

FALL ANNUAL TOWN MEETING

OCTOBER 5, 2005

A TRUE COPY ATTEST


 TOWN CLERK

The Fall 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.

ARTICLE 1: Motion was made by Michael Thomas, Chairman of the Finance Committee that the Town raise and appropriate the sum of \$1,925.88 to pay unpaid bills for which obligation was incurred in prior fiscal years as follows:

\$ 30.20	Assessors	Staples
\$ 1,368.00	Police	Todd Bramwell
\$ 70.00	Inspection	Roger Harden
\$ 315.01	Miscellaneous	Sturdy Memorial Hospital
\$ 142.67	Miscellaneous	Sturdy Memorial Hospital

DECLARED VOTED UNANAMIOUSLY BY THE MODERATOR

ARTICLE 2: Motion was made by Mr. Thomas that the Town raise and appropriate the amount of \$145,000.00 for the possible anticipated costs associated with the potential first fiscal year of the Town's Collective Bargaining Agreements.

DECLARED VOTED BY THE MODERATOR

ARTICLE 3: Motion was made by Mr. Thomas that the Town raise and appropriate the sum of \$15,802.32 to pay the Fire Chief all outstanding expenses associated with his retirement from the Norton Fire Department.

DECLARED VOTED BY THE MODERATOR

ARTICLE 4: Motion was made by Mr. Thomas that the Town amend the vote taken under Article 4 of the May 9, 2005, Annual Town Meeting Warrant by increasing appropriations for certain line items and reducing others, and by raising and appropriating the additional amount of \$142,432.76 as follows:

SUPPLEMENTS:

ACCOUNT	DEPARTMENT	PURPOSE	APPROVED
1-135-510	Accounting	Wage Expense	\$ 1,775.00
1-147-510	Treasurer/Collector	Wage Expense	\$ 1,624.00

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1-147-511	Treasurer/Collector	Wage Expense	\$ 5,556.00
1-147-570	Treasurer/Collector	Professional Services Expense	\$ 10,000.00
1-155-570	Data Processing	Expense	\$ 2,500.00
1-158-570	Tax Title Foreclosure	Expense	\$ 10,000.00
1-161-510	Town Clerk	Wage Expense	\$ 1,194.00
1-192-570	Municipal Building	Equipment Repair Expense	\$ 13,300.00
1-192-570	Municipal Building	Expense	\$ 9,143.76
1-210-510	Police Department	Wage Expense	\$ -
1-241-570	Inspection Department	Outside Inspection Coverage	\$ 1,600.00
1-290-570	Communications	Expense (Public Safety Computers)	\$ 9,000.00
1-420-510	Highway Department	Wage Expense	\$ 5,000.00
1-420-510	Highway Department	Wage Expense	\$ 18,000.00
1-541-510	Council on Aging	Wage Expense	\$ 1,214.00
1-610-570	Library	Wage Expense	\$ -
1-630-570	Recreation	Professional Services Expense	\$ 33,000.00
1-693-570	Historic District Com.	Expense	\$ 600.00
1-910-511	Employee Benefits	Health Insurance Expense	\$ 50,000.00
1-940-540	Miscellaneous	Gasoline Expense	\$ 15,000.00
TOTAL SUPPLEMENTS:			\$ 188,506.76

REDUCTIONS:

ACCOUNT	DEPARTMENT	PURPOSE	APPROVED
1-306-560	Southeastern Regional		\$ 18,574.00
1-630-510	Recreation		\$ 27,500.00
TOTAL REDUCTIONS:			\$ 46,074.00

INCREASE TO OPERATING BUDGET: \$ 142,432.76

DECLARED VOTED BY THE MODERATOR

ARTICLE 5: Motion was made by Mr. Thomas that the Town transfer the sum of \$111,000.00 from the Capital Improvements Fund to supplement the Fiscal Year 2006 capital improvements budget appropriated under Article 5 of the May 9, 2005, Annual Town Meeting for the following items:

Police Department	\$ 30,000.00	One Ford Explorer
Fire Department	\$ 57,000.00	Fire Alarm Truck Chassis and Repairs
Communications	\$ 14,000.00	Repeaters, Transmitters, Cable, and Installation
Snow Removal	\$ 10,000.00	10' 2-Way Plow for Snow Removal
	\$ 111,000.00	TOTAL

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 6: Motion was made by Mr. Thomas that the Town raise and appropriate the sum of \$9,089.04 and to transfer from the Water Surplus Account the sum of \$427.00 for a total of \$9,516.04 to the Police/Fire Detail Account to pay the cost of police/fire details performed in Fiscal Year 2005 but not paid.

DECLARED VOTED BY THE MODERATOR

ARTICLE 7: Motion was made by Mr. Thomas that the Town raise and appropriate the sum of \$111,000.00 for the Capital Improvements Fund established by the By-law entitled "Capital Improvements Fund," from which appropriations may be made by a two-thirds vote at any Town Meeting.

DECLARED VOTED BY THE MODERATOR

ARTICLE 8: LOST FOR LACK OF MOTION (Money for Stabilization Fund)

ARTICLE 9: Motion was made by Mr. Thomas that the Town transfer the sum of \$85,000.00 from the Water Surplus Account for the purpose of purchasing an asphalt cutter and reclamation machine.

DECLARED VOTED BY THE MODERATOR

ARTICLE 10: Motion was made by Mr. Thomas that the Town transfer the sum of \$75,000.00 from the Water Surplus Account for the purpose of funding additional engineering and construction for the rehabilitation of Well #4 located at Plain Street in Norton, and to authorize appropriate public officials to take all actions necessary to effect the purposes of this article.

DECLARED VOTED BY THE MODERATOR

ARTICLE 11: Motion was made by Mr. Thomas that the Town transfer the sum of \$60,000.00 from the Water Surplus Account for the purpose of funding the engineering design for water main replacement on West Main Street and Eddy Street, and to authorize appropriate public officials to take all actions necessary to effect the purposes of this article.

DECLARED VOTED BY THE MODERATOR

ARTICLE 12: Motion was made by Mr. Thomas that the Town raise and appropriate the sum of \$73,000.00 for engineering design for a sewer main connecting the Norton Middle School's on-site sewer system to other schools and governmental properties located on West Main Street, and to authorize appropriate public officials to take all actions necessary to effect the purposes of this article.

DECLARED VOTED BY THE MODERATOR

ARTICLE 13: Motion was made by Mr. Thomas that the Town transfer from the Water Surplus Account the sum of \$600,000.00 for the purpose of designing, constructing, remodeling, making extraordinary repairs, equipping, and furnishing the Water Department office and garage complex to be located at the so-called Slattery Property located off John Scott Boulevard and West Hodges Street, and to authorize appropriate public officials to take all actions necessary to effect the purposes of this article.

DECLARED VOTED BY THE MODERATOR

ARTICLE 14: Motion was made by Mr. Thomas that the Town transfer the care, custody, management and control from the Tax Collector for the purpose of sale at auction to the Board of Selectmen for the purpose of sale and to authorize the Board of Selectmen, on such terms and conditions as the Selectmen deem appropriate, to sell two parcels of land described as Assessors Map 8, Parcel 16-02 (2.7 acres, more or less), located off Oak Street and Assessors Map 8, Parcel 16-03 (3.5 acres, more or less), located off Oak Street to the Tournament Players Club of Boston at Great Woods LLC for the sum of \$15,000 in accordance with the prior agreement.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 15: Motion was made by Christopher Cox and seconded that the Town amend its By-Laws for the purpose of adopting, ratifying, and incorporating therein the following new section:

Demolition Delay By-law

Section 1. Intent and Purpose

The Demolition Delay by-law is enacted for the purpose of preserving and protecting significant buildings and structures within the Town of Norton. Such buildings reflect distinctive features of the architectural, cultural, economic, political or social history of the Town, and their preservation promotes the public welfare by helping the Town of Norton in maintaining its heritage.

The intent of the by-law is not to permanently prevent demolition, but rather, to provide an opportunity to develop preservation solutions for properties threatened with demolition. The by-law is intended to encourage owners and townspeople to seek out persons who might be willing to purchase, preserve, rehabilitate or restore such buildings rather than demolish them, and to limit the detrimental effect of demolition on the historical architectural resources of the Town. To achieve these purposes, the Norton Historical Commission is empowered to advise the Building Inspector with respect to the issuance of permits for demolition of significant buildings and to delay the demolition of such buildings and structures for 12 months, and, where appropriate and consistent with the intent and purpose of this by-law, to allow demolition under conditions designed to minimize the loss of distinctive exterior features of significant buildings or structures.

Section 2. Definitions

For the purposes of this By-law, the following words and phrases have the following meanings:

Applicant: any person or entity who files an application for a demolition permit. If the applicant is not the owner of the premises upon which the building is situated, the owner must indicate on or with the application his/her assent to the filing of the application.

Application: a form provided by the Town Building inspector pursuant to a demolition permit.

Application for Determination: a form provided by the Norton Historical Commission pursuant to a Determination of Applicability, Section 4 of the Demolition Delay By-law.

Building: an independent structure resting on its foundation and designed for the shelter or housing of persons, animals, chattels or property of any kind.

Structure: any combination of materials assembled, constructed, erected or maintained at a fixed location and placed permanently or temporarily in or on the ground.

Premises: the entire parcel of land upon which the Historically or Architecturally Significant Building or Structure is or was located.

Building Inspector: the official or person authorized to by state law or Town By-Law to issue demolition permits in Norton.

Demolition: any act of pulling down, destroying, razing, removing, or relocating 25% or more of a building or structure as indicated on the Demolition Permit application.

Demolition Permit: the permit issued by the Building Inspector as required by the State Building Code for the demolition, or partial demolition or removal of a building or structure from its lot, or the moving of the building or structure on its lot.

Removal: to transfer a building or structure from its existing location.

Commission: the Norton Historical Commission

Commission Staff: the chairperson of the Commission, or any person to whom the Commission has delegated authority to act as Commission staff under this by-law.

Historically or Architecturally Significant Building or Structure: any building or structure which is: (a) associated with one or more historic/prominent persons or events; (b) is associated with the architectural, cultural, economic, political or social history of the town of Norton, the Commonwealth of Massachusetts and/or the United States of America; (c) embodies the distinctive characteristics of a type, period, style or method of building, either by itself or in context of a group of buildings or structures; (d) any building or structure which is in whole or in part: (aa) listed on, or is within an area listed on, the National Register of Historic Places or the State Register of Historic Places, or the subject of a pending application for listing on either of said Registers; or (bb) located within 200 feet of a boundary line of any Federal, state or local historic district; or (cc) included in the Inventory of the Historic Assets of the Commonwealth, or designated by the Commission for inclusion in said inventory including those buildings listed for which complete surveys may be pending; or (dd) determined by vote of the Commission to be historically or architecturally significant in terms of period, style, or method of building construction based on the following criteria:

- Buildings or structures listed on the National or State Register of Historic Places and the Inventory of Historic Assets of the Commonwealth for the Town of Norton.
- Buildings or structures one hundred years or older.
- Buildings or structures that appear on official maps of the town of Norton, Massachusetts; 1835 to 1898.

Historic District: an historic district established by the town of Norton pursuant to Chapter 40C of the Massachusetts General Laws or special law.

Inventory: a list of buildings or structures on file with the Massachusetts Historical Commission that have been designated by the Commission to be Historically Significant.

Preferably-preserved significant building or structure: any Historically or Architecturally Significant Building or Structure which the Commission determines is in the public interest to be preserved or rehabilitated rather than to be demolished.

Section 3. Demolition Permit Procedure

The procedure in obtaining a demolition permit is comprised of four parts which include; Application, Historical Significance Determination, Plan Review and Decision.

No demolition of a building or structure, or any portion of a building or structure one hundred years or older or which is of an indeterminate age, shall be permitted except in conformity with the provisions of this by-law.

A. Application

Upon receipt of an application for a demolition permit for any building or structure, or portion thereof, the Building Inspector shall forward a copy thereof to the Commission within seven (7) days. No demolition permit shall be issued at that time.

B. Historical Significance Determination

Within twenty-one (21) days after the receipt of such application, the Commission shall determine whether the building or structure is historically significant.

- a. If the Commission determines that the building or structure is not historically significant, it shall notify the Building Inspector and the applicant in writing, and the building inspector may issue a demolition permit. If the Commission fails to notify the Building Inspector and the applicant of its determination within the thirty (30) days after its receipt of the application, then the building or structure shall be deemed not historically significant and the Building Inspector may issue a demolition permit.
- b. If the Commission determines that the building or structure is historically significant, it shall notify the Building Inspector and the applicant in writing that a demolition plan review must be made prior to the issuance of a demolition permit.

Within forty-five (45) days after the applicant is notified that the Commission has determined that a building or structure is historically significant, the applicant for

the permit shall submit to the Commission seven (7) copies of a demolition plan which shall include the following information:

1. A map showing the location of the building or structure to be demolished with reference to lot lines and to neighboring buildings and structures.
2. Photographs of all street façade elevations of buildings or structures.
3. A description of the building or structure to be demolished; and
4. The reason for the proposed demolition and data supporting the said reasons; and
5. A brief description of the proposed reuse of the parcel on which the building or structure to be demolished is located.

C. Plan Review

The Commission shall hold a public hearing, within forty-five (45) days of receipt of the applicant's submitted demolition plan, with respect to the application for a demolition permit, and shall give public notice of the time, place, and purposes thereof at least fourteen (14) *days* before said hearing in such manner as it may determine, and by mailing, postage prepaid, a copy of said notice to the applicant, to the owners of all adjoining property and other property deemed by the Commission to be materially affected thereby as they appear on the most recent real estate tax list of the Board of Assessors, to the Planning Board, to any person filing written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the Commission shall deem entitled to notice.

D. Decision

Within forty-five (45) days after the close of the public hearing, the Commission shall file a written report with the Building Inspector on the demolition plan which shall include the following: (a) a description of age, architectural style, historic association and importance of the building or structure to be demolished (b) a determination as to whether or not the building or structure should preferably be preserved. The Commission shall determine that a building or structure should preferably be preserved only if it finds that the building or structure is an historically or architecturally significant building or structure which, because of the important contribution made by such building or structure to the Town's historical and/or architectural resources, it is in the public interest to preserve, rehabilitate, relocate or restore.

- a. If, following the demolition plan review, the Commission does not determine that the building or structure should preferably be preserved, or if the Commission

fails to file a report with the Building Inspector within forty-five (45) days, then the Building Inspector may issue a demolition permit.

- b. If, following the demolition plan review, the Commission determines that the building or structure should preferably be preserved, then the Building Inspector shall not issue a demolition permit for a period of twelve (12) months from the date of the filing of the initial request for a demolition permit unless the Commission informs the Building Inspector prior to the expiration of such twelve (12) month period that it is satisfied that the applicant for the demolition permit has made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who is willing to preserve, rehabilitate, relocate or restore the building or structure, or has agreed to accept a demolition permit on specific conditions approved by the Commission. During the twelve (12) month review period, the Commission shall invite the Applicant to participate in an investigation of alternatives to demolition.

Section 4. Determination of Applicability

An owner of an historically or architecturally significant building or structure may petition the Commission for a determination of applicability of the bylaw. Within sixty (60) *days* after the receipt of such application, the Commission shall determine whether the building or structure is historically significant. The applicant for the permit shall be entitled to make a presentation to the Commission. The determination by the Commission of whether an historically or architecturally significant building or structure is historically significant shall be made in writing signed by the Commission and shall be binding on the Commission for a period of 5 years from the date thereof.

Section 5. Emergency Demolition

If the condition of a building or structure poses a serious and imminent threat to public health or safety due to its deteriorated condition, the owner of the building or structure may request the issuance of an emergency demolition permit from the Building Inspector. The Building Inspector shall arrange to have the property inspected by a board consisting of himself, the Chairman of the Commission and the Chairman of the Board of Health, and the Chief of the Fire Department, or their respective designees.

After inspection of the building or structure the Building Inspector shall determine whether the condition of the building or structure represents a serious and imminent threat to public health or safety and whether there is any reasonable alternative to immediate demolition of the building or structure which would protect the public health or safety. If the Building Inspector finds that the condition of the building or structure poses a serious and imminent threat to public health or safety, and that there is no reasonable alternative to the immediate demolition, an emergency demolition permit will be issued.

Section 6. Non-Compliance

- A. The Commission and the Building Inspector are each authorized to institute any and all proceedings in law to obtain compliance with the requirements of this bylaw.
- B. (a) No building permit shall be issued with respect to any premises upon which a Historically or Architecturally Significant Building or structure has been voluntarily demolished in violation of this bylaw for a period of 2 years after the date of the completion of such demolition.

(b) Notwithstanding the foregoing, whenever the Commission shall, on its own initiative, or on application of a landowner, determine that earlier reconstruction, restoration or other remediation of any demolition in violation of this by-law better serves the intent and purpose of this by-law, it may, prior to the expiration of said period of two years, but no sooner than six months from the date of completion of any demolition in violation of this by-law, authorize issuance of a building permit, upon such conditions as the Commission deems necessary or appropriate to effectuate the purposes of this by-law, and may so notify the Building Inspector.
- C. Upon a determination of the Commission that a building is a preferably-preserved significant building, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the Building Inspector. Should the owner fail to secure the building, the loss of such building through fire or other cause shall be considered voluntary demolition for the purposes of Non-Compliance, paragraph B, above.
- D. Anyone who demolished a building or structure identified as an historically or architecturally significant Building or Structure without first obtaining, and complying fully with the provisions of, a demolition permit, shall be subject to a fine of three-hundred (\$300) dollars. Each day the violation exists shall constitute a separate offence; not to exceed sixty (60) days, until a faithful restoration of the demolished building is completed or unless otherwise agreed to by the Commission.

Section 7. Sever ability

If any section, paragraph or part of this bylaw be for any reason declared invalid or unconstitutional by a court authority, every other section, paragraph and part shall continue in full force and effect.

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

Article 15

DECLARED LOST BY THE MODERATOR

ARTICLE 16: 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, Gardner Road, as laid out by the Board of Selectmen and as shown on a plan titled "As-built Plan and Profile of Gardner Road within Westaway Estates a subdivision in Norton, MA," dated August 26, 2005, drawn by RIM Engineering Co., Inc., and on file in the Office of the Town Clerk, and to accept such easements as shown on the plan.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 17: 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, Mill Lane, as laid out by the Board of Selectmen and as shown on a plan titled "As-Built Plan and Profile of Mill Lane within Irene Estates II a modification of Irene Estates a subdivision in Norton, MA," dated September 13, 2005, drawn by RIM Engineering Co., Inc., and on file in the Office of the Town Clerk, and to accept such easements as shown on the plan.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 18: Motion was made by Mr. Thomas that the Town amend the Zoning By-Law, Article XIV - Water Resource Protection District, Section 14.5.2 Prohibited Uses, by deleting the existing sentence which reads:

c. Automobile graveyards and junkyards, as defined in MGL, Ch 140B, §1;

and replacing it with:

c. Gasoline stations; automobile graveyards and junkyards, as defined in MGL, Ch 140B, §1.

Planning Board recommends Article 18 (5-0)

DECLARED VOTED BY 2/3 VOTE BY THE MODERATOR

ARTICLE 19: LOST FOR LACK OF MOTION (Amend Zoning, Art IV Section 4.3)

ARTICLE 20: Motion was made by Mr. Thomas that the Town amend the Zoning Map by changing the zoning from "Commercial" and "Residential-40" to "Village Commercial" on the parcels of land identified as Parcels 55, 56, 56-01, and 57 on Assessors Map 26.

Planning Board recommends Article 20 (5-0)

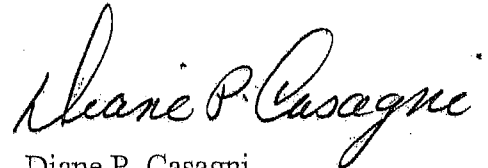
DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 21: Motion was made by Mr. Thomas that the Town transfer the sum of \$10,000.00 from the Massachusetts Water Pollution Abatement Trust Interest Earnings account to support the administrative costs of the loan program.

DECLARED VOTED BY THE MODERATOR

The Moderator declared the Fall Annual Town Meeting concluded at 8:00 PM.

ATTEST:



Diane P. Casagni
Town Clerk