05/08/2021

ANNUAL AND SPECIAL TOWN MEETING MINUTES

SATURDAY, MAY 8, 2021

The Annual Town Meeting was called to order by Town Moderator Walter Eykel at the Norton High School Football Field.

Ladies and gentlemen, welcome to the Spring Annual and Special 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.

Town Moderator, Walter Eykel asks 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.

The Moderator made a motion to nominate a Deputy Moderator until the next spring meeting. He nominated Mr. William Gouveia. Motion passed.

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

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

At 1:15, the Moderator recessed the Annual Town Meeting until the completion of the Special Town Meeting.

**MINUTES FOR THE SPECIAL TOWN MEETING**

**SATURDAY, MAY 8, 2021**

ARTICLE 1 (2/3 Vote)

I MOVE that the Town vote to borrow the sum of $23,290,000.00, to be expended under the direction of the Select Board and the Permanent Building Committee for the purpose of planning, design, construction, furnishing and equipping of a Town Hall located at 70 and 78 East Main Street, the sum of $11,110,000.00 to be expended under the direction of the Select Board and the Permanent Building Committee for the purpose of planning, design, construction, furnishing and equipping of a Senior and Community Support Center to be located at 116-120 Mansfield Avenue, and the sum of $6,362,000.00 to be expended under the direction of the School Committee and Permanent Building Committee for the purpose of planning, design, construction, furnishing and equipping of the Norton Public Schools Community Athletic Complex to be located on the grounds of the Norton High School, 66 West Main Street, and the Henri A. Yelle Elementary School, 64 West Main Street, **for the total sum of $40,762,000.00** and collectively referred to as the “Project”, which Project shall include costs for land purchases, professional services such as design, contract administration, professional, and owners project management, as well as site preparation and demolition, and all other incidental and related costs; and to meet this appropriation in part, to transfer the sum of $1,073,850.00 from the amount appropriated under Article 12 of the October 23, 2017, Town Meeting, and, further, to authorize the Treasurer, with the approval of the Select Board to borrow the remaining balance the total sum appropriated hereunder and issue bonds and notes therefor, pursuant to G.L. c.44, §§7 or 8, or pursuant to any other enabling authority; and, in accordance with G.L. c.44, §20, authorize any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, to be applied to the payment of costs approved hereunder, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs, and, further, that the amount of borrowing authorized pursuant to this vote shall be reduced by the amount of any gifts or grants received for such purposes prior to the issuance of the bonds or notes authorized hereunder; and, further, to authorize the Select Board to take such actions and execute such documents and agreements as are necessary to effectuate the purpose of this article, including contracts with terms in excess of three years.

**Select Board Chair Jack Conway spoke regarding the cost to taxpayers and the need of the buildings.**

**Dinah O’Brien, Chairperson of the Permanent Building Committee spoke about the specifics and the went into detail regarding the problems with the buildings.**

**School Superintendent, Dr. Joseph Baeta gave a breakdown of the new athletic field and what will be included. He also expressed the need of the new field.**

**Jonathan O’Reilly, 16 Barrows Street, made a motion to move the question. Motion to move the question passes by 2/3 vote.**

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

ARTICLE 2

 **No Action**

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

ARTICLE 3

**No action.**

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

ARTICLE 4 (Majority)

I MOVE that the Town vote to approve Article 4 as printed in the May 8, 2021, Special Town Meeting Warrant, thereby approving, confirming, and authorizing, pursuant to G.L. c.40, §59, and M.G.L. c.23A, §3E and §3F, all of the actions set forth therein.

ARTICLE 4 AS PRINTED IN THE WARRANT

To see if the Town will vote, pursuant to G.L. c.40, §59, and G.L. c.23A, §3E and §3F, to:

(a)  Approve a Tax Increment Financing (“TIF”) Agreement between the Town, Home Depot U.S.A., Inc., and its affiliates (“Company”), and Leonard Street B7 Owner LLC (“Property Owner”), in the form substantially as on file with the Town Clerk, for property located at 40 Leonard Street, Norton, and shown on Assessors Map 11, Parcel 22, which TIF Agreement provides for real estate tax exemptions over a ten (10) year period at the exemption rate schedule set forth therein;

 (b) Authorize the Select Board to execute the TIF Agreement, and approve submission to the Massachusetts Economic Assistance Coordinating Council (“EACC”) of the TIF Agreement and Local Incentive-Only application, all relating to the project as described in the TIF Agreement, and any necessary documents relating thereto, and to take such other actions as are necessary or appropriate to obtain approval of the TIF Agreement, Local Incentive-Only application, and related submissions and to take such other actions as necessary or appropriate to implement those documents;

or take any other action relative thereto.

(SELECT BOARD AND ECONOMIC DEVELOPMENT COMMISSION)

**FINANCE COMMITTEE: Recommended to approve a Tax Increment Financing Agreement between the Town, Home Depot U.S.A., Inc., and its affiliates, and Leonard Street B7 Owner LLC for a period of ten years.**

**Town Manager Michael Yunits explained the TIF and how beneficial it will be to have Home Depot move into Norton**

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

**James Slattery, 36 Sturdy Street made a motion to reconsider Article 1. Motion to reconsider failed.**

ARTICLE 5 (Majority)

 No Action

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

ARTICLE 6 (2/3 Vote)

I Stephen Evans MOVE that the Town vote to authorize the Select Board to grant and convey any or all of its right, title, and interest in a parcel of land located at 0 East Main Street, identified on Assessors Map 11 as Parcel 78, containing 9,341 square feet, more or less, on such terms and conditions as the Select Board deems appropriate, and to enter into such agreements and execute such instruments as may be necessary or convenient to effectuate the foregoing transaction.

**Town Manager Michael Yunits explained that this was a small parcel of land owned by the Town. It would allow the Select Board to dispose the property by sale or auction it off. It will also allow a new roadway to go in where the traffic lights are.**

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

ARTICLE 7 (Majority)

I Stephen Evans MOVE that the Town vote to transfer the amount of $3,000.00 from Free Cash for the purpose of collecting and disposing of discarded items abandoned along the roadways and throughout the town that require special handling, including all other incidental and related costs.

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

ARTICLE 8

 No Action

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

ARTICLE 9 (Majority)

I MOVE that the Town vote to transfer the amount of $275,975.00 from Free Cash to pay all outstanding separation expenses associated with various employees from the Town of Norton and to authorize the Town Accountant, in consultation with the Town Manager, to allocate amounts to appropriate departments.

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

ARTICLE 10 (Majority)

I Stephen Evans MOVE that the Town vote to implement the first year of the Collective Bargaining Agreements between the Town and the Norton Police Association and the Norton Police Superior Officers Association for the period of July 1, 2020, through June 30, 2023, and confirm the appropriation made under Article 8 of the June 27, 2020, Annual Town Meeting, which amounts are sufficient to fund all of the cost items for the first year of said contracts in the combined amount of $27,200.00.

**ARTICLE 10 PASSES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**Denise Ellis spoke about the programs offered for Seniors and Veterans based on income they may qualify for deferrals to help them with their taxes.**

ARTICLE 11 (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 by increasing appropriations for certain line items and to do so, by transferring the additional amount of $90,046.00 from Free Cash as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| Account | Department | Use |  Amount  |
|  |
| 001-308-560 | Bristol County |   |   |  |
|   |  Agricultural School  |  Assessment - Tuition  |  $ 2,417.00  |  |
| 001-423-570 | Snow Removal | Expense |  $ 87,629.00  |  |
| TOTAL FY21 OPERATING BUDGET SUPPLEMENTS: |  $ 90,046.00  |  |

**Richard Grant, 102 S. Washington Street asked why the Warrant was different from the what was read. Town Counsel, Lauren Goldberg explained that the Warrant articles are ideas and the motions are the specific thing that you are voting on.**

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

ARTICLE 12

 No Action

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

ARTICLE 13

 No Action

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

At 2:38 pm the Moderator adjourned the Special Town Meeting and called for a short recess.

A True Copy Attest:

Lucia B. Longhurst

Town Clerk

**MINUTES FOR THE ANNUAL TOWN MEETING**

**SATURDAY, MAY 8, 2021**

At 2:58 the Town Moderator opened the Annual Town Meeting

ARTICLE 2 (Majority)

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I Stephen Evans MOVE to approve Article 2 as printed in the warrant.

**ARTICLE 2 AS PRINTED IN THE WARRANT**

To see if the Town will vote to authorize the Select Board to accept and enter into contracts for the expenditure of any funds allotted, or to be allotted, by the Commonwealth and/or County for the construction, reconstruction and improvement of Town roads, and to see if the Town will raise and appropriate, and/or appropriate and/or transfer from available funds a sum of money for the purpose of road and other municipal improvements within the Town of Norton which are eligible for reimbursement, subject to conditions detailed by the Massachusetts Department of Transportation, pursuant to G.L. c.90, or take any other action relative thereto.

(SELECT BOARD)

**FINANCE COMMITTEE: Recommended. This will authorize the Select Board to accept funds for road maintenance and repairs provided by the State.**

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

ARTICLE 3 (Majority)

I Stephen Evans MOVE that the Town vote to transfer the amount of $25,000.00 from Free Cash for tree services, including but not limited to the removal of hazardous trees, stump removal, and performance of additional preventative and emergency services Town-wide, including crane rentals and other incidental and related costs.

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

ARTICLE 4 (Majority)

I MOVE that the total amount of $4,832,426.00be appropriated for the operation of the Water Enterprise for Fiscal Year 2022 from Water Enterprise Receipts (including but not limited to user charges, lease revenue, interest, and miscellaneous revenues) in the amount of $4,330,589.00 **and by transferring from retained earnings the amount of $501,837.00,** with $4,299,172.00 of said sum being appropriated hereunder for direct costs of the Enterprise, and $533,254.00 of said sum to be appropriated in the General Fund under Article 6 for indirect costs and allocated to the Water Enterprise Fund for funding, as follows:

$1,294,143.00 Personnel Services

$1,308,500.00 Other Charges and Expenditures

$1,696,529.00 Debt Service

$ 533,254.00 Indirect Costs –

 Charged to Enterprise Fund from

 General Fund and raised under Article 6

$4,832,426.00 Total for Fiscal Year 2022 – Water

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

ARTICLE 5 (Majority)

I Stephen Evans MOVE to approve Article 5 as printed in the warrant and recommended by the Finance Committee.

**ARTICLE 5 AS WRITTEN IN THE WARRANT**

To see if the Town will vote to raise and appropriate, and/or appropriate, and/or transfer from available funds a sum of money necessary to pay debts and charges of the Sewer Enterprise, as set forth below, for the fiscal year beginning July 1, 2021, or take any action relative thereto:

SEWER:

|  |  |
| --- | --- |
|  | Chapter 44, Section 53F⅟₂ |
| 2019 | 2020 | 2021 | 2022 |
|  | Expend | Expend | Approp. | Dept. Request |
| Personnel Services | 144,641 | 150,047 | 250,581 | 307,863 |
| Indirect Expenses | 103,572 | 96,450 | 94,986 | 112,325 |
| Other Charges & Expenditures | 1,011,720 | 1,010,329 | 1,186,100 | 1,242,190 |
| Debt Service | 182,750 | 199,492 | 234,211 | 409,012 |
| Total:  | 1,442,683 | 1,456,318 | 1,765,878 | 2,071,390 |

(WATER AND SEWER COMMISSION)

**FINANCE COMMITTEE: Recommended in the amount of $2,071,390.00 as follows:**

|  |  |
| --- | --- |
| **Personnel Services** | **$ 307,863** |
| **Indirect Expenses** | **$ 112,325** |
| **Other Charges & Expenditures** | **$1,242,190** |
| **Debt Service** | **$ 409,012** |
| **Total:**  | **$2,071,390** |

**The funding for this article is from the Sewer Enterprise Account which is funded by sewer use receipts (including but not limited to fees, charges, interest, betterments, and miscellaneous revenues). The Indirect Expenses will be appropriated in the General Fund Article 6 for indirect costs and allocated to the Sewer Enterprise Fund for funding.**

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

ARTICLE 6 (Majority)

I Stephen Evans MOVE to approve Article 6 as printed in the warrant and recommended by the Finance Committee.

ARTICLE 6

To see what sums the Town will vote to raise and appropriate, and/or appropriate, and/or transfer from available funds to pay Town debts and charges for the ensuing Fiscal Year, consistent with the provisions of G.L. c.41, §108, and to appropriate monies for same, or take any other action relative thereto.

(SELECT BOARD)

**ARTICLE 6 AS WRITTEN IN THE WARRANT**

**FINANCE COMMITTEE: Recommended in the amount of $62,647,534.00 for the Fiscal Year to fund the Town’s FY22 Operating Budget, all as presented in the Finance Committee’s Report. To do so, the amount of $60,200,906.00 is to be raised and appropriated, the amount of $533,254.00 is to be raised from Water receipts, the amount of $112,325.00 is to be raised from Sewer receipts, and further, the amount of $1,801,049.00 is to be transferred from the following funds for a total appropriation for the Fiscal Year 2022 operating budget of $62,647,534.00:**

|  |  |  |
| --- | --- | --- |
| **Hicks Fund** |  |  **$ 200,000.00**  |
| **Stabilization Fund** |  |  **$ -**  |
| **Ambulance Receipts** |  |  **$ 700,000.00**  |
| **Overlay** |  |  **$ -**  |
| **Septic Betterments** |  |  **$ 35,000.00**  |
| **Dog Fund** |  |  **$ 10,000.00**  |
| **Debt Exclusion Premium** |  |  **$ 13,646.00**  |
| **Wetlands Protection** |  |  **$ 3,000.00**  |
| **Free Cash** |  |  **$ 839,403.00**  |
|  |  |  |
| **TOTAL TRANSFERS** |  |  **$ 1,801,049.00**  |
|  |  |  |

Operating Budget

|  |  |  |  |
| --- | --- | --- | --- |
|  |  |  |  FY 2022  |
|  |  |  |  Finance Comm  |
| FY 2022 Operating Budget |  |  Recommend.  |
| Select Board (122) |  |  |  |
|  | Personnel Services | 510 |  $ 63,900.00  |
|   | Charges & Expenditures | 570 |  $ 3,210.00  |
|  |  |  |  |
|   | Totals |  |  $ 67,110.00  |
| Town Manager (123) |  |  |  |
|  | Personnel Services | 510 |  $ 271,097.00  |
|  | Charges & Expenditures | 570 |  $ 64,500.00  |
|  |  |  |  |
|   | Totals |  |  $ 335,597.00  |
| Finance Committee (131) |  |  |
|  | Charges & Expenditures | 570 |  $ 2,415.00  |
|  |  |  |  |
|   | Totals |  |  $ 2,415.00  |
| Reserve Fund (132) |  |  |  |
|  | Appropriation |  |  $ 150,000.00  |
|  | Transfers | 502 |   |
|  |  |  |  |
|   | Totals |  |  $ 150,000.00  |
| Town Accountant (135) |  |  |  |
|  | Personnel Services | 510 |  $ 225,392.00  |
|  | Purchase Of Services | 520 |  $ 26,000.00  |
|  | Charges & Expenditures | 570 |  $ 3,685.00  |
|  |  |  |  |
|   | Totals |  |  $ 255,077.00  |
| Assessors (141) |  |  |  |
|  | Personnel Services | 510 |  $ 181,492.00  |
|  | Charges & Expenditures | 570 |  $ 39,448.00  |
|  |  |  |  |
|   | Totals |  |  $ 220,940.00  |
| Treasurer/Collector (147) |  |  |
|  | Personnel Services | 510 |  $ 246,517.00  |
|  | Charges & Expenditures | 570 |  $ 53,350.00  |
|  |  |  |  |
|   | Totals |  |  $ 299,867.00  |
| Legal Services (151) |  |  |  |
|  | Charges & Expenditures | 570 |  $ 80,000.00  |
|  |  |  |  |
|   | Totals |  |  $ 80,000.00  |
| Data Processing (155) |  |  |  |
|  | Personnel Services | 510 |  $ 29,741.00  |
|  | Charges & Expenditures | 570 |  $ 425,175.00  |
|  |  |  |  |
|   | Totals |  |  $ 454,916.00  |
|  |  |  |  |
| Tax Title Foreclosure (158) |  |  |
|  | Charges & Expenditures | 570 |  $ 30,000.00  |
|  |  |  |  |
|   | Totals | 570 |  $ 30,000.00  |
| Town Clerk (161) |  |  |  |
|  | Personnel Services | 510 |  $ 121,844.00  |
|  | Salary - Elected Official | 511 |  $ -  |
|  | Charges & Expenditures | 570 |  $ 8,650.00  |
|  |  |  |  |
|   | Totals |  |  $ 130,494.00  |
| Elections (162) |  |  |  |
|  | Personnel Services | 510 |  $ 670.00  |
|  |  Charges & Expenditures | 570 |  $ 20,555.00  |
|  |  |  |  |
|   | Totals |  |  $ 21,225.00  |
| Conservation Comm (171) |  |  |
|  | Personnel Services | 510 |  $ 132,851.00  |
|  |  Charges & Expenditures | 570 |  $ 20,172.00  |
|  |  |  |  |
|   | Totals |  |  $ 153,023.00  |
| Planning Board (175) |  |  |  |
|  | Personnel Servicess | 510 |  $ 128,995.00  |
|  |  Charges & Expenditures | 570 |  $ 4,495.00  |
|  |  |  |  |
|   | Totals |  |  $ 133,490.00  |
| SE REG Plan & Econ Dev (176) |  |  |
|  | Assessment | 560 |  $ 3,746.00  |
|  |  |  |  |
|   | Totals |  |  $ 3,746.00  |
| Zoning Bd Of Appeals (177) |  |  |
|  |  Charges & Expenditures | 570 |  $ 300.00  |
|  |  |  |  |
|   | Totals |  |  $ 300.00  |
|  |  |  |  |
| Municipal Bldg Maint (192) |  |  |
|  |  Charges & Expenditures | 570 |  $ 182,250.00  |
|  |  |  |  |
|   | Totals |  |  $ 182,250.00  |
| Town Report (195) |  |  |  |
|  | Printing | 520 |  $ 2,200.00  |
|  |  |  |  |
|   | Totals |  |  $ 2,200.00  |
| Postage -All Depts (199) |  |  |
|  | Charges & Expenditures | 570 |  $ 38,080.00  |
|  |  |  |  |
|   | Totals |  |  $ 38,080.00  |
| Police Department (210) |  |  |
|  | Personnel Services | 510 |  $ 3,608,257.00  |
|  |  Charges & Expenditures | 570 |  $ 209,800.00  |
|  |  |  |  |
|   | Totals |  |  $ 3,818,057.00  |
| Fire Department (220) |  |  |  |
|  | Personnel Services | 510 |  $ 4,030,118.00  |
|  |  Charges & Expenditures | 570 |  $ 226,440.00  |
|  |  |  |  |
|   | Total |  |  $ 4,256,558.00  |
| Emergency Medl Serv (230) |  |  |
|  |  Charges & Expenditures | 570 |  $ 178,800.00  |
|  |  |  |  |
|   | Totals |  |  $ 178,800.00  |
| Emergency Planning (240) |  |  |
|  |  Charges & Expenditures | 570 |  $ 7,700.00  |
|  |  |  |  |
|   | Totals |  |  $ 7,700.00  |
| Inspection Dept (241) |  |  |  |
|  | Personnel Services | 510 |  $ 205,309.00  |
|  |  Charges & Expenditures | 570 |  $ 19,025.00  |
|  |  |  |  |
|   | Totals |  |  $ 224,334.00  |
| Sealer Weights (244) |  |  |  |
|  |  Charges & Expenditures | 570 |  $ 2,200.00  |
|  |  |  |  |
|   | Totals |  |  $ 2,200.00  |
| Communication Center (290) |  |  |
|  | Personnel Services | 510 |  $ -  |
|  | Assessment | 560 |  $ 300,000.00  |
|  |  Charges & Expenditures | 570 |  $ -  |
|  |  |  |  |
|   | Totals |  |  $ 300,000.00  |
| Animal Control (292) |  |  |  |
|  | Personnel Services | 510 |  $ 84,228.00  |
|  |  Charges & Expenditures | 570 |  $ 14,030.00  |
|  |  |  |  |
|   | Totals |  |  $ 98,258.00  |
| Tree Warden (294) |  |  |  |
|  | Personnel Services | 510 |  $ 2,000.00  |
|  |  |  |  |
|   | Totals |  |  $ 2,000.00  |
| School Department (300) |  |  |
|  | Personnel Services | 510 |  $ 26,382,646.00  |
|  | Charges & Expenditures | 570 |  $ 5,430,114.00  |
|  |  |  |  |
|   | Totals |  |  $ 31,812,760.00  |
| Southeastern Reg Voc (306) |  |  |
|  | Assessments | 560 |  $ 1,505,760.00  |
|  |  |  |  |
|   | Totals |  |  $ 1,505,760.00  |
| Reg Agricultural Sch (308) |  |  |
|  | Assessments | 560 |  $ 75,570.00  |
|  |  |  |  |
|   | Totals |  |  $ 75,570.00  |
| Highway (420) |  |  |  |
|  | Personnel Services | 510 |  $ 853,348.00  |
|  | Charges & Expenditures | 570 |  $ 104,200.00  |
|  | Surface Treatment | 580 |  $ 8,000.00  |
|  | Repairs to Private Ways | 581 |  $ 1,000.00  |
|  |  |  |  |
|   | Totals |  |  $ 966,548.00  |
| Snow Removal (423) |  |  |  |
|  |  Charges & Expenditures | 570 |  $ 80,000.00  |
|  |  |  |  |
|   | Totals |  |  $ 80,000.00  |
| Street Lighting (425) |  |  |  |
|  |  Charges & Expenditures | 570 |  $ 40,000.00  |
|  |  |  |  |
|   | Totals |  |  $ 40,000.00  |
| Sanitary Landfill (438) |  |  |  |
|  |  Charges & Expenditures | 570 |  $ 8,000.00  |
|  | Reserve Fund Supplement |  |
|  |  |  |  |
|   | Totals |  |  $ 8,000.00  |
| Board of Health (510) |  |  |  |
|  | Personnel Services | 510 |  $ 170,758.00  |
|  |  Charges & Expenditures | 570 |  $ 10,200.00  |
|  |  |  |  |
|   | Totals |  |  $ 180,958.00  |
| Public Health Nurse (522) |  |  |
|  | Personnel Services | 510 |  $ 41,639.00  |
|  |  Charges & Expenditures | 570 |  $ 10,250.00  |
|  |  |  |  |
|   | Totals |  |  $ 51,889.00  |
| Council on Aging (541) |  |  |  |
|  | Personnel Services | 510 |  $ 98,657.00  |
|  |  Charges & Expenditures | 570 |  $ 14,070.00  |
|  | Reserve Fund Supplement |  |
|  |  |  |  |
|   | Totals |  |  $ 112,727.00  |
| Veterans Agent (543) |  |  |  |
|  | Personnel Services | 510 |  $ 87,623.00  |
|  | Charges & Expenditures | 570 |  $ 3,950.00  |
|  | Veterans Benefits | 579 |  $ 230,000.00  |
|  | Reserve Fund Supplement |  |
|  |  |  |  |
|   | Totals |  |  $ 321,573.00  |
| Library (610) |  |  |  |
|  | Other Charges & Expenditures | 570 |  $ 512,051.00  |
|  |  |  |  |
|   | Totals |  |  $ 512,051.00  |
| Recreation (630) |  |  |  |
|  | Personnel Services | 510 |  $ 26,479.00  |
|  | Charges & Expenditures | 570 |  $ 16,500.00  |
|  |  |  |  |
|   | Totals |  |  $ 42,979.00  |
| Memorial & Vets Day (692) |  |  |
|  | Other Charges & Expenditures | 570 |  $ 2,000.00  |
|  |  |  |  |
|   | Totals |  |  $ 2,000.00  |
| Maturing Debt (711) |  |  |  |
|  | Maturing Principal on LT Debt | 590 |  $ 1,817,137.00  |
|  | Repayment of Temporary Loans | 594 |  $ 129,182.00  |
|  |  |  |  |
|   | Totals |  |  $ 1,946,319.00  |
| Interest (750) |  |  |  |
|  | Interest on Long-Term Debt | 590 |  $ 499,568.00  |
|  | Interest on Notes | 594 |  $ 20,460.00  |
|  | Reserve Fund Supplement |  |
|  |  |  |  |
|   | Totals |  |  $ 520,028.00  |
| Employee Benefits (910) |  |  |
|  | Personnel Services | 510 |  $ 3,365,604.00  |
|  | Other Personnel Services | 511 |  $ 8,142,228.00  |
|  | Charges & Expenditures | 570 |  $ 546,000.00  |
|  |  |  |  |
|   | Totals |  |  $ 12,053,832.00  |
| Unemployment Comp (911) |  |  |
|  | Charges & Expenditures | 570 |  $ 90,000.00  |
|  |  |  |  |
|   | Totals |  |  $ 90,000.00  |
| Miscellaneous (940) |  |  |  |
|  | Fuel Expenses | 540 |  $ 120,000.00  |
|  | Charges & Expenditures | 570 |  $ 755,903.00  |
|  |  |  |  |
|   | Totals |  |  $ 875,903.00  |
| GRAND TOTALS |  |  |  $ 62,647,534.00  |
|  |  |  |  |
|  |  |  |  |

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

ARTICLE 7 (Majority)

I Stephen Evans MOVE that the Town vote to transfer the amount of $600,000.00 from Free Cash to the Capital Improvements Fund established by the By-Law entitled “Capital Improvements Fund,” from which appropriations may be made by a two-thirds vote at any Town Meeting.

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

ARTICLE 8 (2/3 Vote)

I Stephen Evans MOVE that the Town appropriate the total sum of $2,190,947.00 for the purchase, or lease for periods of time up to or in excess of three years with an option to purchase, and equip the following new and/or replacement capital items or for capital projects for various Town Departments, and for the payment of all costs incidental and related thereto, for the purposes and in the amounts set forth in the Finance Committee’s Recommendations and in the Chart entitled, “Article 8 Proposed FY22 Capital Budget”, and to meet said appropriation, to transfer the amount of $656,818.00 from the Capital Improvements Account, $33,000.00 from the Water Enterprise Retained Earnings, $357,000.00 from the Sewer Enterprise Retained Earnings, $69,129.00 from the Ambulance Reserve Fund, by transferring the amount of $350,000.00 from the Reservoir Street funds appropriated under Article 12 of the October 21, 2019, Annual Town Meeting, and, for the item marked “Borrow\*”, by authorizing the Treasurer, with the approval of the Select Board, to borrow the amount of $725,000.00 pursuant to G.L. c. 44, G.L. c. 29C, or pursuant to any other enabling authority, and to issue bonds or notes therefor with the understanding that although these will be general obligation bonds of the Town, it is anticipated that they will be repaid from the Water Enterprise, and, in accordance with G.L. c.44, §20, authorize any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, to be applied to the payment of costs approved hereunder, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs, for the item shown to be funded by borrowing as follows:



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

ARTICLE 9 (Majority)

I Stephen Evans MOVE that the Town vote to rescind the unissued portions of the $700,000.00 borrowing authorized under Article 12 of the May 15, 2019, Annual Town Meeting.

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

ARTICLE 10 (Majority)

I Stephen Evans MOVE to approve Article 10 as printed in the warrant and recommended by the Finance Committee.

ARTICLE 10 AS PRINTED IN THE WARRANT

To see if the Town vote to expand the purposes for which funds appropriated pursuant to the vote taken under Article 13 of the October 21, 2019, Annual Town Meeting may be expended, including authorizing all actions allowed by said vote to be undertaken in the areas and buildings located along Elm Street, all of which are part of the so-called “Reed & Barton” property site, together with all incidental and related costs, including but not limited to costs for services of a Licensed Site Professional, environmental engineering, and environmental monitoring and sampling; and further to provide assistance to residents of surrounding homes who have been affected by contamination arising from the site as is necessary to protect public health and safety; and further, to authorize appropriate public officials to take all actions and execute such documents and agreements as are necessary to effectuate the purposes of this article, including contracts with terms in excess of three years; or take any other action relative thereto.

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

ARTICLE 11 (2/3 Vote)

I Stephen Evans MOVE that the Town appropriate the sum of $12,000,000.00 for the purpose of funding the capital improvements contained in the Energy Management Services Contract under M.G.L. Chapter 25A, Section 11i, between the Town and Trane, an ‎energy management services contractor, for the purpose of improving energy efficiency at ‎Town buildings, that to meet this appropriation the Treasurer, with the approval of the Select Board, is hereby authorized to borrow such amount pursuant to G.L. c. 44, §§7 or 8, or any other ‎enabling authority, and to issue bonds and notes of the Town therefor; any premium received upon the sale of any ‎bonds or notes approved by this vote, less any such premium applied to the ‎payment of the costs of issuance of such bonds or notes, may be applied to ‎the payment of costs approved by this vote in accordance with G.L. c. 44, ‎‎§20, thereby reducing the amount authorized to be borrowed to pay such ‎costs by a like amount.‎

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

ARTICLE 12

 No Action

**ARTICLE 12 FAILS FOR LACK OF MOTION**

ARTICLE 13 (Majority)

I Stephen Evans MOVE that the Town vote to amend Chapter 133 of the Town of Norton’s General Code, Stormwater Management to read as printed under Article 13 of the May 8, 2021, Annual Town Meeting Warrant with Finance Committee Recommendations, with language to be inserted and deleted as set forth in the attachment entitled “ARTICLE 13 2021 Proposed Changes to Chapter 133: Stormwater Management Bylaw”.

**Purpose:** Department of Environmental Protection (DEP) and Environmental Protection Agency (EPA) both permit and oversee stormwater runoff and its impacts on the environment but currently some of the requirements in their permits contradict. DEP and EPA have been working together to correct that and make their permits have the same requirements to avoid confusion. They also require that municipalities update their local stormwater bylaws to coincide with the new joint DEP and EPA requirements. This will prevent confusion between local, state and federal requirements and make it easier for residents and businesses to comply with them.

**Updates to Stormwater Standards to comply with DEP and EPA**

* Low Impact Development (LID) is a requirement not a suggestion/recommendation
* Runoff curves and impervious cover values are clarified
* Offsite mitigation within certain size watershed can be allowed if no other option
* Easier to meet the water quality standard by requiring infiltration instead of various calculations of nitrogen and phosphorus removal
* Change in projects with certain number of housing units that are now required to meet standards
* Requirement to improve water quality

**Town of Norton Changes:**

* Added and clarified definitions
* Clarified exemptions
* Added new Standard requirements from DEP and EPA under the town’s MS4 permit
* Clarified application procedures

ARTICLE 13 2021 Proposed Changes to Chapter 133: Stormwater Management Bylaw”.

To see if the Town will vote to amend Chapter 133 of the Town of Norton’s General Code, Stormwater Management, by inserting the underlined text, by deleting the strikethrough text, and by renumbering accordingly, all as follows, or take any other action relative thereto:

**§133-1.** **Purpose.**

The purpose of this Bylaw is to:

* 1. Adopt a local construction-term stormwater runoff control program to minimize or eliminate erosion and maintain sediment onsite so that it is not transported to a water of the Commonwealth;
	2. Reduce the discharge of pollutants found in stormwater through the retention and treatment of stormwater during and after construction;
	3. Ensure long-term operation and maintenance of stormwater drainage systems; and
	4. Meet the Massachusetts MS4 General Permit mandates for the Town of Norton.

**§133-2.** **Authority.**

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

**§133-3.** **Definitions.**

The definitions of terms shall be consistent with Massachusetts Wetland Protection Act, G.L c. 131, Section 40 and its implementing regulations, 310 CMR 10.00, and Massachusetts (MA) Department of Environmental Protection (DEP) Stormwater Management Handbook, as amended from time to time (the “Handbook”), except that the following definitions shall apply in the interpretation and implementation of this Bylaw:

ENFORCING AGENT - For purposes of this bylaw, the Conservation Director for matters over which the Conservation Commission has jurisdiction, the Building Commissioner for matters over which the Planning Board has jurisdiction, and/or any additional agent designated by the Stormwater Committee, and confirmed by the Select Board, shall be charged with enforcing the provisions of this Bylaw.

EROSION The process by which the ground surface is worn by natural forces including but not limited to wind, water, ice, gravity, and glaciers or by artificial means.

GREEN INFRASTRUCTURE - A cost-effective, resilient approach to managing wet weather impacts that reduces and treats stormwater at its source while delivering environmental, social, and economic benefits. Examples include rainwater harvesting, raingardens, bioretention swales, permeable paving, and green rooves.

INFEASIBLE **-** Means not technologically possible, or not economically practicable and achievable in light of best industry practices.

INFILTRATION - The act of conveying of surface water into the ground for the purpose of groundwater recharge and reduction of stormwater runoff from a project site.

IMPERVIOUS SURFACE - Any surface that prevents or significantly impedes the infiltration of water into the underlying soil. This can include but is not limited to: asphalt, concrete and other solid material; and may include roads, driveways, parking areas, buildings, rooftops, structures, artificial turf and compacted gravel or soil.

LAND DISTURBANCE - An act by which soil is cleared, stripped, stockpiled, or any combination thereof; land disturbance for purposes of this Bylaw section shall also include land clearing activities including but not limited to grubbing, racking and clearing of vegetation

LIST OF IMPAIRED WATERS - Refers to the Department of Environmental Protection’s Massachusetts Integrated List of Waters.

LOW IMPACT DEVELOPMENT (LID) - Techniques that manage rainfall at the source using uniformly distributed decentralized micro-scale controls.

OPERATOR - For the purposes of this Bylaw and in the context of stormwater discharges associated with construction activity, an “operator” is any party associated with a construction project that meets either of the following two criteria:

1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications (e.g. applicant, property owner, engineer or architect); or
2. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g. the contractor).

Where there are multiple operators associated with the same project, all operators may be held jointly and severally liable for ensuring compliance with this Bylaw Subcontractors generally are not considered operators for the purposes of this permit unless they are directly responsible for stormwater-related work.

PERIMETER CONTROL - A measure that prevents sedimentation through the use of controls (e.g. silt fence, wattles) at the extent of land disturbing activities.

POLLUTANT - natural and human-made materials that can contaminate and impair water quality when deposited into lakes, rivers, wetlands, and ground waters. These pollutants include, but are not limited to, dredged spoil; incinerator residue; filter backwash; munitions; biological materials; heat; wrecked or discarded equipment; fertilizers and herbicides; chemical waste; chlorinated pool water; sewage and sewage sludge; solid waste; garbage; oil, grease, and toxic chemicals; construction sediment; rock, sand and cellar dirt; streambank erosion; irrigation runoff; bacteria and nutrients; pet and other animal wastes; yard waste and industrial, municipal and agricultural waste.

REDEVELOPMENT - Any construction, land alteration, or improvement of impervious surfaces resulting in total land disturbances equal to or greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) that does not meet the definition of new development as defined in the 2017 Massachusetts MS4 General Permit.

RULES AND REGULATIONS - The Rules and Regulations promulgated under this Bylaw unless otherwise specified.

SITE - Any lot or parcel of land, combination of lots, or area of property where land disturbing activities are, were, or will be performed.

SOIL - Any earth, sand, rock, gravel, or similar material.

STORMWATER - Any rainwater runoff, snow melt runoff, and surface water runoff and drainage.

STORMWATER COMMITTEE - A committee comprised of the Building Inspector, Conservation Director, Health Agent, Highway Superintendent, Town Planner, and Water/Sewer Superintendent and a resident representative.

STRIP - Any activity which removes the vegetative surface cover of land including but not limited to tree removal, clearing, grubbing, and storage or removal of topsoil.

WATERS OF THE COMMONWEALTH - All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, groundwaters, and vernal pools as defined in 314 CMR 4.00-Massachusetts Surface Water Quality Standards.

WATERS OF THE UNITED STATES - Shall mean the same as defined in the Clean Water Rule: Definition of “Waters of the United States”, 40 CFR 230.3.

WETLAND - Any resource area, subject to the Massachusetts Wetlands Protection Act, General Laws, chapter 131, § 40.

**§133-4.** **Jurisdiction**.

No person shall clear, cut, grade, or perform any land disturbing activity or perform any activity that will result in disturbed soil, impervious surface, an increased amount of stormwater runoff or pollutants flowing from a parcel of land, alteration of the drainage characteristics of a parcel of land, or create flows that enter the municipally owned storm drain system without first applying for and receiving a Stormwater Management Permit (SMP).

1. All development and redevelopment projects shall be designed to meet the Department of Environmental Protection (DEP) Massachusetts Stormwater Management Standards (“the Standards”) as described in the Stormwater Handbook (“the Handbook”), as revised, the Massachusetts MS4 General Permit, as revised and regulations promulgated by this bylaw;
2. Any stormwater discharge leading to waters of the United States with a designated Total Maximum Daily Load (TMDL), or identified pollutant according to the most recent DEP List of Impaired Waters, shall be subject to Best Management Practices (BMPs) to treat the pollutant of concern; and
3. All post-construction stormwater management systems shall be maintained by the owner in accordance with an approved Operation and Maintenance (O & M) Plan and a documented regular inspection schedule.

**§133-5. Permit required: exceptions.**

No person shall alter land within the Town of Norton without having obtained a Stormwater Management Permit (SMP) for the property with the following exceptions:

1. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04 or exemptions applicable to agricultural or forestry operations, contained in the Wetlands Protection Act, G.L. c. 131, § 40 provided best management practices of the Natural Resource Conservation Services (NRCS) are implemented;
2. Routine maintenance of vegetation and removal of dead or diseased limbs or trees, or removal of hazardous trees, control of noxious weeds or vines or to remedy a potential fire or health hazard or threat to public safety;
3. Projects accessory to a single-family dwelling, limited to construction of a deck; patio; retaining wall; shed; above-ground swimming pool; tennis or basketball court; replacement or expansion of less than five hundred (500) square feet of an existing driveway;
4. Normal maintenance of existing lawfully located landscaping, gardens or lawn areas;
5. The construction of fencing that will not substantially alter existing terrain or drainage characteristics or patterns;
6. Construction of utilities other than stormwater management systems, which will not change existing grades, ground cover, or drainage characteristics or patterns;
7. Firefighting activities;
8. Hydrant flushing or water main break repairs performed by the Water Department provided that best management practices are used or by the Norton Fire Department for emergencies;
9. Routine maintenance of existing public ways including reclamation and paving, and other routine maintenance activities that will not significantly alter the existing drainage patterns provided best management practices are implemented; and
10. Other construction activities which are specifically exempted from the application of this Bylaw under the Rules and Regulations promulgated under this Bylaw.

**§133-6.** **Grandfather Provision.**

This Bylaw shall not apply to any work or projects for which all necessary approvals and permits have been filed or issued prior to the effective date of this Bylaw.

**§133-7. Erosion prevention and sedimentation controls**

Erosion prevention and stabilization of soils shall be required, including but not limited to, perimeter controls, sediment controls, erosion controls, stabilized construction exits, catch basin inlet protection, daily street sweeping and other Best Management Practices. Dust control, dewatering means and methods, and concrete washout areas shall be required. All disturbed areas not in active use for greater than 14 days shall be stabilized with temporary erosion controls. Any disturbed soils not permanently stabilized prior to October 15 of any year, shall be temporarily stabilized to prevent erosion until active use resumes. Sediment controls shall not contain any nylon mesh or netting found to be a hazard to local wildlife. Haybales shall not be used as sediment control due to the potential to spread invasive plant species. 100% biodegradable controls are preferred such as rolled erosion control products (e.g. mulch control netting, erosion control blankets, turf mats, mulch socks, fiber rolls, wattles etc.) which must be 100% natural biodegradable material. Photodegradable, UV degradable or Oxo-(bio)degradable plastics are not considered biodegradable.

**§133-8. General Construction Site Controls.**

The operator shall provide waste containment and removal for demolition and construction debris, litter, sanitary wastes, chemical and material storage, concrete washout, dewatering, and snow removal. The operator shall prepare and adhere to a Pollution Prevention Control Plan as defined in the Rules and Regulations promulgated under this Bylaw during construction.

**§133-9. Project Design.**

All projects shall utilize Low Impact Development (LID) techniques and Green Infrastructure planning and design strategies unless determined to be infeasible by the issuing authority. Stormwater management systems design shall be consistent with, or more stringent than, the then-most recent Massachusetts DEP Massachusetts Stormwater Handbook, as it is amended from time to time. Infiltration shall be required consistent with Volume 2 of the Handbook or other federally or state approved BMP design guidance.

**§133-10. Stormwater Management Standards.**

All eligibility requirements and definitions are the same as in the MA DEP Stormwater Management Handbook except as noted in this Bylaw. Stormwater runoff from all industrial, commercial, institutional, office, residential and transportation projects including site preparation, construction and redevelopment, and all point source discharges shall be managed according to the DEP Stormwater Management Standards as described in the Handbook except for the addition of the following standards as required by the United States Environmental Protection Agency (“EPA”) in the Massachusetts MS4 General Permit, as amended:

1. New Development. Stormwater management systems on new development shall be designed to meet an average annual pollutant removal equivalent to 90% of the average annual load of Total Suspended Solids (TSS) related to the total post-construction impervious area on the site AND 60% of the average annual load of Total Phosphorus (TP) related to the total post construction impervious surface area on the site. Average annual pollutant removal requirements are achieved through one of the following methods:
	* + 1. installing BMPs that meet the pollutant removal percentages based on calculations developed consistent with EPA Region 1’s BMP Accounting and Tracking Tool (2016) or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance, then any federally or State-approved BMP design guidance or performance standards (e.g., State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance; or
			2. retaining the volume of runoff equivalent to, or greater than, one (1.0) inch multiplied by the total post-construction impervious surface area on the new development site; or
			3. meeting a combination of retention and treatment that achieves the above standards; or
			4. utilizing offsite mitigation that meets the above standards within the same USGS HUC12 as the new development site.
2. Redevelopment (as defined by the Massachusetts MS4 General Permit).
3. All redevelopment shall comply with Stormwater Standards 1, 2, 3, 5, 6 and 9 of the Handbook to the maximum extent practicable; and
4. Redevelopment projects shall be designed to meet an average annual pollutant removal equivalent to 80% of the average annual post-construction load of Total Suspended Solids (TSS) related to the total post-construction impervious area on the site AND 50% of the average annual load of Total Phosphorus (TP) related to the total post-construction impervious surface area on the site. Average annual pollutant removal requirements are achieved through one of the following methods:
	* + - 1. installing BMPs that meet the pollutant removal percentages based on calculations developed consistent with EPA Region 1’s BMP Accounting and Tracking Tool (2016) or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance, then any federally or State-approved BMP design guidance or performance standards (e.g., State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance; or
				2. retaining the volume of runoff equivalent to, or greater than, 0.8 inch multiplied by the total post-construction impervious surface area on the redeveloped site; or
				3. meeting a combination of retention and treatment that achieves the above standards; or
				4. utilizing offsite mitigation that meets the above standards within the same USGS HUC12 as the redevelopment site.
5. Redevelopment activities that are exclusively limited to maintenance and improvement of existing roadways, (including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving projects) shall improve existing conditions unless infeasible. Roadway widening or improvements that increase the amount of impervious area on the redevelopment site by greater than or equal to a single lane width shall meet the requirements of this Bylaw and any other Rules and Regulations promulgated in accordance hereunder.
6. All soil tests shall be witnessed by a Massachusetts-approved Soil Evaluator of the Town.

**§133-11. Operation and maintenance plans.**

An Operation and Maintenance plan (O&M plan) is required at the time of application of the Stormwater Management Plan (SMP) for all projects. The O & M shall be designed to ensure compliance with the Permit, this bylaw, Rules and Regulations promulgated in accordance hereunder, and that the Massachusetts Surface Water Quality Standards, 314 CMR 4.00, are met in all seasons and throughout the life of the system. The O & M shall remain on file with the Conservation Commission, attached to the Stormwater Management Plan, and shall be an ongoing and perpetual requirement of the owner. The owner has the responsibility to maintain the drainage system in accordance with the O & M and provide the Conservation Commission with documentation and an annual certification that the requirements of the O & M are met.

**§133-12. Application procedures.**

Projects subject to this Bylaw shall be determined by the Conservation Director to be either Exempt, require an Administrative Approval, or shall require a Stormwater Management Permit (SMP).

1. Exempt Activities, refer to **§133-5** of this bylaw:

B. Administrative Approval, Land alteration under 1 acre shall use Best Management Practices (BMPs) to prevent sedimentation or erosion during construction. Plans shall contain clear notes and detail specifications illustrating the type of sediment or erosion control to be used, details for installation and maintenance, and the responsible party for installation, maintenance and removal of the sediment controls.

1. Stormwater Management Permit (SMP):

(1) Any alteration of greater than 1 acre of land shall require a Stormwater Management Permit (SMP), and an application shall be filed with the Conservation Director. All applications shall be in writing on the form prescribed by the Conservation Director and shall include, at a minimum, all information listed below:

* 1. A written application;
	2. Engineered plans;
	3. Drainage calculations;
	4. DEP stormwater checklist;
	5. Storm Water Pollution Prevention Plan (SWPPP); and
	6. Other supporting documents, signed by the owner of the property on which the proposed activity is to be conducted.

The plans, documents and calculations submitted shall be stamped by a Massachusetts Professional Engineer or a Certified Professional in Erosion and Sediment Control. The application shall be reviewed for compliance with the Massachusetts Stormwater Standards, DEP Stormwater Handbook, as revised, the Town of Norton National Pollutant Discharge Elimination System (NPDES) Permit (including the 2017 Massachusetts MS4 Permit), and regulations promulgated by this Bylaw. The drainage calculations may be sent for a peer review. The Applicant may be responsible for the cost of the peer review. The Conservation Director shall issue a Stormwater Management Permit within twenty-one (21) business days of the receipt of the approval of the application and/or positive peer review, as defined in the Rules and Regulations.

1. Upon receipt of a complete application for a SMP, the Conservation Director shall distribute notice to the Department of Planning and Economic Development, Department of Public Works, Board of Health, Water and Sewer Department and Building Department for review and comment. Said agencies shall, in their discretion, investigate the case and report their recommendations. The Conservation Director shall not issue an SMP until reports have been received from said departments, or until fourteen (14) days have elapsed without submission of a report thereon.
2. For a project receiving an Order of Conditions issued by the Conservation Commission or its Enforcing Agent, the Conservation Commission or its Enforcing Agent shall administer and enforce the Stormwater Bylaw. s ;
3. For a project receiving permits from both the Conservation Commission and the Planning Board, the Conservation Commission or its Enforcing Agent shall administer and enforce the SMP;
4. A project not within Conservation Commission jurisdiction, receiving Site Plan Approval or Special Permit from the Planning Board shall be administered and enforced by the Planning Board;
5. The following actions may be made as a result of an application for a Stormwater Management Permit (SMP) and may be more specifically defined in the regulations promulgated as a result of this Bylaw: Approve, Approve with Conditions, or Deny.
6. Provision of the rules and regulations promulgated under this Bylaw may be waived , except those portions specifically required by the most recent Massachusetts MS4 General Permit when:
	1. It is an overriding public interest, or
	2. Is not inconsistent with the purposes of this Bylaw.
7. A SMP shall be valid for one (1) year and may be extended upon written request received not less than thirty (30) days prior to its expiration. Permits issued concurrently with an Order of Conditions, Site Plan Approval or Special Permit shall be valid for the life of the respective permit.
8. Any requested changes in the final approved plan shall require a new pre-activity review and approval of the Conservation Director, Conservation Commission or Planning Board, whichever applies. Any request for a change in the final approved plan shall be submitted in writing, clearly identifying the proposed change and clearly illustrating on a plan prepared by a Registered Professional Engineer. The Conservation Director, Conservation Commission or Planning Board may determine that the change is minor, and if an Amended SMP is required.
9. At the end of the project, prior to occupancy of any dwelling or business, and upon completion of permanent site stabilization, the applicant shall submit an As-Built Plan and a Request for a Certificate of Compliance (COC). The Conservation Director, Conservation Commission or Planning Board consulting engineer, whichever applies, shall conduct a site inspection prior to granting a COC and releasing any performance bond or other security. The Conservation Director, Conservation Commission or Planning Board, whichever applies, may issue a COC for work that is satisfactorily completed or deny the request if work was not completed according to the approved permit and plans.

**§133-13. Inspection.**

The members of the Stormwater Committee shall be authorized to conduct an inspection of work to ensure compliance with the terms of this Bylaw and any respective permit during regular business hours. The Operator may be required to submit periodic written reports consistent with the SWPPP. Access to the property shall be granted for the purpose of inspections for compliance with the Stormwater Permit and requirements of the Bylaw.

**§133-14. Fees.**

A non-refundable application fee schedule shall be promulgated for review of projects under this Bylaw. Payment of fees for peer review of drainage calculations and the stormwater system may be required under the accepted provisions of General Laws, chapter 44, § 53E.

**§133-15. Surety.**

The Operator may be required to post a cash escrow, as a condition of a permit, in form and content approved by the Treasurer/Collector before construction may commence. This bond shall ensure that the site is temporarily stabilized during construction and permanently stabilized upon the completion of construction activities.

**§133-16. Town acceptance of drainage and stormwater structures and systems**.

When the Town is requested to accept a road, stormwater management system, and/or a stormwater BMP for a subdivision of three or more housing units the Town shall have the option to refuse or accept it. If the Town accepts the stormwater management system, the owner or Operator shall submit a one-time financial contribution toward the maintenance of each stormwater BMP (e.g. swale, manhole, catch basin, infiltration basin, detention basin, retention basin or underground treatment/storage BMP) and separate contribution for every acre of disturbed land to the Stormwater Management Revolving Fund to compensate the Town for ongoing maintenance.

**§133-17. Stormwater Committee; rules and regulations.**

The Stormwater Committee, its employees or duly appointed Enforcing Agents, shall administer, implement and enforce this Bylaw. After public notice and public hearing, the Stormwater Committee may adopt, and periodically amend, Rules and Regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this Bylaw by majority vote of the Stormwater Committee, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least seven (7) days prior to the hearing date. Failure by the Stormwater Committee to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this Bylaw. In the event of any conflict between the Bylaw and such Rules and Regulations, the Bylaw shall prevail.

**§133-18. Enforcement; violations and penalties.**

1. The Stormwater Committee, its employees or duly appointed Enforcing Agents, shall enforce this Bylaw, any rules and regulations, orders, violation notices, and enforcement orders issued pursuant thereto, and may pursue all civil and criminal remedies for such violations. Enforcement shall be further defined and included as part of any stormwater regulations promulgated under this Bylaw.
2. In the event that any person holding a Stormwater Permit pursuant to this Bylaw violates the terms of the Permit the Stormwater Committee, its employees or duly appointed Enforcing Agents, may issue a stop work order, require repair or clean up, suspend activity, issue a fine or revoke the Stormwater Permit.
3. The Stormwater Committee, its employees or duly appointed Enforcing Agents, may seek remedies under this bylaw or any rules and regulations promulgated hereunder, including instituting a civil action, when so authorized by the Board of Selectmen, to obtain an injunction, or seeking criminal fines of up to three hundred ($300.00) dollars per violation per day, and/or issuance of non-criminal citations in accordance with G.L. c.40 §21D, and these General Bylaws of one hundred ($100.00) dollars for the first violation, two hundred ($200.00) dollars for the second violation, and three hundred ($300.00) dollars for the third and any subsequent violations, with each day a violation exists constituting a separate violation. **[Amended 5-14-2018 ATM by Art. 19]**
4. If the Stormwater Committee, its employees or duly appointed Enforcing Agents, determines that abatement or remediation of erosion and sedimentation is required, the Stormwater Committee, its employees or duly appointed Enforcing Agents shall send a written order setting forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Nortonmay, at its options in law and in equity, to ensure compliance with this Bylaw, up to and including filing suit in Superior Court.
5. The alleged violator shall respond to the written order for abatement or remediation in writing within 14 calendar days to either:
	1. Agree to the remedy or
	2. Request a hearing before the municipal hearing officer.
	3. The Stormwater Committee shall schedule a hearing not later than 7 days after receiving the request. The Stormwater Committee shall duly notify the alleged violator of the date, time and location of the hearing.
	4. Failure to respond to a written order for abatement or remediation within 14 calendar days will result in waiver to contest said order.
6. Remedies Not Exclusive. The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.
7. A decision made under this Bylaw may be reviewable by a court of competent jurisdiction.

**§133-19. Education programs.**

The Conservation Commission, within its available resources, may provide education programs on soil erosion and sediment control to the general public and persons regulated by this Bylaw. Workshops and seminars are intended to provide guidelines and advice to ease the permit application process and foster acceptance of sound erosion and sedimentation control practices.

**§133-20. When effective.**

This Bylaw shall take effect in the manner provided in MGL c. 40, §32.

**§133-21. Severability.**

If any provision of this Bylaw is held to be invalid such invalidity shall not affect any other

provision of this Bylaw.

(STORMWATER COMMITTEE)

ARTICLE 13 with amendments

§133-1. Purpose.

The purpose of this Bylaw is to:

* 1. Adopt a local construction-term stormwater runoff control program to minimize or eliminate erosion and maintain sediment onsite so that it is not transported to a water of the Commonwealth;
	2. Reduce the discharge of pollutants found in stormwater through the retention and treatment of stormwater during and after construction;
	3. Ensure long-term operation and maintenance of stormwater drainage systems; and
	4. Meet the Massachusetts MS4 General Permit mandates for the Town of Norton.

§133-2. **Authority.**

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

§133-3. Definitions.

The definitions of terms shall be consistent with Massachusetts Wetland Protection Act, G.L c. 131, Section 40 and its implementing regulations, 310 CMR 10.00, and Massachusetts (MA) Department of Environmental Protection (DEP) Stormwater Management Handbook, as amended from time to time (the “Handbook”), except that the following definitions shall apply in the interpretation and implementation of this Bylaw:

ENFORCING AGENT - For purposes of this bylaw, the Conservation Director for matters over which the Conservation Commission has jurisdiction, the Building Commissioner for matters over which the Planning Board has jurisdiction, and/or any additional agent designated by the Stormwater Committee, and confirmed by the Select Board, shall be charged with enforcing the provisions of this Bylaw.

EROSION The process by which the ground surface is worn by natural forces including but not limited to wind, water, ice, gravity, and glaciers or by artificial means.

GREEN INFRASTRUCTURE - A cost-effective, resilient approach to managing wet weather impacts that reduces and treats stormwater at its source while delivering environmental, social, and economic benefits. Examples include rainwater harvesting, raingardens, bioretention swales, permeable paving, and green rooves.

INFEASIBLE - Means not technologically possible, or not economically practicable and achievable in light of best industry practices.

INFILTRATION - The act of conveying of surface water into the ground for the purpose of groundwater recharge and reduction of stormwater runoff from a project site.

IMPERVIOUS SURFACE - Any surface that prevents or significantly impedes the infiltration of water into the underlying soil. This can include but is not limited to: asphalt, concrete and other solid material; and may include roads, driveways, parking areas, buildings, rooftops, structures, artificial turf and compacted gravel or soil.

LAND DISTURBANCE - An act by which soil is cleared, stripped, stockpiled, or any combination thereof; land disturbance for purposes of this Bylaw section shall also include land clearing activities including but not limited to grubbing, racking and clearing of vegetation

LIST OF IMPAIRED WATERS - Refers to the Department of Environmental Protection’s Massachusetts Integrated List of Waters.

LOW IMPACT DEVELOPMENT (LID) - Techniques that manage rainfall at the source using uniformly distributed decentralized micro-scale controls.

OPERATOR - For the purposes of this Bylaw and in the context of stormwater discharges associated with construction activity, an “operator” is any party associated with a construction project that meets either of the following two criteria:

1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications (e.g. applicant, property owner, engineer or architect); or
2. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g. the contractor).

Where there are multiple operators associated with the same project, all operators may be held jointly and severally liable for ensuring compliance with this Bylaw Subcontractors generally are not considered operators for the purposes of this permit unless they are directly responsible for stormwater-related work.

PERIMETER CONTROL - A measure that prevents sedimentation through the use of controls (e.g. silt fence, wattles) at the extent of land disturbing activities.

POLLUTANT - natural and human-made materials that can contaminate and impair water quality when deposited into lakes, rivers, wetlands, and ground waters. These pollutants include, but are not limited to, dredged spoil; incinerator residue; filter backwash; munitions; biological materials; heat; wrecked or discarded equipment; fertilizers and herbicides; chemical waste; chlorinated pool water; sewage and sewage sludge; solid waste; garbage; oil, grease, and toxic chemicals; construction sediment; rock, sand and cellar dirt; streambank erosion; irrigation runoff; bacteria and nutrients; pet and other animal wastes; yard waste and industrial, municipal and agricultural waste.

REDEVELOPMENT - Any construction, land alteration, or improvement of impervious surfaces resulting in total land disturbances equal to or greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) that does not meet the definition of new development as defined in the 2017 Massachusetts MS4 General Permit.

RULES AND REGULATIONS - The Rules and Regulations promulgated under this Bylaw unless otherwise specified.

SITE - Any lot or parcel of land, combination of lots, or area of property where land disturbing activities are, were, or will be performed.

SOIL - Any earth, sand, rock, gravel, or similar material.

STORMWATER - Any rainwater runoff, snow melt runoff, and surface water runoff and drainage.

STORMWATER COMMITTEE - A committee comprised of the Building Inspector, Conservation Director, Health Agent, Highway Superintendent, Town Planner, and Water/Sewer Superintendent and a resident representative.

STRIP - Any activity which removes the vegetative surface cover of land including but not limited to tree removal, clearing, grubbing, and storage or removal of topsoil.

WATERS OF THE COMMONWEALTH - All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, groundwaters, and vernal pools as defined in 314 CMR 4.00-Massachusetts Surface Water Quality Standards.

WATERS OF THE UNITED STATES - Shall mean the same as defined in the Clean Water Rule: Definition of “Waters of the United States”, 40 CFR 230.3.

WETLAND - Any resource area, subject to the Massachusetts Wetlands Protection Act, General Laws, chapter 131, § 40.

§133-4. Jurisdiction.

No person shall clear, cut, grade, or perform any land disturbing activity or perform any activity that will result in disturbed soil, impervious surface, an increased amount of stormwater runoff or pollutants flowing from a parcel of land, alteration of the drainage characteristics of a parcel of land, or create flows that enter the municipally owned storm drain system without first applying for and receiving a Stormwater Management Permit (SMP).

1. All development and redevelopment projects shall be designed to meet the Department of Environmental Protection (DEP) Massachusetts Stormwater Management Standards (“the Standards”) as described in the Stormwater Handbook (“the Handbook”), as revised, the Massachusetts MS4 General Permit, as revised and regulations promulgated by this bylaw;
2. Any stormwater discharge leading to waters of the United States with a designated Total Maximum Daily Load (TMDL), or identified pollutant according to the most recent DEP List of Impaired Waters, shall be subject to Best Management Practices (BMPs) to treat the pollutant of concern; and
3. All post-construction stormwater management systems shall be maintained by the owner in accordance with an approved Operation and Maintenance (O & M) Plan and a documented regular inspection schedule.

§133-5. Permit required: exceptions.

No person shall alter land within the Town of Norton without having obtained a Stormwater Management Permit (SMP) for the property with the following exceptions:

1. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04 or exemptions applicable to agricultural or forestry operations, contained in the Wetlands Protection Act, G.L. c. 131, § 40 provided best management practices of the Natural Resource Conservation Services (NRCS) are implemented;
2. Routine maintenance of vegetation and removal of dead or diseased limbs or trees, or removal of hazardous trees, control of noxious weeds or vines or to remedy a potential fire or health hazard or threat to public safety;
3. Projects accessory to a single-family dwelling, limited to construction of a deck; patio; retaining wall; shed; above-ground swimming pool; tennis or basketball court; replacement or expansion of less than five hundred (500) square feet of an existing driveway ;
4. Normal maintenance of existing lawfully located landscaping, gardens or lawn areas;
5. The construction of fencing that will not substantially alter existing terrain or drainage characteristics or patterns;
6. Construction of utilities other than stormwater management systems, which will not change existing grades, ground cover, or drainage characteristics or patterns;
7. Firefighting activities;
8. Hydrant flushing or water main break repairs performed by the Water Department provided that best management practices are used or by the Norton Fire Department for emergencies;
9. Routine maintenance of existing public ways including reclamation and paving, and other routine maintenance activities that will not significantly alter the existing drainage patterns provided best management practices are implemented; and
10. Other construction activities which are specifically exempted from the application of this Bylaw under the Rules and Regulations promulgated under this Bylaw.

§133-6. **Grandfather Provision.**

This Bylaw shall not apply to any work or projects for which all necessary approvals and permits have been filed or issued prior to the effective date of this Bylaw.

§133-7. Erosion prevention and sedimentation controls

Erosion prevention and stabilization of soils shall be required, including but not limited to, perimeter controls, sediment controls, erosion controls, stabilized construction exits, catch basin inlet protection, daily street sweeping and other Best Management Practices. Dust control, dewatering means and methods, and concrete washout areas shall be required. All disturbed areas not in active use for greater than 14 days shall be stabilized with temporary erosion controls. Any disturbed soils not permanently stabilized prior to October 15 of any year, shall be temporarily stabilized to prevent erosion until active use resumes. Sediment controls shall not contain any nylon mesh or netting found to be a hazard to local wildlife. Haybales shall not be used as sediment control due to the potential to spread invasive plant species. 100% biodegradable controls are preferred such as rolled erosion control products (e.g. mulch control netting, erosion control blankets, turf mats, mulch socks, fiber rolls, wattles etc.) which must be 100% natural biodegradable material. Photodegradable, UV degradable or Oxo-(bio)degradable plastics are not considered biodegradable.

§133-8. General Construction Site Controls.

The operator shall provide waste containment and removal for demolition and construction debris, litter, sanitary wastes, chemical and material storage, concrete washout, dewatering, and snow removal. The operator shall prepare and adhere to a Pollution Prevention Control Plan as defined in the Rules and Regulations promulgated under this Bylaw during construction.

§133-9. Project Design.

All projects shall utilize Low Impact Development (LID) techniques and Green Infrastructure planning and design strategies unless determined to be infeasible by the issuing authority. Stormwater management systems design shall be consistent with, or more stringent than, the then-most recent Massachusetts DEP Massachusetts Stormwater Handbook, as it is amended from time to time. Infiltration shall be required consistent with Volume 2 of the Handbook or other federally or state approved BMP design guidance.

§133-10. Stormwater Management Standards.

All eligibility requirements and definitions are the same as in the MA DEP Stormwater Management Handbook except as noted in this Bylaw. Stormwater runoff from all industrial, commercial, institutional, office, residential and transportation projects including site preparation, construction and redevelopment, and all point source discharges shall be managed according to the DEP Stormwater Management Standards as described in the Handbook except for the addition of the following standards as required by the United States Environmental Protection Agency (“EPA”) in the Massachusetts MS4 General Permit, as amended:

1. New Development. Stormwater management systems on new development shall be designed to meet an average annual pollutant removal equivalent to 90% of the average annual load of Total Suspended Solids (TSS) related to the total post-construction impervious area on the site AND 60% of the average annual load of Total Phosphorus (TP) related to the total post construction impervious surface area on the site. Average annual pollutant removal requirements are achieved through one of the following methods:
	* + 1. installing BMPs that meet the pollutant removal percentages based on calculations developed consistent with EPA Region 1’s BMP Accounting and Tracking Tool (2016) or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance, then any federally or State-approved BMP design guidance or performance standards (e.g., State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance; or
			2. retaining the volume of runoff equivalent to, or greater than, one (1.0) inch multiplied by the total post-construction impervious surface area on the new development site; or
			3. meeting a combination of retention and treatment that achieves the above standards; or
			4. utilizing offsite mitigation that meets the above standards within the same USGS HUC12 as the new development site.
2. Redevelopment (as defined by the Massachusetts MS4 General Permit).
3. All redevelopment shall comply with Stormwater Standards 1, 2, 3, 5, 6 and 9 of the Handbook to the maximum extent practicable; and
4. Redevelopment projects shall be designed to meet an average annual pollutant removal equivalent to 80% of the average annual post-construction load of Total Suspended Solids (TSS) related to the total post-construction impervious area on the site AND 50% of the average annual load of Total Phosphorus (TP) related to the total post-construction impervious surface area on the site. Average annual pollutant removal requirements are achieved through one of the following methods:
	* + - 1. installing BMPs that meet the pollutant removal percentages based on calculations developed consistent with EPA Region 1’s BMP Accounting and Tracking Tool (2016) or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance, then any federally or State-approved BMP design guidance or performance standards (e.g., State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance; or
				2. retaining the volume of runoff equivalent to, or greater than, 0.8 inch multiplied by the total post-construction impervious surface area on the redeveloped site; or
				3. meeting a combination of retention and treatment that achieves the above standards; or
				4. utilizing offsite mitigation that meets the above standards within the same USGS HUC12 as the redevelopment site.
5. Redevelopment activities that are exclusively limited to maintenance and improvement of existing roadways, (including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving projects) shall improve existing conditions unless infeasible. Roadway widening or improvements that increase the amount of impervious area on the redevelopment site by greater than or equal to a single lane width shall meet the requirements of this Bylaw and any other Rules and Regulations promulgated in accordance hereunder.
6. All soil tests shall be witnessed by a Massachusetts-approved Soil Evaluator of the Town.

§133-11. Operation and maintenance plans.

An Operation and Maintenance plan (O&M plan) is required at the time of application of the Stormwater Management Plan (SMP) for all projects. The O & M shall be designed to ensure compliance with the Permit, this bylaw, Rules and Regulations promulgated in accordance hereunder, and that the Massachusetts Surface Water Quality Standards, 314 CMR 4.00, are met in all seasons and throughout the life of the system. The O & M shall remain on file with the Conservation Commission, attached to the Stormwater Management Plan, and shall be an ongoing and perpetual requirement of the owner. The owner has the responsibility to maintain the drainage system in accordance with the O & M and provide the Conservation Commission with documentation and an annual certification that the requirements of the O & M are met.

§133-12. Application procedures.

Projects subject to this Bylaw shall be determined by the Conservation Director to be either Exempt, require an Administrative Approval, or shall require a Stormwater Management Permit (SMP).

1. Exempt Activities, refer to §133-5 of this bylaw:

B. Administrative Approval, Land alteration under 1 acre shall use Best Management Practices (BMPs) to prevent sedimentation or erosion during construction. Plans shall contain clear notes and detail specifications illustrating the type of sediment or erosion control to be used, details for installation and maintenance, and the responsible party for installation, maintenance and removal of the sediment controls.

1. Stormwater Management Permit (SMP):

(1) Any alteration of greater than 1 acre of land shall require a Stormwater Management Permit (SMP), and an application shall be filed with the Conservation Director. All applications shall be in writing on the form prescribed by the Conservation Director and shall include, at a minimum, all information listed below:

* 1. A written application;
	2. Engineered plans;
	3. Drainage calculations;
	4. DEP stormwater checklist;
	5. Storm Water Pollution Prevention Plan (SWPPP); and
	6. Other supporting documents, signed by the owner of the property on which the proposed activity is to be conducted.

The plans, documents and calculations submitted shall be stamped by a Massachusetts Professional Engineer or a Certified Professional in Erosion and Sediment Control. The application shall be reviewed for compliance with the Massachusetts Stormwater Standards, DEP Stormwater Handbook, as revised, the Town of Norton National Pollutant Discharge Elimination System (NPDES) Permit (including the 2017 Massachusetts MS4 Permit), and regulations promulgated by this Bylaw. The drainage calculations may be sent for a peer review. The Applicant may be responsible for the cost of the peer review. The Conservation Director shall issue a Stormwater Management Permit within twenty-one (21) business days of the receipt of the approval of the application and/or positive peer review, as defined in the Rules and Regulations.

1. Upon receipt of a complete application for a SMP, the Conservation Director shall distribute notice to the Department of Planning and Economic Development, Department of Public Works, Board of Health, Water and Sewer Department and Building Department for review and comment. Said agencies shall, in their discretion, investigate the case and report their recommendations. The Conservation Director shall not issue an SMP until reports have been received from said departments, or until fourteen (14) days have elapsed without submission of a report thereon.
2. For a project receiving an Order of Conditions issued by the Conservation Commission or its Enforcing Agent, the Conservation Commission or its Enforcing Agent shall administer and enforce the Stormwater Bylaw. s ;
3. For a project receiving permits from both the Conservation Commission and the Planning Board, the Conservation Commission or its Enforcing Agent shall administer and enforce the SMP;
4. A project not within Conservation Commission jurisdiction, receiving Site Plan Approval or Special Permit from the Planning Board shall be administered and enforced by the Planning Board;
5. The following actions may be made as a result of an application for a Stormwater Management Permit (SMP) and may be more specifically defined in the regulations promulgated as a result of this Bylaw: Approve, Approve with Conditions, or Deny.
6. Provision of the rules and regulations promulgated under this Bylaw may be waived , except those portions specifically required by the most recent Massachusetts MS4 General Permit when:
	1. It is an overriding public interest, or
	2. Is not inconsistent with the purposes of this Bylaw.
7. A SMP shall be valid for one (1) year and may be extended upon written request received not less than thirty (30) days prior to its expiration. Permits issued concurrently with an Order of Conditions, Site Plan Approval or Special Permit shall be valid for the life of the respective permit.
8. Any requested changes in the final approved plan shall require a new pre-activity review and approval of the Conservation Director, Conservation Commission or Planning Board, whichever applies. Any request for a change in the final approved plan shall be submitted in writing, clearly identifying the proposed change and clearly illustrating on a plan prepared by a Registered Professional Engineer. The Conservation Director, Conservation Commission or Planning Board may determine that the change is minor, and if an Amended SMP is required.
9. At the end of the project, prior to occupancy of any dwelling or business, and upon completion of permanent site stabilization, the applicant shall submit an As-Built Plan and a Request for a Certificate of Compliance (COC). The Conservation Director, Conservation Commission or Planning Board consulting engineer, whichever applies, shall conduct a site inspection prior to granting a COC and releasing any performance bond or other security. The Conservation Director, Conservation Commission or Planning Board, whichever applies, may issue a COC for work that is satisfactorily completed or deny the request if work was not completed according to the approved permit and plans.

§133-13. Inspection.

The members of the Stormwater Committee shall be authorized to conduct an inspection of work to ensure compliance with the terms of this Bylaw and any respective permit during regular business hours. The Operator may be required to submit periodic written reports consistent with the SWPPP. Access to the property shall be granted for the purpose of inspections for compliance with the Stormwater Permit and requirements of the Bylaw.

§133-14. Fees.

A non-refundable application fee schedule shall be promulgated for review of projects under this Bylaw. Payment of fees for peer review of drainage calculations and the stormwater system may be required under the accepted provisions of General Laws, chapter 44, § 53E.

§133-15. Surety.

The Operator may be required to post a cash escrow, as a condition of a permit, in form and content approved by the Treasurer/Collector before construction may commence. This bond shall ensure that the site is temporarily stabilized during construction and permanently stabilized upon the completion of construction activities.

§133-16. Town acceptance of drainage and stormwater structures and systems.

When the Town is requested to accept a road, stormwater management system, and/or a stormwater BMP for a subdivision of three or more housing units the Town shall have the option to refuse or accept it. If the Town accepts the stormwater management system, the owner or Operator shall submit a one-time financial contribution toward the maintenance of each stormwater BMP (e.g. swale, manhole, catch basin, infiltration basin, detention basin, retention basin or underground treatment/storage BMP) and separate contribution for every acre of disturbed land to the Stormwater Management Revolving Fund to compensate the Town for ongoing maintenance. §133-17. Stormwater Committee; rules and regulations.

The Stormwater Committee, its employees or duly appointed Enforcing Agents, shall administer, implement and enforce this Bylaw. After public notice and public hearing, the Stormwater Committee may adopt, and periodically amend, Rules and Regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this Bylaw by majority vote of the Stormwater Committee, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least seven (7) days prior to the hearing date. Failure by the Stormwater Committee to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this Bylaw. In the event of any conflict between the Bylaw and such Rules and Regulations, the Bylaw shall prevail.

§133-18. Enforcement; violations and penalties.

1. The Stormwater Committee, its employees or duly appointed Enforcing Agents, shall enforce this Bylaw, any rules and regulations, orders, violation notices, and enforcement orders issued pursuant thereto, and may pursue all civil and criminal remedies for such violations. Enforcement shall be further defined and included as part of any stormwater regulations promulgated under this Bylaw.
2. In the event that any person holding a Stormwater Permit pursuant to this Bylaw violates the terms of the Permit the Stormwater Committee, its employees or duly appointed Enforcing Agents, may issue a stop work order, require repair or clean up, suspend activity, issue a fine or revoke the Stormwater Permit.
3. The Stormwater Committee, its employees or duly appointed Enforcing Agents, may seek remedies under this bylaw or any rules and regulations promulgated hereunder, including instituting a civil action, when so authorized by the Board of Selectmen, to obtain an injunction, or seeking criminal fines of up to three hundred ($300.00) dollars per violation per day, and/or issuance of non-criminal citations in accordance with G.L. c.40 §21D, and these General Bylaws of one hundred ($100.00) dollars for the first violation, two hundred ($200.00) dollars for the second violation, and three hundred ($300.00) dollars for the third and any subsequent violations, with each day a violation exists constituting a separate violation. [Amended 5-14-2018 ATM by Art. 19]
4. If the Stormwater Committee, its employees or duly appointed Enforcing Agents, determines that abatement or remediation of erosion and sedimentation is required, the Stormwater Committee, its employees or duly appointed Enforcing Agents shall send a written order setting forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Norton may, at its options in law and in equity, to ensure compliance with this Bylaw, up to and including filing suit in Superior Court.
5. The alleged violator shall respond to the written order for abatement or remediation in writing within 14 calendar days to either:
	1. Agree to the remedy or
	2. Request a hearing before the municipal hearing officer.
	3. The Stormwater Committee shall schedule a hearing not later than 7 days after receiving the request. The Stormwater Committee shall duly notify the alleged violator of the date, time and location of the hearing.
	4. Failure to respond to a written order for abatement or remediation within 14 calendar days will result in waiver to contest said order.
6. Remedies Not Exclusive. The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.
7. A decision made under this Bylaw may be reviewable by a court of competent jurisdiction.

§133-19. Education programs.

The Conservation Commission, within its available resources, may provide education programs on soil erosion and sediment control to the general public and persons regulated by this Bylaw. Workshops and seminars are intended to provide guidelines and advice to ease the permit application process and foster acceptance of sound erosion and sedimentation control practices.

§133-20. When effective.

This Bylaw shall take effect in the manner provided in MGL c. 40, §32.

§133-21. Severability.

If any provision of this Bylaw is held to be invalid such invalidity shall not affect any other

provision of this Bylaw.

(STORMWATER COMMITTEE)

**Kevin Schleicher, Jr., 42 West Hodges Street asked if this change would affect the building process and if it would require extra permits.**

**Jennifer Carlino, Conservation Director stated that it would not.**

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

ARTICLE 14 (2/3 Vote)

I Stephen Evans MOVE to approve Article 14 as printed in the warrant and recommended by the Finance Committee.

**ARTICLE 14 AS PRINTED IN THE WARRANT**

*As updated following the Special Town Meeting on 10/17/2020.*

To see if the Town will vote to amend the following Articles within the Norton Zoning Bylaws, Chapter 175 of the General Code, to provide for the regulation of Marijuana Establishments and Medical Marijuana Treatment Centers (MTCs):

1. Article II – Definitions, § [175-2.2](https://ecode360.com/28321080#28321080) to delete the current Marijuana Establishment definition and replace it with a new definition;
2. Article XXI – Marijuana Establishments and Medical Marijuana Treatment Centers, § 175-21.3 Definitions to amend the definitions, § 175-21.5(a) Additional Requirements/Conditions to amend (a) Use, Sections (iv, v, vi) (changes shown below in **bold**);
3. Article IV – Use Regulations, § 175-4.9 to delete in its entirety Temporary moratorium on recreational marijuana establishments:

**ARTICLE II DEFINITIONS**

§ [175-2.2](https://ecode360.com/28321080#28321080), Terms Defined

MARIJUANA ESTABLISHMENT

~~A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, all as defined in MGL c. 94G, § 1 and the Cannabis Control Commission regulations, 935 CMR 500.00 et seq.~~

**A type of licensed marijuana-related business as defined in MGL c. 94G, § 1 and the Cannabis Control Commission regulations, 935 CMR 500.00 et seq., including but not limited to a Marijuana Cultivator (Indoor or Outdoor), Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Microbusiness, Independent Testing Laboratory, Marijuana Retailer, Marijuana Transporter, Delivery Licensee, Marijuana Research Facility Licensee (as defined in 935 CMR 500.002): Marijuana Research Facility Licensee Social Consumption Establishment (as defined in 935 CMR 500.002): Social Consumption Establishment or any other type of licensed Marijuana-related business, except a Medical Marijuana Treatment Center (MTC), all as defined in the Cannabis Control Commission regulations, 935 CMR 500.00 et seq.**

**ARTICLE XXI MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA TREATMENT CENTERS**

[§ 175-21.3 Definitions.](https://ecode360.com/28322025?highlight=marijuana&searchId=2404927932636914#28322024)

**DELIVERY LICENSE**: Either a Marijuana Courier License or a Marijuana Delivery Operator License as defined in the Cannabis Control Commission regulations, 935 CMR 500.00 et seq.

**DELIVERY LICENSEE**: Either a Marijuana Courier or a Marijuana Delivery Operator authorized to deliver Marijuana and Marijuana Products directly to Consumers and as permitted, Marijuana Couriers to Patients and Caregivers as defined in the Cannabis Control Commission regulations, 935 CMR 500.00 et seq.

**MARIJUANA COURIER**: An entity licensed to deliver Finished Marijuana Products, Marijuana Accessories and Branded Goods directly to Consumers from a Marijuana Retailer, or directly to Registered Qualifying Patients or Caregivers from an MTC, but is not authorized to sell Marijuana or Marijuana Products directly to Consumers, Registered Qualifying Patients or Caregivers and is not authorized to Wholesale, Warehouse, Process, Repackage, or White Label. A Marijuana Courier is an additional license type under M.G.L. c. 94G, § 4(b)(1) that allows for limited delivery of Marijuana or Marijuana Products to Consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002 or 500.050 and shall be subject to 935 CMR 500.050(1)(b) as defined in the Cannabis Control Commission regulations, 935 CMR 500.00 et seq.

**MARIJUANA DELIVERY OPERATOR OR DELIVERY OPERATOR**: An entity licensed to purchase at Wholesale and Warehouse Finished Marijuana Products acquired from a Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative, and White Label, sell and deliver Finished Marijuana Products, Marijuana Accessories and Marijuana Branded Goods directly to Consumers, but is not authorized to Repackage Marijuana or Marijuana Products or operate a storefront under this license. A Delivery Operator is an additional license type under M.G.L. c. 94G, § 4(b)(1) that allows for limited delivery of Marijuana or Marijuana Products to Consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002 or 500.050 and shall be subject to 935 CMR 500.050(1)(b) as defined in the Cannabis Control Commission regulations, 935 CMR 500.00 et seq.

**MICROBUSINESS**: An entity that can be either a Tier 1 Marijuana Cultivator or Marijuana Product Manufacturer or both, in compliance with the operating procedures for each License and, if in receipt of a Delivery Endorsement issued by the Commission, may deliver Marijuana or Marijuana Products produced at the licensed location directly to Consumers in compliance with established regulatory requirements for retail sale as it relates to delivery. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of Marijuana per year from other Marijuana Establishments for the purpose of Marijuana Product manufacturing by the Licensee as defined in the Cannabis Control Commission regulations, 935 CMR 500.00 et seq.

**WAREHOUSE**: An indoor structure or a portion of the structure on the Licensee's Premises used by a Marijuana Establishment for the onsite storage of Marijuana and Marijuana Products in compliance with the regulatory requirements of 935 CMR 500.000, including the requirements for security, storage and disposal. For Delivery Operators, the location of the Warehouse shall be the Licensee's principle place of business in the host community as defined in the Cannabis Control Commission regulations, 935 CMR 500.00 et seq.

§ 175-21.5 Additional Requirements/Conditions.

* 1. Use:

**iv. No Marijuana Establishment or MTC may apply for a building permit prior to its receipt of Special Permit and Site Plan Approval.**

**~~iv~~v**. 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~~vi**. 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.

**ARTICLE IV USE REGULATIONS**

[~~§ 175-4.9~~ **~~Temporary moratorium on recreational marijuana establishments.~~**](https://www.ecode360.com/33467762#33467762)

[**~~A.~~**](https://www.ecode360.com/33467763#33467763) ~~Purpose. On November 8, 2016, the voters of the commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new MGL c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016, and (as amended on December 30, 2016; Chapter 351 of the Acts of 2016) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018, and to begin accepting applications for licenses on April 1, 2018. Currently under the Zoning Bylaw, a nonmedical marijuana establishment (hereinafter, a "recreational marijuana establishment"), as defined in MGL c. 94G, § 1, is not specifically addressed in the Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of recreational marijuana establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of recreational marijuana establishments and address such issues, as well as to address the potential impact of the state regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of recreational marijuana establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for recreational marijuana establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.~~

[**~~B.~~**](https://www.ecode360.com/33467764#33467764) ~~Definition. "Recreational marijuana establishment" shall mean a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.~~

[**~~C.~~**](https://www.ecode360.com/33467765#33467765) ~~Temporary moratorium. For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a recreational marijuana establishment and other uses related to recreational marijuana. The moratorium shall be in effect through June 30, 2018, or until such time as the Town adopts Zoning Bylaw amendments that regulate recreational marijuana establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town and to consider the Cannabis Control Commission regulations regarding recreational marijuana establishments, and shall consider adopting new zoning bylaws in response to these new issues.~~

(ECONOMIC DEVELOPMENT COMMISSION)

**FINANCE COMMITTEE: Recommended.**

**Maureen Srocanski expressed her concern that retail was not separate from cultivation. Renee Deli, member of the Select Board explained to her that it was.**

**ARTICLE 14 PASSES BY 2/3 VOTE AS DECLARED BY THE MODERATOR**

ARTICLE 15 (2/3 Vote)

I Stephen Evans MOVE that the Town vote to approve Article 15 as printed in the warrant and recommend by the Finance Committee.

ARTICLE 15 AS PRINTED IN THE WARRANT

To see if the Town will vote to amend the Norton Zoning By-Law, Article III-Zoning Map and Districts and the Town of Norton Zoning Map adopted thereunder, which is entitled “Zoning Map Town of Norton, Massachusetts and dated June 1999, last revised October 17, 2020,” as follows, or take any other action relative thereto:

By changing from Residential 80 to Industrial Zoning District the following parcels of land as shown on the Town of Norton Assessor’s Map:

0 Rear E. Main Street; Map 11, Parcel 14-01

0 Rear E. Main Street; Map 11, Parcel 15

0 Rear E. Main Street; Map 11, Parcel 16

238 E. Main Street; Map 11, Parcel 17

(PLANNING BOARD)

**FINANCE COMMITTEE: Recommended.**

**Chairman of the Planning Board, Tim Griffin said that they did mee and discussed this article and voted to recommend it to Town Meeting**

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

ARTICLE 16 (If moved - 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 17, 2020, by changing from the Residential Eighty (R-80) Zoning District to Commercial (C) on an area of land along White Street, East Main Street and Newland Streets containing the parcels of land as shown on the Town of Norton Assessor’s Map as Assessor’s Map 5, Parcel 33, and Assessors Map 5, Parcel 33-01.

**Chairman of the Planning Board, Tim Griffin said that they did meet and discussed this article and voted to recommend it to Town Meeting**

**Oren Sigal spoke about the Parcels and that he was not in favor of this article.**

**Matthew Drane, the owner’s son spoke that the land was purchased as commercial property and is now listed as residential. His parents were never notified and going back on the minutes no changes were found.**

**Ralph Stefanelli, Maureen Sroczinski and Michael Toole expressed their concerns.**

**Keith Silver made a motion to move the question. Motion to move the question passed.**

**Request for amendment to move the question to the Planning Board for further study was made. The amendment failed.**

**Laura Parker, 4 Allen Drive, made a motion to move the question. Motion to move the question passed.**

**ARTICLE FAILS FOR LACK OF 2/3 VOTE**

Motion to close the meeting was made and second.

The Annual Town Meeting was adjourned at 3:58 pm

A TRUE COPY ATTEST:

Lucia B. Longhurst

Town Clerk