

**TOWN OF NORTON
ANNUAL TOWN MEETING
OCTOBER 11, 2006**

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 Mr. Helmreich that the Town raise and appropriate the amount of \$13,357.62 and transfer the amount of \$72.50 from the Water Surplus Account for the following unpaid bills for which obligation was incurred in prior fiscal years:

\$ 1,573.72	Fire	Kent Campbell
\$ 5,017.28	Legal	Kopelman and Paige, P.C.
\$ 1,500.00	Legal	Real Estate Bar Association for MA, Inc.
\$ 1,351.00	Planning	Mainstream Engineering
\$ 596.37	Street Lighting	National Grid
\$ 32.00	Town Manager	James P. Purcell
\$ 128.50	Assessors	Bristol County Print Shop
\$ 80.20	Misc- Ins	Attleboro Radiology Partnership
\$ 419.80	Misc- Ins	Sturdy Memorial Hospital
\$ 4.89	Misc- Ins	Boston University Orthopaedic
\$ 2,089.29	Misc- Ins	Boston Medical Center
\$ 9.03	Misc- Ins	EMPI
\$ 58.74	Inspection	Dylan Ribeiro
\$ 496.80	Municipal Bldg.	Eagle Elevator

\$13,357.62

\$ 72.50	Water	Kopelman and Paige, P.C.
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DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

A TRUE COPY ATTEST

Shane P. Casaghi

TOWN CLERK

ARTICLE 2: Motion was made by Mr. Helmreich that the Town raise and appropriate the sum of \$25,000.00 and amend the FY07 Water Enterprise Budget by transferring from the Water Surplus Account to the Water Salary Budget the sum of \$28,000.00 in order to fund and implement the first and second fiscal years of the Collective Bargaining Agreement between the Town of Norton and the United Steelworkers of America, AFL-CIO-CLC, on behalf of Salaried Employees of North America (SENA-A) Local Union 9158-A.

DECLARED VOTED BY THE MODERATOR

ARTICLE 3: Motion was made by Mr. Helmreich that the Town raise and appropriate the amount of \$84,514.00 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, and further move to supplement the Fiscal Year 2007 capital improvements budget appropriated under Article 11 of the May 8, 2006, Annual Town Meeting by transferring the amount of \$21,650.00 from the Ambulance Reserve Fund and \$21,650.00 from the Capital Improvements Fund for the purpose of purchasing a replacement Rescue Boat for the Norton Fire-Rescue Department.

DECLARED VOTED BY 2/3 VOTE BY THE MODERATOR

ARTICLE 4: Motion was made by Mr. Helmreich that the Town amend the vote taken under Article 12 of the May 8, 2006, Annual Town Meeting Warrant by increasing appropriations for certain line items and transferring others and to do so, by raising and appropriating the additional amount of \$285,944.00 and by transferring the amount of \$21,750.00 from the Treasurer/Collector Personal Services Account to the Treasurer/Collector Purchase of Services account. The specific amounts and use accounts involved are as follows:

By Raise and Appropriate:

ACCOUNT	DEPARTMENT	APPROVED
1-155-570	Data Processing	\$ 14,000.00
1-192-570	Municipal Building	\$ 6,000.00
1-199-570	Postage	\$ 1,500.00
1-292-510	Dog Officer	\$ 2,003.00
1-440-570	Sewer Department	\$ 185,000.00
1-510-570	Board of Health	\$ 781.00
1-510-510	Board of Health	\$ 660.00
1-691-570	Historical Commission	\$ 1,000.00
1-910-570	Employee Benefits	\$ 15,000.00

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1-911-570	Unemployment Comp.	\$ 45,000.00
1-940-570	Miscellaneous	\$ 15,000.00
		<u>\$ 285,944.00</u>

By Transfer from Account 1-147-510
Treasurer/Collector Personal Service to:

1-147-570 - 5200	Treasurer/Collector, Purchase of Services	\$ 21,750.00
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\$ 21,750.00

DECLARED VOTED BY THE MODERATOR

ARTICLE 5: Motion was made by Mr. Helmreich that the Town, pursuant to G.L. Chapter 43B, Section 10, amend the Town Charter so as to change the position of Town Collector-Treasurer from elected to appointed, as follows:

1. In Article 3, Elected Officers, delete in Section 3-1(a) the words “a town collector-treasurer,” and Section 3-6, Town Collector-Treasurer, in its entirety, and renumber the remaining sections of Article 3 accordingly;
2. In Article 4, Town Manager, insert a new section, Section 4-6, Town Collector-Treasurer, as follows:
 - (a) Appointment – There shall be a town collector-treasurer, appointed by the Town Manager.
 - (b) Powers and Duties – The town collector-treasurer shall collect all accounts which are due to the town. The collector-treasurer shall receive and take charge of all monies belonging to the town and shall pay over and account for the same according to the order of its authorized officers. The town collector-treasurer shall have all of the other powers and duties which are given to town collectors or to town treasurers by general laws, by this charter, by by-law or by other vote of town meeting.
3. In Article 8, Transitional Provisions, insert a new section, Section 8-6, Appointed Town Collector-Treasurer, as follows:

The vote to amend the charter to change the position of town collector-treasurer from elected to appointed (by deleting in Section 3-1(a) the

words "collector-treasurer," and Section 3-6 in its entirety and inserting a new Section 4-6), shall take effect immediately upon approval by the voters at the 2007 Annual Town Election; provided, however, that any individual elected as town collector-treasurer at the same election at which the referenced charter amendments are approved by the voters of the town shall hold said office and perform the duties thereof only until the appointment to said office is made in accordance with Section 4-6 of the charter. Upon appointment of a collector-treasurer in accordance with Section 4-6, the position of elected town collector-treasurer shall be abolished. The town manager may make an appointment pursuant to Section 4-6 of the charter immediately upon the effective date of the amendments to Section 3-1(a), 3-6 and 4-6 of the charter, notwithstanding the provisions of 7-10 of the charter.

DECLARED VOTED BY 2/3 VOTE BY THE MODERATOR

ARTICLE 6: Motion was made by Mr. Helmreich that the Town approve an increase in the gross receipts that seniors may have in the prior calendar year to be eligible to defer property taxes under G.L. c. 59, §5, Clause 41A, from \$20,000.00 to \$40,000.00, with such increase to be effective for deferrals granted for taxes assessed for any fiscal year beginning on or after July 1, 2007; and, further move, pursuant to G.L. c. 59, §5, clause 41A, to reduce the rate of interest applicable to tax deferral and recovery agreements entered into pursuant to said statute, which provides for a property tax deferral for certain qualified seniors, from eight (8%) percent to four (4%) percent, with such reduced rate to apply to taxes assessed for any fiscal year beginning on or after July 1, 2007.

DECLARED VOTED BY THE MODERATOR

ARTICLE 7: Motion was made by Mr. Helmreich that the Town appropriate an additional \$50,000.00 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 \$50,000.00 pursuant to G.L. c.44 §§7 or 8, or any other enabling authority, and to issue bonds or notes therefor.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 8: Motion was made by Mr. Helmreich that the Town raise and appropriate the amount of \$6,000.00 for the purpose of funding the Dam Safety Phase I Inspection for the Chartley Pond Dam and the Norton Reservoir Dam.

DECLARED VOTED BY THE MODERATOR

ARTICLE 9: LOST FOR LACK OF MOTION (Consultant Services NHS)

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ARTICLE 10: Motion was made by Mr. Helmreich that the Town approve the transfer of certain land from the Board of Selectmen to the Conservation Commission for open space/conservation purpose

Map	Parcel	Acres	Location	Book	Page
15	33	6.0	Maggi Lane rear	5267	221
16	1	20.86	Maggi Lane rear	6291	275
16	1-05	2.8	Maggi Lane rear	6407	259
16	1-06	8.5	Maggi Lane rear	5674	116
22	44	8.0	Robin Circle rear	5484	209
		46.16	Total		

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 11: Motion was made by Mr. Helmreich that the Town approve the transfer of certain land from the Board of Selectmen to the Conservation Commission for open space/conservation purposes:

Map	Parcel	Acres	Location	Book	Page
29	16	0.561	Hill Street	6082	101
29	55	1.0	Meadowbrook Ln. rear	8291	72
29	57	2.5	Meadowbrook Ln.	6168	121
29	63	2.57	Crane Street rear	8291	73
29	73	7.5	Crane Street rear	6168	122
29	76	3.5	Crane Street rear	6168	123
29	40	0.367	Meadowbrook Ln	5484	217
29	70	2.64	Crane Street rear	5583	317
29	71	3.0	Crane Street rear	8291	71
		23.638	Total		

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 12: Motion was made by Mr. Helmreich that the Town amend the Town By-Laws by inserting the following new by-law:

Off-Road Vehicle Regulation

It shall be unlawful for any person to operate a motorized off-road vehicle, including but not limited to all terrain vehicles (ATVs), motorcycles, motorbike, snowmobile, trail or dirt bike, motorized scooter, or similar motorized vehicle under the following circumstances and the operator shall be subject to the traffic laws and regulations of the Commonwealth:

1. On private property of another without the express permission to do so by the owner or occupant of the property and any such consent shall be subject to the prohibitions, restrictions and requirements of all Massachusetts General Laws;
2. On public school grounds, public property, park property, playgrounds, conservation areas, wetland areas, recreational areas and cemeteries without the express provision or permission to do so in writing by the proper public authority;
3. In a manner as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons;
4. In a careless, reckless or negligent manner so as to endanger the life and safety of any person or the property of any other person;
5. On sidewalks and public paths;
6. Penalty for violation. Any person who violates any provision of this section shall be subject to a \$250 fine for a first offense and \$300 fine for a second and any subsequent offenses.

This by-law will not restrict the use of properly registered vehicles or motorbikes on public roads or streets if they are in compliance of all Massachusetts General laws; this by-law shall not be applicable to people who use recreational vehicles on their own property provided that such usage is not conducted in a manner as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons; this by-law shall not be applicable to the use of vehicles for agriculture, forestry, lumbering or construction when used for such purpose.

DECLARED LOST BY THE MODERATOR

ARTICLE 13:

I move that the Town amend the Town By-Law, "Roadside Memorials", by replacing the word "ordinance" with the word "by-law" throughout, said amended by-law to read 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 by-law by a member of the deceased's immediate family. "Immediate family" is defined for purposes of this **by-law** 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.

DECLARED VOTED BY THE MODERATOR

ARTICLE 14: Motion was made by Mr. Helmreich that the Town accept as a public way under the provisions of Massachusetts General Laws Chapter 82, as amended, Fletcher Way, as laid out by the Board of Selectmen and as shown on a plan titled "Longwood Estates, As-Built/Acceptance Plan Fletcher Way & Foster Drive" dated June 9, 2006, drawn by Yarworth Engineering Co., Inc., and on file in the Office of the Town Clerk, and further, authorize the Board of Selectmen to acquire an easement to use said street for all purposes for which public ways are used in the Town of Norton and associated easements, and to appropriate therefore the sum of One Dollar.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 15: Motion was made by Mr. Helmreich that the Town accept as a public way under the provisions of Massachusetts General Laws Chapter 82, as amended, Foster Drive, as laid out by the Board of Selectmen and as shown on a plan titled "Longwood Estates, As-Built/Acceptance Plan Fletcher Way & Foster Drive" dated June 9, 2006, drawn by Yarworth Engineering Co., Inc., and on file in the Office of the Town Clerk, and further, to authorize the Board of Selectmen to acquire an easement to use said street for all purposes for which public ways are used in the Town of Norton and associated easements, and to appropriate therefore the sum of One Dollar.

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 16: Motion was made by Mr. Helmreich that the Town amend the Town of Norton Zoning Map by voting to re-zone a parcel of land on Mansfield Avenue, to wit: Assessor's Map 9, Parcel 225, which is currently zoned part Commercial and part Residential-60, such that the entire parcel is zoned for Commercial use.

Planning Board recommends Article 16 (7-0)

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 17: Motion was made by Mr. Helmreich that the Town amend the Town of Norton Zoning Map by changing the zoning classification from Residential-40 to Village Commercial on the parcel of land known as 227 West Main Street and shown on Assessor's Map 22 as Parcel 144.

Planning Board recommends Article 17 (7-0)

DECLARED VOTED UNANIMOUSLY BY THE MODERATOR

ARTICLE 18: Motion was made by Mr. Helmreich that the Town amend the Town of Norton Zoning Map by changing the zoning classification from Industrial to Residential on that portion of a parcel of land to be divided, currently shown on Assessor's Map 27, Parcel 7, consisting of approximately five acres of land and to be subdivided in accordance with a plan entitled "Plan Showing Proposed Zoning Change, Kilburn Glass Site, 111 South Worcester St., Norton, MA" dated September 8, 2006, and on file with the Office of the Town Clerk.

Planning Board does not recommend Article 18 (3-3-1 abstain)

DECLARED VOTED BY 2/3 VOTE BY THE MODERATOR

ARTICLE 19: Motion was made by Mr. Helmreich that the Town amend the Zoning By-law relative to the definition and calculation of the so-called "Lot Shape Factor," as printed in the warrant under this article:

In Article II – Definitions, by amending the definition of "Shape Factor" to read as follows:

Shape Factor – the numerical value resulting from the division of the square of the perimeter in feet of a closed plot of land by the area in square feet of such closed plot of land.

and, in Article VI, Section 6.1, by deleting the existing subsection (d) and replacing it with the following new subsection (d):

d. Calculation of Lot Shape Factor:

1. Single Family and/or Duplex Residential Structure - to meet the minimum area requirements for construction of a single-family or duplex residential structure, a lot must contain a closed plot of land having an area of not less than one half the minimum lot area required for such structure in the zoning district where it is located; such closed plot of land shall contain no brook, creek, stream, river,

pond, lake or reservoir or portion thereof, nor any freshwater wetland as defined by Massachusetts General Laws, Chapter 131, Section 40, as amended; and, such closed plot of land shall have a shape factor not exceeding the numerical value of 22;

2. Multi-family Residential Structure - to meet the minimum lot area requirement for construction of a multi-family residential structure, a lot must contain a closed plot of land having an area of not less than one-half the minimum lot area required for such structure in the zoning district where it is located; such closed plot of land shall contain no brook, creek, stream, river, pond, lake or reservoir or portion thereof, nor any freshwater wetland as defined by Massachusetts General Law, Chapter 131, Section 40, as amended; and, such closed plot of land shall have a shape factor not exceeding the numerical value of 22;
3. Non-residential Structure - to meet the minimum lot area requirement for construction of a non-residential structure(s), a lot must contain a closed plot of land having an area not less than one half the minimum lot area required in the zoning district where it is located; such closed plot of land shall contain no brook, creek, stream, river, pond, lake or reservoir or portion thereof, nor any freshwater wetland as defined by Massachusetts General Laws, Chapter 131, Section 40, as amended; and, such closed plot of land shall have a shape factor not exceeding the numerical value of 22;

Note: A sketch entitled "Illustration of Lot Shape Factor Calculation" is incorporated by reference into this sub-section.

FIGURE XX

ILLUSTRATION OF LOT SHAPE FACTOR CALCULATION

The diagram below illustrates the calculation of the Lot Shape Factor. For the purpose of illustration, assume this lot is located within the Residential-60 zoning district which requires 60,000 square feet of dry contiguous land for a building lot.

In this example, assume the total lot area is 87,000 square feet (250 x 350 feet). Also, assume a wetland area of 14,375± square feet runs across the lot and separates a smaller dry area of 7,500± square feet from the majority of dry land. Thus, 65,625 square feet of dry, contiguous land remains and, therefore, the lot meets the requirement that it have a minimum of 60,000 square feet of dry contiguous land. However, the lot also must meet the requirement of the Lot Shape Factor (LSF). The LSF requires that the lot contain a *closed plot of land* having at least one-half the area required by the R-60 zoning district (in this case 30,000 square feet) and, such *closed plot of land* must also have a Lot Shape Factor of 22 or less. The 30,000 square foot area is used to comply with the LSF requirement. In the illustration, the perimeter of the LSF area is 700 feet. Thus, to calculate the LSF, square the perimeter and divide by the area:

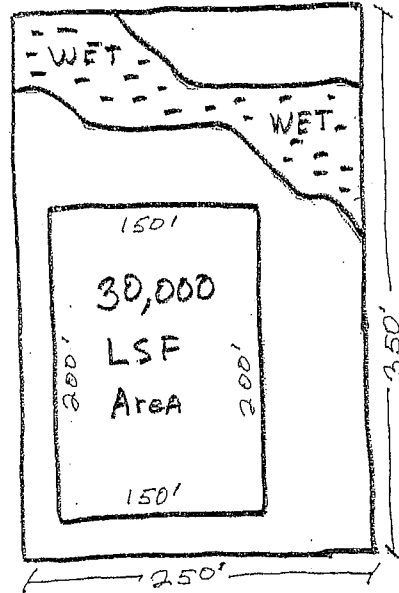
1. $700 \times 700 = 490,000.$

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2. $490,000 \div 30,000 = 16.3$.

3. The Lot Shape Factor is 16.3

As long as the Lot Shape Factor is 22 or less, the lot is suitable for building.



Planning Board Recommends Article 19 (7-0)

DECLARED VOTED BY 2/3 VOTE BY THE MODERATOR

The Moderator declared the Fall Annual Town Meeting concluded at 8:30 PM.

ATTEST:

Anne Rodrigues

Anne Rodrigues
Assistant Town Clerk