



OPEN WARRANT MEETING

Monday, November 7, 2005

7:30 P.M.

**Sharon Town Offices
Hearing Room
(Lower Level)**

INFORMAL DISCUSSION OF SPECIAL ARTICLES

WARRANT INTRODUCTION

This year's Special Fall Town Meeting will provide the voters of Sharon the opportunity to address several important issues that will affect the future of the Town, including the Community Center renovation, first steps in the rehabilitation of the Wilber School, and the restructuring of the Board of Selectmen.

Article 1 will ask the Town's voters to decide on the future of the Community Center. Last May the Town voted to appropriate funds to produce design documents for this project. These efforts have resulted in a proposal to request approximately \$9.5 million to restore the facility to full use in addition to providing a home for a new Senior Center.

Article 2 requests funds to remove asbestos and hazardous waste from the Wilber School. The intent of this effort is to pave the way for potential future use of this building, currently being reviewed by the Wilber Reuse Committee.

A citizen's petition to expand the Board of Selectmen from three to five members is also being brought forward. Although this is not the first attempt to initiate such a change, there appears to be new support for this initiative at this time.

This year's Fall Meeting has fewer articles than previous years and occurs later in the year. These factors have allowed for more informed deliberations by all the boards involved. Still, there is never enough time or information to present all the facts in the warrant. For this reason, it is imperative that everyone attempts to become as educated as possible before attending Special Town Meeting.

The Open Warrant meeting will be held on November 7th. On that date, everyone is welcome to come to the Finance Committee meeting to review all warrant articles and ask questions. Additionally, other public meetings will be held to review the important items that will be presented on November 14th.

THE FINANCE COMMITTEE

Charles Goodman, Chair; Ira Miller and Jonathan Hitter, Vice-Chairs;
Gloria Rose, Clerk; Joel Alpert, Maria Anderson, Boris Deychman,
Michael Feldman, Brian Fitzgerald, Kenneth Goldberg,
Joel Lessard, Gregory Sydney

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 14th of November 2005, at 7:00 P.M., and there to act on the following articles:

ARTICLE 1

To see if the Town will vote to raise and appropriate a sum of money for the remodeling, reconstruction and extraordinary repairs to the Community Center and for the purchase of additional departmental equipment for the Community Center; and to determine whether this appropriation shall be raised by borrowing or otherwise, and further to determine whether or not such appropriation shall take effect only if the Town votes at an election held in accordance with Massachusetts General Laws Chapter 59, section 21C to exempt any debt raised for these purposes from the provisions of Proposition 2 ½;

And further to authorize the Board of Selectmen to file pre-applications and applications, including but not limited to, applications for grants for the construction, remodeling, reconstruction and extraordinary repairs to the Community Center for uses, including without limitation, as a Senior Center; and to authorize the Board of Selectmen to take such actions and file such other pre-applications and applications as may be appropriate and necessary to obtain funds for such construction, remodeling, reconstruction and extraordinary repairs, and such other funds to which the town may be eligible; and to appropriate and to authorize the Board of Selectmen to expend funds received or to be received by the town as a result of any said applications.

Or to take any action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

At the Finance Committee meeting on October 17, 2005, the Chairman of the Standing Building Committee presented an estimated cost of \$9,500,000 for the remodeling, reconstruction and extraordinary repairs of the Community Center. He stated that he will have updated information on the project estimate on November 1, 2005.

The Finance Committee will make its recommendation at Town Meeting.

ARTICLE 2

To see if the Town will vote to raise and appropriate a sum of money for the cost of hazardous waste and/or asbestos removal from the Wilber School building site; and to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto.

**BOARD OF SELECTMEN AND
WILBER SCHOOL REDEVELOPMENT COMMITTEE**

FINANCE COMMITTEE RECOMMENDATION:

This article would fund the removal of hazardous waste and asbestos from the Wilber School property. In the middle of Sharon center sits the Wilber School. Closed more than 25 years ago, the building has been through numerous proposals, sold, bought back and left vacant to deteriorate.

Over the years, the issue of removal of the hazardous material has been raised. Why should we take action now? The Wilber Reuse Committee supports this initiative to make the property more attractive for future use. They believe that potential buyers might not want to assume the risk of dealing with the cleanup.

Some members of the Finance Committee feel that there is a risk in taking no action to abate the hazardous waste. They fear that if there were a catastrophic event such as a fire or building collapse, the problem could become much worse as the hazardous material would be released, greatly inflating the cost of remediation.

Other members of the Finance Committee believe that this issue should be dealt with at the annual Town Meeting, when the request can be weighed against other important capital needs, such as the final cost of the Community Center rehabilitation.

The cost of this project is estimated not to exceed \$500,000.

Finance Committee vote was 5 - 3 - 2 in favor of this article.

ARTICLE 3

To see if the Town will vote to fund any or all of the collective bargaining agreements separately negotiated by representatives of the Town with: 1. The Management Professional Association/Middle Managers Association; 2. The Sharon Municipal Employees Office Occupation Association; and 3. The Department of Public Works, AFSCME, and to raise and appropriate a sum of money to supplement the terms of said agreements, and to determine whether to meet said appropriations by taxation or by transfer from available funds; or to take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee will make its recommendation at Town Meeting.

ARTICLE 4

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to supplement the amounts appropriated at the annual town meeting for the law budget, or to take any other action related thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

This article if passed would allow additional funds to be raised and added to the Selectmen’s budget for legal expenditures in our current FY’06.

During the annual review of the Selectmen’s sector budgets for FY’06, the Finance Committee noted that in light of the fact that a Reserve Fund transfer was needed for FY’05, the amount budgeted for FY’06 legal expenses was insufficient and would necessitate another Reserve Fund transfer request at the end of FY’06. The Finance Committee recommended that due to the increased development activities within the Town and their accompanying need for legal services, a higher amount for the law budget would be justified, in fact, necessary. It was further discussed that the case for another Reserve Fund transfer in FY’06 would be more difficult to make under the theory of “extraordinary and unforeseen” and that funds should be allocated from the Selectmen’s sector.

The Finance Committee agrees with the position taken by the Priorities Committee last year and feels strongly that the estimates used in all town budgets be as accurate as possible. In this case the committee feels the legal funds were underbudgeted and should come from the Selectmen’s overall budget.

The Finance Committee vote was 9-0 in favor of indefinite postponement.

ARTICLE 5

To see if the Town will vote to increase the number of selectmen from the current three members to five members, or to take any other action relative thereto.

Marjorie L. Asnes

FINANCE COMMITTEE RECOMMENDATION:

This initiative proposes to increase the number of members serving on the Board of Selectmen from three to five. This article also appeared last May at the Annual Town Meeting. At that time the Finance Committee recommended and a majority of voters in attendance voted for indefinite postponement. Now, current deliberations have brought forth many arguments that influenced FinCom members to vote in favor of this article.

There are a variety of reasons to vote in favor of this change. First, a board of five members would allow for more full and open discussions. The dynamics of a three-member board has the potential to limit the ability to fully discuss matters when there is a divergence of opinion. Second, in a town that values its diversity, we would be more likely to see that diversity reflected

on a board comprised of five members. Third, there are many communities with five-member boards of selectmen, including Canton, Stoughton, Dedham, Easton, and Norwood.

The most compelling argument made to support this article is the fact that the Town of Sharon is facing more and more issues that require more and more time and effort of our elected officials. One only has to review the Board of Selectmen agendas and minutes of the past year to see that their workload is greater than ever. Attend any weekly Board of Selectmen meeting and you at once realize that more help is necessary to address the tasks at hand. The demands of real estate development, water issues, collective bargaining, housing production plans, 40(B), Community Center renewal, Wilber School revitalization, town facilities maintenance, the list goes on and on. These demands are in need of more attention than even the most capable Board of three selectmen could address in a timely manner. Five members would allow for more representation and coordination with other town committees and should lead to earlier action on many of these issues that have been languishing under the weight of the workload of this and past Boards.

A majority of Finance Committee members voting on this issue are convinced that to meet the current and growing needs of our community, the time has come to increase our Board of Selectmen to five members.

The Finance Committee vote was 5 – 3 - 1 in favor of this article.

ARTICLE 6

To see if the Town will vote to amend the Town's General By-Laws by adding a new Article 2A, entitled, "Boards, Commissions and Committees," which shall read as follows:

ARTICLE 2A

BOARDS, COMMISSIONS AND COMMITTEES

SECTION 1. No person shall serve as a voting member of any appointed or elected board, commission, committee, or other appointed or elected governmental body of the Town of Sharon who is not a resident thereof. The Board of Selectmen may waive this requirement in a specific case. If a member is no longer a resident of the Town, that individual shall be deemed to have vacated the position. Non-residency may be indicated by removal from the voter list, by a census update or by other means. Nonvoting members, if any, shall not be considered in determining the presence of a quorum and are not to be affected by this Article.

SECTION 2. This Article shall apply to any board, committee, commission or other body of the Town, however named or constituted, which is composed of two or more members and has been or is established pursuant to statute, these By-Laws, vote of the town meeting or vote of the Board of Selectmen. "Appointed board" shall mean a board any of the members of which are appointed by an appointing authority. "Elected board" shall mean any board the members of which are elected by the voters of the Town at a town election; or to take any action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

This article would limit membership on Town Boards, Commissions, and Committees to residents of Sharon. The objective of the Article is to restrict to Town residents the authority to make decisions that impact the fiscal and quality of life issues in Sharon.

The article would not impact any board or committee's authority to add technical advisors to their group. In fact these experts often make informational presentations and offer valuable opinions at Town Meetings, without the ability to vote. This option would continue to be available to the numerous town entities.

As written, the article would allow the Board of Selectmen to waive this requirement. After listening to testimony and much debate, a substantial majority of the Finance Committee could find no rationale for the exception and felt that to grant the Selectman ability to waive the residence requirement would dilute the aim of the Article.

The Finance Committee voted to support and present the article to Town Meeting without the waiver 7-2-1.

ARTICLE 7

To see if the Town will vote to amend Section 4360 of the Town of Sharon Zoning By-Laws, Conservation Subdivision Design, by making the following changes to the following sections below:

By adding a new subsection 4 to Section 4361, Purpose and Intent, which shall read as follows:

4. The Planning Board or Zoning Board of Appeals, as the case may be, shall give great weight and full consideration in its review of any CSD application to a determination by the Board of Health that approval poses an unacceptable threat to public health, drinking water quality or quantity, air quality, surface water quality or quantity, or by the Conservation Commission that approval poses an unacceptable threat to wetlands, or stream flow. In the event that the Zoning Board of Appeals or the Planning Board determines to grant such approval despite such a negative determination of the Board of Health or Conservation Commission, such approval shall contain specific findings which identify the reasons that said negative recommendation has not been followed.

The Board of Health and the Conservation Commission shall consult with the Water Management Advisory Committee, the Lake Management Committee, and other relevant boards and committees as appropriate in making this determination.

By amending Section 4364(1) to add at the end of the first sentence the following language: "and at a regular business meeting of the Board of Health, and, if the proposed CSD is located within the buffer zone of a wetlands, at a regular business meeting of the Conservation Commission." By adding to the third sentence after the words "Planning Board," the words "Board of Health and Conservation Commission". And by adding to the fourth sentence after the words "Planning Board," the words "Board of Health and Conservation Commission". And by adding to the fifth sentence after the words "Planning Board," the words "Board of Health and/or Conservation Commission" so that subsection 1 will read as follows:

1. Conference. The applicant is very strongly encouraged to request a pre-application review at a regular business meeting of the Planning Board and at a regular business meeting of the Board of Health, and, if the proposed CSD is located within the buffer zone of a wetlands, at a regular business meeting of the Conservation Commission. If one is required the Planning Board shall invite the Zoning Board of Appeals. The

purpose of a pre-application review is to minimize the applicant's costs of engineering and other technical experts, and to commence negotiations with the Planning Board, Board of Health and Conservation Commission at the earliest possible stage of development. At the preliminary application review, the applicant may outline the proposed CSD, seek preliminary feedback from the Planning Board, Board of Health and Conservation Commission and/or its technical experts, and set forth a timetable for submittal of a formal application. At the request of the applicant and at the expense of the applicant, the Planning Board, Board of Health and/or Conservation Commission may engage technical experts to review the informal plans of the applicant and to facilitate submittal of a formal application for a CSD special permit.

By amending Section 4364(2), subsection (a) to add to the first sentence, in parenthesis, the words "(including intersections)" in between the words "features" and "that" and by adding to the end of that sentence the words "or are in close enough proximity to be adversely affected." And by adding to the second sentence after the words "Planning Board" the words "Board of Health and Conservation Commission" and by adding to the end of that sentence the words "or what could happen to surface and ground waters, wetlands, water supplies or other environmentally sensitive features and traffic patterns that could be adversely affected by the subdivision." The resulting subsection (a) would read as follows:

- a. Site Context Map. This map illustrates the parcel in connection to its surrounding neighborhood. Based on existing data sources and field inspections, it should show various kinds of major natural resource areas or features (including intersections) that cross parcel lines or that are located on adjoining lands, or are in close enough proximity to be adversely affected. This enables the Planning Board, Board of Health and Conservation Commission to understand the site in relation to what is occurring on adjacent properties, or what could happen to surface and ground waters, wetlands, water supplies or other environmentally sensitive features and traffic patterns that could be adversely affected by the subdivision.

By amending Section 4366(A), subsection (a)(2)(m) by adding to the end of that sentence the words "and the CSD's impact on the quantity and quality of the town's water supplies." The resulting subsection (m) would read as follows:

- m. A narrative explanation prepared by a certified Professional Engineer, detailing the proposed drinking water supply system and the CSD's impact on the quantity and quality of the town's water supplies.

By amending Section 4366(A), subsection (a)(2) by adding the following new subsections and (s) as follows:

® narrative by a certified traffic engineer about the expected impacts on traffic, including back ups and idling at intersections that could adversely affect air quality.

(s) narrative by a certified professional engineer about the impacts of the proposed subdivision on water supply, quality and quantity, surface and ground water quality and quantity, and stream flow.

By amending (by numbering) the first four paragraphs of Section 4369 as follows:

4369. OPEN SPACE REQUIREMENTS

1. The amount of useable open space, percentage of useable open space allowed for recreational use and the minimum amount of natural vegetation in a CSD shall be determined by the size of the un-subdivided land area.

2. For CSD's from ten (10) to twenty-five (25) acres:

A minimum of forty (40%) percent of the lot shall be useable open space. A total of twenty (20%) percent of the useable open space can be used for recreational purposes. Building lots within this group shall have a minimum of fifteen (15%) percent natural vegetation.

3. For CSD's from twenty-six (26) to fifty (50) acres:

A minimum of forty-five (45%) percent of the lot shall be useable open space. A total of twenty (20%) percent of the useable open space can be used for recreational purposes. Building lots within this group shall have a minimum of fifteen (15%) percent natural vegetation.

4. For CSD's over fifty-one (51) acres:

A minimum of fifty (50%) percent of the lot shall be useable open space. A total of twenty (20%) percent of the useable open space can be used for recreational purposes. Building lots within this group shall have a minimum of fifteen (15%) percent natural vegetation.

By amending Section 4369(1)(a) by deleting the existing subsection (a) in its entirety and replacing it with the following new section 5 and subsection (a):

5. Requirements for open space

(a) The percentage of the minimum required open space that is wetlands shall not exceed the overall percentage of the tract which is wetlands.

By amending (by renumbering) Section 2. Ownership of the Open Space to read as follows:
Section 6. Ownership of the Open Space

By amending Section 4370, Design Standards, subsection (2) by adding the following new subparagraphs (I), (j), (k) and (l) as follows:

- (I) CSDs shall be designed so as to minimize traffic back ups that could cause or contribute to air pollution.
- (j) CSDs shall be designed to be as energy efficient as possible to minimize the use of fossil fuels for heating and cooling.
- (k) CSDs shall be landscaped with drought resistant vegetation so as to eliminate the need for irrigation, and pest resistant vegetation to eliminate the need for pesticides.
- (l) CSDs shall use water efficient toilets, washing machines, dishwashers, faucets, and showers to minimize water use, or to take any other action relative thereto.

BOARD OF HEALTH

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee will make its recommendation at Town Meeting.

ARTICLE 8

To see if the Town will vote to amend Section 4800 of the Town of Sharon Zoning By-Laws, Mixed Use Overlay District, by making the following changes to the following sections below:

By amending Section 4801(a) by adding the following language after the word “assets”:
“including drinking water supply quality and quantity, surface and groundwater quality and quantity, wetlands preservation and air quality,” so that the resulting subsection (a) would read as follows:

- (a) To promote mixed use development in accordance with the principles of “smart growth” which increases the availability of affordable housing, provides housing alternatives to meet local needs, promotes walkable neighborhoods, takes advantage of compact design, fosters distinctive and attractive village settings, preserves critical environmental assets, including drinking water supply quality and quantity, surface and groundwater quality and quantity, wetlands preservation and air quality, and supports economic revitalization in the town center and other commercial, transit-oriented locations.

And by amending Section 4801(b) by adding to the end of that sentence the following language: “water pollution control, water management, wetlands and other environmental and public health regulations and policies.” The resulting subsection (b) would read as follows:

- (b) To provide additional planning flexibility for projects located in the Town Center and other commercial locations in Town with regard to density and site design, while remaining consistent with the Towns’ Design Guidelines and water pollution control, water management, wetlands and other environmental and public health regulations and policies.

By amending Section 4815, Density, by deleting the existing section in its entirety and replacing it with the following new language:

The maximum number of units shall be limited by the more restrictive of the following factors: (1) the number of full-sized parking spaces which could be provided; (2) full compliance with the Board of Health and Zoning wastewater management regulations, or (3) full compliance with Conservation Commission Wetlands Regulations.

By amending Section 4820, Wastewater, by adding to the end of that sentence the following language: “approved by the Board of Health in accordance with all applicable regulations.” The resulting new Section 4820 would read as follows:

A plan for the treatment of wastewater from a proposed development in the MUOD must be approved by the Board of Health in accordance with all applicable regulations.

By amending Section 4855, Approval, by adding to the beginning of the first sentence, the following language: “With the exception of permits or orders issued by the Board of Health and the Conservation Commission,” so that the resulting Section 4855 will read as follows:

With the exception of permits or orders issued by the Board of Health and the Conservation Commission, the Planning Board shall be the special permit granting authority for MUOD developments, as well as the authority for site plan review. Authorization for any uses within an MUOD development which would require a Special Permit under underlying zoning shall be obtained through the Planning Board.

Or take any other action relative thereto.

BOARD OF HEALTH

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee will make its recommendation at Town Meeting.

ARTICLE 9

To see if the Town will vote pursuant to Article 34A of its General By-Laws to name the park area located at the end of Cedar Street, the “Doris Annis Memorial Park.” Said park area is more particularly described as follows and as shown on a map entitled “Annis Park Locus Map” which is on file with the Office of the Town Clerk:

The property is bounded on three sides by roadways. The northerly limit is bounded by Gunhouse Street. The westerly limit is bounded by Cedar Street. The easterly limit is bounded by Beach Street. The southerly limit runs parallel to Gunhouse Street and is approximately 70 feet south of the curb line of Gunhouse Street. The park area comprises an area of approximately 7650 square feet.

Or to take any other action relative thereto.

HISTORICAL COMMISSION

FINANCE COMMITTEE RECOMMENDATION:

Approval of this initiative brought forth by the Historical Commission would designate the park area at the end of Cedar Street in tribute to Doris Annis. Doris Annis was the founder of the Sharon Militia Company, a life member of the Sharon American Legion Auxiliary Unit 106 and longtime portrayer of Deborah Sampson.

The Finance Committee vote was 9-0 in favor.

ARTICLE 10

To see if the Town will vote to change the numbering of General By-Law 36 “Illicit discharge detection and elimination By-Law” to General By-Law 37 and to change General By-Law 37 “Stormwater discharges generated by construction activity By-Law” to General By-Law 38.

TOWN CLERK

FINANCE COMMITTEE RECOMMENDATION:

Acceptance of this article will correct the numbering of General By-Law 36 “Illicit discharge detection and elimination By-Law” to General By-Law 37 and to change General By-Law 37 “Stormwater discharges generated by construction activity By-Law” to General By-Law 38.

To correct numbering errors which occurred in Articles 10 and 11 of the Special Town Meeting of October 18, 2004, such articles must be resubmitted to the Attorney General's Office without any change except that the by-law created under Article 10 should be numbered By-Law Article 37 rather than By-Law Article 36 and the by-law under Article 11 should be numbered By-Law Article 38 rather than By-Law Article 37.

The Finance Committee vote was 9-0 in favor.

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 6th day of September, A.D., 2005

DAVID I. GRASFIELD, CHAIR

WILLIAM A. HEITIN

WALTER JOE ROACH

BOARD OF SELECTMEN
SHARON, MASSACHUSETTS

A True Copy: JOSEPH S. BERNSTEIN, Constable

Sharon, Massachusetts

Dated: September 6, 2005

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