

**NORFOLK RECORDS  
FALL TOWN MEETING  
October 24, 2006**

Pursuant to a warrant dated September 25, 2006 signed by James Lehan, Jonathan Smith, and Ramesh Advani, Selectmen of Norfolk, the inhabitants of Norfolk qualified to vote in elections and town affairs met in the King Philip Middle School, 18 King Street, Norfolk, MA on Tuesday, October 24, 2006 at 7:30 in the evening there and then to act on the following articles. The meeting was called to order at 7:35pm by Moderator Frank Gross who introduced the Town Clerk, Assistant Town Clerk, Town Administrator, members of the Board of Selectmen, Town Counsel, and the Advisory Board Chairman who then introduced the members of that Board. There were 146 registered voters in attendance.

The National Anthem was sung by Georgia Jones accompanied by Charles Stacey on the Piano. The Moderator announced that Mr. Stacey would now retire from playing the piano at Town Meetings and thanked him for years of service.

A motion was made by the Town Clerk and seconded to waive the reading of the warrant and the return of the warrant. Sworn counters were P. Muliero, R. Boucher and B. Simpson.

The Moderator was presented with the 'Out of the Blue Award' for outstanding community service. The award was presented by Pam Montpelier from Strata Bank. In addition to the award, a donation of \$250 will be made to a charity chosen by Mr. Gross.

On a 'point of order' made by Jonathan Smith, the Town Meeting was interrupted for an acknowledgment of the retirement of Moderator Frank Gross. A cake was presented along with musical rendition of 'For He's a Jolly Good Fellow' played by Mike Rayner and J. D. Chaisson, residents of Norfolk and members of the K P Marching Band. The cake was brought to the lobby so that all residents in attendance could share in the celebration. Mr. Gross was then entertained with a slide show exhibiting many moments of his life and his service to the Town for the past 30+ years as Town Moderator.

**ARTICLE 1**

APPROVED BY UNANIMOUS VOTE to transfer

**From:**

Salaries:

6000.511000	Weekend & Holiday Coverage	\$17,806.00
6000.511000	Operator Salary	\$16,654.00
6000.511000	Standby Pay	\$ 5,000.00
011921.511000	Facilities Salary	\$55,626.00
	<b>Sub-Total</b>	<b>\$95,086.00</b>

**To:**

Expenses:

60002.530300	General Engineering	\$ 5,000.00
60002.530300	Weekend Coverage	\$34,460.00
012411.511000	Building Department Salary	\$ 7,000.00

0119.529000	Facilities Management Expense	\$48,626.00
	<b>Sub-Total</b>	<b>\$95,086.00</b>

## **ARTICLE 2**

APPROVED BY VOICE VOTE to Indefinitely Postpone Article 2.

## **ARTICLE 3**

APPROVED BY UNANIMOUS VOTE to move the sum of \$17,000.00 be transferred from surplus funds borrowed under Article 7.2 of the town Meeting held on May 11, 2004, to pay a portion of the costs of acquiring vehicles described in the vote of the Town taken under Article 6.3 of the Warrant at the Spring 2006 Annual Town Meeting.

## **ARTICLE 4**

APPROVED BY UNANIMOUS VOTE to authorize the Board of Selectmen and/or Interim Board of Public Works to enter into an inter-municipal Agreement with the Town of Franklin pursuant to Massachusetts General Laws Chapter 40, Section 4A and said Agreement to include provisions for the purpose of billing, collecting and maintaining the water systems for municipal water services located on Short Street, School Street, Mill River Road and Hassler Road in the Town of Norfolk

## **ARTICLE 5**

APPROVED BY UNANIMOUS VOTE to Indefinitely Postpone Article 5.

## **ARTICLE 6**

APPROVED BY UNANIMOUS VOTE to accept a gift of land or take by eminent domain pursuant to Chapter 79 of the General Laws and further to accept as a public way and to accept all easements, a portion of Liberty Lane, from Union Street to Liberty Lane for a distance of 210 linear feet, more or less, as approved by the Board of Selectmen as shown on the acceptance plan dated September 13, 2006, drawn by Coler & Colantonio, Inc. of Norwell, Massachusetts

## **ARTICLE 7**

APPROVED BY UNANIMOUS VOTE to accept the local option Chapter 184, § 51 of the Acts of 2002 (amending G.L.Ch 59 § 5, Clause 41C) to change the asset requirements pertaining to Clause 41C exemptions for Seniors from \$28,000 for single person to \$40,000, and from \$30,000 for a couple to \$55,000, to reduce the requisite age of eligibility from 70 years or older to 65 years or older, and to increase the amount of the exemption from \$500 to \$750.

## **ARTICLE 8**

APPROVED BY UNANIMOUS VOTE to amend the interest rate per annum from 8% to 4% under the provisions of Massachusetts General Laws, Chapter 59 § 5, Clause 41A, which regulates tax deferral for homeowners 65 years or older, pursuant to the authority contained in Chapter 136 of the Acts of 2005 of the General Court thereby amending said M.G.L. c. 59, § 5 Clause 41A.

## **ARTICLE 9**

APPROVED BY UNANIMOUS VOTE under the provisions of General Laws Chapter 44, Section 53E1/2, as amended, to authorized the creation of an abutter's list fee revolving account into which shall be deposited receipts received as payment of fees for abutter's list and from which fund expenditures associated with generating such lists, including the acquisition, operation and maintenance of technologies used for preparing and issuing abutter's lists and mapping, may be made with the approval of the Board of Assessors (Limit: \$2,000.00).

## **ARTICLE 10**

APPROVED BY VOICE VOTE to establish a Revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E½, for the following purposes and subject to the following conditions:

- a) to pay Special Education operating costs including, but not limited to, tuition, contracted therapies, evaluation services, and transportation, and excluding any full-time salaries and wages;
- b) to be the depository for all FY2007 funds received from the Municipal Medicaid Reimbursement program;
- c) to set a limit on expenditures from said fund in Fiscal Year 2007 at \$50,000; and
- d) to have the School Committee be the only authority empowered to expend monies from said fund.

## **ARTICLE 11**

APPROVED BY VOICE VOTE to allocate from the Community Preservation Fund an additional \$100,000.00 for Fiscal 2007 to fund an affordable housing down payment assistance program for Norfolk residents and others with Norfolk ties including municipal employees.

## **ARTICLE 12**

APPROVED BY VOICE VOTE to accept Section 23D of Chapter 39 of the General Laws for the following types of adjudicatory hearings:

1. Adjudicatory hearings of the Board of Selectmen under any general law, special law, or local bylaw over which the Board of Selectmen has jurisdiction;
2. Adjudicatory hearings of the Board of Appeals or the Planning Board under G.L. c. 40A (the "Zoning Act");
3. Adjudicatory hearings of the Board of Appeals under G.L. c. 40B, §§ 20-23 relative to comprehensive permits for low and moderate income housing;
4. Adjudicatory hearings of the Planning Board under G.L. c. 41 (the "Subdivision Control Law");



## **A. PURPOSE**

The purpose of this section is to eliminate non-stormwater discharges to the Town of Norfolk's Municipal Storm Drain System. Non-stormwater discharges contain contaminants and supply additional flows to the Town's storm drain system. Increased and contaminated stormwater runoff are major causes of:

- (1) impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
- (2) contamination of drinking water supplies;
- (3) contamination of clam flats and other coastal areas;
- (4) alteration or destruction of aquatic and wildlife habitat; and
- (5) flooding.

Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of the Town of Norfolk's natural resources, municipal facilities, and to safeguard the public health, safety, welfare and the environment.

The objectives of this section are:

- (1) To prevent pollutants from entering the Town's municipal separate storm sewer system (MS4);
- (2) To prohibit illicit connections and unauthorized discharges to the MS4;
- (3) To require the removal of all such illicit connections;
- (4) To comply with state and federal statutes and regulations relating to stormwater discharges; and
- (5) To establish the legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

## **B. DEFINITIONS**

Unless a different definition is indicated in other sections of this by-law, the following definitions and provisions shall apply throughout this Article, also referred to in this Article, as this by-law or Section.

**AUTHORIZED ENFORCEMENT AGENCY:** The Department of Public Works (hereafter "the Department"), its employees or agents designated to enforce this by-law.

**BEST MANAGEMENT PRACTICE (BMP):** An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

**CLEAN WATER ACT:** The Federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*) as hereafter amended.

**DISCHARGE OF POLLUTANTS:** The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

**GROUNDWATER:** Water beneath the surface of the ground.

**ILLCIT CONNECTION:** A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this by-law.

**ILLCIT DISCHARGE:** Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 6. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or resulting from fire fighting activities exempted pursuant to Part G (4)(B), of this by-law.

**IMPERVIOUS SURFACE:** Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and roof tops.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM:** The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Norfolk.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT:** A permit issued by United States Environmental Protection Agency or jointly with the Commonwealth of Massachusetts that authorizes the discharge of pollutants to waters of the United States.

**NON-STORMWATER DISCHARGE:** Discharge to the municipal storm drain system not composed entirely of stormwater.

**PERSON:** An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

**POLLUTANT:** Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include without limitation:

(1) paints, varnishes, and solvents;

(2) oil and other automotive fluids;

(3) non-hazardous liquid and solid wastes and yard wastes;

- (4) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- (5) pesticides, herbicides, and fertilizers;
- (6) hazardous materials and wastes; sewage, fecal coliform and pathogens;
- (7) dissolved and particulate metals;
- (8) animal wastes;
- (9) rock; sand; salt, soils;
- (10) construction wastes and residues;
- (11) and noxious or offensive matter of any kind.

**PROCESS WASTEWATER:** Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

**RECHARGE:** The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

**STORMWATER:** Runoff from precipitation or snow melt.

**TOXIC OR HAZARDOUS MATERIAL or WASTE:** Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

**WATERCOURSE:** A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

**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, and groundwater.

**WASTEWATER:** any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

## **C. APPLICABILITY**

This section shall apply to flows entering the municipally owned storm drainage system.

## **D. AUTHORITY**

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

#### **E. RESPONSIBILITY FOR ADMINISTRATION**

The Department shall administer, implement and enforce this by-law. Any powers granted to or duties imposed upon the Department may be delegated in writing by the Department to employees or agents of the Department.

#### **F. REGULATIONS**

The Department may promulgate rules and regulations to effectuate the purposes of this by-law. Failure by the Department to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

#### **G. PROHIBITED ACTIVITIES**

##### 1. Illicit Discharges

No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4), into a watercourse, or into the waters of the Commonwealth.

##### 2. Illicit Connections

No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

##### 3. Obstruction of Municipal Storm Drain System

No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior consent from the Department.

##### 4. Exemptions

A. Discharge or flow resulting from fire fighting activities;

B. The following **non-stormwater discharges** or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:

- (1) Waterline flushing;
- (2) Flow from potable water sources;
- (3) Springs;
- (4) Natural flow from riparian habitats and wetlands;
- (5) Diverted stream flow;
- (6) Rising groundwater;

- (7) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater (e.g. sump pump), provided that where a pump intake exists inside a structure, the operator seeks a permit from the Department prior to discharge, and thereafter discharges in accordance with the requirements of the permit and applicable laws and regulations to be issued by the Department;
- (8) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
- (9) Discharge from landscape irrigation or lawn watering;
- (10) Water from individual residential car washing;
- (11) Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
- (12) Discharge from street sweeping;
- (13) Dye testing, provided verbal notification is given to the Department prior to the time of the test;
- (14) Non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
- (15) Discharge for which advanced written approval is received from the Department as necessary to protect public health, safety, welfare or the environment.

## **H. EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS**

The Department may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

## **I. NOTIFICATION OF SPILLS**

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments. In the event of a release of non-hazardous material, the reporting person shall notify the Authorized Enforcement Agency no later than the next business day. The reporting person shall provide to the Authorized Enforcement Agency

written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

## **J. ENFORCEMENT**

The Department or an authorized agent of the Department shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

### **1. Civil Relief**

If a person violates the provisions of this section, regulations, permit, notice, or order issued thereunder, the Department may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

### **2. Orders**

The Department or an authorized agent of the Department may issue a written order to enforce the provisions of this section or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the MS4; (b) performance of monitoring, analyses, and reporting; (c) that unlawful discharges, practices, or operations shall cease and desist; and (d) remediation of contamination in connection therewith.

If the enforcing person determines that abatement or remediation of contamination is required, the order shall set 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 may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Department within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Department affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57 after the thirty-first day at which the costs first become due.

### **3. Criminal Penalty**

Any person who violates any provision of this by-law, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

### **4. Non-Criminal Disposition**

As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D and Article XIV of the Town of Norfolk General Bylaws, in which case the Director of Public Works of the Town shall be the enforcing person. The penalty for the 1st violation shall be a warning. The penalty for the 2nd violation shall be \$100.00. The penalty for the 3rd and subsequent violations shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

**5. Entry to Perform Duties Under this Section**

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Department, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and regulations and may make or cause to be made such examinations, surveys or sampling as the Department deems reasonably necessary.

**6. Appeals**

The decisions or orders of the Department shall be final. Further relief shall be to a court of competent jurisdiction.

**7. Remedies Not Exclusive**

The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law.

**K. SEVERABILITY**

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

**L. TRANSITIONAL PROVISIONS**

Residential property owners shall have 60 days from the effective date of the by-law section to comply with its provisions provided good cause is shown for the failure to comply with the by-law during that period.

And further to amend Appendix A of Article XIV: Non-Criminal Notice of the Town of Norfolk General Bylaw by adding a new section to Appendix A, Section L. **STORM DRAIN SYSTEM BYLAW** – Article VII, SECTION 6, so that Section L shall read as follows:

L.	<u><b>STORM DRAIN SYSTEM BYLAW – Article VII, Section 6</b></u>
Fine Allowed:	\$300.00
Enforcement Agent:	DPW Director
Fine Schedule:	1 <sup>st</sup> offense – warning
	2 <sup>nd</sup> offense - \$100.00
	3 <sup>rd</sup> offense - \$300.00

A 10-minute recess was called at 9:05PM so that all residents and friends still present could enjoy the cake and extend their good wishes to Mr. Gross.

## ARTICLE 15

It was moved and seconded to amend the Zoning Bylaws of the Town of Norfolk, Section H.3. Affordable Housing Development, as printed in the warrant.

It was moved and seconded to amend the motion by adding a new section H.3.k to the proposed by-law to read as follows:

No special permit issued under this section shall be effective unless and until the applicant provides evidence that the approved affordable units are eligible for inclusion on the Town's subsidized housing inventory, as kept by the Department of Housing and Community Development.

APPROVED BY VOICE VOTE to amend the motion.

APPROVED BY 2/3 VOTE called by the Moderator to amend the Zoning Bylaws of the Town of Norfolk, Section H.3 Affordable Housing Development, by deleting the current Section H.3 and replacing it with a new Section H.3, as follows:

### H.3 AFFORDABLE HOUSING DEVELOPMENT

**H.3.a. Purpose and Intent:** The purpose of this bylaw is to encourage development of new housing that is affordable to low and moderate-income households. At minimum, affordable housing produced through this regulation should be in compliance with the requirements set forth in G.L. c. 40B sect. 20-24 and other affordable housing programs developed by state, county and local government. It is intended that the affordable housing units that result from this bylaw/ordinance be considered as Local Initiative Units, in compliance with the requirements for the same as specified by the Department of Housing and Community Development. Definitions for affordable housing unit and eligible household can be found in the Definitions Section.

#### H.3.b Applicability

In all residential and mixed use zoning districts, the inclusionary zoning provisions of this section shall apply to the following uses on a parcel or parcels of land in common ownership as of the date of passage of this bylaw.

- (a) Any project that results in a net increase of ten (10) or more dwelling units, whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or non-residential space; and
- (b) Any subdivision of land for development of ten (10) or more dwelling units; and
- (c) Any AGE-RESTRICTED development that includes ten (10) or more units

**H.3.c Special Permit:** The development of any project set forth in Section H.3.b (above) shall require the grant of a Special Permit from the Planning Board. A Special Permit shall be granted if the proposal meets the requirements of this bylaw. The application procedure for the Special permit shall be as defined in Section G.4.

#### H.3.d Mandatory Provision of Affordable Units:

1. As a condition of approval for a Special Permit, the applicant shall contribute to the local stock of affordable unit in accordance with the following requirements:

- (a) At least ten (10) percent of the units in a division of land or multiple unit development subject

to this bylaw shall be established as affordable housing units in any one or combination of methods provided for below:

- (1) constructed or rehabilitated on the locus subject to the Special Permit (**see Section H.3.e**); or
- or
- (2) constructed or rehabilitated on a locus different than the one subject to the Special Permit (**see Section H.3.f**); or

**H.3.e Provisions Applicable to Affordable Housing Units On- and Off-Site:**

1. Siting of affordable units. All affordable units constructed or rehabilitated under this bylaw shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.

2. Minimum design and construction standards for affordable units. Affordable housing units shall be integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of materials with other units.

3. Timing of construction or provision of affordable units or lots. Where feasible, affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

Market Rate Units (% Complete)	Affordable Units (% Required)
<30%	--
30% plus 1 unit	10%
Up to 50%	30%
Up to 75%	50%
75% plus 1 unit	70%
Up to 90%	100%

Fractions of units shall not be counted.

4. Marketing Plan for Affordable Units. Applicants under this bylaw shall submit a marketing plan or other method approved by the Town through its local comprehensive plan, to the **SPGA** for its approval, which describes how the affordable units will be marketed to potential home buyers or tenants. This plan shall include a description of the lottery or other process to be used for selecting buyers or tenants.

**H.3.f Provision of Affordable Housing Units Off-Site:**

1. As an alternative to the requirements of Section H.3.e, an applicant subject to the bylaw may develop, construct or otherwise provide affordable units equivalent to those required by Section H.3.d off-site. All requirements of this bylaw that apply to on-site provision of affordable units, shall apply to provision of off-site affordable units. In addition, the location of the off-site units to be provided shall be approved by the **SPGA** as an integral element of the Special Permit review and approval process.

**H.3.g Maximum Incomes and Selling Prices: Initial Sale:**

1. To ensure that only eligible households purchase affordable housing units, the purchaser of a affordable unit shall be required to submit copies of the last three years' federal and state income tax returns and certify, in writing and prior to transfer of title, to the developer of the housing units or his/her agent, and within thirty (30) days following transfer of title, to the local housing

trust, community development corporation, housing authority or other agency as established by the Town, that his/her or their family's annual income level does not exceed the maximum level as established by the Commonwealth's Department of Housing and Community Development, and as may be revised from time to time.

2. The maximum housing cost for affordable units created under this bylaw is as established by the Commonwealth's Department of Housing and Community Development, Local Initiative Program or as revised by the Town.

**H.3.h Preservation of Affordability; Restrictions on Resale:**

1. Each affordable unit created in accordance with this bylaw shall have limitations governing its resale. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for affordable income households. The resale controls shall be established through a restriction on the property and shall be in force in perpetuity.

(a). Resale price. Sales beyond the initial sale to a qualified affordable income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the restriction on the property noted in Section H.3.i.1, above.

(b) Right of first refusal to purchase. The purchaser of an affordable housing unit developed as a result of this bylaw shall agree to execute a deed rider prepared by the Town, consistent with model riders prepared by Department of Housing and Community Development, granting, among other things, the municipality's right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located.

(c) The SPGA shall require, as a condition for Special Permit under this bylaw, that the applicant comply with the mandatory set-asides and accompanying restrictions on affordability, including the execution of the deed rider noted in Section H.3.i.1(b), above. The Building Commissioner/Inspector shall not issue an occupancy permit for any affordable unit until the deed restriction is recorded.

**H.3.i Conflict with Other Bylaws/Ordinances:** The provisions of this bylaw/ordinance shall be considered supplemental of existing zoning bylaws. To the extent that a conflict exists between this bylaw and others, the more restrictive bylaw/ordinance, or provisions therein, shall apply.

**H.3.j Severability:** If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the zoning bylaw.

**H.3.k** No special permit issued under this section shall be effective unless and until the applicant provides evidence that the approved affordable units are eligible for inclusion on the Town's subsidized housing inventory, as kept by the Department of Housing and Community Development.

**ARTICLE 16**

It was moved and seconded to ratify and confirm the vote taken under Article 43 of the Special Town Meeting of November 18, 1997 accepting Chicatabut Avenue, Seneca Street, Pennacook Street, Hemlock Lane, Cowesit Avenue, Masconemet Avenue, and Naugatuck Avenue as public

ways, inclusive of the right-of-way shown between Lots 32 and 34 on Assessors Map No. 16, Block 34, all as shown on the approved definitive plan entitled "Noon Hill Estates" on file with the Norfolk County Registry of Deeds as Plan 1337 of 1965 in Plan Book 219, and in connection therewith, to authorize the Board of Selectmen to acquire by gift or by eminent domain the fee simple interest or any easements in such ways, and any easements appurtenant to such ways.

It was moved and seconded to amend the motion by Indefinitely Postponing Article 16.  
The motion failed by VOICE VOTE, which was challenged by 7 residents.  
The motion failed by COUNTED VOTE, 16-YES, 52-NO.

It was moved, seconded and voted by a 2/3 VOTE called by the Moderator to ratify and confirm the vote taken under Article 43 of the Special Town Meeting of November 18, 1997 accepting Chicatabut Avenue, Seneca Street, Pennacook Street, Hemlock Lane, Cowesit Avenue, Masconemet Avenue, and Naugatuck Avenue as public ways, inclusive of the right-of-way shown between Lots 32 and 34 on Assessors Map No. 16, Block 34, all as shown on the approved definitive plan entitled "Noon Hill Estates" on file with the Norfolk County Registry of Deeds as Plan 1337 of 1965 in Plan Book 219, and in connection therewith, to authorize the Board of Selectmen to acquire by gift or by eminent domain the fee simple interest or any easements in such ways, and any easements appurtenant to such ways.  
The vote was challenged by 10 residents.  
The motion was APPROVED BY COUNTED VOTE 31-YES, 14-NO.

#### **ARTICLE 17**

APPROVED BY UNANIMOUS VOTE to amend the Town of Norfolk Zoning Bylaw, F.7.B. Schedule of Minimum Off-Street Parking Requirements, Sections F.7.b.12 and F.7.b.13 by deleting "150" and replacing it with "200" so that Sections F.7.b.12 and F.7.b.13 shall read as follows:

F.7.b.12. Retail, service, or mercantile establishment	1 per 200 sq. ft. USABLE FLOOR AREA
F.7.b.13 Professional office or general office	1 per 200 sq. ft USABLE FLOOR AREA

#### **ARTICLE 18**

APPROVED BY UNANIMOUS VOTE to Indefinitely Postpone Article 18.

#### **ARTICLE 19**

APPROVED BY UNANIMOUS VOTE to accept a gift of land or take by eminent domain pursuant to Chapter 79 of the General Laws and further to accept as a public way and to accept all easements, Ivy Court, a distance of 213.49 +/- feet, from Spruce Road to the cul-de-sac, as approved by the Board of Selectmen as shown on the acceptance plan dated September 8, 2006, drawn by GLM Engineering Consultants, Inc. of Holliston, Massachusetts and as further described in documents entitled, "Legal Description of Ivy Court (Station 0 + 00 to Station 2 + 13.49) in Norfolk, Massachusetts" and further to see what sum of money the Town will raise and appropriate, borrow, or transfer from available funds for damages, fees, and expenses.

**ARTICLE 20**

Reports were given by the following committees:

R. Nicodemus for the Master Plan Committee

P. Terrio for the Community Preservation Committee

Mr. Gross thanked the residents of Norfolk for their support during his tenure as Moderator and stated that Norfolk is a great Town and he will miss being here and will visit often.

The Town Meeting was then entertained by a special playing of “YMCA” requested by the Town Clerk and Assistant Town Clerk as an extended celebration from the retirement party which had been held the previous weekend in honor of Frank Gross’s retirement.

All articles on the Warrant having been acted upon, it was moved, seconded, and voted to dissolve this meeting at 11:35PM.

Respectfully submitted,

Gail E. Bernardo

Assistant Town Clerk