

SPECIAL TOWN MEETING

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

To either Constable of the Town of Sharon, Greeting:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Sharon qualified to vote in elections and Town affairs to meet at the Arthur E. Collins Auditorium at the Sharon High School on Pond Street in said Sharon on Monday, the 12th of March 2007, at 7:00 P.M., and there to act on the following articles:

ARTICLE 1

To see if the Town will Vote to Amend the Zoning Bylaws of the Town of Sharon, Massachusetts dated June 2005 as follows:

Amend Section 2110

Amend Section “2110. Districts” by inserting after the phrase “Business Districts C”, the phrase “Business Districts D”

Replace Section 2213

Delete Section “2213. Site Plan Approval in Business A and C Districts” and replace it with the following:

2213. Site Plan Approval in Certain Business Districts. New construction, addition, exterior alterations or changes of use in Business Districts A, C, and D require Site Plan approval as provided in Sections 6320 and 6330. In addition, the aforesaid activities may also require Site Plan approval pursuant to Section 6323c.

Replace Section 2320

Delete Section “2320. Business Districts” and replace it with the following:

2320. Business Districts.

2321. Permitted Residential Uses:

In Business Districts A, B, and C, residence for one or two families.

2322. Permitted Community Service Uses:

Municipal building, religious or educational uses non-profit civic or religious service organizations.

Post office; telephone exchange, provided that there is no service yard or garage.

Religious or educational purposes on land owned or leased by a public body, religious sect or denomination, or non-profit educational corporation in accordance with subjects which zoning may not regulate in accordance with MGL Ch. 40A §§ 3.

2323. Permitted Commercial Uses:

The following uses are permitted subject to the building floor area limitations, parking space thresholds, and performance criteria set forth herein. The uses enumerated hereinafter are permitted provided that (1) the building size does not exceed sixty thousand (60,000) sq. ft. of gross floor area in Business Districts A, B, and C and does not exceed the building floor area limits established for Business District D, (2) that the total number of parking spaces in Business Districts A, B, and C does not exceed one hundred fifty (150), and (3) that uses in Business District D comply with the requirements of Sections 2327, 2328, and 2329.

Business or professional office; bank; medical or dental clinic for out-patients.

Retail stores.

Business services related to the type of business permitted in this district, such as duplication services, newspaper printing, medical or dental laboratories.

In Business Districts B and D only, workshops of carpenters, plumbers, or similar artisans primarily working on fixed household installations or cars.

Other craftsmen's shops for the fabrication, alteration or maintenance of hand-portable goods and household furnishings, such as jewelers, cabinet makers, upholsterers, etc., to be delivered on the premises, and further provided as follows:

- (1) that at least twenty-five (25) percent of the floor area of such a permitted shop is devoted to retail sales;
- (2) that all such work is done directly for the ultimate consumer;
- (3) that no motor in excess of ten (10) horsepower is used.

Places for the preparation and serving of food, provided all customers on the premises are seated at tables or counters.

Preparation and retail sale on the premises of food to be consumed off the premises.

Personal services, such as daycare, barber, beauty shop, health or fitness club, photographer, shoe repair, tailor and funeral parlors.

In Business District A and Business District B only, cleaners, laundries, laundromats, including processing on the premises, provided all such work is done directly for the consumer visiting those premises and provided further that methods of disposal of liquid or gaseous wastes are approved by the Board of Health.

In Business District D, the following:

- (1) Multiple free standing buildings on a single lot accommodating multiple principal uses permitted under Sections 2322, 2323, 2325, and 2326 provided that they comply with the objectives and requirements of Business District D as set forth in Section 2327 and with the limitations of 2466.
- (2) Theatre and multi-screen movie complex.
- (3) Hotel.
- (4) Illumination of parking areas pursuant to 2328.

2324. Other Permitted Principal Uses:

Agriculture, horticulture or floriculture on parcels of more than five (5) acres.

2325. Permitted Accessory Uses:

Such accessory purposes as are customarily incident and subordinate to the foregoing purposes, but not including:

Outdoor storage or display of parts, materials or inventory.

Enclosed storage of parts, materials or inventory in excess of the amounts reasonably required for work to be done on the premises or goods to be delivered on the premises.

Drive-in services serving the customer while seated in a car, except for drive-in bank teller windows as authorized above.

Vending machines, unless placed within a building or a parking lot.

2326. Uses and Accessory Uses Allowed on Special Permit from the Board of Appeals.

Buildings with gross floor area exceeding sixty thousand (60,000) sq. ft.

In Business Districts A, B, and C, parking facilities exceeding one hundred fifty (150) parking spaces.

In Business Districts A, B, and C, theatre, hall or other place of indoor or outdoor amusement.

Clubs operated as a business.

In Business Districts A, B and C, apartments over non-residential establishments as provided in Section 4230.

Drive-in windows for banks.

In Business Districts A, B, and C, illumination of parking areas, or of other outdoor areas used at night, such as a skating rink, or of the exterior of buildings provided that all such illumination shall be shielded so as not to shine upon any property in a residence district.

Accessory scientific use provided that the Board of Appeals finds that the proposed accessory use does not substantially derogate from the public good.

Religious or educational purposes other than those specified by Subparagraph 2322.

In Business District B only, the following:

- (1) Gasoline service station; automobile display room.
- (2) Outdoor storage and display of goods for sale, whether as a principal or accessory use, but not including second-hand goods or parts, nor bulk goods such as lumber or gravel, provided all outdoor storage and display is screened from side and rear lot lines in the manner described in Subparagraph 3117.
- (3) Storage buildings for goods to be repaired or sold at retail directly to the consumer or temporarily stored for the consumer.

In Business C only, artist's studio or art gallery.

Natural gas custody transfer facilities or gate stations as provided in Section 4700.

2327. Business District D Requirements

The objective of Business District D is to promote lifestyle center development accommodating retail, office and other uses within free-standing structures reflective of traditional New England architectural style

All uses and accessory uses permitted or allowed by Special Permit must conform to the objective of the district

Free standing structures shall be separated by driveways or pedestrian ways. The mass of structures and their architectural style in terms of sloped roofs, fenestration, materials, colors, finishes, lighting, and the style of public amenities such as benches and waste receptacles shall reflect New England's architectural heritage. Architectural features shall be designed to distinguish individual retail spaces within multi tenant buildings allowing users to distinguish the portion of the building utilized by individual retailers from outside the building. Nearby buildings shall have distinct but harmonious architectural elements. Buildings shall be grouped creating a density of small stores supporting pedestrian traffic. There shall be a public space with landscaping, hardscape, benches, and other amenities having the appearance of a plaza, a New England village green, or vest pocket parks along a streetscape.

2328. Business District D Design Requirements

Within Business District D, all uses shall comply with the design standards listed herein. All such standards may be waived as part of the Site Plan Review process.

All buildings shall "four sided", i.e. finished on all sides with comparable architectural details and finishes. Loading areas and rooftop equipment shall be neatly organized and thoroughly shielded.

Buildings shall be clustered and within clusters the maximum separation between buildings shall be one-hundred (100) feet. Where more than one cluster of buildings is located on a lot, the minimum separation between clusters shall be two-hundred (200) feet of which a minimum of one-hundred (100) feet shall be vegetated buffer strip. Design of grading, plantings, and access shall achieve full visual separation.

The public open space shall have an aggregate area equal to 5 percent of the floor area of the on-site buildings. Open spaces shall have landscaping, hardscape, benches, and other amenities. Turf areas shall be irrigated. Hardscape shall consist of cement concrete, brick, granite block, cobblestone, or stone pavers. Stone or stone veneer shall be used for walls. Curbing surrounding the open space shall be vertical granite curb Type VA4. One tree shall be provided for each fifteen hundred (1,500) sq. ft. of area. Shade trees shall have a minimum caliper of three and one-half (3½) inches and coniferous trees shall have a minimum height of ten to twelve (10 to 12) feet at the time of planting. Plant materials shall be native species where practicable and shall include street trees listed in the Rules and Regulations of the Sharon Planning Board. Pedestrian scale lighting shall be provided to allow full use of the open space at night.

Buildings separated by one-hundred (100) feet or less shall have distinct but harmonious architectural elements. No two such buildings shall be identical with respect to more than 3 of the following: (1) eave height, (2) length of façade, (3) roof pitch, (4) exterior finish material, (5) exterior color, and (6) door and window locations.

All freestanding buildings shall be separated by pedestrian ways or driveways similar in character to village streets.

Pedestrian ways separating buildings shall have a minimum width of twenty (20) feet. Paving shall be cement concrete, brick, granite block, cobblestone, or stone pavers. A minimum of one

shade tree shall be planted for each fifteen hundred (1,500) sq. ft. of area within the pedestrian way. Where required by code or recommended by the Fire Department, vehicle access shall be provided along pedestrian ways. Street furnishings including benches, trash receptacles shall be provided along pedestrian ways.

Driveways separating buildings shall have a minimum width of forty-eight (48) feet, and shall provide two twelve (12) foot wide traveled ways, one eight (8) foot wide parking lane, and two eight (8) foot wide sidewalks. At least forty (40) percent of retail stores shall face and have access to driveways. The driveways shall accommodate vehicular traffic and parking and shall be designed with cross sections, geometry, and traffic calming measures sufficient to ensure that vehicles operate at low speed and that pedestrian access dominates vehicle use. Driveways shall have a cross section comparable to a village street with a separate traveled ways for vehicles that is edged with vertical granite curbing. Parking shall be provided along one or both sides of these driveways. Sidewalks shall be provided along both sides of driveways, shall have a minimum width of eight (8) feet, and shall be surfaced with cement concrete, paving brick, or pavers. Parallel parking shall be accommodated on at least one side of driveways.

Parking areas shall be laid out in separate fields with an average size of one-hundred twenty (120) parking spaces and with a maximum size of two-hundred forty (240) parking spaces. Discrete parking fields shall be separated by landscaped areas and shall use grading, layout and other design features to provide visually distinct parking fields. Large unbroken and monotonous parking areas shall be avoided. Parking shall be setback a minimum of twenty (20) feet from property lines, forty (40) feet from on-site building entrances, fifteen (15) feet from on-site building walls not providing entrances to the general public, and seventy-five (75) feet from residential lot lines.

Site lighting shall be designed with lower illumination levels consistent with IESNA recommended practice. Light trespass shall be limited to 0.5 foot candles at the property line and there shall be no point sources of light visible from adjacent streets and properties. Pole heights shall be limited to twenty-four (24) feet in parking areas and to sixteen (16) feet within fifty (50) feet of on-site buildings. Pole height within 500 feet of Route I-95 may be increased to 34 feet provided they are not visible from any residence. All lighting fixtures shall be dark skies compliant and shall limit upward projecting light.

Parking area pavements shall be a three and one-half (3½) inch thick bituminous concrete pavement with a twelve (12) inch thick gravel base. Heavy duty pavement shall be a five (5) inch thick bituminous concrete pavement with a twelve (12) inch gravel base. Heavy duty pavement shall be used in all loading areas and along truck access routes and at principal parking lot drives. Curbing shall be vertical granite type VA4 within one-hundred (100) feet of buildings and vertical granite or precast concrete curb elsewhere.

Runoff from pedestrian areas, landscape areas, and low volume vehicular areas shall be accommodated using low impact design principals where practicable including pervious pavements, rain gardens, and other proven methods.

2329. Business District D Performance Standards

Within Business District D, all uses shall comply with the following performance standards listed

herein. All such standards may be waived as part of the Site Plan Review process. Performance standards shall be evaluated for the Build Plus 5 Year Case as defined in 6327b.

All roadways within 3,000 feet of the project site accommodating more than two-hundred (200) vehicle trips per hour generated by sites in the Business District D shall be improved to Collector Street Standards as set forth in the Land Subdivision Rules and Regulations of the Sharon Planning Board. Reconstruction within public ways shall be subject to approval by the Board of Selectmen acting as Street Commissioners. Approval by majority vote of the Board of Selectmen is required for a Concept Plan Submission, a 25 Percent Design Submission and a 100 Percent Design Submission. The content of the 25 Percent Design Submission and the 100 Percent Design Submission shall conform to MassHighway requirements.

No off-site signalized intersection within the Traffic Study Area shall operate below level-of-service D (LOS D) under the Build Plus 5 Year Case as set forth in as defined in 6327b. The proponent shall provide intersection betterments including geometric and traffic control improvements for all intersections in the Traffic Study Area where “Warranted” to achieve LOS D. For unsignalized intersections not meeting MUTCD Warrants or where signalization is not permitted by the Town or agencies having jurisdiction, geometric, pavement marking, and signage improvements shall be provided to mitigate traffic impacts.

On site wastewater treatment is only permitted pursuant to issuance of a Groundwater Discharge Permit by the Massachusetts Department of Environmental Protection. Within Aquifer Protection Districts groundwater shall meet Massachusetts Drinking Water Standards at the property line.

Rooftop mechanical equipment shall be visually screened and acoustically buffered. Build Case day-night average sound levels shall not exceed sixty-five decibels (65 dBs) at the property line.

Replace Section 2460

Delete Section “2460. Business and Professional District Requirements” and replace it with the following:

2460. Business Districts and Professional District Requirements.

2461. Minimum Lot Area:

Business Districts A, B, and C	Ten thousand (10,000) sq. ft. for two-family residential use Eight thousand (8,000) sq. ft. for all other uses
Business District D	Fifty-three (53) acres
Professional District	Twenty thousand (20,000) sq. ft.

2462. Minimum Lot Frontage and Width: Lot width for two-family uses eighty (80) feet Lot width for all other uses shall be as specified in Section 2412.

Frontage for residential uses seventy (70) feet

Frontage for all other uses:

Business Districts A, B, and C	Seventy (70) feet
Business District D	One-thousand (1,000) feet
Professional District	Seventy (70) feet

2463. Lot Coverage and Open Space:

Maximum lot coverage:

In Business Districts A and C:	As determined during site plan approval.
In Business District B:	Forty (40) percent for residential uses. Twenty (20) percent for all other uses.
In Business District D	Twenty (20) percent excluding parking decks
In Professional Districts:	N/A

Minimum Landscaped Open Space Coverage including Natural Vegetation Areas:

Business Districts A and C	Thirty (30) percent
Business District B	N/A
Business District D	Thirty-five (35) percent
Professional District	N/A

Landscape and Other Requirements:

(1) Landscape Area Reduction: In Business Districts A and C the total landscaped area including landscaping, screening, pedestrian ways and areas, and bike pathways, may be reduced during site plan review to not less than fifteen (15) percent of the total lot area provided in landscaping, screening, and pedestrian and bike amenities. In approving any reduction, the Planning Board shall determine that the proposed amenities or facilities provide for the public benefit or convenience. The following are typical improvements which shall be deemed as public benefits or convenience in the Business Districts A, and C.

(2) Street Plantings: In Business Districts A, C, and D, plantings are required along the entire street frontage for non-residential uses, except at drives, and except where neither a street setback nor a buffer zone is required. The required plantings should generally be located between the street and the build-to line.

(3) Curb Cuts: Consolidation of curb cuts, either on a single lot or between abutting lots resulting in better traffic circulation and improved traffic safety.

(4) Parking Area Plantings: In Business Districts A, C, and D, landscaping meeting the parking lot standards shall be provided. Trees and soil plots shall be so located as to provide

visual relief and wind interruption within the parking area, and to assure safe patterns for internal circulation.

(5) Screening: Dumpsters, refuse areas, and loading bays should be screened from the street and the adjacent businesses. Plantings should be supplemented by an opaque fence or wall at least six (6') feet tall.

(6) Septic System: The installation of an enhanced treatment capability or the provision by the petitioner of easements and agreements required in order to establish a shared septic system with enhanced treatment capability.

(7) Building and Façade Design: The building should be compatible with the promotion of architecture as described in the Design Guidelines for the Town Center Business District.

2464. Building Location:

Minimum front setback from street sideline:

Business Districts A and C	As provided below
Business District B	Ten (10) Feet
Business District D	Ten (10) feet from the sideline of Route I-95 and fifty (50) feet from Old Post Road. One hundred (100) feet from all other streets
Professional District	N/A

Within Business A and C Districts, a streetwall is defined through the setbacks of structures formed by the build-to line. No building should provide a front setback larger than the average of the front setbacks on lots abutting on either side, with a vacant lot (or a lot having no building within three hundred (300) feet from the building in question), or an intersection street being counted as though occupied by a building providing that required setback.

In Business Districts A, B, and C, this required setback may only be used for landscaping, public seating, circulation, signage and drives. The Board of Appeals can, subject to Special Permit, waive the requirement for a build-to line if this is necessary to provide public area for pedestrian circulation and seating, and to ensure that criteria for site design as identified in the "Design Guidelines for the Town Center Business District" are achieved.

Minimum setback from side or rear lot lines:

Business Districts A, B, and C	Twenty (20) feet from lot lines in any Residence District Ten (10) feet from all other lot lines
Business District D	One-hundred (100) feet
Professional District	Twenty (20) feet from lot lines in any Residence District Ten (10) feet from all other lot lines

In Business Districts A and C and in Professional Districts, no setback is required where two buildings are separated by a fire wall meeting the requirements of the Massachusetts State Building Code.

In Business Districts A and C and in Professional Districts, minimum separation between buildings on the same lot is ten (10) feet, except no separation is required where two buildings are separated by a fire wall meeting the requirements of the Massachusetts State Building Code.

In Business District D, separation between buildings on the same lot shall conform to the requirements set forth herein.

(1) Buildings shall be clustered in groups and the minimum separation between building clusters: two hundred (200) feet.

(2) Within a cluster of buildings, minimum building separation: twenty (20) feet Within a cluster of buildings, maximum building separation: one-hundred (100) feet

2465. Maximum Building Height:

Building height shall be as defined in the Massachusetts Building Code. Residential use in Business Districts and Professional District shall not exceed three (3) stories or forty (40) feet. All other uses shall not exceed the following limits:

Professional District: three (3) stories or forty (40) feet;

Business District A: three (3) stories or forty-five (45) feet;

Business District D: three (3) stories (excluding mezzanines as defined in the Massachusetts Building Code) or sixty (60) feet and further provided that the height of each story is limited to twenty-four (24) feet for retail and theatre use, to sixteen (16) feet for office use, and to thirteen (13) feet for all other uses.

All other uses: four (4) stories or sixty (60) feet

2466. Additional requirements for Business District D

a. Maximum permitted Floor Area Ratio (FAR): 0.20.

b. Maximum Floor Area Ratio may be increased to 0.25 by Special Permit from the Board of Appeals based upon a finding that the 0.05 FAR increase is consistent with the Special Permit criteria set forth in Section 6313 and with the requirements, design requirements, and performance standards of Sections 2327, 2328, and 2329.

c. No less than fifteen (15) percent of the gross floor area used for retail purposes shall be reserved for retail stores occupying eight thousand (8,000) sq. ft of floor area or less and all retail stores shall have direct access to driveways, pedestrian ways, or parking areas. Not less than ten (10) percent of the total building floor area on each lot shall be planned for business and professional office use.

d. For each lot, the permitted gross floor area of community service and commercial uses shall not exceed four hundred fifty thousand (450,000) sq. ft.

e. Except as provided in paragraph f below, the maximum permitted gross floor area of each building shall not exceed sixty thousand (60,000) sq. ft.

f. For each lot, two commercial buildings with a maximum gross floor area of eighty thousand (80,000) sq. ft. and one additional commercial building with a maximum gross floor area of seventy-five thousand (75,000) sq. ft. are permitted at least one of which shall be a supermarket, other retail food store, or a movie theatre complex.

g. In Business District D, there shall be a no cut line extending fifty feet from Walpole Street. Existing trees shall be supplemented by in planting with evergreen trees and shrubs to create a dense vegetative screen. A 6 foot high unfinished cedar board fence shall be placed approximately 40 feet off the street line to provide supplemental screening.

2467. Residential Buildings: In Business Districts A and C and in Professional Districts, there shall not be more than one (1) building used wholly or in part for residence on any one lot.

Amend Section 3111

Amend Section “3111. Number of Parking Spaces Required” by inserting after the phrase “For bowling alleys: two (2) parking spaces per bowling alley” the following:

In Business District D:

Hotel	One (1) parking space per room or suite.
Business and professional office	Four (4) parking spaces per one-thousand (1,000) sq. ft. of gross floor area

Amend Section 3114

Amend Section “3114. Location and Width of Curb Cuts” by deleting the last paragraph and replacing it with the following:

No curb cut shall be less than twelve (12) feet or more than thirty (30) feet in width. For business uses, curb cut width may be increased as part of Site Plan Review based upon standard traffic engineering practice.

Replace Section 4230

Delete Section “4230. Apartments in Business Districts” only and replace it with the following without changes to subsections 4231 through 4236 thereof.

4230 Business Districts A, B, and C. Apartments in excess of two (2) dwelling units, including services related thereto, over non-residential establishments may be authorized

in Business Districts A, B and C on Special Permit from the Board of Appeals, provided that no dwelling unit shall be located below the second floor, in accordance with the following:

Replace Paragraph 4531c

Delete paragraph 4531c and replace it with the following:

c. municipal sewage treatment facilities (Publicly Owned Treatment Works), not including sewer lines, pump stations and other accessory sewer system equipment used to transport sewage to treatment facilities located outside of the Water Resources Protection District;

Replace Paragraph 4531d

Delete paragraph 4531d and replace it with the following:

d. package sewage treatment plants, except on-site wastewater treatment authorized by a Groundwater Discharge Permit as set forth in 2329;

Replace Paragraph 4532a

Delete paragraph 4532a and replace it with the following:

a. any activity that involves the use, manufacture, storage, transportation or disposal of toxic or hazardous materials in quantities greater than reasonably associated with normal household use, provided; however, that in Business District D, the storage of hazardous materials in sealed containers of five (5) gallons or less normally included in the inventory of retail stores if authorized by all other provisions of this Bylaw shall not require a Special Permit;

Replace Paragraph 4532d

Delete paragraph 4532d and replace it with the following:

d. on-site disposal of industrial wastewater or sewage generation exceeding six (6) gallons per day per one-thousand (1,000) sq. ft. of lot area or ten-thousand (10,000) gallons per day total except as set forth in 2329. In a residence, waste water generation is 110 gpd per bedroom.

Replace Section 4534

Delete Section “4534. Stormwater Management” and replace it with the following:

4534. Storm Water Management. Site design shall comply with the provisions of the Stormwater Discharges Generated By Construction Activity General By-Law of the Town and further shall comply with all provisions of the Massachusetts Department of Environmental Protection’s *Stormwater Management Policy* (November 18, 1996, minor revisions March 1997)

whether or not the site is otherwise subject to the Massachusetts *Wetlands Protection Act (MGL Ch 131 §40)*. Site design shall result in no increase in the peak rate of storm water runoff for the ten (10) year frequency storm event. Site design shall result in no increase in the total volume of storm water runoff for the one (1) year frequency storm event. Following removal of contaminants, runoff shall be directed towards areas covered with vegetation for surface infiltration. Catch basins, stormdrains, and stormwater leaching structures shall be used only where other methods are infeasible, and where such devices are used, shall employ oil/particle separators and other anti-pollution devices and storm water retention/detention basins. Prior to discharge to vegetated surface infiltration areas or to stormwater leaching structures, stormwater shall be treated to remove eighty (80) percent of the Total Suspended Solids (TSS) and shall also be treated in a structure to remove petroleum based contaminants. All sites shall be subject to an Operation and Maintenance Plan using Best Management Practices pursuant to Massachusetts Department of Environmental Protection practice.

Replace Section 4535

Delete paragraph 4535 and replace it with the following:

4535. Impervious Materials Coverage. Except by Special Permit from the Board of Appeal, impervious materials shall not cover more than fifteen (15%) percent of the lot area and not less than thirty (30) percent of the lot area in Business District D and not less than forty (40) percent of the lot area in all other districts shall be maintained as a natural vegetation area. In evaluating a Special Permit for an increase in impervious areas above this limit, consideration shall be limited to a determination that any increase in the total volume of storm water runoff for the one (1) year frequency storm event will be recharged on-site in compliance with 4534.

The natural vegetation area shall be located so as to maximize the distances between impervious surfaces or on-site disposal systems and any surface water body or municipal well. This section shall not apply to the proposed activities involving residential structures of four families or less or uses or structures accessory thereto, nor shall it apply to any otherwise permissible use on a lot of 40,000 square feet or less.

Amend Article V

Amend “Article V. Definitions” by inserting after the definition of “Floor Area, Habitable” the following:

Floor Area Ratio. The “Gross Floor Area” (as defined below) of all buildings on a lot divided by the “Lot Area” (as defined below).

Amend Section 6220

Amend Section “6220. Powers” by inserting following the last section thereof new sections as follows:

6225. Consultants. To facilitate review of an application for a Special Permit or

Variance or an Appeal, the Board of Appeal may engage outside consultants in accordance with 6340.

6226. Rules & Regulations. The Board may by majority vote adopt rules and regulations and may impose fees for any application.

Replace Section 6234

Delete Section “6234. Review Fees” and replace it with the following:

6234. Consultants. To facilitate review of an application for a Comprehensive Permit, the Board of Appeal may engage outside consultants in accordance with 6340.

Add Section 6240

Insert following 6236b., a new section as follows:

6240. Design Review Committee

To assist in fulfilling its responsibilities for Site Plan Review, the Board of Appeal shall appoint a Design Review Committee which shall serve at the will of the Board of Appeal. The Design Review Committee shall serve in an advisory capacity and shall provide guidance and counsel to the Board of Appeals with respect to architectural, site design, landscape, signage, aesthetic, and visual quality concerns. Persons appointed to the Committee shall be selected based upon ability and competence to advise the Board of Appeal on architectural, site design, landscape, signage, aesthetic, and visual quality matters and may have education in the disciplines of architecture, landscape architecture, art, graphic arts, and related fields. The Design Review Committee shall consist of five (5) members. Minutes of all meeting shall be submitted to the Board of Appeals for review. Reports to the Board of Appeal shall be submitted upon majority vote of the Design Review Committee.

Amend Section 6313

Amend Section “6313” be renumbering paragraphs “j”, ”k”, ”l”, and ”m” as paragraphs “k”, “l”, “m”, and “n” respectively and by inserting after paragraph “i. Measures to minimize adverse impacts on public and private water supplies” the following:

j. If within Business District D, the extent to which buildings exceeding the gross floor area and footprint limitations of 2466 satisfy the requirements, design requirements, and performance standards of 2327, 2328, and 2329 in a manner comparable to buildings permitted by 2322 and 2323.

Replace Section 6320

Delete Section “6320. Site Plan Approval” and replace it with the following:

6320. Site Plan Review.

6321. Approved Site Plan. In all instances where site plan approval is required, no building or structure shall be erected, moved or externally enlarged and no area for parking, loading or vehicular services (including driveways giving access thereto) shall be established or changed, except in conformity with a duly endorsed site plan.

6322. Board of Appeal. Unless specifically designated otherwise, the Board of Appeal is authorized to grant Site Plan Approval. Site Plan Review is a tiered process which provides additional requirements for larger projects which have greater potential to cause significant impacts. Site plan review requirements are as follows:

Site Plan Review (SPR)

Major Site Plan Review (MSPR)

6323. Applicability. Site Plan Approval under the requirements of this subsection is required in the following cases:

a. Site Plan Review (SPR) is required for the following projects:

- (1) In Business District B and Light Industrial Districts, site plan for projects exceeding ten (10) acres.
- (2) In Light Industrial Districts, site plan for any motel, hotel or motor truck sales and service facility, regardless of plan area.
- (3) In Business District A, site plan for projects with more than twenty (20) parking spaces on one lot or in one shared parking area, the criteria established in Section 6335 for site plan review shall be used in lieu of those identified for residential area in Section 6324.
- (4) In Professional Districts, site plans for all projects other than one single family home on a lot.

b. Major Site Plan Review (MSPR) is required for the following projects.

- (1) In Business Districts D, site plans for all projects.

c. Coordinated Review is required under the *Storm Water Discharges Generated by Construction Activity General Bylaw* in all districts for site plans that disturb in excess of one (1) acre of land. For the purposes of this Subsection, the designation “disturb” shall mean any land area which, according to the plan, will be subject to any activity such as clearing, grading and excavating that exposes soil, sand, rock, gravel or similar earth material.

6324. Reports to the Board of Appeal

a. Within ten (10) days following receipt of a duly submitted site plan, the Board of Appeals shall transmit one copy thereof to the Design Review Committee. The Design Review Committee shall investigate the case and report in writing its recommendations to the Board of Appeals. The Design Review Committee may seek pertinent information from other Town officials or boards and may request additional information from the applicant. The Board of Appeals shall not take final action on said plan until it has received a report thereon from the Design Review Committee, or until the Design Review Committee has allowed forty-five (45) days to elapse after receipt of such plan without submission of a report thereon.

b. Within ten (10) days following receipt of a duly submitted site plan, the Board of Appeals shall transmit one copy thereof to the Planning Board. The Planning Board shall investigate the case and report in writing its recommendations to the Board of Appeals. The Planning Board may seek pertinent information from other Town officials or boards and may request additional information from the applicant. The Board of Appeals shall not take final action on said plan until it has received a report thereon from the Planning Board, or until said Planning Board has allowed forty-five (45) days to elapse after receipt of such plan without submission of a report thereon.

6325. Consultants.

To facilitate review of an application for a Site Plan, the Board of Appeal may engage outside consultants in accordance with 6340.

Consultants may be engaged to review any or all components of the site plan submission or any offsite improvements proposed in conjunction with the project. For projects requiring issuance of State or Federal permits, the Board of Appeal may select a peer review consultant to review submissions to the State or Federal agency and to represent the Town before these agencies to protect the Town's interests.

6326. Site Plan Review Submissions. Applications for Site Plan Review (SPR) shall include the following:

a. Applicants are encouraged to submit a sketch plan of proposed projects prior to formal site plan submission.

b. Site plan submissions shall be prepared by a multidisciplinary team. The drawings shall be signed and sealed by a Massachusetts civil professional engineer (PE), a Massachusetts professional land surveyor (PLS), and a Massachusetts registered landscape architect (RLA).

c. Site plans shall include a cover sheet, layout sheet, grading and drainage sheet, traffic control sheet, landscaping sheet, lighting sheet, photometric sheet, construction details sheet, a construction phasing sheet, and a sedimentation and erosion control sheet.

d. Site plans shall conform to the requirements of the Board with respect to scale, dimensions, legend, form and preparation acceptable to the Board. The Board may promulgate submission standards and requirements for site plan submission. Site plans shall be drawn at a

suitable scale and layout shall be tied to the Mass State Coordinate System and elevations shall be on North American Vertical Datum (NAVD 88).

e. Existing conditions shall be based on an on the ground survey based on fieldwork performed no more than two years prior to submission.

f. Said site plan shall show, among other things, all existing and proposed buildings and structures and their uses, means of building egress, parking areas, access drives, loading areas, refuse and other waste disposal facilities and dumpsters, driveway openings, driveways, service areas and all other open space areas, zoning summary table, accessible parking spaces, and accessible routes.

g. Existing and proposed grading shall be shown with one foot contours and spot grades. Earthwork quantities, geotechnical investigations, and foundation engineering reports shall be provided as required by the Board of Appeal.

h. Site plan shall show all facilities for sanitary sewer collection systems, wastewater treatment systems, stormwater management systems, stormwater collection systems, water storage and supply systems, fire protection systems, site lighting, lighting and pole details, lighting photometric, and cable utility systems.

i. Site plans shall include landscape plan and detail sheets showing all hardscape and planting elements. Site lighting fixture locations shall be shown for coordination purposes. Use of native plant materials is encouraged. Plants included on the Massachusetts Department of Agriculture's Massachusetts Prohibited Plant List shall not be used. The drawings shall show the quantity, location, species, and height or caliper of all trees and shrubs and the species, size, and quantity of all groundcovers. Construction details shall be provided for all structures and hardscape elements and planting details shall be provided for coniferous and deciduous trees and shrubs of each size.

j. Drainage calculations and a narrative report shall be submitted detailing runoff under existing predeveloped conditions and under future post development conditions and should identify changes in the peak rate and total volume of stormwater runoff for the 1, 2, 10, 25, and 100 year frequency storm events.

k. Architectural plans and elevations for all structures shall be submitted, signed and sealed by a Massachusetts Registered Architect (RA).

l. A complete sign package shall be submitted including all advertising and way finding signage. All wall signs and free standing signs shall be shown. Sign plans and details shall show locations, dimensions, colors, materials, finishes, methods of illumination and illumination levels, and methods of structural support.

m. In addition, the Board of Appeal will establish a "Scope" detailing the design, fiscal, environmental, and community issues to be evaluated based upon the likely impacts of the proposed project. The Scope of each study shall be proportional to the significance of related impacts on the site and Town.

6327. Major Site Plan Review Submissions. Applications for Major Site Plan Review (MSPR) shall include the following:

- a. All requirements of 6326.
- b. A traffic study conforming to the EOEAEOTC *Guidelines EIR/EIS Traffic Impact Assessment* (1989). The Traffic Study Area (TSA) shall encompass all intersections within three thousand feet of the project boundary, all major intersections whose peak hour traffic volumes are increased by 200 or more vehicle trips, and other locations included in the Scope established by the Board of Appeal. Traffic shall be evaluated for the Existing Case, the No-Build Plus 5 Year Case, and for the Build Plus 5 Year Case. The No-Build Plus 5 Year Case is defined as conditions existing five years following issuance of all required approvals under this Bylaw including required Site Plan Approval, Special Permit, or variance excluding project generated traffic. The Build Plus 5 Year Case is defined as conditions existing with full build out and occupancy of the project five years following issuance of all required approvals under this Bylaw including required Site Plan Approval, Special Permit, or variance including all project generated traffic. Level-of-service shall be determined in accordance with the Transportation Research Board's *Highway Capacity Manual*. Trips shall be distributed and traffic assigned to specific facilities using origins and destinations set forth in a market study prepared for the project. In the absence of a market study, the Board of Appeal may require that a market study be submitted or may require that origins and destinations be established through a gravity model.
- c. Plans for roadway and intersection upgrades for all roadway segments and intersections within the Traffic Study Area as defined in paragraph b sufficient to provide level-of-service D or better under the Build Plus 5 Year Case for the AM peak hour, the PM peak hour, and the Saturday peak hour.
- d. In addition, the Board of Appeal will establish a "Scope" detailing the design, fiscal, environmental, and community issues to be evaluated based upon the likely impacts of the proposed project. The Scope of each study shall be proportional to the significance of related impacts on the site and Town. Analyses may include any of the following:
 - (1) Construction impacts and truck traffic shall be provided for sites disturbing over 5 acres.
 - (2) Acoustical studies shall be provided where roof top mechanical equipment is proposed or where the proposed use will generate noise when said building or use is within 500 feet of residences.
 - (3) Air quality studies shall be provided where intersections in the traffic study area will operate at level-of-service E or F.
 - (4) Groundwater flow including geohydro models and aquifer recharge studies where on-site wastewater disposal exceeds 5,000 gallons per day or where more than 40,000 sq ft. of impervious material will be placed within a Water Resource Protection District..
 - (5) Visual quality and aesthetic studies shall be provided for projects exceeding 60,000 sq. ft. of gross floor area.

- (6) Fiscal impact and property tax studies shall be provided for projects exceeding 60,000 sq. ft. of gross floor area.
- (7) Infrastructure studies shall be provided for projects exceeding 60,000 sq. ft. of gross floor area.

6328. Criteria. In determining whether Site Plan Approval should be granted, the Board should consider the following:

- a. The extent to which the site plan protects adjoining premises and on-site residential uses against any possible detrimental or offensive uses on the site, including unsightly or obnoxious appearance;
- b. The extent to which the site plan provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent street, property or improvements;
- c. The extent to which the site plan provides adequate methods of disposal for sewage, refuse or other wastes resulting from the uses permitted or permissible on the site, the methods of drainage for surface water, and of provisions for the removal of snow from circulation and parking areas;
- d. The extent to which the site plan provides adequate parking and street loading facilities;
- e. The extent to which the site plan promotes public safety in terms of adequate fire and police protection and access.
- f. If within the Surface Water Resource Protection District, the extent to which the site plan incorporates measures to minimize cumulative impacts on Lake Massapoag and its tributary streams, including consideration of nitrate-nitrogen loadings. All related information to be provided and distributed by the applicant.
- g. If within the Ground Water Resource Protection District, , the extent to which the site plan incorporates measures to minimize cumulative impacts on municipal water supplies, including consideration of nitrate-nitrogen loadings. All related information to be provided and distributed by the applicant.

6329. Additional Criteria for Business District D.

- a. The extent to which the site plan fulfills the objective of the Business District D to provide a New England village style development accommodating retail, office and uses otherwise permitted within free-standing residential scale structures.
- b. The extent to which proposed structures reflect New England's architectural heritage.
- c. The extent to which nearby buildings have distinct but harmonious architectural elements.
- d. The extent to which the site plan provides grouped buildings that are visually distinct and separate.

- e. The extent to which high quality landscape elements and amenities are provided within the public open spaces within building groups.
- f. The extent to which each parking field is visually distinct and the extent to which unbroken and monotonous expanses of pavement are avoided.
- g. The extent to which roadways serving the site conform to Collector Street Standards.
- h. The extent to which annual recharge for the Build Case exceeds annual recharge for the Existing Case.
- i. The extent to which peak hour levels-of-service at intersections within the Traffic Study Area operate at level-of-service D or higher under the Build Plus 5 Year Case.
- j. The extent to which on site wastewater treatment allows groundwater to meet Massachusetts Drinking Water Standards at the property line.
- k. The extent to which rooftop mechanical equipment shall be visually screened and acoustically buffered and to which day-night average sound levels do not exceed sixty-five decibels (65 dBs) at the property line.

Add Section 6340

Insert following 6337b., a new section as follows:

6340. Outside Consultants

6341. Consultants. In the course of exercising its powers under this *Bylaw*, the Board of Appeal may engage outside consultants for peer review of submissions or for construction observation. Consultants are selected by majority vote of the Board of Appeals. To the extent practicable, the Board shall work cooperatively with the applicant to identify appropriate consultants. Applicants are responsible for payment of consultant fees.

6342. Review Fees.

Applicants shall reimburse the Town for the fees and expenses of outside consultants engaged by the Board of Appeal. Fees shall be paid prior to inception of each phase of the work. Escrow accounts shall be replenished within 7 days following receipt of notice. Failure to pay fees in accordance with the aforesaid shall be deemed to constitute withdrawal of the project. Fees shall be deposited in a special account established by the Town Treasurer pursuant to MGL. c. 44 § 53G. These funds may only be expended only for the purposes described in Section 4.02 above, and in compliance with the Uniform Procurement Act, M.G.L. c 30B, §§ 1-19. Within thirty (30) days of completion of the project or of withdrawal the proposal, applicants shall receive a final report of funds in the special account and shall be paid any unspent excess in the account, including accrued interest. The Town Accountant shall submit annually a report of the special

account to the Board of Selectmen and Executive Secretary Town Administrator for review and for publication in the Sharon Annual Report.

Review related fees will only be imposed if the work constitutes peer review of materials prepared on behalf of the applicant and not of independent studies performed on behalf of the Board; if the work is performed in connection with the applicants' specific projects; and if the findings and reports are made part of the public record.

Procurement of outside consultant services shall comply with the Uniform Procurement Act, M.G.L., c. 30B, s. 1-19, and with the following additional requirements:

- (1) the applicant shall be given five (5) days' notice and opportunity to attach written comments to the invitation for bids or request for proposals;
- (2) at least three (3) bona fide bids or proposals shall be solicited; and
- (3) the applicant shall be given five (5) days' notice and opportunity to comment on all bids or proposals prior to the selection of the consultant and the award of a contract.

Bona fide bids or proposals shall include: the name of each person performing the work, the educational and professional credentials of each person performing the work; the work experience of each person performing the work; a description of the work to be performed; the hourly rate charged by each person performing the work; and all other expenses to be incurred. Any invitation for bids or request for proposals shall indicate that award of the contract is contingent upon payment of a review fee. If the applicant fails to pay the review fee within ten (10) days of receiving written notification of selection of a bidder or offer, the Board may deny the comprehensive permit.

Fees assessed pursuant to this section shall be reasonable in light of: the complexity of the proposed project as a whole; the complexity of particular technical issues; the number of housing units proposed; the size and character of the site; the projected construction costs; and fees charged by similar consultants in the area. Generally fees will not exceed amounts that would be expended by the Town to review a comparable project.

6343. Appeal of Selection.

Prior to paying the review fee, applicants may appeal selection of a particular consultant to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist either of an educational degree in or related to the field at issue or three (3) or more years of practice in the field at issue or a related field. The required time limits for action upon the application by the Board shall be extended by the duration of the appeal. In the event that no decision is made by the Board of Selectmen within one (1) month following the filing of the appeal, the selection made by the Board shall stand, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 2

To see if the Town will vote to amend the zoning by-law by amending the map entitled "The Town of Sharon, Massachusetts - Zoning Map" dated May 10, 2001 prepared by and bearing the signatures of the Planning Board by changing from the current Single Residence A district to a new zoning Business District D the following described property:

Those several parcels of land bounded generally by Interstate I-95 to the west, by South Walpole Street to the north, by Old Post Road to the east, and by South Main Street to the south.

The parcels proposed to be rezoned are shown on the Assessor's maps as: Map 57, blocks 24, 22, 4, 5, 6 and 2. The total area to be rezoned is approximately 2,500,000 square feet, more or less.

A copy of plan showing the land to be rezoned is on file with the Town Clerk, or to take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 3

To see if the Town will vote to amend Article 12, Sign By-Law of the General By-Laws as follows:

By adding at the end of Section 5.4.1 Permanent Wall Signs, subsection "b Area" the following: "The foregoing sentence notwithstanding, the maximum area of each wall sign in the zoning district "Business District D" shall be one hundred fifty (150) square feet."

And by adding the following new section 5.4.2 (d):

The foregoing provisions of Section 5.4.2 notwithstanding, each permanent projecting or freestanding sign located in the zoning district "Business District D" may have an area equal to eighty (80) square feet for every fifty thousand (50,000) square feet of floor area located within the project which said sign identifies, and may also have a height equal to the maximum height permitted for buildings located in said zoning district "Business District D", or to take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 4

To see if the Town will vote to abandon and to release all of its right, title and interest in that certain easement granted to the Town by instrument of Hugh W. Byrd and Delvina C. Byrd, dated March 6, 1962, recorded at Norfolk Registry of Deeds in Book 3983, page 267.

Said easement granted to the Town the right and easement to access and to enter upon lands generally north of the cranberry bogs adjacent to Interstate Highway I 95 for the purpose of grading said lands, and spreading loam and topsoil. Said land is also shown as Lots 22 and 23 on Assessor’s Map 57. A copy of said easement identifying the access area and also the easement area, and the accompanying plan, are on file with the Town clerk.

And further, to authorize the Board of Selectmen to enter into such agreements, take all actions necessary thereto, and execute such documents as may be necessary to accomplish the foregoing, or to take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 5

To see if the Town will vote to accept and/or acquire by gift, for general municipal purposes, including without limitation water supply and resource preservation and protection including wellhead protection purposes, or any combination of such purposes, the fee in the following parcel of land or portions thereof:

The property in Sharon, Mass. Shown as parcel B on “”Plan of Land in Sharon, dated Nov. 25, 1960, by the Schuyler Clapp Company filed with Norfolk Deeds as plan 1477-1969, Plan Book 210.

Said parcel consists of 12.85 acres, more or less, and is shown as Assessor’s Map 47, lot 6 and is more fully described in Deed from Hugh W. Byrd and Delvina C. Byrd to Frank N. Gobbi, dated January 26, 1970 and recorded in Norfolk Registry of Deeds, Book 4779, page 78, or as the same may be more particularly described.

Copies of said plan and of said deed are on file with the Town Clerk

And further to authorize the Board of Selectmen as Water Commissioners or the Board of Selectmen to enter into such agreements, accept such deeds or other instruments, and execute such documents as may be necessary to accomplish, or to act in any way relative thereto.

BOARD OF SELECTMEN

Hereof fail not, and make due return of this Warrant with your doings thereon, at the time and place of meeting aforesaid.

Given under our hands this 13th day of February, A.D., 2007

WILLIAM A. HEITIN, CHAIR

WALTER JOE ROACH

RICHARD A. POWELL

BOARD OF SELECTMEN

SHARON, MASSACHUSETTS

A True Copy: JOSEPH S. BERNSTEIN, Constable

Sharon, Massachusetts

Dated: