

**ANNUAL TOWN MEETING
MONDAY, OCTOBER 23, 2017**

The Annual Town Meeting was called to order by Moderator William A. Gouveia at 7:03 p.m. at the Norton High School Auditorium.

Moderator Gouveia reviewed some pre-meeting rules:

1. I ask everyone to please find a seat for this meeting. Standing in the back and on the sides creates problems both on a noise level and in counting standing votes. There are plenty of seats, please find one.
2. If you are not a registered voter in the Town of Norton, you are welcome to visit but must sit in the section of seats marked in the rear to my right. If you are a registered voter, please sit anywhere else, because your vote will not be counted if you are sitting in the non-voting section.
3. If you wish to address this meeting, you must do so only after being recognized by the Moderator. There are two microphones located up front here. Please move to one of those if you wish to speak and wait to be recognized. When speaking, please identify yourself by name and address for the record. Please try and keep your remarks brief and to the point, and confine them only to the matter under consideration at the time.
4. All speakers at this meeting will be treated with courtesy by the Moderator and everyone else in the room. No speaker will be allowed to use the meeting for personal attacks on any individual. All remarks will be directed towards the Moderator, and while I will allow questions to be asked of individuals, I will not allow cross-examination type discussions from the floor
5. In recognizing people to speak, I will endeavor to call upon those who have not yet spoken on a topic before recognizing those who have already spoken. I will recognize motions to move the question, but if in my opinion there are still people waiting to speak who may add to the discussion, I will exercise my authority to not accept a motion to move the question under those circumstances.
6. If a standing vote is required, you will be instructed to stand at your seats until your vote is counted. If a ballot vote is required, you will be given instructions by the Moderator as to how to proceed.
7. If you wish to make an amendment to any motion, you must do so in writing and present it to the moderator. Please prepare your amendment in writing and bring it to me up here. If you are moving an article that has not been recommended and moved by the Finance Committee, you must also present that motion to the Town Clerk in writing.

8. I remind you all that no motion to reconsider any article will be accepted by the Moderator until at least three articles following the article being reconsidered have been acted upon by this meeting. If the article is one of the last three on the warrant, I will accept any motions to reconsider them at any time prior to adjourning. Please be aware that any article you act upon tonight can be reconsidered as few as three articles later, so keep that in mind before you rush out after your article. There may be requests this evening to allow non-voters to speak on certain articles. This must be done by a motion voted upon by this meeting. While it is the right and the decision of the meeting to allow or not allow non-residents to speak, please keep in mind they may have information to add to the discussion. All non-voters must approach the moderator if they wish to be heard.

Town Clerk Lucia B. Longhurst read the call and return of service from the Constable as written in the Warrant.

OCTOBER 23, 2017, ANNUAL TOWN MEETING

ARTICLE 1 (4/5 Vote)

Motion was made by Richard Dorney that the Town vote to transfer the amount of \$4,298.51 from Free Cash for the following unpaid bills for which obligation was incurred in prior fiscal years:

\$ 575.00	Assessor	Applied Geographics
\$ 3,687.00	Miscellaneous	Berry Insurance
\$ 36.51	Planning Board	W. B. Mason Co., Inc.
\$ 4,298.51	TOTAL PRIOR YEAR BILLS	

PASSES BY 4/5 VOTE AS DECLARED BY THE MODERATOR

ARTICLE 2 (Majority)

Motion was made by Richard Dorney that the Town vote to transfer the amount of \$83,340.00 from Free Cash to pay all outstanding separation expenses associated with the retirement of various employees from the Town of Norton and to authorize the Town Accountant, in consultation with the Town Manager, to allocate amounts to appropriate departments.

PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 3 (Majority)

Motion was made by Richard Dorney that the Town vote to appropriate the following amounts to fund and implement the first year of the three-year Collective Bargaining Agreements between the Town and the following Unions for the period beginning July 1, 2017, through June 30, 2020, and to authorize the Town Accountant to allocate amounts to appropriate departments:

1. From Free Cash, the sum of \$4,000.00, to be added to that already appropriated for such purposes under Article 8 of the May 8, 2017, Annual Town Meeting, for Local 1702, State Council 93, American Federation of State, County and Municipal Employees, AFL-CIO (Highway Employees);
2. From Water Enterprise Receipts the sum of \$12,400 and Sewer Enterprise Receipts the sum of \$2,700, to be added to that already appropriated for such purposes under

Articles 12 and 13 of the May 8, 2017, Annual Town Meeting, for Local 1702, State Council 93, American Federation of State, County and Municipal Employees, AFL-CIO (Water/Sewer Employees);

3. From Free Cash, the sum of \$22,200.00, to be added to that already appropriated for such purposes under Article 8 of the May 8, 2017, Annual Town Meeting for the Norton Police Association;
4. From Free Cash, the sum of \$25,860.00, to be added to that already appropriated for such purposes under Article 8 of the May 8, 2017, Annual Town Meeting, for the Norton Police Superior Officers Association.

PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 4 (Majority)

Motion was made by Richard Dorney that the Town vote to amend the vote taken under Article 8 of the May 8, 2017, Annual Town Meeting Warrant by increasing appropriations for certain line items and, as funding therefore, to transfer the total amount of \$240,357.00 from Free Cash as follows:

FY18 OPERATING BUDGET SUPPLEMENTS			
Account	Department	Use	Amount
001-123-510	Town Manager	Salary	\$ 1,248.00
001-135-510	Accounting	Salary	\$ 1,770.00
001-147-510	Treasurer	Salary	\$ 1,860.00
001-155-570	Data Processing	Expense	\$ 13,500.00
001-161-570	Town Clerk	Expense	\$ 4,190.00
001-162-510	Elections	Salary	\$ 150.00
001-162-570	Elections	Salaries and Expenses	\$ 9,350.00
001-175-510	Planning	Salary	\$ 1,451.00
001-210-510	Police	Salary	\$ 29,000.00
001-220-510	Fire	Salary	\$ 20,000.00
001-230-570	Emergency Medical	Expense	\$ 4,000.00
001-292-510	Animal Control	Salary	\$ 4,700.00
001-300	School	Budget Supplement	\$ 129,956.00
001-308-560	Bristol Country Agricultural School	Assessment	\$ 883.00
001-420-570	Highway	Expense	\$ 4,000.00
001-510-510	Board of Health	Salary	\$ 3,494.00
001-541-510	Council on Aging	Salary	\$ 1,392.00
001-630-510	Recreation	Salary	\$ 3,513.00
001-630-570	Recreation	Expense	\$ 900.00
001-750-594	Interest	Expense	\$ 5,000.00
	Gen Government	\$ 110,401.00	
	Norton Public Schools	\$ 129,956.00	
TOTAL:			\$ 240,357.00

Amendment was made by Elizabeth Taylor Rossi to increase the council on aging line item from \$1,392.00 to \$4,008.00 Ms. Rossi was asked the reason and she said it was to be used to increase the COA Director's salary.

Mr. Kimball spoke and was confused about Ms. Rossi's request because it was a Union position.

Mr. Yunits explained that Union positions are discussed and reviewed with the union before the agreement.

Amendment failed.

Dr. Baeta, Superintendent of Schools was questioned regarding his budget supplement as to why they found the money from the override and why they couldn't find the money now.

Motion was made to move the question. Motion passed.

PASSES BY MAJORITY VOTE AS DECLARED BY MODERATOR

ARTICLE 5

No Action.

DECLARED LOST FOR LACK OF MOTION AS DECLARED BY MODERATOR

ARTICLE 6

No Action.

DECLARED LOST FOR LACK OF MOTION AS DECLARED BY MODERATOR

ARTICLE 7 (Majority)

Motion was made by Richard Dorney that the Town vote to transfer the amount of \$900,000.00 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.

PASSES BY MAJORITY VOTE AS DECLARED BY MODERATOR

ARTICLE 8 (2/3 Vote)

Motion was made by Richard Dorney that the Town vote to appropriate the total amount of \$496,930.00 and amend the Fiscal Year 2018 capital improvements budget appropriated under Article 15 of the May 8, 2017, Annual Town Meeting to pay costs of purchasing, or leasing with an option to purchase for periods of time up to or in excess of three years, new and/or replacement capital items for various Town Departments and for the payment of all costs incidental and related thereto, all as follows, and, as funding therefor, to **transfer the amount of \$235,930.00 from the Capital Improvements Account and to authorize** the Treasurer, with the approval of the Board of Selectmen, **to borrow the amount of \$261,000.00** under and pursuant to Chapter 44, Section 7(9), of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, and, in accordance with G.L. c.44, §20, authorize any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, to be applied to the payment of costs approved hereunder, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs, as printed in the October 23, 2017, Annual Town Meeting Warrant with Finance Committee Recommendations:

CONSERVATION (171)	Chartley Pond - Phase II Investigation Report	\$ 35,930.00
CONSERVATION (171)	Chartley Pond - Upstream Wall Repairs *	\$ 261,000.00
POLICE (210)	Repair Police Station Exterior	
	Insulation and Finish System (EIFS)	\$ 18,000.00
POLICE (210)	Police Line Cruiser Replacement	\$ 37,000.00
FIRE (220)	Renovate Chartley Station	\$ 25,000.00
SCHOOLS (300):		
DISTRICT	Security Cameras	\$ 25,000.00
DISTRICT	Exterior and interior doors, door handles and locks	\$ 25,000.00
MIDDLE SCHOOL	Roof Repair	\$ 37,000.00
HIGHWAY (420)	Utility Tractor (1 of 5)	\$ 33,000.00

**Denotes borrowing as a funding source.*

Anthony White questioned why nothing was included in Capital Improvement and was told that this come out of a separate fund

PASSES BY 2/3 VOTE AS DECLARED BY THE MODERATOR

ARTICLE 9 (Majority)

Motion was made by Richard Dorney that the Town vote to transfer the amount of \$25,000.00 from Free Cash to fund the federally mandated OPEB Actuarial report preparation as required by GASB.

PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 10 (Majority)

Motion was made by Richard Dorney that the Town vote to raise and appropriate the amount of \$12,000.00 for the Fiscal Year 2018 Five Year Certification and its associated costs as mandated by the Department of Revenue, supplementing the amount appropriated for such purposes under Article 6 of the May 8, 2017, Special Town Meeting.

PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 11 (Majority)

Motion was made by Richard Dorney that the Town vote, pursuant to M.G.L. c.40, §59, and M.G.L. c.23A, §3E and §3F, to:

- (a) approve a Tax Increment Financing Agreement between the Town and Home Market Foods, Inc. and Dowe Realty, II, LLC for a portion of property located on 380 South Worcester Street (the "TIF Agreement"), which TIF Agreement provides for real estate tax exemptions

at the exemption rate schedule set forth therein and approve an Economic Development Incentive Program (“EDIP”) Local Incentive-Only Application submission to the Massachusetts Economic Assistance Coordinating Council (the “EACC”); and,

- (b) authorize the Board of Selectmen to execute the TIF Agreement, and approve submission to the EACC of the TIF Agreement and EDIP Local Incentive-Only Application, all relating to the project as described in the TIF Agreement, and any necessary documents relating thereto, and to take such other actions as are necessary or appropriate to obtain approval of the TIF Agreement and EDIP Local Incentive-Only Application, and related submissions and to take such other actions as necessary or appropriate to implement those documents.

Town Manager Michael Yunits explained the benefits for the Town would be jobs, taxes, and economic benefits.

A MOTION was made by Thomas Deluca and seconded by a show of hands to allow Mr. Troy Totten a non-resident to address the Town Meeting. Motion was declared voted by the Moderator.

Todd Totten a representative from Home Market Foods provided a Power Point demonstration on the company and products.

Traffic issues were raised. Mr. Kimball explained that the direct traffic would be from S. Worcester to Eddy Street via Route 140.

Concerns were raised about the TIF.

Mr. Kimball explained that it was beneficial that the building was going to be used and we would be more in control of what is going on.

Motion was made to move the question. Motion passed.

PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 12 (Majority)

Motion was made by Richard Dorney that the Town vote to transfer the amount of \$1,500,000.00 from Free Cash to fund the costs of the engineering and design for a new Town Hall and a new Senior Center, including construction, professional and/or technical services and all other incidental and related costs associated with the Project(s), and further vote to authorize the Board of Selectmen to take such actions and execute such documents and agreements as are necessary to effectuate the purpose of this article, including contracts with terms in excess of three years.

Dr. Baeta supported the need for a new Town Hall and Senior Center.

The question was raised as to why Norton needs a new Town Hall. Mr. Kimball explained the problem with mold in the basement, the age of the building and its original use.

Ralph Stefanelli made an amendment to divide the amount between the Senior Center and Town Hall. He requested that \$50,000.00 be used for the Senior Center and the balance for Town Hall. He asked why the Town couldn't apply for grants to fund this. Mr. Kimball explained that there is no grant money available with the State for grants of this nature. Move to amend main motion to provide that such funds shall not be expended without further action of Town Meeting.

Amendment passed.

PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 13 (2/3 Vote)

I MOVE that the Town vote to borrow the sum of \$481,550.00 for the acquisition by purchase, gift, or eminent domain of a certain property known as Camp Edith Read and authorize the Conservation Commission to acquire for conservation and passive recreation purposes a fee simple interest and any necessary easement interest in the approximately 46.25 acres of land, including any structures located thereon, located on North Worcester Street and shown as Map 21, Parcel 47 (portion); that said land shall be conveyed to the Town of Norton pursuant to the provisions of G.L. c.40, §8C, to be managed and controlled by the Conservation Commission, and further, to authorize the Conservation Commission to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements, including such restrictions and covenants in favor of the Commonwealth of Massachusetts, acting by and through the Executive Office of Energy and Environmental Affairs, as may be required in connection with said grants and/or reimbursements, and that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen is authorized to borrow said sum pursuant to G.L. c.44, §7(3) or any other enabling authority and issue bonds and notes therefor; provided, however, **that the amount of the borrowing authorization be reduced by any grants or gifts received prior to said borrowing**, that no funds appropriated hereunder shall be expended unless the Town receives, is allotted, or a formal commitment is made for, a grant pursuant to G.L. c.132A, §11 or any other state or federal grant, in an amount no less than \$308,192.00, and in accordance with G.L. c.44, §20, authorize any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, to be applied to the payment of costs approved hereunder, thereby reducing by a like amount the amount to be borrowed to pay such costs.

Jennifer Carlino presented slides. She explained that this Article would only take affect if grant is the grant is issued. She explained that we qualify for the grant because the property is conservation property. She also stated we would be eligible for 64% reimbursements and the total cost for the town would be \$173,000 and the YMCA would like to be a partner as well.

Mr. Kimball spoke about the rental capabilities with the boy and girl scouts. He said that he would like to get it to a point where it could be used for recreational purposes.

Kathy Ebert-Zawasky, President of the Land Preservation Property donated \$5,000.00

PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 14 (Majority)

Motion was made by Richard Dorney that the Town vote to raise and appropriate the amount of \$65,000.00 to cast, refurbish, restore, replace and/or install the Norton Town Common fence located in the historic district on the parcel of land identified as Lot 13 on Assessor's Map 17 at the intersection of Route 123 and Route 140, including professional and/or technical services and all other incidental and related costs associated with the Project, and further vote to authorize the Board of Selectmen to take such actions and execute such documents and agreements as are necessary to effectuate the purpose of this article, including contracts with terms in excess of three years.

PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 15 (Majority)

Motion was made by Richard Dorney that the Town vote to transfer the amount of \$345,000.00 from Water Retained Earnings for the construction of a Water Treatment Plant facility to treat drinking water from Wells 4, 5, and 6, supplementing funds appropriated for such purposes under Article 6 of the May 12, 2014, Annual Town Meeting and Article 8 of the May 9, 2016, Annual Town Meeting.

PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 16 (Majority)

Motion was made by Richard Dorney that the Town vote to transfer the sum of \$1,125,000.00 from Water Retained Earnings to replace asbestos pipe water main and appurtenances on Reservoir Street.

PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 17 (Majority)

Motion was made by Richard Dorney that the Town vote to transfer the amount of \$55,000.00 from Sewer Retained Earnings to conduct sewer flow metering and reporting, in accordance with 314 CMR 12.00, et seq. and Massachusetts Department of Environmental Protection requirements for infiltration/inflow analysis, including all incidental and related costs.

PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 18 (Majority)

Motion was made by Richard Dorney that the Town vote to accept the provisions of Massachusetts General Laws c. 83, §§15C and 15D, as written in Article 18 of the October 23, 2017, Annual Town Meeting Warrant with Finance Committee Recommendations to allow the Town to charge interest on unpaid sewer betterment assessments and financing future municipal sewer projects as provided in such statutes and further, to amend the General Bylaws by deleting the Bylaw entitled, "Betterment By-Law".

PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 19 (2/3 Vote)

Motion was made by Richard Dorney that the Town appropriate the amount of **\$200,000.00** Dollars for the purpose of paying costs of conducting Schematic Design Studies for a potential window/door replacement project at the Henri A. Yelle Elementary School located at 64 West Main Street, Norton, MA, 02766, a potential window/door replacement at the J.C. Solmonese Elementary School, located at 315 West Main Street, Norton, MA 02766, and a potential window/door replacement project at the L.G. Nourse Elementary School, located at 38 Plain Street, Norton, MA, 02766, including the payment of all costs incidental or related thereto, and for which the Town of Norton may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the Norton School Committee; to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority; the Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town of Norton incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of Norton and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town of Norton and the MSBA.

Dr. Baeta explained that the windows and doors had to be replaced in all the schools stating that the LG Nourse

PASSES BY UNANIMOUS VOTE AS DECLARED BY THE MODERATOR

ARTICLE 20 (2/3 Vote)

Motion was made by Richard Dorney that the Town vote to accept as a public way under the provisions of Massachusetts General Laws Chapter 82 Autumn Lane, as laid out by the Board of Selectmen and as shown on a plan titled “As-Built Plan and Profile of Autumn Lane within Norton, MA”, drawn by RIM Engineering dated August 17, 2017, and on file in the Office of the Town Clerk, and further, to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain 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 transfer the sum of One Dollar from Free Cash for such purposes.

PASSES BY UNANIMOUS VOTE AS DECLARED BY THE MODERATOR

ARTICLE 21 (Majority)

Motion was made by Richard Dorney that the Town vote to transfer the amount of \$10,000.00 from Free Cash for the purpose of conducting Household Hazardous Waste Collection day(s).

PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 22 (Majority)

Motion was made by Richard Dorney that the Town vote to transfer the amount of \$10,000.00 from the Water Pollution Abatement Trust Program Reserve for Appropriation Account to support administrative costs of said program.

PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 23 (Majority)

Motion was made by Richard Dorney that the Town vote to amend the Town’s Personnel Bylaws to include the position of Outreach Counselor under “Job Classification” and by adjusting the Salary Plan as written in Article 23 of the October 23, 2017, Annual Town Meeting Warrant with Finance Committee Recommendations.

SALARY PLAN	CURRENT				PROPOSED	
Office Administrator	\$ 42,000	-	\$ 61,000	to	\$ 42,000	\$ 61,000
Assistant to the Town Manager	\$ 60,000	-	\$ 82,000	to	\$ 65,000	\$ 89,000
Highway Superintendent	\$ 70,000	-	\$ 100,000	to	\$ 70,000	\$ 103,000
Assistant Town Accountant	\$ 45,000	-	\$ 67,000	to	\$ 50,000	\$ 67,000
Water & Sewer Superintendent	\$ 76,000	-	\$ 111,000	to	\$ 80,000	\$ 111,000
Asst. Water & Sewer Superintendent	\$ 50,000	-	\$ 66,000	to	\$ 50,000	\$ 66,000
Information Technology Director	\$ 58,000	-	\$ 85,000	to	\$ 60,000	\$ 85,000
Tax Collector-Treasurer	\$ 65,000	-	\$ 97,000	to	\$ 69,000	\$ 97,000
Public Health Nurse	\$ 21.43	-	\$ 34.00	to	\$ 21.43	\$ 34.00
Custodian - Municipal	\$ 15.00	-	\$ 20.00		\$ 15.00	\$ 20.00
Town Clerk	\$ 54,000	-	\$ 70,000		\$ 60,000	\$ 72,000
Outreach Counselor					\$ 17.00	\$ 21.00

PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 24 (2/3 Vote)

Motion was made by Richard Dorney that the Town vote to approve Article 24 as written in the October 23, 2017, Annual Town Meeting Warrant with Finance Committee Recommendations.

Article 24 as appears in the warrant:

To see if the Town will vote to amend the Norton Zoning bylaw, Article 1.5, by amending Section 1.5e by adding at the beginning of the third sentence: “Except as provided in Section 1.6 of this By-law, “by striking the footnote to Section 1.5e in the Zoning Bylaw in its entirety and inserting a new Section 1.5 “Non-Conforming single and Two-Family Residential Structures” that would provide as follows:

Section 1.6 Non-Conforming Single- and Two-Family Residential Structures

- a. Nonconforming single- and two-family residential structures may be reconstructed, extended or altered as of right following a determination by the Building Commissioner that such reconstruction, extension or alteration does not increase the nonconforming nature of the structure, and does not increase the habitable floor area of the structure by more than 25%.
- b. **No increase in nonconforming nature.** The reconstruction, extension or alteration of a single or two-family residential structure that is described in any of the following circumstances shall not be deemed to increase the nonconforming nature of a structure:
 1. Insufficient areas: reconstruction, extension or alteration of a single or two-family residential structure that is located on a lot with insufficient lot area, but that complies with all current dimensional requirements for front, side and rear yards,

building coverage, and building height and where said reconstruction, extension or alteration complies with all current dimensional requirements for front, side and rear yards, building coverage, and building height.

2. Insufficient frontage: reconstruction, extension or alteration of a single or two-family residential structure that is located on a lot with insufficient frontage, but that complies with all current dimensional requirements for front, side and rear yards, building coverage, and building height and where said reconstruction, extension or alteration complies with all current dimensional requirements for front, side and rear yards, building coverage, and building height.
3. Yard encroachment: reconstruction, extension or alteration of a single or two-family residential structure that does not further encroach upon one or more nonconforming front, side or rear yards, but that complies with current dimensional requirements for building coverage and building height.

Increase in nonconforming nature or increase in habitable floor area by 25% or more. In the event that the Building Commissioner determines that the reconstruction, extension or alteration of a nonconforming single or two-family residential structure increases the nonconforming nature of the structure, or in the event that such reconstruction, extension or alteration increases the habitable floor area of the structure by 25% percent or more, a finding pursuant to G.L. c. 40A, §6 granted by the Board of Appeals shall be required to allow such reconstruction, extension or alteration. A determination may be granted by the Board of Appeals only if there is a finding by the Board of Appeals that the reconstruction, extension or alteration shall not be substantially more detrimental to the neighborhood in which the structure is located than the existing nonconforming structure.

PASSES BY 2/3 VOTE AS DECLARED BY THE MODERATOR

ARTICLE 25 (2/3 Vote)

Motion was made by Richard Dorney that the Town vote to amend the Norton Zoning Bylaw, Article IV, by striking Section 4.9 of the Use Regulations in its entirety and inserting in its place a new Section 4.9, TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS, that would provide as follows, and further to amend the Table of Contents by deleting the reference to “Temporary Moratorium on Medical Marijuana Treatment Centers” and inserting in its place Section 4.9, “Temporary Moratorium on Recreational Marijuana Establishments:”

Section 4.9

A. Purpose

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016, and (as amended on December 30, 2016; Chapter 351 of the Acts of 2016) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018, and to begin accepting applications for licenses on April 1, 2018. Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a "Recreational Marijuana Establishment"), as defined in G.L. c. 94G, §1, is not specifically addressed in the Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

B. Definition

"Recreational Marijuana Establishment" shall mean a "marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business."

C. Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through June 30, 2018, or until such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 26 (Majority)

Motion was made by Richard Dorney that the Town vote to transfer the amount of \$85,000.00 from Free Cash to the “Other Post Employment Benefits Liability Trust Fund” established to cover the unfunded actuarial liability for retirees’ health care and life insurance benefits.

PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

ARTICLE 27 (Majority)

Motion was made by Richard Dorney that the Town vote to transfer the amount of \$300,000.00 from Free Cash to the Stabilization Fund, in accordance with G.L. c. 40, §5B.

PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR

At 10:38 p.m. The Annual Town Meeting was concluded and Moderator declared the meeting ADJOURNED.

A True Record Attest:

Lucia B. Longhurst
Town Clerk