VOTE BY THE MODERATOR

ARTICLE 24: Motion was made by Mr. Thomas that the Town amend the Norton Zoning By-Law as follows:

By inserting in Section 4.2 - Residential Uses a new use category after "Tourist or Rooming House" to read as follows:

	<u>R-80</u>	<u>R-60</u>	<u>R-40</u>	<u>VC</u>	<u>C</u>	<u>I</u>
"Bed and Breakfast"	SP	SP	SP	Y	Y	N

and in Article II - Definitions insert in the appropriate alphabetical order the following definition:

Bed and Breakfast – A private owner-occupied residence with one to three guestrooms. The bed and breakfast is subordinate and incidental to the main residential use of the building. Individual guests are prohibited from staying at a particular bed and breakfast establishment for more than fourteen (14) consecutive days in any one-year period.

Planning Board Recommends Article 24 (6 – 0)

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 25: Motion was made by Mr. Thomas that the Town amend the Norton Zoning By-Law as follows:

In Article IV – Use Regulations, Section 4.3 Open Space, Agriculture and Recreational Uses, add the following new use category after "health or recreational club",

	<u>R-80</u>	<u>R-60</u>	<u>R-40</u>	<u>VC</u>	<u>C</u>	<u>I</u>
Outdoor lighting for non-residential use in excess of thirty (30) feet in height	SP	SP	SP	SP	SP	SP

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 26: Motion was made by Mr. Thomas that the Town amend the Norton Zoning By-Laws by amending Article XV – Site Plan Approval, Section 15.7 – Submission Requirements, and by inserting a new By-Law, Article XX – Lighting

In Article XV – Site Plan Approval, Section 15.7 –Submission Requirements, delete the following:

- The location of outdoor lighting, indicating fixture type, height, bulb type (e.g., fluorescent, sodium, incandescent), direction of illumination and methods to eliminate glare on adjacent properties.

and replace with the following:

- The location of all outdoor lights, height of each light, type of fixture (manufacturer's name and catalog number), type of bulb with lumen rating (e.g., incandescent, fluorescent, sodium), direction of illumination and hours of operation. The Planning Board reserves the right to require the submission of a photometric plan.

and insert a new Article XX to read as follows:

ARTICLE XX – LIGHTING

Purpose

Appropriately designed outdoor lighting benefits everyone. It increases safety, provides security and enhances the Town's character. New lighting technologies may produce lights that are extremely powerful. Improperly designed or installed, they create problems of excessive glare, light trespass and higher energy use; at their worst they degrade the Town's visual character and may reduce adjacent property values. The purpose of this by-law is to eliminate the problems created by improperly designed and installed outdoor lighting.

Applicability

This by-law shall apply to the construction and installation of outdoor lighting except that the following uses shall be exempt from regulation by this by-law:

- Lighting which is an accessory use to one and two family residential dwellings;
- Street lighting and lights that control traffic;
- Outdoor lighting fixtures using an incandescent lamp or lamps of 150 watts or less and all outdoor lighting using a non-incandescent lamp or lamps of 50 watts or less

Objectives and Standards:

All outdoor lighting shall conform to the following objectives and standards:

- Lighting levels shall be appropriate for the intended use; excessive levels of light, glare and light trespass will not be permitted;
- The use of floodlights shall not be permitted except with the explicit approval of the Planning Board; the Planning Board will not approve light levels which exceed professionally recognized standards for use such as those published by the Illuminating Engineers Society of North America (IES /IESNA);
- Lights which do not conceal the light source from direct view shall be avoided; flat lens, shoebox type fixtures or recessed fixtures shall be used in all cases where they are available for the proposed use;
- Energy efficient light sources such as sodium, metal halide or fluorescent are preferred;
- Lighting fixtures (luminaire) shall not exceed twenty (20) feet in height except as specifically approved by the Planning Board;
- Exterior light fixtures shall, at a minimum, be "full cutoff " fixtures which do not emit any light above a ninety (90) degree horizontal plane unless specifically approved by the Norton Planning Board;
- Wall pack fixtures shall be full cutoff fixtures equipped with a prismatic lens to cast light downward and reduce glare and shall be designed to a maximum cutoff of seventy (70) degrees from vertical; the location of the wall-pack on a structure shall not exceed a height of twenty feet;
- In no case shall the intensity of illumination exceed 0.1 vertical foot candle beyond the property line;

- Outdoor lighting shall not be permitted between 11:00 P.M. and 6:00 A.M. except as follows:

If the use is being operated, such as a business open to customers, or where employees are working or where an institution or place of public assembly is conducting an activity, normal illumination shall be allowed during the activity and for not more than one half hour after the activity ceases;

Low level lighting sufficient for the security of persons or property on the lot may be in operation between 11:00 p.m. and 6:00 am, provided the average illumination on the ground or on any vertical surface is not greater than 0.5 foot candles.

Planning Board Recommends Article 26 (7 – 0)

DECLARED VOTED BY 2/3 VOTE BY THE MODERATOR

ARTICLE 27: Motion was made by Mr. Thomas that the Town amend the Norton Zoning By-Law as follows:

In Article XIV – Water Resource Protection District, Section 14.5.2 Prohibited Uses, insert a new subsection “g” to read as follows:

- g. Self-storage warehouse, sale or storage of fuel, junk yards, car washes, on-site dry cleaning establishments, metal plating establishments, veterinary clinic/animal hospital, solid waste facility, gravel removal operations, beauty salons, photo labs; and aqua farms, cranberry bogs, and commercial live stock farms under five acres.

Planning Board Recommends Article 27 (7 – 0)

Motion was made and seconded to amend Article 27 by deleting the words “sale or storage of fuel, junk yards,”

Amendment was Declared Voted by the Moderator

Article 27 as amended

DECLARED LOST BY THE MODERATOR

ARTICLE 28: Motion was made by Mr. Thomas that the Town amend the Norton Zoning By-Law as follows:

In Article XV – Site Plan Approval, Section 15.3 – Applicability, insert a new number 4 as follows:

4. Construction activity, including clearing, grading and excavation, that results in land disturbance greater than or equal to one acre and construction activity that disturbs less than one acre if such activity is part of a larger common plan of development or sale that would disturb one acre or more that drains to the **municipal separate storm sewer system**. The following activities shall be exempt from regulation under this section (15.3 [4]): normal maintenance and improvement of land in agriculture or aquaculture as defined by the Wetlands Protection Act, regulation 310 CMR 10.04; maintenance of existing landscaping, gardens or lawn areas associated with a family dwelling; construction of fencing that will not substantially alter existing drainage terrain or drainage patterns; construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns; and, those activities as authorized in the Phase II Small MS4 General Permit for Massachusetts, that are wholly subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the **Massachusetts Storm Water Management Policy** as reflected in an Order of Conditions issued by the Norton Conservation Commission.

and, in Section 15.6.1 Objectives – Natural Environment, delete the first three bulleted paragraphs and replace with the following four bulleted paragraphs:

- Minimize tree, vegetation and soil removal; minimize the volume of cut, fill and grade changes; minimize the use of wetlands, steep slopes and floodplains; eliminate or minimize soil erosion and sedimentation by requiring an erosion and sediment control plan be in place prior to and during construction;
- Promote the infiltration and recharge of groundwater and control the volume and rate of storm water runoff resulting from land disturbance activities by requiring a storm water management plan which utilizes both structural and non-structural **best management practices** (BMPs);

- Ensure adequate long term operation and maintenance of stormwater management facilities by requiring inspection during construction and installation and by requiring an operation and maintenance plan;
- Require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts on water quality.

and, in "Section 15.7 - Submission Requirements" after the third bulleted paragraph insert the following:

- An Erosion and Sediment Control Plan which shall describe the nature and purpose of the proposed development, pertinent conditions of the site and adjacent areas, and proposed erosion and sedimentation controls to include, at a minimum, the following:
 - (1) Location, description and implementation schedule for temporary and permanent seeding, cut and fill plan, vegetative controls and other stabilization measures;
 - (2) A description of construction and waste material expected to be stored on site as well as measures that will be taken to reduce exposure of such materials to rain and storm water runoff.
- A Storm Water Management Plan which shall meet the Standards of the Massachusetts Storm Water Policy, as currently in effect and as may be hereafter amended.
- An Operation and Maintenance Plan which shall contain, at a minimum, the following information:
 - (1) Storm water management system(s) owner(s);
 - (2) The party or parties responsible for operation and maintenance;
 - (3) A schedule for inspection and maintenance;
 - (4) The routine and non-routine maintenance tasks to be undertaken;
 - (5) Snow storage area and deicing method;

- (6) A list of easements necessary for inspection, operation, and maintenance of the storm water management system components, with the purpose and location of each.

The Planning Board may adopt, and periodically amend, rules and regulations relating to the form and content of the Erosion and Sediment Control Plan, Stormwater Management Plan and Operations and Maintenance Plan and other plans and materials to be submitted under the requirements of this section.

and, in Article 15 – Site Plan Approval, insert a new subsection to read as follows:

15.11 - Access Permission

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Planning Board or its agent may enter upon privately owned property for the purpose of performing their duties under this by-law and may make such inspection as the Planning Board or its agent deems reasonably necessary to determine compliance with the approved Site Plan or Special Permit.

and re-number existing Section 15.11 and 15.12 appropriately,

and, in Article II – Definitions, insert in the appropriate alphabetical order the following new definitions:

Municipal Separate Storm Sewer System (MS4) - or municipal storm drain system; The system of conveyances designed or used for collection or conveying storm water, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprises the storm drainage system owned or operated by the Town of Norton.

Massachusetts Storm Water Management Policy – The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c.21 § 23-56. The Policy addresses storm water impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

Best Management Practices- an activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of storm water runoff.

Planning Board Recommends Article 28 (6 - 0)

DECLARED VOTED BY 2/3 VOTE BY THE MODERATOR

ARTICLE 29: Motion was made by Mr. Thomas that the Town amend the Norton Zoning By-Law as follows:

In Article XIX – Affordable Housing, insert a new Section 19.13 to read as follows:

19.13 Density Increase for Affordable Housing

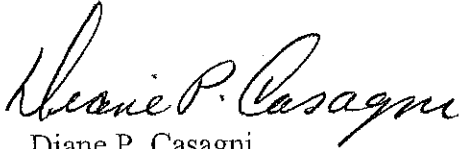
The Planning Board is authorized, by grant of a Special Permit, to allow an increase in density of up to three (3) times the density allowed under the conventional provisions of the zoning by-law for a project located in the following zoning districts: R-80, R-60, R-40, Village Commercial and Commercial if the project contains the following minimum dry acreage: in the R-80 district no less than ten (10) acres; in the R-60 district no less than seven and one-half (7.5) acres; in the R-40 district no less than five (5) acres. A project approved under this section shall provide thirty percent (30%) or more of the proposed housing units as “affordable housing units,” either for sale or rental. The Planning Board may waive the requirements for lot size and lot line setbacks to accommodate the approved density and shall specify in its approval of the Special Permit the lot size and setback requirements it deems appropriate. Projects approved under the provision of this section shall be subject to all other appropriate provisions of Article XIX-Affordable Housing and shall be subject to the provisions of Article XV-Site Plan Approval.

Planning Board Recommends Article 29 (6 – 1)

DECLARED VOTED BY 2/3 VOTE BY THE MODERATOR

The Moderator declared the Annual Town Meeting concluded at 10:15 PM.

ATTEST:


Diane P. Casagni
Town Clerk