

ANNUAL AND SPECIAL TOWN MEETING MINUTES  
SATURDAY, OCTOBER 17, 2020

The Annual Town Meeting was called to order by Town Moderator Walter Eykel.

Ladies and gentlemen, welcome to the Fall 2020 Norton Town Meeting. My name is Walter Eykel to my right is your Town Clerk Lucia Longhurst, and I would like to call the Town Meeting of Norton to order.

First, I would like to invite you to all rise and join me in the Pledge of Allegiance.

I would like to thank you all for taking the time and making the effort to attend our Town Meeting.

Before we begin the meeting, I would like to go over some of the rules governing our meeting today.

If you are a registered voter, you may sit anywhere in the center of the football field. Non-voters must sit in the section to the left.

If you wish to address this meeting, you may do so only after being recognized by the moderator. When you wish to speak, you may stand up, I will recognize you and a worker will bring a microphone to you, so we ask you to stay at your seats during the meeting.

When you speak, please start by stating your name and address so the clerk can record that information for the minutes of the meeting.

Please try and keep your remarks brief, to the point and make sure they are relevant to the article under discussion only. All speakers will be treated with respect and courtesy by the moderator and the other attendees of the meeting. No speaker will be allowed to use the meeting for personal attacks on any individual. All remarks will be directed to the Moderator and while I will allow questions to be asked of individuals, I will not allow cross examination of speakers.

In recognizing people to speak, I will try to call upon those who have not spoken on the topic already before those who have already spoken on that issue.

I will entertain motions to move the questions, but I will reserve my right as Moderator to deny any motion to move the question if I think there is still discussion to be had.

If a standing vote is required, you will be instructed to stand at your seats until the vote is counted. If a ballot vote is required, instructions will be presented then.

If you wish to make an amendment to any motion, you must do so in writing and present it to the Moderator and the Clerk. Please prepare your written amendment and bring it up here. If you want to move an article that has not been recommended by the Finance Committee, you must also present that motion to the clerk in writing.

No motion to reconsider any article will be accepted by the Moderator until at least three articles following that article have been acted upon by this meeting. This will not apply if the article is one of the last three of the warrant. Be aware that any article that you act upon today can be reconsidered. So, the Bill Gouveia rule of reconsideration means that if you came here for, let's say, article 5 and that article passes, and you decide to leave the meeting. But three articles later, someone moves to reconsider the article, discussion and possible voting restarts and the result may change. So be aware that the results of the voting are not permanent until the end of the meeting.

There will be a process for non-voters to speak on certain articles, and it is up to the meeting to decide, but I remind you that outside speakers often have important, relevant facts that you need to have when considering articles, so consider that when deciding whether to hear outside speakers.

The speakers we have today are the Town Council representative, Gregg Corbo and Brian Cohen  
Town Moderator, Walter Eykel ask the Chair-person of the Finance Committee, if there a motion to allow outside speakers to speak?

All those in favor of allowing outside speakers to speak, please signify by raising your hand.

Thank you.

Opposed, please raise your hand.

The motion passed.

Town Moderator, Walter Eykel, thanked Health Agent Chris Zahner and his team for all his work.

At the end of the meeting, I would like to ask you all to stay seated until you are directed to exit.

**At 1:05, Town Moderator Walter Eykel announced that the Annual Town Meeting would be recessed and will move on to the Special Town Meeting.**

**MINUTES FOR THE OCTOBER 17, 2020,  
FALL SPECIAL TOWN MEETING**

ARTICLE 1

No Action

**DECLARED LOST FOR LACK OF MOTION AS DECLARED BY MODERATOR**

ARTICLE 2

No Action

**DECLARED LOST FOR LACK OF MOTION AS DECLARED BY MODERATOR**

ARTICLE 3

No Action

**DECLARED LOST FOR LACK OF MOTION AS DECLARED BY MODERATOR**

ARTICLE 4 (2/3 Vote)

I Stephen Evans MOVE that the Town vote to amend the Norton Zoning Bylaws, Chapter 175 of the General Code, by inserting the underlined text, by deleting the strikethrough text, and by renumbering accordingly, all as printed under Article 4 of the August 29, 2020, Special Town Meeting Warrant with Finance Committee Recommendations.

**ARTICLE 4 AS WRITTEN IN THE WARRANT**

To see if the Town will vote to amend the Norton Zoning Bylaws, Chapter 175 of the General Code, by inserting the underlined text, by deleting the strikethrough text, and by renumbering accordingly, all as follows, or take any other action relative thereto:

1. In Article II, Definitions, §175-2.2, by inserting the following in a consistent format:

**COMMON DRIVEWAY**

- I. The width of a common driveway within the Village Center Core District shall range from 12 feet to 20 feet subject to Site Plan Approval by the Planning Board or its designee. A special permit for a common driveway is not required in the Village Center Core zoning district.

**FRONTAGE AREA**

The area of a lot between the façade of the principal building (existing or proposed) and the edge of the front property line. At a minimum, this area shall include the sidewalk required to comply with the standards for pedestrian circulation for the district.

## **FRONTAGE BUILDING**

The principal building that is used to establish the frontage area.

## **GROUND FLOOR**

The floor of a building that has the primary entrance to the building. Where there may be more than one primary entrance, the entrance most readily accessible to the front yard of the lot shall be considered the primary entrance.

## **HOUSING, TOP-OF-THE-SHOP**

Residential use located in the same building as non-residential use where the non-residential use occupies the ground floor and the residential use occupies space above the ground floor.

2. In Article III. Zoning Map and Districts, by inserting in § 175-3.1 **Districts established** the following new subsection E and renumbering the remaining subsections accordingly:

### E. Village Center Core (VCC)

3. In Article IV. Use Regulations:

#### **§ 175-4.1 Permitted uses.**

In each district, except Village Commercial and Village Center Core, only the principal and the accessory uses enumerated herein and the uses necessarily or customarily incidental and accessory to such permitted principal uses shall be permitted, including without limitation the accessory signs and off-street parking in accordance with the provisions of the bylaw, and subject to applicable conditions and limitations. In the Village Commercial District and Village Center Core District, more than one principal use is allowed on a single lot, subject to applicable dimensional regulations. Streets, public sewer facilities, public wastewater pumping stations and easements for public services are permitted uses in all districts. In the Village Center Core District, no dwelling unit nor any internal space associated with a dwelling unit shall occupy any ground floor portion of a building facing onto a street, public plaza, or other space customarily used by the public. Ground floor residential dwelling units shall be located on the rear of buildings, adjacent to any required parking and private open space associated with and serving those units. No more than forty (40%) of the ground floor Gross Floor Area (GFA) shall be used for residential purposes, of which not more than fifteen percent (15%) of said GFA shall be associated with or incidental to, required entries, stairs or elevator towers, or other purposes related to the residential use.

§ 175-4.2 **Residential uses.**

**Principal Uses**

**Zoning Districts**

**Allowed Uses**

	<b>R-80</b>	<b>R-60</b>	<b>R-40</b>	<b>VC</b>	<b><u>VCC</u></b>	<b>C</b>	<b>I</b>
Single-family dwelling	Y	Y	Y	Y	<u>N</u>	N	N
Single-family dwelling with accessory apartment, provided that the appearance of a single-family home is maintained and Board of Health requirements are met	Y	Y	Y	Y	<u>N</u>	N	N
Duplex	SP	SP	SP	SP	<u>N</u>	N	N
Common driveway	SP	SP	SP	SP	<u>Y</u>	SP	SP
Multifamily dwelling (excluding cluster development)	N	N	SP	SP	<u>N</u>	N	N
<u>Top of the Shop Housing</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>
Cluster development	SP	SP	SP	N	<u>N</u>	N	N
Housing for the elderly	SP	SP	SP	SP	<u>SP</u>	SP	N
Tourist or rooming house	SP	SP	SP	Y	<u>SP</u>	N	N
Bed-and-breakfast	SP	SP	SP	Y	<u>Y</u>	Y	N
Mobile home park	N	N	N	N	<u>N</u>	N	N
Mobile home (temporary)	SP	SP	SP	SP	<u>N</u>	N	N
Institutional, educational facilities	Y	Y	Y	Y	<u>Y</u>	Y	Y
Religious facilities	Y	Y	Y	Y	<u>Y</u>	Y	Y
Hospitals, nursing or convalescent homes	SP	SP	SP	SP	<u>N</u>	SP	N
Public or government buildings or uses	SP	SP	SP	Y	<u>Y</u>	Y	N
Private nursery school, day-care center	Y	Y	Y	Y	<u>Y</u>	Y	Y
Nonprofit, membership-owned health or recreational club, including country club serving residents of Norton	N	N	N	Y	<u>SP</u>	Y	N
Fraternal lodge or other nonprofit civic use serving residents of Norton	N	N	N	Y	<u>SP</u>	Y	N

§ 175-4.3 **Open space, agriculture and recreation uses.**

[Amended 5-14-2018 ATM by Art. 21]

**Principal Uses**

**Zoning Districts**

**Allowed Uses**

**R-80 R-60 R-40 VC VCC C I**

Public parks, playgrounds	Y	Y	Y	Y	<u>Y</u>	Y	N
Horticulture, floriculture and minor agriculture	Y	Y	Y	Y	<u>N</u> <sup>1</sup>	Y	Y
Cemetery	Y	Y	Y	Y	<u>N</u>	Y	Y
Recreational day camp	Y	Y	Y	Y	<u>N</u>	Y	N
Public recreation areas	Y	Y	Y	Y	<u>Y</u>	Y	N
Passive outdoor recreation non-commercial uses such as parks, beaches, picnic groves, camping and other similar uses	SP	SP	SP	SP	<u>SP</u>	SP	N
Golf course	SP	SP	SP	SP	<u>N</u>	SP	N
Health or recreational club	N	N	N	SP	<u>SP</u>	Y	SP
Outdoor lighting for nonresidential use in excess of 30 feet in height	SP	SP	SP	SP	<u>N</u>	SP	SP
Farms, orchards, nursery, greenhouse agriculture and tree farms	Y	Y	Y	Y	<u>N</u> <sup>1</sup>	Y	Y
Farms, livestock (excluding swine), horses, poultry, and rabbits if confined or caged (over 50) on 5 or more acres	Y	Y	Y	Y	<u>N</u> <sup>1</sup>	Y	Y
Farms, livestock (excluding swine), horses, poultry, and rabbits if confined or caged (over 50) on less than 5 acres	Y	SP	SP	N	<u>N</u> <sup>1</sup>	N	N
Rabbits and poultry, confined or caged (50 or under), on 5 acres or more	Y	Y	Y	Y	<u>N</u> <sup>1</sup>	Y	Y
Rabbits and adult hens (not roosters) confined or caged (12 or under) for personal use on less than 5 acres <sup>1</sup>	Y	Y	Y	SP	<u>N</u>	SP	SP
Rabbits and poultry, confined or caged (13 to 50), on less than 5 acres	Y	SP	SP	SP	<u>N</u> <sup>1</sup>	SP	SP
Kennel, veterinary hospital	Y	N	N	SP	<u>N</u>	Y	SP
Roadside stands for agricultural, horticultural products, a major portion of which is grown on the premises by resident proprietor	Y	Y	Y	Y	<u>Y</u>	Y	Y

<sup>1</sup> Agricultural uses meeting the requirements of G.L. c. 40A, § 3 and G.L. c. 128, § 1A shall be allowed.

§ 175-4.4 **Commercial uses.**

[Amended 5-14-2018 ATM by Art. 22]

**Principal Uses**

**Zoning Districts**

**Allowed Uses**

	<b>R-80</b>	<b>R-60</b>	<b>R-40</b>	<b>VC</b>	<b><u>VCC</u></b>	<b>C</b>	<b>I</b>
Administrative, professional offices	N	N	N	Y	<u>Y</u>	Y	Y
Banks, financial institutions	N	N	N	Y	<u>Y</u>	Y	Y
Retail stores, shops, trade services	N	N	N	Y	<u>Y</u>	Y	Y
Home craftsman shops (no employees)	SP	SP	SP	Y	<u>N</u>	Y	N
Hotel, motel	N	N	N	SP	<u>SP</u>	Y	Y
New or used cars, trailer or boat sales	N	N	N	N	<u>N</u>	Y	Y
Funeral home	N	N	N	SP	<u>N</u>	Y	N
Home occupation-professional offices except veterinary, provided that no more than 3 persons are employed in addition to resident and that no more than 25% of the total floor area is devoted to such office	SP	SP	SP	Y	<u>N</u>	Y	N
Home occupation-custom work in home or accessory building by resident with no more than 1 other person regularly employed and not more than 25% of floor area regularly devoted to such use and there is no exterior storage or display of products, materials, or equipment	Y	Y	Y	Y	<u>Y</u> <sup>1</sup>	Y	N
Home occupation-including professional offices, provided there are no employees other than residents and there is no visible exterior storage of products, materials or equipment	Y	Y	Y	Y	<u>Y</u> <sup>1</sup>	Y	N
Repair and service shops, including auto repair, provided that work is done in an enclosed building and there is no long-term outside storage of wrecked cars, and including welding, auto body repair, soldering and painting incidental to automobile repair	N	N	N	Y	<u>N</u>	Y	Y

<sup>1</sup> Parking is subject to verification and approval by the Inspector of Buildings/Building Commissioner and Planning Director

Electronic message center (EMC)	N	N	N	SP	<u>SP</u>	SP	SP
Wholesale offices, showrooms with no on-site storage	N	N	N	Y	<u>SP</u>	Y	Y
Bus or railroad terminal, passenger station	N	N	N	Y	<u>N</u>	Y	Y
Commercial parking facilities	N	N	N	Y	<u>SP</u>	Y	Y
Gasoline filling/service station, car wash	N	N	N	SP	<u>N</u>	Y	Y
Commercial recreational facilities, tennis and other playing courts, not including drive-in theaters, and no less than 150 feet from nearest residential boundary	N	N	N	SP	<u>N</u>	Y	Y
Restaurants, night clubs and other places serving food or beverages	N	N	N	Y	<u>Y</u>	Y	Y
Drive-through facility	N	N	N	SP	<u>N</u>	SP	SP
Wireless communication facility (located on a monopole)	N	N	N	N	<u>N</u>	SP	SP
Wireless communication facility (on existing structure, excluding monopole)	Y	Y	Y	Y	<u>Y</u>	Y	Y
Body art establishment	N	N	N	N	<u>N</u>	N	SP
Adult entertainment, including adult motion-picture theaters, adult bookstores and activities defined in MGL c. 272, § 31	N	N	N	N	<u>N</u>	N	SP*
Registered medical marijuana dispensary	N	N	N	N	<u>N</u>	N	SP
Allowed-by-right principal uses as enumerated in § <b>175-4.4</b> , Commercial uses, with 10,000 or more square feet of floor area or 25 or more parking spaces (See § <b>175-4.8</b> for detailed explanation.)	SP	SP	SP	SP	<u>SP</u>	SP	SP
Marijuana establishment, excluding "social consumption establishments" of any kind, including private social clubs, exercise or holistic studios or facilities and all other private entities	N	N	N	N	<u>N</u>	N	SP
Marijuana establishment, "social consumption establishments" of any kind, including private social clubs, exercise or holistic studios or facilities and all other private entities	N	N	N	N	<u>N</u>	N	N

Notes:

\* If 1,000 feet from all other zoning districts and cemeteries and 500 feet from like uses.

#### § 175-4.5 **Industrial uses.**



**Principal Uses****Zoning Districts  
Allowed Uses****R-80 R-60 R-40 VC VCC C I**

Research, technical laboratories	N	N	N	SP	<u>N</u>	SP	Y
Warehouse, storage and distribution facilities	N	N	N	SP	<u>N</u>	SP	Y
Wholesale offices or showrooms with storage on premises	N	N	N	SP	<u>N</u>	SP	Y
Sales of new or used construction or materials handling equipment, farm implements and machinery	N	N	N	N	<u>N</u>	SP	Y
Light processing and fabrication	N	N	N	N	<u>N</u>	SP	Y
Factories, manufacturing firms	N	N	N	N	<u>N</u>	N	Y
Machine-intensive processing, fabrication and assembly	N	N	N	N	<u>N</u>	N	Y
Auto body repair, paint, soldering or welding shop	N	N	N	N	<u>N</u>	N	Y
Earth removal	SP	SP	SP	SP	<u>SP</u>	SP	SP
Allowed-by-right principal uses as enumerated in § 175-4.5, Industrial uses, with 10,000 or more square feet of floor area or 25 or more parking spaces (See § 175-4.8 for detailed explanation.)	SP	SP	SP	SP	<u>N</u>	SP	SP
Large-scale, ground-mounted solar photovoltaic installations (See Article XXII, § 175-22.3A.)	—	—	—	—	<u>N</u>	—	—

4. In **Article VI, Dimensional Regulations** by making the following additions and deletions and by renumbering the remaining subsection accordingly:

**§ 175-6.1 General requirements:**

- B. Multiple commercial and industrial buildings may be allowed on a lot in Village Commercial, Commercial and Industrial Zoning Districts and multiple buildings may be allowed for housing for the elderly in Commercial Zoning Districts as long as the total percentage of the lot covered by buildings does not exceed 33% as specified in § 175-6.2 of the Zoning Bylaw. All setbacks ~~would have to~~ shall be observed. The minimum distance between buildings shall be 15 feet.
- D. Multiple buildings may be allowed on a lot in the Village Center Core District as long as the total percentage of the lot covered by buildings does not exceed what is specified in Article 175- 6.2 of the Zoning By-law. All required setbacks shall be observed. All residential uses that are permitted either by right or by special permit in the Village Center Core District shall comply with the dimensional requirements in the Village Center Core District.

§ 175-6.2 Table of Dimensional Requirements.

**Table 6.2**

**Dimensional Requirements**

Residential Eighty (R-80)  
 Residential Sixty (R-60)  
 Residential Forty (R-40)  
 Village Commercial (VC)  
Village Center Core (VCC)  
 Commercial (C)  
 Industrial (I)

Use	Zoning District Dimension Requirements in Feet/Square Feet*						
	R-80	R-60	R-40	VC	<u>VCC</u>	C	I
Single-family dwelling (including accessory apartment if allowed)	80,000	60,000	40,000	18,000	<u>NA</u>	18,000	45,000
<del>Duplex</del> <u>2 units per building</u>	80,000	80,000	80,000	26,000	<u>5,000</u>		
3 units per building			110,000	34,000	<u>5,000</u>		
4 units per building			130,000	40,000	<u>5,000</u>		
5 units per building			150,000	50,000	<u>10,000</u>		
6 units per building			180,000	60,000	<u>10,000</u>		
<u>7 units per building</u>					<u>10,000</u>		
Minimum continuous frontage in feet (see § 175-6.10)	150	150	150	120	<u>75</u>	120	150
Minimum front yard for principal building (in feet)	50	40	40	10	<u>10<sup>1</sup></u>	50	40
<u>Maximum Front Yard</u>					<u>40</u>		
Minimum side yard for principal building (in feet)	35	25	25	10	<u>10<sup>1</sup></u>	15	30
Minimum side yard for accessory building (in feet)	10	10	10	10	<u>10<sup>1</sup></u>	10	10
Minimum rear yard for principal building (in feet)	25	15	15	20	<u>20</u>	20	40
Minimum rear yard for accessory building (in feet)	10	10	10	20	<u>20</u>	10	10

<sup>1</sup> Distance could be decreased pursuant to a Special Permit granted by the Planning Board.

Maximum percentage of lot covered by building	12%	16%	20%	50%	<u>75%</u> <sup>2</sup>	33%	33%
Maximum height of building (in feet)	35	35	35	45	<u>60</u>	45	50
Maximum height (in stories)	3	3	3	3	<u>4</u>	3	3
Maximum height of chimneys, domes, spires, towers, radio or television antennas in any zone (in feet)	65	65	65	65	<u>70</u>	65	65

~~Maximum height in feet of chimneys, domes, spires, towers, radio or television antennas in any zone is 65 feet; m~~Maximum height in feet for wireless communication facilities is 125 feet.

<sup>2</sup> Percentage could be increased pursuant to a Special Permit granted by the Planning Board.

**§ 175-6.7(A) Lot area modifications.**

- a. Within the Water Resource Protection District, the minimum lot requirements shall be modified as follows: Within Zone II, the minimum lot area for residential and nonresidential uses shall be 80,000 square feet per unit; within Zone III, the minimum lot area for residential and nonresidential use shall be 60,000 square feet per unit, except that in the Village Commercial Zoning District and Village Center Core District, the minimum lot area for residential and commercial uses shall be as per the dimensional requirements of the Village Commercial District and the Village Center Core District.

5. In **Article XI. Administration and Enforcement** by making the following additions and deletions:

§ 175-11.1 **Administration by Building Inspector** **Inspector of Buildings / Building Commissioner.**

This bylaw shall be administered by the ~~Building Inspector~~ Inspector of Buildings / Building Commissioner.

§ 175-11.2 ~~Building Inspector~~ Inspector of Buildings / Building Commissioner duties.

The duties of the ~~Building Inspector~~ Inspector of Buildings / Building Commissioner shall include, but may not be limited to, the following and all acts necessary in the implementation of the following:

- A. Review all plans and proposals for the construction, demolition, reconstruction, and relocation of buildings and structures in Norton, issuing building permits for construction meeting all applicable laws, bylaws and safety standards and denying such permits whenever insufficient information is presented, unsafe or hazardous conditions or a violation of this bylaw or other laws, bylaws or regulations administered by the ~~Building Inspector~~ Inspector of Buildings / Building Commissioner would result.
- C. Make inspections as required to perform his duties. The ~~Building Inspector~~ Inspector of Buildings / Building Commissioner shall have the right to enter upon any lands and any building or structure under construction or open to the public at all reasonable times in performance of his duties and may at all reasonable times and after due notice enter any dwelling or occupied premises not open to the public whenever the ~~Building Inspector~~ Inspector of Buildings / Building Commissioner has reason to believe that a violation of this bylaw or unsafe or hazardous conditions exist therein.
- D. Issue certificates of ~~zoning compliance~~ occupancy which certify that the existing or proposed use described therein of the specified premises conforms to the requirements of this bylaw.
- E. Investigate, upon a written complaint or on his own initiative, alleged violations of this bylaw. When the ~~Building Inspector~~ Inspector of Buildings / Building Commissioner determines that a zoning violation exists, he shall serve a written notice on the responsible persons, demanding the abatement of such violation within a reasonable time and, upon a failure to comply fully, shall prosecute such violation as provided by law.
- F. The ~~Building Inspector~~ Inspector of Buildings / Building Commissioner shall adopt and make available to all interested parties a procedure for application for and issuance of building permits and certificates of ~~compliance~~ occupancy, together with the required forms and a schedule of fees. Such procedure, forms and fees shall be approved by the SELECT BOARD and the Town Counsel.

**§ 175-11.3 Building permits and certificates of ~~compliance~~ occupancy.**

- A. No building or structure, except a building or structure 100 square feet or less in area or eight feet or less in height, shall be erected, reconstructed, altered, added to, moved or demolished without a permit therefor issued by the ~~Building Inspector~~ Inspector of Buildings / Building Commissioner.
- (1) Applications for building permits shall be on the form prescribed by the ~~Building Inspector~~ Inspector of Buildings / Building Commissioner and shall be accompanied by construction or architectural plans and by a plot plan showing the outside dimensions of the building and the lot and the dimensioned location of the building on the lot. The plot plan shall show all information necessary to verify the compliance with this bylaw, such as the size of the yards, the dimensions of any required driveways, parking, landscaping, water bodies, signs requiring permits, fences and walls, provisions for drainage and for water supply and sewage disposal, or so much of the above as may be applicable for alterations and additions. Plans shall bear the seal of an architect, professional engineer or land surveyor as required by state law.
- B. No new, reconstructed or enlarged building shall be occupied and no nonconforming commercial or industrial use shall be changed to a different use without a certificate of zoning compliance occupancy. Such certificate shall be issued by the ~~Building Inspector~~ Inspector of Buildings / Building Commissioner upon certification that the building on the lot, the lot and the specified proposed use thereof comply with the use and dimensional requirements of the bylaw or are permitted by the Board of Appeals or are exempt under state law, and that three permanent bounds have been placed on the lot, a house number has been affixed to the building, and that construction has been completed and buildings are safe and ready for occupancy.
- C. In the Village Center Core District, the Inspector of Buildings / Building Commissioner may approve an application for re-occupation or re-use for the same purpose without Site Plan Review through the issuance of a Building Permit. The Inspector of Buildings / Building Commissioner is empowered to approve such application only where:
- (1) All structures on the site were previously reviewed and approved after the establishment of the Village Center Core District.
- (2) No new structures are proposed when compared with the most recent Site Plan Approval.
- (3) No change in parking is proposed when compared with the most recent Site Plan Approval.
- (4) No increase in the number of on-site residential units is proposed when compared with the most recent Site Plan Approval.
- (5) Any expansion to existing structures on-site is incidental to, code compliance, or providing access to people with disabilities.

Where the above conditions are met, the Inspector of Buildings / Building Commissioner may still require Site Plan Review under Article XV and submit documentation to the Planning Board for their comment if the Inspector of Buildings / Building Commissioner feels existing complexities with the site or an intensification in use warrant such action.

CD. The ~~Building Inspector~~ Inspector of Buildings / Building Commissioner shall be notified prior to any excavation along a public way; and prior to placement of a foundation, it shall be inspected for proper setback and side yard placement.

6. In **Article XV. Site Plan Approval** by making the following additions and by renumbering the remaining subsections accordingly:

**§ 175-15.3 Applicability.**

C. The following shall be subject to site plan approval in the Village Center Core District and supersede § 175-15.3 A. and B.:

- (1) All newly proposed or expanded Top-of-the-Shop Housing or multi-family residential use;
- (2) 5,000 or more square feet of floor space;
- (3) Twenty (20) or more parking spaces;
- (4) More than one (1) driveway;
- (5) Any use that requires a special permit;
- (6) In all other cases, the Inspector of Buildings / Building Commissioner and Planning Director must ensure compliance with §175-15.6 and may still require Site Plan Review by the Planning Board under Article XV if the Inspector of Buildings / Building Commissioner and Planning Director feels existing complexities with the site warrant such action.

**§ 175-15.6 Objectives to be met.**

A. Natural environment:

- (2) Promote the infiltration and recharge of groundwater and control the volume and rate of stormwater runoff resulting from land disturbance activities by requiring a stormwater management plan which utilizes both structural and nonstructural best management practices (BMPs); When stormwater treatment is required pursuant to the Stormwater Management Bylaw, a stormwater system built in the Village Center Core District shall incorporate best practices to promote their function, beauty, and community gathering spaces including rain gardens, landscaping features, cisterns, permeable pavement, green roofs, and subsurface vaults;

B. Traffic, parking and pedestrian circulation:

- (5) Ingress and egress points shall be kept to a minimum along major abutting streets. No more than one (1) vehicular driveway per lot is allowed in the Village Center Core District unless a waiver is granted by the Planning Board for more than one driveway.

C. Design:

(3) Design in the Village Center Core District. The following standards and guidelines are provided so that the Village Center Core District can become a vibrant and walkable destination. Where a standard is required through the use of the words “shall” or “must”, this standard requires strict compliance. Deviation from any such standard shall require a variance from the Zoning Board of Appeals unless a special permit or waiver for deviating from that standard is granted by the Planning Board. Where a requirement uses the words “should”, “may”, or “could,” this requirement is a guideline and compliance with this language is a strong preference for the Town.

a. Pedestrian Circulation

Where pedestrian walkways are provided:

- (1) Pedestrian connections that connect a building entrance to a sidewalk (where the building is set back) or one building to another building shall be designed to be safe, illuminated, broad, and easily identifiable. No building exit shall be located in a manner that impedes automobile egress from the site.
- (2) Walkways that cross areas with vehicular traffic shall be designed to clearly show that the space is primarily dedicated to pedestrian traffic. Design elements could include raised or alternative surfaces, signage, rectangular rapid flashing beacon or raised landscaped islands that serve as a safe resting area for pedestrians between automobile travel lanes.
- (3) Where sidewalks or other pedestrian or bicycle ways intersect with automobile driveways or lanes, distinct surfaces with durable, decorative alternatives to conventional pavement shall be used to connect sidewalks or bike lanes across the automobile lane.
- (4) Bicycle parking shall be provided at a minimum of 0.30 spaces per 1,000 sf of floor area of non-residential space and one space per residential unit.
- (5) Outdoor seating such as dining areas, plazas, benches and seats may be required and shall be visible from the primary frontage.

b. Property Frontage

- (1) Newly constructed frontage buildings shall be located in a manner that facilitates pedestrian and bicycle access along and across the frontage area of that property.
- (2) Parking or travel lanes shall not be located in the frontage area except where access driveways are approved by the Planning Board, or its designee.

- (3) Bollards, short decorative walls, or similar features shall be used to separate parking spaces from adjacent pedestrian walkways and gathering places such as outdoor dining areas, plazas, benches or seats.
- (4) Street trees shall be spaced along the sidewalk at an average frequency of one tree every 30 feet.
- (5) Landscape features such as planters, rain gardens or similar shall be placed in the frontage area.

c. Lighting

In addition to the requirements under Article XX, the following standards and guidelines apply:

- (1) Lighting for streets, parking areas, and civic/gathering spaces must be decorative in shape, scale, and finish, with detailed, articulated treatments for the base, post, fixture, and crown. Where decorative street lighting is already installed, the design of proposed lighting standards and fixtures shall be consistent with or complementary to said lighting.
- (2) Light poles and fixtures shall not exceed 16 feet in height. Height is measured from the base of the standard to the highest point of the structure. Structural features used to anchor light standards (e.g., concrete pilings) are not counted toward the maximum height but shall not protrude more than six (6) inches from the ground.
- (3) All exterior lights on private property and sign illumination shall be designed, located, installed, and directed in such a manner as to minimize light trespass onto adjacent properties unless such trespass is intentional and meets the purposes of this district and in no case shall the intensity of illumination exceed 0.1 vertical footcandles where there is an adjoining residential zoning district.
- (4) Lighting fixtures for building security or display purposes shall be top downward (not upward or sideways), and full cut off or fully shielded/recessed. Lighting may be directed upwards as part of a landscaping scheme used to highlight important features including, but not limited to: steps, walkways, art installations, and the edge of buildings.

d. Building Form

The following standards and guidelines apply to proposed new buildings. In addition to any other application submittal requirements, the applicant shall submit architectural elevations that are annotated to explain how these standards and guidelines are being met.

- (1) Multi-story buildings shall clearly articulate the base, middle (where applicable), and top of the building using cornices, borders of distinct material, or other articulating features on every visible surface of the building.
- (2) In new non-residential or mixed-use construction, ground floors should be a minimum of eleven (11) feet from floor to ceiling to enhance the pedestrian streetscape, regardless of the overall building height.



- (3) Buildings with façades longer than forty (40) feet shall articulate the façade with features common to traditional New England architecture that create visual interest. Features could include varied rooflines, distinct signage for multiple tenants, awnings, arcades, pilasters, columns, recessed spaces and/or entrances, and any other features that serve to add texture to these longer façades.

e. Building Entranceways

- (1) All buildings shall have a principal façade and entry (with operable doors) facing the property frontage. Buildings may have more than one principal façade and/or entry. Primary entrances not facing the property frontage should open onto sidewalks or other designated pedestrian areas that are at least ten (10) feet in width.
- (2) Main entrances shall incorporate architectural and/or sidewalk features that draw attention to the entrance. These features could include covered porches, distinct sidewalk surfacing, porticos, planters, landscaping, recessed doorways, and awnings.

f. Signage

In addition to the requirements under Article VIII, the following standards and guidelines apply:

- (1) Wall mounted or projected signs should be located above the ground floor storefront and just below the second-floor windows where applicable. Signs should not obscure architectural features or windows and should be integrated with the design of the building.
- (2) Sign colors should be selected to enhance sign legibility for both day and nighttime viewing. Contrasting colors can be used effectively to increase clarity, especially for letters and numbers. Sign colors and finishes should be compatible with the color of the building or development.
- (3) Sign materials should be of high quality and compatible with the design of the building and façade on which they are placed.
- (4) Externally illuminating signs should have downward-directed, wall mounted lights with fully-shielded decorative lamps that do not obscure the graphics of the sign.
- (5) Internally illuminated plastic or fiberglass cabinet (“can”) signs are prohibited. Where internal illumination or back-lighting is proposed, solid letters (reverse channel) are a preferred alternative.
- (6) Signage on awnings is permitted only on the apron portion of the awning.
- (7) Free-standing signs with clearance above the ground of more than two feet above grade are not allowed. Free-standing monument or structured signs are preferred. Free-standing signs shall not be taller than five (5) feet above grade and should incorporate design details, materials, and colors of the associated buildings. The base or support elements of freestanding signs should be integrated with the surrounding environment and should incorporate ornamental landscaping where possible.

g. Parking Report

Site Plan Review applications, Special Permit applications or applications under §175-15.3.C.6 in the Village Center Core District shall be accompanied by a Parking Report that demonstrates reasonable access to parking spaces on-site and/or off-site. Site Plan applications in the Village Center Core District are not subject to the off-street parking requirements of §175-7.4 and 7.6 and is, instead, subject to approval by the Planning Board or its designee. The Parking Report shall include:

- (1) Size and type of all existing and proposed uses or activities on the property.
- (2) Proposed number of parking spaces on-site.
- (3) Proposed total number of parking spaces including on-site and off-site.
- (4) Parking demand, including peak demand, shall include a calculation of the on-site uses as determined by the most recent estimates provided by the Institute of Transportation Engineers (ITE).
- (5) Feasibility of shared parking among uses on-site, if applicable, based on peak demands for on-site use occurring at different times of the day and on different days of the week.
- (6) Availability of alternative methods of travel to the site, including public transportation, bike and pedestrian access.
- (7) Ability, if necessary and applicable, to obtain a long-term lease/long-term binding parking agreement of off-site spaces. Parking for business and commercial uses may be located off-site provided the following criteria are met:
  - a. The off-site parking is located within 800 feet of the subject site.
  - b. There is safe and adequate pedestrian access between the off-site parking and the subject site.
  - c. Any proposed on-site parking shall include spaces for people with disabilities.
  - d. Where proposed parking is located off-site, a binding parking agreement shall be submitted to the Town as part of the Parking Report.
- (8) Parking associated with residential uses must be on-site. Off-site parking for residential uses requires a Special Permit granted by the Planning Board.
- (9) Narrative explanation of how the demand analysis and proposed strategies justify the proposed total number of parking spaces.

Comments were made by several residents.

Motion was made to move the question by Denise Luciano and second by Renee Deley.  
Motion passed

**ARTICLE PASSES AS DECLARED BY THE MODERATOR**

## ARTICLE 5 (2/3 Vote)

I Stephen Evans MOVE that the Town vote to amend the Norton Zoning By-Law, Article III - Zoning Map and Districts and the Town of Norton Zoning Map adapted thereunder, which is entitled “Zoning Map Town of Norton, Massachusetts and dated June 1999, last revised October 21, 2019,” all as printed under Article 5 of the August 29, 2020, Special Town Meeting Warrant with Finance Committee Recommendations.

### **ARTICLE PASSES BY 2/3 VOTE AS DECLARED BY THE MODERATOR**

## ARTICLE 6 (2/3 Vote)

I Stephen Evans MOVE that the Town vote to amend the Norton Zoning Bylaws, Chapter 175 of the General Code, all as printed under Article 6 of the August 29, 2020, Special Town Meeting Warrant with Finance Committee Recommendations, to create a Marijuana Overlay District and to provide for the regulation of Marijuana Establishments and Medical Marijuana Treatment Centers (MTCs), formerly known as Registered Medical Marijuana Dispensaries (RMDs).

To see if the Town will vote to amend the following Articles within the Norton Zoning Bylaws, Chapter 175 of the General Code, to create a Marijuana Overlay District and to provide for the regulation of Marijuana Establishments and Medical Marijuana Treatment Centers (MTCs), formerly known as Registered Medical Marijuana Dispensaries (RMDs):

1. Article IV - Use Regulations, §4.4 to allow for Marijuana Establishments and Medical Marijuana Treatment Centers (MTCs), formerly known as Registered Medical Marijuana Dispensaries (RMDs) within the Marijuana Overlay District by Special Permit (changes shown below in **bold**);
2. Article XV - Site Plan Approval, §15.3 to require Site Plan Approval for Marijuana Establishments and MTCs (changes shown below in **bold**);
3. Article XXI – to delete the current Article XXI and replace it with a new Article XXI, which will regulate all marijuana uses within the Town, including Marijuana Establishments and Medical Marijuana Treatment Centers.

and further, to amend the Town’s Zoning Map to show the Marijuana Overlay District, as shown on the plan on file with the Town Clerk, or take any other action relative thereto:

## ARTICLE IV USE REGULATIONS

### § 175-4.4 Commercial Uses

Principal Uses	Zoning Districts Allowed Uses					
	R-80	R-60	R-40	VC	C	I
<del>Registered medical marijuana dispensary</del> <b>Medical Marijuana Treatment Center (MTC)</b>	N	N	N	<del>N</del> <b>SP+</b>	<del>N</del> <b>SP+</b>	SP+

Marijuana <u>E</u> stablishment, excluding “ <u>S</u> ocial <u>C</u> onsumption <u>E</u> stablishments” of any kind, including private social clubs, exercise or holistic studios or facilities and all other private entities	N	N	N	<del>N</del> <u>SP</u> <sup>+</sup>	<del>N</del> <u>SP</u> <sup>+</sup>	SP <sup>+</sup>
<del>Marijuana establishment</del> , “ <u>S</u> ocial <u>C</u> onsumption <u>E</u> stablishments” of any kind, including private social clubs, exercise or holistic studios or facilities and all other private entities	N	N	N	N	N	N

**<sup>+</sup>Only areas designated on Marijuana Overlay District**

## **ARTICLE XV SITE PLAN APPROVAL**

### **§ 175-15.3, part F**

All "Marijuana Establishments," **and MTCs**, as defined in Article **II**, Definitions, shall require site plan approval, including those with less than 2,500 square feet and/or less than 10 parking spaces that would otherwise be exempt from site plan review. All site plan applications submitted for **Marijuana Establishments and MTCs** under this section shall include all documents submitted to the Cannabis Control Commission for state licensing of the **Marijuana Establishment or MTC**, and the site plan review shall include review of the site plan's satisfaction of the standards established by the Cannabis Control Commission regulations, 935 CMR 500.00 et seq., **501.00 et seq, and 502.00 et seq as applicable as well as those submittals and reviews required under the Norton Town Zoning Bylaws.**

[Added 5-14-2018 ATM by Art. 22]

## **ARTICLE XXI Marijuana Establishments and Medical Marijuana Treatment Centers**

### **§ 175-21.1 Purpose.**

The purpose of this bylaw is to provide for the placement of Marijuana Establishments and Medical Marijuana Treatment Center (MTCs), in accordance with applicable state law, in locations suitable for lawful Marijuana Establishment or MTC and to minimize adverse impacts of Marijuana Establishments and MTCs on adjacent properties by regulating the siting, design, placement, security, and removal of Marijuana Establishments and MTCs.

### **§ 175-21.2 Establishment**

The Marijuana Overlay District is hereby established as an overlay district over segments of Route 140 North, E. Main Street Business Parks, Norton Commerce Center, Industrial Zones in South Norton, and Business and Industrial Zones in Chartley, superimposed over such parcels that are included in the Village Commercial (VC) Zoning District, Commercial (C) Zoning District and the Industrial (I) Zoning District, dated May 2020. This map is hereby made part of the Norton Zoning bylaw and is on file in the Office of the Town Clerk. Any Marijuana Establishments or MTCs shall be permitted by special permit in the Marijuana Overlay District, subject to the limitations imposed by this bylaw. In the instance where a parcel is split between Residential Zoning District and either Village Commercial (VC) Zoning District, Commercial (C) Zoning District or the Industrial (I) Zoning District, the Marijuana Establishment or MTC may not be built or established on the residential portion of the parcel.

### **§ 175-21.3 Definitions.**

Where not expressly defined in the Norton Zoning Bylaw, terms used in this article shall be interpreted as defined in MGL chapters 94G and 94I and the Commissioner's regulations promulgated from time to time thereunder, including without limitation, 935 CMR 500.000, 501.000 and 502.000 et seq, and otherwise by their plain language. If any terms in this article conflict with the terms of the governing state laws and regulations, the terms in the governing laws and regulations will govern for the purpose covered by this article. In addition to definitions generally applicable to the Norton Zoning Bylaw as set forth in § **175-2.2**, for purposes of this article, the following terms shall have the meanings indicated:

**CANNABIS OR MARIJUANA OR MARIHUANA:** All parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana or Marihuana(a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, § 1; provided that cannabis shall not include:

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generally applicable to the Norton Zoning Bylaw as set forth in § **175-2.2**, for purposes of this article, the following terms shall have the meanings indicated:

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- (a) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
- (b) hemp; or
- (c) the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.

**CANNABIS OR MARIJUANA PRODUCTS:** Cannabis or marijuana and its products unless otherwise indicated. These include products that have been manufactured and contain cannabis or marijuana or an extract from cannabis or marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

**COMMISSION:** The Massachusetts Cannabis Control Commission established by M.G.L. c. 10, § 76, or its designee. The Commission has authority to implement the state marijuana laws, which include, but are not limited to, St. 2016, c. 334 as amended by St. 2017, c. 55, M.G.L. c. 94G, and 935 CMR 500.000.

**HOST COMMUNITY AGREEMENT:** An agreement, pursuant to General Laws, Chapter 94G, Section 3(d), between a Cannabis Establishment and a municipality setting forth additional conditions for the operation of a Cannabis Establishment, including stipulations of responsibility between the parties and a up to 3% host agreement revenue sharing. Note this term is not defined in 935 CMR 500. The executive body of the municipality is responsible for negotiating the Host Community Agreement on behalf of the municipality.

**HEMP:** The plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis of any part of the plant of the genus Cannabis, or per volume or weight of cannabis or marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus Cannabis regardless of moisture content.

**MARIJUANA CULTIVATOR:** An entity licensed to cultivate, process and package marijuana, and to transfer marihuana to other marijuana establishments, but not to consumers.

**MARIJUANA INDEPENDENT TESTING LABORATORY:** A laboratory that is licensed by the Commission and is:

- (a) accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;
- (b) independent financially from any Medical Marijuana Treatment Center (MTC), Marijuana Establishment or licensee for which it conducts a test; and
- (c) qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

**LICENSEE:** A person or entity licensed by the Commission to operate a Marijuana Establishment under 935 CMR 500.000 and/or Medical Marijuana Treatment Centers under 935 CMR 501.00 or 502.00.

**MANUFACTURE:** To compound, blend, extract, infuse or otherwise make or prepare a cannabis or marijuana product.

**MARIJUANA PROCESS OR PROCESSING:** To harvest, dry, cure, trim and separate parts of the cannabis or marijuana plant by manual or mechanical means, except it shall not include manufacture as defined in 935 CMR 500.002.

**MARIJUANA RETAILER:** An entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Unless licensed *and permitted under the zoning Bylaws*, retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on- site social consumption on the premises of a Marijuana Establishment.

**MARIJUANA TRANSPORTER:** An entity, not otherwise licensed by the Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers. Marijuana Transporters may be an existing licensee transporter or a third-party transporter.

**MEDICAL MARIJUANA TREATMENT CENTER (MTC):** Medical Marijuana Treatment Center formerly known as a Registered Marijuana Dispensary (RMD): an entity licensed under 935 CMR 501.101: Application Requirements for Medical Marijuana Treatment Centers, that acquires, cultivates, possesses, Processes (including development of related products such as Edible Marijuana or Marijuana Products, MIPs, Tinctures, aerosols oils, or ointments), transports, sells, distributes, delivers, dispenses, or administers Marijuana, products containing Cannabis or Marijuana, related supplies, or educational materials to Registered Qualifying Patients or their Personal Caregivers for medical use. Unless otherwise specified, MTC refers to the site(s) of dispensing, cultivation, and preparation of Cannabis or Marijuana for medical use.

§ 175-21.4 **Applicability.**

This bylaw does not apply to the cultivation of industrial hemp as is regulated by the Massachusetts Department of Agricultural Resources pursuant to General Laws, Chapter 128, Sections 116-123.

**§ 175-21.5 Additional Requirements/Conditions.**

In addition to the standard requirements for uses permitted By-right or requiring a Special Permit or Site Plan Approval, the following shall also apply to all Marijuana Establishments and MTC facilities:

- a. Use:
  - i. Any type of Marijuana Establishment or MTC may only be involved in the uses permitted by its definition and may not include other businesses or services.
  - ii. No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises.
  - iii. The hours of operation shall be set by the Special Permit Granting Authority, and no retail sale of marijuana shall occur upon the premises between the hours of 11:00 p.m. and 8:00 a.m.
  - iv. No Marijuana Establishment or MTC may commence operation or apply for a building permit prior to its receipt of all required permits and approvals including, but not limited, to its Final License from the appropriate Commission.
  - v. The number of Marijuana Retailers permitted to be located within the Town of Norton shall not exceed 20% of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under MGL chapter 138, §15. For the purposes of determining this number, any fraction shall be rounded up to the next highest whole number.
- b. Physical Requirements:
  - i. All aspects of the Marijuana Establishment or MTC, except for the transportation of product or materials, relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building (including greenhouses) and shall not be visible from the exterior of the business. They may not be permitted to be located in a trailer, storage freight container, motor vehicle or other similar type potentially movable enclosure.
  - ii. No outside storage is permitted.
  - iii. On sites with multiple points of ingress, principal site access shall be from the more established thoroughfares to avoid disruption of residential neighborhoods.
  - iv. Ventilation – all Marijuana Establishments and MTC's shall be ventilated in such a manner that no:
    - 1. Pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere, and
    - 2. No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the marijuana establishment or MTC or at any adjoining use or property, such evaluation shall be made by the Building Inspector or his/her designee.



- v. Signage shall be displayed on the exterior of the Marijuana Establishment's entrance in plain sight of the public stating that "Access to this facility is limited to individuals 21 years or older." in text two inches in height.

All other signage must comply with all other applicable signage regulations in the Zoning or 935 CMR 500.000, 501.000 or 502.000, as applicable.

vi. Cannabis plants, products, and paraphernalia shall not be visible from outside the building in which the Marijuana Establishment or MTC is located and shall comply with the requirements of 935 CMR 500.000 or 501.000, as applicable. Any artificial screening device erected to eliminate the view from the public way shall also be subject to a vegetative screen and the Planning Board shall consider the surrounding landscape and viewshed to determine if an artificial screen would be out of character with the neighborhood.

c. Location:

- i. Marijuana Establishments and MTC's are encouraged to utilize existing vacant buildings where possible
- ii. All Marijuana Establishments and MTC's shall be located in the Marijuana Overlay District
- iii. No Marijuana Establishment or MTC shall be located on a parcel which is within five hundred (500) feet (to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment or MTC is or will be located) of a parcel occupied by a pre-existing public or private school (existing at the time the applicant's license application was received by the appropriate Commission) providing education in kindergarten or any of grades 1-12.
- iv. No Marijuana Retailer or MTC shall be located on a parcel which is within five hundred (500) feet (to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Retailer or MTC is or will be located) of a parcel occupied by another Marijuana Retailer or MTC facility.

d. Reporting Requirements.

- i. Prior to the commencement of the operation or services provided by a Marijuana Establishment or MTC, it shall provide the Police Department, Fire Department, Building Commissioner/Inspector and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and key-holders, including a minimum of two (2) operators or managers of the facility identified as contact persons to whom one can provide notice if there are operating problems associated with the establishment. All such contact information shall be updated as needed to keep it current and accurate.
- ii. The local Building Commissioner/Inspector, Board of Health, Police Department, Fire Department and Special Permit Granting Authority shall be notified in writing by the Marijuana Establishment or MTC facility owner/operator/ manager:
  - 1. A minimum of 30 days prior to any change in ownership or management of that establishment.
  - 2. A minimum of 12 hours following a violation of any law or any criminal activities

or attempts of violation of any law at the establishment.

iii. Permitted Marijuana Establishments and MTCs shall file an annual written report to, and appear before the Special Permit Granting Authority, if requested, no later than January 31<sup>st</sup> of each calendar year, providing a copy of all current applicable state licenses for the facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.

iv. The owner or manager of a Marijuana Establishment or MTC is required to respond by phone or email within twenty-four hours of contact by a town official concerning their Marijuana Establishment or MTC at the phone number or email address provided to the town as the contact for the business.

e. Issuance/Transfer/Discontinuance of Use

i. Special Permits/Site Plan Approvals shall be issued for a specific type of Marijuana Establishment or MTC on a specific site/parcel and shall be non-transferable to another type of Marijuana Establishment or MTC.

ii. Special Permits/Site Plan Approvals issued to a specific owner may be transferred to another Marijuana Establishment owner or MTC owner operating at the same site/parcel as an amendment to the Special Permit.

iii. Special Permits/Site Plan Approvals shall have a term limited to the duration of the applicant's ownership/control of the premises as a Marijuana Establishment or MTC, and absent an extension granted by the Planning Board shall lapse/expire if:

1. the Marijuana Establishment or MTC ceases operation (not providing the operation or services for which it is permitted) for 120 days, and/or
2. the Marijuana Establishment or MTC's registration/license by the appropriate Commission expires or is terminated.

iv. The Marijuana Establishment or MTC shall notify the Zoning Enforcement Officer and Special Permit Granting Authority in writing within 48 hours of such lapse, cessation, discontinuance or expiration or revocation.

v. A marijuana cultivation or product manufacturing establishment shall be required to remove all material, plants equipment and other paraphernalia prior to surrendering its state registration/license or ceasing its operation.

1. Prior to the issuance of a Building Permit for such a Marijuana Establishment or MTC the applicant is required to post with the Town Treasurer a bond or other form of financial security acceptable to said Treasurer in an amount set by the Planning Board. The amount shall be sufficient to cover the costs of the town removing all materials, equipment and other paraphernalia if the applicant fails to do so. The Building Inspector shall give the applicant 45 days written notice in advance of seeking a court order allowing the Town to take such action. Should the applicant remove all materials, plants, equipment and other paraphernalia to the satisfaction of the Building Inspector prior to the expiration of the 45 days written notice, said bond shall be returned to the applicant.

f. Testing

i. All cannabis or marijuana product shall be tested by a Marijuana Independent Testing Facility to ensure compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

**§ 175-21.6 Special permit procedure.**

The Planning Board shall be the Special Permit Granting Authority (SPGA) for a Marijuana Establishment or MTC special permit.

**A.** Application. Applications for Special Permits and Site Plan Approvals for Marijuana Establishments or MTC's will be processed in the order that they are filed with the town. The approval of a Special Permit for any Marijuana Establishment or MTC is up to the discretion of the Planning Board who will be making its determination based on compliance with the standards and intent of this Bylaw.

In addition to the standard application requirements for Special Permits and Site Plan Approvals, such applicants for a Marijuana Establishment and MTC's shall provide the following information:

- (1)** The name and address of each owner and operator of the Marijuana Establishment or MTC facility/operation;
- (2)** A copy of an approved Host Community Agreement;
- (3)** A copy of its Provisional License from the Commission pursuant to 935 CMR 500.000 or 935 CMR 501.000, as applicable;
- (4)** Proof of Liability Insurance Coverage or Maintenance of Escrow;
- (5)** Evidence that the Applicant has site control and right to use the site for a Marijuana Establishment or MTC facility in the form of a deed or valid purchase and sales agreement or, in the case of a lease a notarized statement from the property owner and a copy of the lease agreement;
- (6)** A notarized statement signed by the Marijuana Establishment or MTC organization's Chief Executive Officer and corporate attorney disclosing all Persons or Entities Having Direct or Indirect Control, as defined in 935 CMR 500.002;
- (7)** A detailed floor plan of the premises of the proposed Marijuana Establishment or MTC that identifies the square footage available and describes the functional areas of the Marijuana Establishment or MTC;
- (8)** Detailed site plans that include the following information:
  - (a)** Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this bylaw;
  - (b)** Convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;
  - (c)** Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected to be substantially affected by on-site changes;
  - (d)** Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for home delivery vehicle(s), as applicable;
  - (e)** Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping;

- (f)** Adequacy of water supply, surface and subsurface drainage and light;
- (g)** Details showing all exterior proposed security measures for the Marijuana Establishment or MTC, including lighting, fencing, gates and alarms, etc. ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity;
- (h)** All signage being proposed for the facility.
- (9)** A description of the security measures, including employee security policies, approved by the Commission;
- (10)** A copy of the emergency procedures approved by the Commission;
- (11)** A copy of the policies and procedures for patient or personal caregiver home delivery approved by the Commission;
- (12)** A copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between Marijuana Establishments and/or MTCs approved by the Commission;
- (13)** A copy of proposed waste disposal procedures;
- (14)** A pedestrian/vehicle traffic impact study to establish the Marijuana Establishment's impact at peak demand times, including queue plan to ensure that the movement of pedestrian and/or vehicle traffic, including to and along the public right of ways will not be unreasonably obstructed;
- (15)** An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administration of odor control including maintenance of such controls; and
- (16)** Individual written plans which, at a minimum comply with the requirements of 935 CMR 500, relative to the Marijuana Establishment's or MTC's:
- i. Operating procedures
  - ii. Marketing and advertising
  - iii. Waste disposal
  - iv. Transportation and delivery of marijuana or marijuana products
  - v. Energy efficiency and conservation
  - vi. Security and Alarms
  - vii. Decommissioning of the Marijuana Establishment or MTC including a cost estimate taking into consideration the community's cost to undertake the decommissioning of the site.

shall review the application and shall submit their written recommendations. Failure to make recommendations within 35 days of referral of the application shall be deemed lack of opposition.

**C.** After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other Town boards and departments, the Planning Board may act upon such a permit.

**§ 175-21.7 Special permit conditions.**

**A.** The Planning Board, in granting a Special Permit hereunder, in addition to the requirements of Section 175-21.5 above, shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purposes of this article, and the standards under Section 175-10.10.

**B. FINDINGS;**

In addition to the standard findings and criteria for a Special Permit or Site Plan Approval the Special Permit Granting Authority must also find all the following:

- a. The Marijuana Establishment or MTC is consistent with and does not derogate from the purposes and intent of this *Bylaw* and the other Town's *Zoning Bylaws*.
- b. That the Marijuana Establishment or MTC facility is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;
- c. That the Marijuana Establishment or MTC facility demonstrates that it meets or exceeds all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations;
- d. That the applicant has satisfied all of the conditions and requirements of this *Bylaw* and other applicable *Town Bylaws*;
- e. That the Marijuana Establishment or MTC facility provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation is adequately secured on-site or via delivery.
- f. That the Marijuana Establishment or MTC facility adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility, and its impact on neighboring uses.

**§ 175-21.8 Nuisances prohibited.**

No Marijuana Establishment or MTC shall be allowed which creates an unreasonable nuisance to abutters or to the surrounding area, or which creates any hazard, including, but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes,

glare, objectionable effluent or electrical interference, which may significantly impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

**§ 175-21.9 Severability.**

The provisions of this bylaw are severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

**§ 175-21.10 Conflicts.**

This bylaw sets out the general terms of Marijuana Establishments and Medical Marijuana Treatment Centers. In the case of inconsistencies (if any) between this Bylaw and the Cannabis Control Commission Regulations 935 CMR 500.00, 501.000 or 502.000 et seq. the terms of this Bylaw shall govern unless there is explicit direction otherwise.

**Renee Deley explained in detail the article.**

**ARTICLE PASSES BY 2/3 VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 7 (2/3 Vote)**

I Stephen Evans MOVE that the Town vote to amend the Norton Zoning By-Law, Article III - Zoning Map and Districts and the Town of Norton Zoning Map adapted thereunder, which is entitled "Zoning Map Town of Norton, Massachusetts and dated June 1999, last revised October 21, 2019," to include a Marijuana Overlay District comprised of five (5) areas to be designated:

Route 140 North

East Main Street Business Parks

Norton Commerce Center

Industrial Zones in South Norton

Business and Industrial Zones in Chartley

and further, that the said districts shall include the parcels as shown on the "Proposed Marijuana Business Overlay" as on file with the Town Clerk and as set forth on the chart entitled "Districts by Parcel" attached to the August 29, 2020, Special Town Meeting Warrant with Finance Committee Recommendations as Exhibit A.

**ARTICLE PASSES BY 2/3 VOTE AS DECLARED BY THE MODERATOR**

## ARTICLE 8 (2/3 Vote)

I Stephen Evans MOVE that the Town vote to amend the Norton Zoning Bylaws, Chapter 175 of the General Code, Article XII, Zoning Amendments, by inserting the underlined text and by deleting the strikethrough text, all as printed under Article 8 of the August 29, 2020, Special Town Meeting Warrant with Finance Committee Recommendations.

### ARTICLE 8

To see if the Town will vote to amend the Norton Zoning Bylaws, Chapter 175 of the General Code, Article XII, Zoning Amendments, by inserting the underlined text and by deleting the strikethrough text as follows, or take any other action relative thereto:

1. In §175-12.2(B) Initiation of amendments:

- B. The Planning Board shall hold a public hearing, duly advertised as required by MGL c. 40A, § 5, on any proposed amendment referred to it by the SELECT BOARD within 65 days of such referral. Notices of such hearing, which shall include proposed textual and/or map amendments, shall be mailed to all property owners according to the latest tax record, included within or abutting land subject to amendment, abutting communities, and the Regional Planning Agency. General notice will serve where the proposed amendment is of universal or wide application in the Town.

2. By deleting in its entirety §175-12.4 Zoning Map amendments:

**~~§ 175-12.4 Zoning Map amendments.~~**

~~Whenever an amendment to the Zoning Map proposes that the zoning classification of a parcel of land be changed, the initiators of such amendment, at least three weeks prior to the public hearing, shall submit an accurate map drawn by a registered land surveyor, identifying the extent of the proposed change, and shall post the boundaries of land included in such amendment with signs at least two feet square identifying the proposed change and the date, time and place of public hearing thereon.~~

### **ARTICLE FAILS AS DECLARED BY THE MODERATOR**

At 1:45 pm the Special Town Meeting was adjourned and the Annual Town Meeting resumed.

## **MINUTES FOR THE OCTOBER 17, 2020, FALL ANNUAL TOWN MEETING**

At 1:45 the Moderator announced the Annual Town Meeting to resume.

**Motion was made to move Article 17 out of order and be first considered. Motion was second and passed by majority vote**

### ARTICLE 17 (2/3 Vote)

I Stephen Evans MOVE that the Town vote to authorize the Select Board to acquire by purchase, gift, and/or eminent domain the fee simple title to or lesser interest in the parcel of land located as 78 East Main Street, and the parcel of land located at 116-120 Mansfield Avenue, said parcels being further described in Article 17 of the October 17, 2020 Annual Town Meeting Warrant, on such terms and conditions as the Board deems appropriate, for general municipal purposes; and, further, a) to appropriate the sum of \$1,800,000.00 for said acquisitions; b) and to meet this appropriation, authorize the Town Treasurer with the approval of the Select Board to borrow all or a portion of said funds under G.L. c. 44, §7 or any other enabling authority, and to issue bonds or notes therefore; and to approve paragraphs c, d, and e as set forth in Article 17 of the October 17, 2020 Annual Town Meeting Warrant.

**Residents spoke both in favor and against this article.**

**Motion was made by Keith Silver to move the question. Motion was second. Motion passed .**

### **ARTICLE PASSES BY 2/3 VOTE AS DECLARED BY THE MODERATOR**

### ARTICLE 1

### **ARTICLE FAILS FOR LACK OF MOTION AS DECLARED BY THE MODERATOR**

### ARTICLE 2

### **ARTICLE FAILS FOR LACK OF MOTION AS DECLARED Y THE MODERATOR**

### ARTICLE 3

I Stephen Evans MOVE that the Town vote to transfer **the total amount of \$101,710.00** from Free Cash and **the total amount of \$8,019.00** from Water Retained Earnings to fund the first year cost items and to implement Collective Bargaining Agreements between the Town and the Unions for the period beginning July 1, 2020, through June 30, 2023, and/or for general collective bargaining settlement purposes, as follows:



1. The amount of **\$75,771.00** from Free Cash and **\$612.00** from Water Retained Earnings, **all as specified under Paragraphs 1 through 4 of the Finance Committee Recommendations for Article 3 of the October 17, 2020, Annual Town Meeting Warrant;** and,
2. The amount of **\$25,939.00** from Free Cash to be added to that already appropriated for such purposes under Article 8 of the June 27, 2020, Annual Town Meeting and **\$7,407.00** from Water Retained Earnings to be added to that already appropriated for such purposes under Article 6 of the June 27, 2020, Annual Town Meeting, for United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO-CLC, Local Union 9517 Unit 14, f/k/a SENA-B (Salaried Employees of North America – A Division of the United Steelworkers of America) Local Union 9158-B.
3. The amount of **\$25,939.00** from Free Cash to be added to that already appropriated for such purposes under Article 8 of the June 27, 2020, Annual Town Meeting and **\$7,407.00** from Water Retained Earnings to be added to that already appropriated for such purposes under Article 6 of the June 27, 2020, Annual Town Meeting, for United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO-CLC, Local Union 9517 Unit 14, f/k/a SENA-B (Salaried Employees of North America – A Division of the United Steelworkers of America) Local Union 9158-B.

**ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**Motion was made by Bonnie Yezukevich to reconsider Article 17. Motion was second. Motion failed.**

**Motion was made by Robert Kimball to move Article 18 to be taken out of order. Motion was second. Motion passes.**

**ARTICLE 18 (Majority)**

I Stephen Evans MOVE that the Town vote to transfer the sum of \$81,150.00 **from the funds appropriated under Article 12 of the October 23, 2017, Annual Town Meeting** for a feasibility study for a new Town Hall and Senior/Community Center, to include but not be limited to design, engineering, environmental testing, and other services, fees, and all other necessary and related expenses.

**ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

#### ARTICLE 4 (Majority)

I Stephen Evans MOVE that the Town vote to amend the vote taken under Article 8 of the June 27, 2020, Annual Town Meeting Warrant by increasing appropriations for certain line items and, as funding therefor, by transferring the amount of \$211,935.00 from Account Number 001-290-560 to Account Number 001-290-510 and by transferring the amount of \$428,450.00 from Free Cash **all as specified in the Finance Committee Recommendations for** Article 4 of the October 17, 2020, Annual Town Meeting Warrant.

**Dr. Baeta explained the usage of the vans and why they are necessary**

**MOTION PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

#### ARTICLE 5

**ARTICLE FAILS FOR LACK OF MOTION AS DECLARED BY THE MODERATOR**

#### ARTICLE 6

**ARTICLE FAILS FOR LACK OF MOTION AS DECLARED BY THE MODERATOR**

**Bonnie Yeezukevich made a motion to reconsider Article 18. Motion was second. Motion failed by majority vote.**

#### ARTICLE 7 (Majority)

I Stephen Evans MOVE that the Town vote to transfer the amount of \$291,412.00 from Free Cash to the Capital Improvements Fund Account for future capital improvement needs.

**ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

#### ARTICLE 8 (2/3 Vote)

I Stephen Evans MOVE that the Town vote to transfer the amount of \$291,412.00 from the Capital Improvements Account and the amount of \$35,000.00 from the Ambulance Reserve Fund for a total of \$326,412.00, to purchase, or lease 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 including equipping any vehicles and site preparation and demolition for any projects, and all other

incidental and related expenses, **all as specified in the Finance Committee Recommendations** for Article 8 of the October 17, 2020, Annual Town Meeting Warrant.

**Chief Clark explained the need and use of a motorcycle which was disputed by a resident.**

**ARTICLE PASSES BY 2/3 VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 9 (Majority)**

I Stephen Evans MOVE that the Town vote to authorize the unexpended balance of the amounts appropriated under Article 9 of the October 15, 2018, Annual Town Meeting, approximately \$191,250, for water main improvements on East Main Street, including all incidental and related costs, as further specified in Article 9 of the October 17, 2020, Annual Town Meeting Warrant.

**ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 10 (Majority)**

I Stephen Evans MOVE that the Town vote to transfer the unexpended proceeds of bonds of the Town dated October 15, 2019 in the approximate amount of \$820,400.00 (authorized by a vote taken under Article 10 of the October 15, 2018, Annual Town Meeting), which were issued for the planning, design and construction of approximately 6,100 feet of water main, appurtenances and trench pavement in Pine Street extending from Well No. 1 to Plain Street, which project is now complete and for which no further liability remains, to pay costs of water main improvements on East Main Street, and all other costs incidental or related thereto, as permitted by Chapter 44, Section 20 of the General Laws.

**ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 11 (Majority)**

I MOVE that the Town vote to transfer the amount of \$10,000.00 from Free Cash for the purpose of having Household Hazardous Waste Collection day(s).

**ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 12 (2/3 Vote)**

I Stephen Evans MOVE that the Town vote to appropriate the sum of \$622,380.00 for the purposes set forth in Article 12 of the October 17, 2020 Annual Town Meeting Warrant, and to meet this appropriation to authorize the Treasurer, with the approval of the Select Board to borrow said sum

under Massachusetts General Laws, Chapter 44, Sections 7 or 8, or any other enabling authority, and to issue bonds and notes therefor, and to approve Article 12 as set forth in the October 17, 2020 Annual Town Meeting Warrant.

**ARTICLE 12 PASSES BY 2/3 VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 13 (2/3 Vote)**

I Stephen Evans MOVE that the Town vote to supplement the vote taken under Article 9 of the October 21, 2019, Town Meeting, by authorizing the Select Board to also acquire, by gift, purchase, and/or eminent domain and for recreational trail, construction, drainage, utility, access and/or related purposes, the fee to and/or easements in, on and under the rail trail, portions of Briggs Street and Arrowhead Drive, and the other parcels, said parcels being further described in Article 13 of the October 17, 2020 Annual Town Meeting Warrant and land within 200 feet of said parcels of land; and to transfer the amount of \$1.00 from Free Cash to fund the foregoing acquisitions and any and all costs incidental or related thereto; and, further, to authorize the Select Board to enter into any and all agreements and take any and all actions necessary or appropriate to effectuate the foregoing transactions.

**ARTICLE PASSES BY 2/3 VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 14 (2/3 Vote)**

I Stephen Evan MOVE that the Town vote to accept as a public way the relocated portions of North Washington Street, as heretofore relocated by the Select Board as described in Article 14 of the October 17, 2020 Annual Town Meeting Warrant, and to authorize the Select Board to acquire, by gift, purchase, and or/eminent domain, the fee to or easements in said portions of North Washington Street for public way purposes and/or any drainage, access, utility and/or other easements related thereto; and, as funding therefor, to transfer the amount of \$1.00 from Free Cash for such purposes.

**Planning Board Director Mr. Griffin stated that this article was voted unanimously by the Planning Board to send this article to Town Meeting.**

**ARTICLE PASSES BY 2/3 VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 15 (2/3 Vote)**

I Stephen Evans MOVE that the Town vote to accept as a public way the relocated portion of Crane Street, as heretofore relocated by the Select Board, as described in Article 15 of the October 17, 2020 Annual Town Meeting Warrant , and to authorize the Select Board to acquire, by gift, purchase, and or/eminent domain, the fee to or easements in said portion of Crane Street for public way purposes and/or any drainage, access, utility and/or other easements related thereto; and, as funding therefor, to transfer the amount of \$1.00 from Free Cash for such purposes.

**Planning Board Director Mr. Griffin stated that this article was voted unanimously by the Planning Board to send this article to Town Meeting.**

**ARTICLE PASSES BY 2/3 VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 16 (Majority)**

I Stephen Evans MOVE that the Town vote, pursuant to M.G.L. c.40, §59, and M.G.L. c.23A, § 3E and §3F, to amend certain provisions of the Tax Increment Financing Agreement between the Town, ALNYLAM U.S., INC., & its affiliates and 20 Commerce LLC, approved under Article 3 of the December 9, 2015, Special Town Meeting, in the form substantially as on file with the Town Clerk entitled **“Tax Increment Financing Agreement Amendment (Alternatively, the “Amendment”) Between the Town of Norton (Alternatively, the “Town”) and Alnylam U.S., Inc., & Its Affiliates (Alternatively, the “Company”)”,** as may be amended by agreement of all parties, for property located on Commerce Way, and authorize appropriate Town officials to execute documents and take such additional action as may be necessary to formalize or implement the same.

**Town Manager, Michael Yunits explained that Alnylam purchased the property from Condyne.**

**Mr. Brian Cohen spoke Real Estate Agent for CPRE and Corey Cidens the head of Alnylam provided background regarding this article**

**ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 19 (Majority)**

I Stephen Evans MOVE that the Town vote to transfer the amount of \$19,610.00 from Free Cash for a boating master plan, all as described in Article 19 of the October 17, 2020, Annual Town Meeting Warrant.

**ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 20 (Majority)**

I Stephen Evans MOVE that the Town vote to amend Chapter 24 of the Town of Norton’s General Code, Boats and Waterways, by inserting the underlined text, deleting the strikethrough text, and renumbering accordingly, all as printed in Article 20 of the October 17, 2020, Annual Town Meeting Warrant.

## ARTICLE 20 AS WRITTEN IN THE WARRANT

To see if the Town will vote to amend Chapter 24 of the Town of Norton's General Code, Boats and Waterways, by inserting the underlined text, by deleting the strikethrough text, and by renumbering accordingly, all as follows, or take any other action relative thereto:

### **Chapter 24 BOATS AND WATERWAYS**

#### **§24-1. Definitions.**

As used in the chapter, the following terms shall have the meanings indicated:

**EXOTIC, INVASIVE PLANTS AND ANIMALS** – non-native species that have spread into native or minimally managed plant systems in Massachusetts, causing economic or environmental harm by developing self-sustaining populations and becoming dominant and/or disruptive to those systems.

**HEADWAY SPEED** – The slowest speed at which a watercraft may be operated and maintain steerage way, but not to exceed six (6) miles per hour.

**PERSONAL WATERCRAFT (PWC)** – A small vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by persons sitting, standing or kneeling on the vessel. The term includes but is not limited to a jet ski, wet bike, or surf jet so-called, plus motorized or propelled surfboards.

**POWERBOATS** – Any boat powered by an internal combustion engine permanently or temporarily affixed to said boat.

**WATERCRAFT** – Any vessel or object used to navigate the waterways. The term includes but is not limited to a motorboat, row boat, jet boat, sail boat, dinghy, canoe, kayak, inflatable boat or personal watercraft.

**WATERWAYS** – Any body of water upon which watercraft can be used.

#### **§24-2 General regulations and restrictions.:**

A. No person, while on any inland waters, or on shores thereof, shall annoy or cause annoyance to another person, or utter any profane, threatening or abusive language or loud outcries, or do any obscene or indecent act.

B. No person shall operate any boat or PWC under the influence of alcohol, marijuana, or any mind-altering substances pursuant to MGL. 90 b section 8.

C. No person shall throw, drop or otherwise leave in place in the water, vegetation or on the shore of any of the inland water any paper, rubbish, glass, fishing line, fishing lures, oil, oily waste, gasoline, raw sewage, toxic matter, garbage, rubbish, refuse or any other debris. No person shall discharge swimming pool water into any waterbody, waterway or wetland.

D. Vegetation shall not be altered or removed from any inland water or from along any shore without a valid Order of Conditions from the Conservation Commission. Removal of any vegetation shall be a violation of the Wetland Protection Act (MGL Chapter 131, section 40) and shall be punishable by a fine in accordance with the Regulations (310CMR10.00).

E. All power boats and personal watercraft shall be inspected by the operator both before entering any inland waterbody and immediately upon exiting any inland waterbody, for any exotic, invasive plants pursuant to the Massachusetts Invasive Plant Advisory Group (MIPAG). All plants shall be removed and properly disposed as solid waste and shall not be spread to any other Water of the Commonwealth.

F. All power boats operated on any inland waters shall be registered with the Environmental Police Department pursuant to MGL 90 b section 2 and shall bear a number on both sides of not less than four inches in height and one half inch in width, assigned by such department, in a form clearly visible from a distance of not less than 100 yards.

G. No power-propelled boat or PWC shall be operated at a speed creating an excessive wash or wake so as to interfere with the operation of other watercraft, to endanger swimmers, damage property or alter the bank of the pond or wetland vegetation as defined in Massachusetts Wetland Protection Act MGL Chapter 131, Section 40 and its Regulations 310 CMR 10.00.

H. All boating or water-skiing accidents involving personal injury or \$500 property damage must be reported to the Norton Police Department within twenty-four (24) hours of the occurrence.

I. No person shall feed any wild animal including birds, ducks, geese, or similar water fowl in any waterbody or waterway or within its adjoining shores.

#### **§24-3. Speed restrictions.**

The maximum speed limit for all watercraft in Winnecunnet Pond and Norton Reservoir is 35 miles per hour (MPH) and 15 MPH for Barrowsville Pond and Chartley Pond except as approved by the ~~Board of Selectmen~~ Select Board for safety or rescue purposes.

#### **§24-4. ~~R~~reduced speed required.**

All watercraft must reduce speed to headway speed (6 MPH) when operating within 150 feet of:

1. The shore, watercraft not underway (for example moored or anchored vessels), and private docking areas; and
2. A public boat launch and a public or private swim area.

#### **§24-5. Nighttime operation.**

No watercraft shall operate at a speed greater than headway speed (6 MPH) from the hours of dusk to dawn. For the purpose of enforcement, “dusk to dawn” shall mean ~~½ hour after sunset and ½ hour before sunrise~~ 10:00PM to 5:00AM.

A. All watercraft operated from dusk to dawn must be equipped with a light for emergency use.

B. Towing from any watercraft from dusk to dawn operation is prohibited.

#### **§24-6. PWC operation.**

- A. PWC operation shall be allowed from 9am to 4pm only. PWC shall not be operated in less than 30 inches of water; and
- B. PWC are not permitted on waterbodies less than 75 acres (Barrowsville Pond and Chartley Pond).

#### **§24-7. Waterskiing.**

- A. Any power-propelled boat towing a person or persons on water-skis shall be occupied by two persons, one of whom shall give full attention to the operation of the boat, and the other shall give full attention to the safety of the person or persons being towed.
- B. The maximum length of a ski-rope shall not exceed seventy-five (75) feet.

#### **§24-8. Seaplanes.**

The operation of seaplanes is prohibited.

#### **§24-9. Motorized vehicles and frozen conditions.**

No road vehicles, including but not limited to automobiles, trucks, all-terrain vehicles (ATVs), or motorcycles shall be allowed onto the waterbody when the lake is frozen, except for emergency purposes only, or by permit of the Select Boardmen.

- A. Snowmobiles may be allowed on frozen waterbodies and shall adhere to Sections B of this bylaw;
- B. All structures including ice fishing houses built on or moved onto the ice over waterbodies in the Town of Norton are subject to the following:
  - (1) Structures must identify and display the owners name and address with at least two inch block letters;
  - (2) The Town reserves the right to establish a permit fee of \$20.00 per year per structure;
  - (3) Structures must be removed prior to ice out, no later than February 15<sup>th</sup> of each year; and
  - (4) If the structure is not removed the owner will forfeit the privilege for future permits and be subject up to a \$500.00 fine.

#### **§24-10. Anchoring of rafts, floats, moorings.**

No raft, float, mooring or similar device shall be attached to the bottom by anchor or other means at a distance of more than 150 feet from the shore line without a special permit issued by the Police Chief. Anchors are not permitted in Winnecunnet Pond.

#### **§24-11. Docks.**



- A. Any person installing or placing a dock in the Town of Norton shall apply for a wetland permit and construct said dock in compliance with “*Small Docks and Piers: A Guide to Permitting Small, Pile-Supported Docks and Piers*, DEP, November 2003. At a minimum, all deck construction shall consist of material that allows a minimum of 60% light penetration or decking planks spaced a minimum of ¾ inch apart. Motorized vessels shall be moored stern seaward at the end of the dock to prevent “propeller dredging” or “propeller wash”. The dock shall be anchored to the shore to prevent it from being dislodged by wind or wave action. The dock shall contain a name plate with the owner’s name and phone number in case the dock is dislodged and washed away from its anchor. The owner is responsible for recovering the dock if it is dislodged.
- B. All docks must be maintained in a safe structural condition. The Building Inspector may order the repair or removal of any dock or part thereof deemed hazardous by a commissioner or police officer authorized by the commission. The Commission may order the repair or removal of said dock. If a dock is deemed a hazard, the owner shall be given 30 days to either repair or remove said dock. The failure of the owner to repair or remove said dock may result in an order by the Building Inspector to remove said dock at the expense of the owner in addition to fines and court fees.

**§24-12. Commercial operation.** No person shall conduct a powerboat rental agency, carrying of passengers for hire, or any other type of commercial business on the waters of the Town of Norton except as prescribed by and specified in an annual license issued by the Norton Conservation Commission. Commercial operations may be subject to an annual fee.

**§24-13. Permits and fees.**

The ~~Board of Selectmen~~ Select Board shall establish a fee schedule and issue parking and lease agreements for the use of the Town’s land.

**§24-14. Access**

The Select Board may designate town land as designated boat access/launch areas. Such designated areas shall be signed with hours of operation, launch type and rules for use. The launch type shall be dependent on the size of the town property, available depth within the waterbody, characteristics of the shoreline and reasonable amount of parking available at the property. The Select Board may gate the access road, post no parking signs on side roads and designate fire lanes if needed.

- A. Hours of Use: Activities on designated boat access/launch areas shall be prohibited between 10:00PM and 5:00AM.
- B. Launch type: Launch type can include Cartop only (kayak, canoe etc.), Motorized, or a combination of both.
- C. Fires are strictly prohibited from designated boat access/launch areas and the islands of the Norton Reservoir.

**§24-15. Public safety and good order.**

If, in the judgment of the Town, the safety of life and/or property or over use of an area creates a danger, hazard or disturbance of the peace, immediate action may be taken to remedy the situation.

Such action may include but not be limited to removing a navigational hazard and removing or redirecting watercraft to another area or off the water.

**§24-165. Enforcement; violations and penalties.**

- A. Unless otherwise specified, the provisions of this chapter as well as Chapter 90B of the Massachusetts General Laws shall be enforced by the Norton Police Department.
- B. Whoever violates any of the provisions of this chapter may receive a fine of \$150 for each offense or be required to make restitution for damage. Violations of this chapter may be enforced by noncriminal disposition pursuant to MGL c. 40, § 21D.

**§24-176. Effective date.**

This by-law shall take effect in the manner provided in section thirty-two of chapter forty.

**§24-187. Severability.**

If any provision of this by-law is held to be invalid such invalidity shall not affect any other provision of this by-law.

**ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

ARTICLE 21 (Majority)

I Stephen Evans MOVE that the Town vote to amend the Town's Personnel Bylaws by changing references to the title of "Parks and Recreation Coordinator" to "Director of Parks and Recreation" and by adjusting the Salary Plan, all as set forth in Article 21 of the October 17, 2020, Annual Town Meeting Warrant.

**Comments were made both in favor and against the Salary Plan.**

**ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

ARTICLE 22 (Majority)

I Stephen Evans MOVE that the Town vote to accept the provisions of Massachusetts General Law, Chapter 33, Section 59, providing certain military leave benefits to Town employees.

**ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

ARTICLE 23 (Majority)

I Stephen Evans MOVE that the Town vote to transfer the amount of \$100,000.00 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.

**ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

ARTICLE 24

**No action be taken at this time.**

**ARTICLE DECLARED LOST AS DECLARED BY THE MODERATOR**

**Motion was made by Frank Parker to reconsider Article 21 and hold a counted vote.  
Motion was second.**

**A vote of hands was counted to reconsider the article. Motion failed.**

The Town Moderator adjourned the meeting at 3:49 pm.

A true copy Attest

Lucia B. Longhurst  
Town Clerk