

Added text

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Text moved but not revised.

- (i) The required site plan application filing materials for the Senior Living District Development is incomplete or
- (ii) The site plan is unreasonably inconsistent with the criteria and requirements set forth in this Section 4380 (unless otherwise waived) so that it admits of no reasonable solution. Failure of the Board of Appeals to make any determination within sixty days of its hearing, as such hearing may be extended by consent of the applicant, shall constitute a determination of consistency.

4388. Consultants.

To facilitate review of an application for a Site Plan, the Board of Appeals may engage outside consultants in accordance with Section ~~4390~~**4388**.

Consultants may be engaged to review any or all components of the ~~site plan~~**Site Plan** submission or any offsite improvements proposed in conjunction with the project. Additionally, for projects requiring issuance of State or Federal permits, consultants may be engaged to peer review submissions to the State or Federal agency and to represent the Town before these agencies to protect the Town's interests. Consultants may be engaged to observe construction of the site improvements authorized by ~~site plan~~**Site Plan** approval.

- (a) **Scope of Work.** In the course of exercising its powers under this Bylaw, the Board of Appeals may engage outside consultants for peer review of submissions, for peer review and representation in regard to state and federal permits and licensing, 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 and when appropriate shall seek input from the Planning Board, Board of Health, and Conservation Commission with respect to identifying appropriate consultants.

Applicants are responsible for payment of consultant fees.

(b) **Review Fees.** Applicants shall reimburse the Town for the fees and expenses of outside consultants engaged by the Board of Appeals. Fees shall be paid prior to inception of each phase of the work. Escrow accounts shall be replenished within 15 days following receipt of notice. Failure to pay fees in accordance with the aforesaid shall be deemed, after notice to the applicant, with an opportunity to cure, 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 be expended only for the purposes described in ~~above 4399~~ **Section 4388**(a), and in compliance with the Uniform Procurement Act, M.G.L. c. 30B, §§ 1-20. 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, ~~§§~~ 1-20, 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.

Consultants shall be qualified and where applicable duly licensed to evaluate

specific issues before the Board. 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.

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.

(c) **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.

4389. Enforcement and Implementation.

Any site plan approval issued under this section shall lapse within one (1) year if construction thereof has not commenced sooner, except upon application within one (1) year and for good cause shown. Such time period shall be extended upon request by the applicant for one (1) year. A Senior Living District Development may be constructed in multiple phases over time. Once construction of any portion of a Senior Living District Development has commenced, such site plan approval shall not lapse if the construction proceeds in phases in accordance with an overall project schedule of

completion.

4390. Recreation and Residential Overlay District (RROD).

4391. Recreation and Residential Overlay Requirements.

Recreation and Residential Overlay District Projects shall comply with the following:

a. Purpose. The purpose of the Recreation and Residential Overlay District is to enhance the public welfare by creating a viable residential community with the amenities afforded by an on-site golf course, Multiuse Clubhouse, and passive open space areas.

b. Eligibility. The site must be located within the Recreation and Residential Overlay District on the Zoning Map, Town of Sharon, Massachusetts.

c. Recreation and Residential Overlay District Projects require Site Plan Approval from the Planning Board pursuant to Section 4397.

d. Application. Recreation and Residential Overlay Districts shall be considered as superimposed on underlying zoning districts. A Recreation and Residential Overlay District Project shall conform to all other provisions of this Bylaw including other overlay districts except to the extent that use, dimensional, parking, loading, and design requirements are set forth in Section 4390. The Recreation and Residential Overlay District shall not restrict owners' rights relative to the underlying zoning district, including other overlay districts. However, if an applicant elects to develop a Recreation and Residential Overlay District Project, as evidenced by obtaining a building permit for any principal structure or proceeding with land disturbance for any site improvement requiring Site Plan authorization pursuant to Section 4390, then all development within the total Recreation and Residential Overlay District Project shall conform to the use, dimensional, parking, and loading requirements of Section 4390. To the extent there are inconsistencies between provisions of

Section 4390 and the provisions of any underlying district, the provisions of Section 4390 shall govern.

e. Active Open Space Requirements: Each application for Site Plan Approval for a Recreation and Residential Overlay District Project must provide a golf course that includes at least eighteen (18) holes having an average length exceeding 250 yards.

f. Restriction. Prior to issuance of an initial building permit for a Recreation and Residential Overlay District Project, the property owner shall cause a Restriction to be recorded in the Registry of Deeds or the Land Court in a form acceptable to Town Counsel prohibiting any Residential use or construction of residential living units on the golf course lot and on the Multiuse Clubhouse lot. Should the golf course be abandoned or should its owner determine that continued operation is considered not to be viable, ownership of the golf course lot shall be conveyed to the Town of Sharon in fee simple at no cost within ninety (90) days of such abandonment or determination. If the golf-course is not used for normal golfing purposes for at least 240 days in any calendar year, it shall be create a rebuttable presumption that the course has been abandoned; provided, however, that the 240 day period shall not include any non-use caused by the following, without limitation, and as examples only: weather delays, redesign of the golf course, or unanticipated and unusual water problems and other natural disasters.

g. Phasing. Recreation and Residential Overlay District Projects may be developed in two or more phases provided that each phase is independent and self-sufficient providing adequate access and utility service for all buildings and uses included in the phase and in any prior phases. Plans for phasing shall be shown on the Site Plan.

h. Sureties. The property owner shall post lot covenants, instruments of surety, insurance policies, letters of credit or similar securities as provided in the Town's subdivision regulations (hereinafter instruments) to be provided prior to the issuance of any building permits for each phase of the project, if applicable,

to the benefit of the Town of Sharon in a form acceptable to Town Counsel in amounts to be reasonably established by the Planning Board shall be posted in order to secure incomplete site infrastructure improvements. Release mechanisms for building permits shall be as provided in the Planning Board's subdivision regulations for release of lots.

i. **Green Development.** All site improvements shall incorporate the green development principles of energy efficiency and sustainability by including those Leadership in Energy and Environmental Design (LEED) Plan for Neighborhood Development (LEED ND:Plan) strategies set forth herein in the planning and design of the total Recreation and Residential Overlay District Project. Building design shall not subject to the requirements of this Section and inclusion of at least one certified green building shall not be required. LEED strategies to be included in the planning and design of the Recreation and Residential Overlay District Project are as follows:

(1) Open space shall be preserved by restricting the total lot area for Two-Family Dwelling and the Multiuse Clubhouse use and requiring a permanent restriction on development of the golf course lot.

(2) The development footprint shall be reduced by providing a compact Two-Family neighborhood plan that offers an effective alternative to low-density sprawling Single-Family development.

(3) Water Resources shall be protected by restricting development within the Groundwater Projection District of the Zoning By-Law.

(4) Housing diversity shall be increased by providing Two-Family Dwellings thereby increasing housing choices for Town residents.

(5) Infrastructure efficiency shall be facilitated by providing compact Two-Family development.

(6) Multimodal Access and vehicular safety shall be enhanced by providing Primary Access Drives that are signed for shared bicycle use, posted for low speed, and designed to include traffic calming measures.

(7) A healthy walkable neighborhood shall be encouraged by providing compact development and by constructing sidewalks and other walkways.

(8) Water Conservation shall be promoted by precluding use of potable water for irrigation and requiring that irrigation of the Two-Family Dwelling Units and the Multiuse Clubhouse must be subject to an Irrigation Management Plan.

(9) Sustainable use of materials shall be increased by requiring use of comparable recycled and locally sourced materials for construction of site improvements.

(10) Vehicle Miles Traveled (VMT) and energy use shall be reduced by providing a compact Two-Family development which limits the required length of the Primary Access Drive system in comparison to the roadway system required for a comparable Single-Family development.

(11) Existing drainage patterns shall be preserved and water resources shall be protected by using Best Management Practices (BMPs) to limit runoff and reduce Total Suspended Solids and related contaminants.

j. Construction Requirements. Site improvements shall comply with the requirements of this paragraph provided; however, that these construction requirements may be waived by the Planning Board as part of Site Plan Review. Materials for site improvements shall comply with the Sharon Planning Board's Rules and Regulations Governing the Subdivision of Land and shall be recycled or locally sourced when comparable. Primary Access Drives shall have minimum pavement widths of twenty-two (22) feet and minimum centerline radii of fifty (50) feet. Segments of Primary Access Drives serving more than ten (10) dwelling units or serving the Multiuse Clubhouse shall have minimum pavement widths of twenty-

four (24) feet and minimum centerline radii of one hundred (100) feet. Pavement shall consist of four (4) inches of hot mix asphalt pavement, a three (3) inch thick dense graded base, and a twelve (12) inch thick gravel base with hot-mix asphalt curb or berm. The centerline of access drives shall be a minimum slope of one (1) percent and a maximum slope of seven percent (7%). A hot mix asphalt curb with a five (5) ft. wide walkway shall be provided along one side of the Primary Access Drive with a three (3) inch thick hot mix asphalt pavement with an eight (8) inch thick gravel base. Water distribution and sanitary sewer systems shall comply with the design requirements of the Planning Board Rules & Regulations. Cable utilities shall be installed underground. Stormwater management shall comply with Section 4394.

k. Operation and Maintenance Requirements. All infrastructure within the Recreation and Residential Overlay District Project shall remain forever private. Operation, maintenance, and repair of vehicle and pedestrian access facilities, parking and loading, utilities, stormwater management, sanitary sewer collection and treatment facilities, and landscaping shall be the responsibility of the property owner. Site Plan review shall establish the organizational structure, funding mechanisms, and responsibilities of organizations which may include one or more homeowners organizations responsible for infrastructure on the Two-Family lots, one or more business owners organizations if applicable responsible for infrastructure on the golf course and Multiuse Clubhouse lots, and an overall property owners organization responsible for infrastructure shared among the Two-Family, golf course, and Multiuse Clubhouse lots.

4392. Definitions.

The following terms shall have the meanings set forth herein notwithstanding any conflicting definitions in Article V:

Multiuse Clubhouse - A facility in one or more buildings grouped around a common parking area that includes a golf clubhouse if the project includes an operational golf course and may include one or more private facilities as follows: a sit down restaurant, function facility, or gymnasium/health

club/fitness center.

Primary Access Drive - A vehicular and pedestrian access facility including appurtenant utilities providing primary access to three or more buildings containing Two-Family Dwellings or to a building containing a Multiuse Clubhouse or to a parking facility for golf course users or any of the aforesaid.

Recreation and Residential Overlay District Project - A project located on one or more contiguous lots of land within the Recreation and Residential Overlay District and developed pursuant to the requirements of Section 4390 with Two-Family Dwellings, a Multiuse Clubhouse, a golf course, and open space used for active recreation and/or conservation purposes and with uses of land and buildings or dimensional, parking, and loading requirements governed by the provisions of Section 4390.

4393. Use Regulations.

Uses and accessory uses within a Recreation and Residential Overlay District shall comply with the following:

a. Permitted Uses:

- (1) Two-Family Dwellings (located in one or more buildings on a lot).
- (2) Golf course, golf driving range, and golf practice facility.
- (3) Multiuse Clubhouse
- (4) Gymnasium/health club/fitness center
- (5) Tennis courts
- (6) Swimming pool.

b. Permitted Accessory Uses:

- (1) Surface and garage parking for residences and Multiuse Clubhouse.

- (2) Security services and related uses, including guard houses.
- (3) A property sales office and facility management office.
- (4) Stormwater management facilities.
- (5) On-site septic systems in compliance with Title 5 and Sharon Board of Health Regulations, if and as applicable.
- (6) Wastewater treatment facilities and related appurtenances; provided that such wastewater treatment plants shall be subject to the issuance of a Groundwater Discharge Permit issued by the Massachusetts Department of Environmental Protection (DEP) and to the issuance of a Treatment Works Construction Permit by the Sharon Board of Health if and as applicable subject to provision of adequate funding mechanisms ensuring proper operation and maintenance protocols, Town monitoring and testing, and repair and replacement consistent with the requirements of the Department of Environmental Protection and the Sharon Board of Health, if and as applicable.. In addition, at the boundary of the lot containing the wastewater disposal area, the groundwater shall meet Massachusetts drinking water standards and other limits on pollutants set forth hereinafter. Unless waived by the Planning Board during Site Plan Review, the soil absorption system shall be located outside of any Water Resource Protection District.
- (7) Open space which may include trails and parking at trail heads.
- (8) Maintenance buildings and garages for parking of service or facility vehicles excluding any vehicle maintenance; provided, however, such maintenance building shall not exceed eight thousand (8,000) sq. ft. in floor area and the cart storage building shall not exceed six thousand (6,000) sq. ft. in floor area.
- (9) Identifying signs indicating only the name and contact

information of the owner or occupant, the street number and address, and the uses or occupations engaged in on the premises, limited to one identifying sign not exceeding two hundred and twenty-five (225) sq.-ft. in area and located within 200 ft. of the I-95 right-of-way and one additional identifying sign not exceeding fifty (50) sq. ft. and located either within the golf course lot frontage or within the Multiuse Clubhouse lot frontage.

4394. Performance Standards.

A Recreation and Residential Overlay District Project shall comply with the following:

a. Overall Development. Green development principles of energy efficiency and sustainability shall be incorporated by including those Leadership in Energy and Environmental Design (LEED) for Neighborhood Development (ND) strategies of Section 4391.(i). LEED for Neighborhood Development: Plan principles should be incorporated; however, formal LEED ND:Plan certification shall not be required and building design shall not subject to the requirements of this Section.

b. Wastewater collection and treatment. Wastewater collection and treatment shall comply with the following:

(1) Wastewater shall be collected and treated in compliance with requirements of the Massachusetts Department of Environmental Protection and the Sharon Board of Health, if and as applicable.

(2) Wastewater may be discharged to sanitary sewers tributary to the sanitary sewer systems in other municipalities or the Massachusetts Water Resources Authority sanitary sewer system.

(3) Wastewater may be discharged to an on-site wastewater treatment plant authorized by a DEP Groundwater Discharge Permit and a Sharon Board of Health Treatment Works Construction Permit, if and as applicable, or to an on-site septic system authorized by a Sharon Board of Health Disposal System Construction Permit in compliance with Sharon Board of Health Article 7 and Title 5 (310

CMR 15.00) and the Sharon Board of Health Rules & Regulations for a Recreation and Residential Overlay District Project, if and as applicable. On-site septic systems shall not be allowed for Two-Family Dwellings or for the Multiuse Clubhouse unless the Planning Board determines that sewage generation for the total Recreation and Residential Overlay District Project will not exceed 10,000 gallons per day in perpetuity or unless wastewater generation during the initial phases of development has not reached the minimum threshold for which DEP will issue a Groundwater Discharge Permit or for which the Sharon Board of Health will issue a Treatment Works Construction Permit.

(4) Wastewater treatment plant effluent shall meet Massachusetts Drinking Water Standards (310 CMR 22.00) and Massachusetts Surface Water Quality Standards for Class A Surface Waters.

(5) Any on-site sanitary sewers shall be subject to ongoing requirements for leak detection and repair.

c. Stormwater Management. Stormwater management facilities shall be provided to collect and treat all stormwater runoff from all developed areas and shall comply with the Department of Environmental Protection's Stormwater Management Standards (310 CMR 10.05(6)(k)-(q)) whether or not the activity is subject to the Massachusetts Wetlands Protection Act (MGL c. 131 §40).

(1) Stormwater management facilities shall attenuate increases in the rate of off-site discharge for the one-year frequency storm event.

(2) Stormwater management facilities incorporating low impact design measures shall be used to abate contaminants caused by golf course operation including nitrogen and phosphorous.

(3) Low impact design using on-lot stormwater management and recharge shall be used to the maximum extent practicable including separate roofwater recharge facilities including raingardens and

lawn depressions, and porous pavement for unit driveways and walkways. Grading for Two-Family Dwellings including its driveway grading, should disconnect lot runoff from the Primary Access Drive.

(4) The stormwater management system shall provide for collection and treatment of runoff from the ten (10) year frequency storm event and shall provide for no increase in the peak rate of discharge for the ten (10) and one hundred (100) year frequency storm events. Rainfall shall be based on NOAA Atlas 14.

d. Irrigation. Irrigation of the golf course lot and any portions of the golf course within easements on contiguous lots shall be allowed and shall not be subject to the requirements of the remainder of this paragraph. Irrigation on any lot containing Two-Family Dwellings or the Multiuse Clubhouse (but not including the golf course) shall be allowed if potable water from the Sharon municipal water distribution system is not used for irrigation and if irrigation is subject to an Irrigation Management Plan that incorporates staged drought management provisions and incorporates use of non- municipal water and treated effluent application to turf to the extent allowed by regulatory agencies. On-site well water may be used if authorized by agencies having jurisdiction, but drawdown (excluding drawdown by wells serving the golf course) affecting adjacent water supply wells shall be minimized.

e. Landscaping. Landscaping shall be provided for all Two-Family Dwelling lots and the Multiuse Clubhouse lot (but not the golf course). Plant materials shall be native species where practicable. Invasive plants listed on the Massachusetts Department of Agricultural Resources' Massachusetts Prohibited Plant List shall not be planted. Methods of application and allowed quantities of fertilizers are subject to limitations of a turf management plan approved during Site Plan Review.

f. Water Conservation. Buildings shall, as practicable, incorporate water conservation devices including water efficient plumbing fixtures and appliances.

g. Traffic Mitigation. Off-site intersection upgrades shall be provided that minimize the negative impact of project generated traffic on operations at intersections in the Traffic Study Area.

4395. Dimensional Regulations.

A Recreation and Residential Overlay District Project shall comply with the dimensional requirements set forth herein.

a. Dimensional requirements for the total Recreation and Residential Overlay District Project are as follows:

(1) Minimum Total Project Area: One hundred eighty (180) acres.

(2) Maximum Total Area of Lots within a Recreational and Residential Overlay District Project: Twenty (20) acres for Two-Family Dwelling use.
Twenty-four (24) acres for Multiuse Clubhouse use without golf course.

(3) Maximum Total Project Density.

Fifty-Two (52) dwelling units total per Recreation and Residential Overlay District Project.

One (1) Multiuse Clubhouse per Recreation and Residential Overlay District Project.

Two (2) bedrooms per dwelling unit maximum and one hundred four (104) bedrooms total per Recreation and Residential Overlay District Project.

(4) Maximum Total Project Coverage Limits.

Maximum area of impervious materials including structures: fifteen percent (15%).

Minimum natural vegetation area: ten percent (10%).

b. Location Requirements. Two-Family Dwellings shall be located on one or more lots and more than one building containing Two-Family Dwellings may be located on a lot. The golf course and the Multiuse Clubhouse shall each be located on a separate lot.

All Two-Family Dwellings shall use Primary Access Drives for access. Curb cuts for driveways serving individual Two-Family Dwellings are prohibited on public ways in existence as of the date of an application for site plan approval of a Recreation and Residential Overlay District Project.

c. Dimensional requirements for lots are as follows:

(1) **Minimum Lot Area for Two-Family Dwelling Use:** The greater of sixty thousand (60,000) sq.-ft. or eighty-five hundred (8,500) sq.-ft. per dwelling unit.

(2) **Minimum Lot Area for Golf Course:** One hundred sixty (160) acres.

(3) **Minimum Lot Area for Multiuse Clubhouse:** Ten (10) acres.

(4) **Minimum Lot Width for All Uses:** Two hundred ten (210) feet.

(5) **Minimum Lot Frontage:** Two-thirds of the minimum Lot Width.

(6) **Maximum Lot Coverage:** Twenty-five percent (25%).

(7) **Maximum Coverage Limits of impervious materials including structures:**

Ten (10) percent for the golf course.
Forty (40) percent for the Multiuse Clubhouse.
Fifty (50) percent for the

Two-Family Dwellings.

(8) Maximum Gross Floor Area for the Multiuse Clubhouse Facility: Fifty thousand (50,000) sq.-ft.

(9) Minimum Street Setback for Principal or Accessory Buildings: One-hundred (100) feet.

(10) Minimum Setback for Principal or Accessory Buildings

: **Fifteen (15) feet from side lot lines.**
Twenty (20) feet from rear lot lines.

(11) Minimum Separation between Principal or Accessory Buildings on the Same Lot: Ten (10) feet

(12) Maximum Separation between Principal Buildings in Multiuse Clubhouse use on the Same Lot: Fifty (50) feet.

d. Maximum Building Height.

(1) For Dwellings: Not to exceed the more restrictive of two and one-half (2.5) stories or thirty-five (35) feet.

(2) For Multiuse Clubhouses: Not to exceed the more restrictive of two (2) stories or forty (40) feet including rooftop mechanical equipment.

(3) For Accessory Buildings: Not to exceed the more restrictive of two stories or thirty (30) feet.

4396. Required Off-Street Parking and Loading.

a. Minimum Parking Requirements:

(1) Residences: Two (2) Parking Spaces per Dwelling Unit.

(2) Multiuse Clubhouse: Five (5) parking spaces per one

thousand (1,000) sq.-ft. of floor area. As part of the Site Plan Review and Approval process, the Planning Board may reduce the number of parking spaces required upon submission of a parking management plan prepared by a Civil Professional Engineer (PE).

b. Design Requirements for Two-Family Dwelling Parking:

(1) Parking spaces shall be located within 100 ft. of the residence.

(2) Each parking space shall have direct access to an access drive and stacked parking spaces shall not count toward the minimum number of required parking spaces.

(3) Each parking space shall be capable of containing a rectangle not less than nine (9) by eighteen (18) feet.

c. Design Requirements for Golf Course and Multiuse Clubhouse Parking:

(1) Parking spaces shall be located within seven-hundred (700) ft. of the Multiuse Clubhouse.

(2) Each parking space shall have direct access to a parking aisle or access drive and shall be capable of containing a rectangle not less than nine (9) by eighteen (18) feet.

(3) Parking aisles shall have a minimum width of twenty-four (24) feet for two-way traffic.

(4) For event parking and other short term periods of peak parking demand, the Planning Board may consider alternative parking provisions as Conditions of Site Plan Approval which include, but are not limited to, overflow parking on unpaved surfaces, shared parking, valet parking, and off-site parking with shuttle service.

d. Homeowner and property owner organization documents must include provisions for establishing and enforcing parking

restrictions and prohibitions.

e. **Minimum Loading Requirements for the Multiuse Clubhouse:** One (1) loading space per fifty thousand (50,000) sq.-ft. of gross floor.

f. **Design Requirements for Loading Spaces:** Each loading space shall have direct access to an access drive and shall be capable of containing a rectangle not less than twelve (12) by forty (40) feet and vertical clearance of fourteen (14) ft.

4397. Site Plan Review and Approval.

All uses within a Recreation and Residential Overlay District, require by Site Plan Approval from the Planning Board. Unless waived by the Planning Board, applications for Site Plan Review and Approval shall comply with the following:

a. Applicants are encouraged to submit sketch plans and meet informally with the Planning Board prior to formal submission of a Site Plan Approval Application.

b. **Submittal.** A copy of the Site Plan application must be filed with the Town Clerk and a copy of the application, including the certification by the Town Clerk must be filed forthwith by the petitioner with the Planning Board. The Planning Board shall hold a public hearing, for which notice has been given as provided in M.G.L. Chapter 40A.

c. Site Plans shall show the total Recreational and Residential Overlay District Project including all lot boundaries and all proposed phases of development within the Recreation and Residential Overlay District Project, and all contiguous land within the Recreation and Residential Overlay District.

d. Site Plans shall be drawn to a scale of forty feet (40') to the inch (or such other scale as the Planning Board may accept). Site Plans shall be prepared by a multidisciplinary team and 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).

e. Existing conditions survey shall be based upon on-the-ground fieldwork. Layout shall be tied to the Mass State Coordinate System and elevations shall be on North American Vertical Datum (NAVD 88).

f. Site Plans shall include a cover sheet, layout sheet, grading and drainage sheet, landscaping sheet, details sheet, a sedimentation and erosion control sheet, a traffic control sheet, a lighting sheet, and a construction phasing sheet. The Plans shall show, among other things, all existing and proposed lot boundaries, buildings and structures and their uses, means of building egress, parking areas, driveway openings, driveways for individual dwelling units, and zoning summary table.

g. Site Plans shall show existing and proposed grading with a one foot (1') contour interval and spot grades based on NAVD 88.

h. Site Plans shall show all on-site local, state, and federal regulatory resource boundaries and buffer zones shall be clearly identified and all wetland flag locations shall be numbered and placed upon the Site Plan;

i. Site Plans shall show sanitary sewer collection systems and wastewater treatment systems including septic systems in compliance with Massachusetts Department of Environmental Protection and Sharon Board of Health Regulations, if and as applicable; stormwater management systems; water distribution systems; and, cable utility systems.

j. A Stormwater Management Report shall be submitted that includes a narrative, a Stormwater Checklist signed and sealed by a Civil Professional Engineer (PE), TR-55/TR-20 based hydrologic analysis, rational formula pipe sizing calculations, a Long-Term Pollution Prevention Plan (Standards 4-6), a Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan (Standard 8), and an Operation and Maintenance Plan (Standard

9).

k. Site Plans shall show, Primary Access Drives, parking areas, accessible parking spaces and accessible routes, loading and service areas, pedestrian and bicycle facilities, waste disposal facilities and dumpsters, and open space.

l. Site Plans shall also show all proposed Two-Family Dwellings and related site improvements.

m. Site Plans shall show a detailed plan of all golf course elements to be established or existing elements to be disturbed or changed including fairways, tees, greens, rough areas and hazards, cart paths, golf driving range and practice facilities, irrigation system, irrigation wells, maintenance facilities; parking and loading areas; and shall show a detailed plan of open space including Natural Vegetation Areas.

n. Site Plans shall show all components of the Multiuse Clubhouse including means of building egress, parking and loading areas, pedestrian and bicycle facilities, refuse and other waste disposal facilities, and dumpsters.

o. Earthwork quantities shall be provided.

p. Site Plans shall show all hydrants, fire protection systems, site lighting, and lighting fixture and pole details. All lighting fixtures shall be designed based upon dark skies principles by minimizing the upward projection of light.

q. Site Plans shall include landscape plantings and planting details, and all hardscape elements. Site lighting fixture locations shall be shown for coordination purposes. 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. 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.

r. A report shall be submitted evaluating the LEED for

Neighborhood Development: Plan points for which the site improvements within the Recreation and Residential Overlay District are eligible. However, formal LEED ND certification, evaluation of building design, and inclusion at least one certified green building shall not be required.

s. Typical architectural plans and elevations and colors and materials shall be submitted for each typical Two-Family Dwelling type. Specific architectural plans and elevations and colors and materials shall be submitted for all principal nonresidential buildings.

t. A complete sign package shall be submitted including all informational and directional 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.

u. A traffic study prepared by a Traffic or Civil Professional Engineer shall be submitted evaluating existing, no-build, and build intersection operations in the Traffic Study Area (TSA) shall be submitted. The TSA be established by the Planning Board to include the nearest major intersection on each approach to the principal site entrance and other intersections as designated. Traffic counts must be taken within one year of the date of submission; trip generation shall be based on the Institute of Transportation Engineers (ITE); trip distribution and traffic assignment shall be quantitatively based; sight distance at the site entrance shall be evaluated, and intersection crash rates shall be calculated. For locations where intersection operations are impacted, measures to avoid, minimize, and mitigate traffic impacts shall be developed and evaluated the applicant's commitment to mitigation shall be clearly stated.

v. Reports to the Planning Board. Within ten (10) days following receipt of a duly submitted Site Plan application, the Planning Board shall transmit one (1) copy thereof to the Board of Health and Conservation Commission. The Board of Health and

Conservation Commission shall review the Site Plan application and report in writing their recommendations to the Planning Board within forty-five (45) days. The Board of Health and Conservation Commission may seek pertinent information from other Town officials or boards and may request additional information from the applicant. The Planning Board shall not take final action on said plan until it has received reports thereon from the Board of Health and Conservation Commission, or until sixty (60) days have elapsed after the transmission of the plan to the board in question without submission of a report thereon.

w. Criteria. In granting Site Plan approval, the Planning Board shall consider the following:

- (1) The extent to which the Site Plan fulfills the objective of the Recreation and Residential Overlay District to create a viable residential community with the amenities afforded by an on-site golf course and Multiuse Clubhouse and passive open space areas.
- (2) The extent to which the Overall Development incorporates green development principles of energy efficiency and sustainability and utilizes LEED for Neighborhood Development (ND) strategies in accordance with Section 4391. i.
- (3) The extent to which convenient and safe vehicular and pedestrian movements are accommodated within the site, and in relation to adjacent streets, property or improvements;
- (4) The extent to which adequate utility services are provided to serve proposed residential and recreational uses.
- (5) The extent to which adequate provisions are made for disposal for sewage, refuse or other wastes; drainage for surface water; and removal of snow;
- (6) The extent to which measures are provided to minimize impacts on surface water and groundwater.
- (7) The extent to which wastewater treatment plant effluent

meets the Massachusetts Drinking Water Standards (310 CMR 22.00) and the Massachusetts Surface Water Quality Standards for Class A Surface Waters.

(8) The extent to which stormwater management facilities shall attenuate increases in the volume of off-site discharge for the one-year frequency storm event.

(9) The extent to which stormwater management facilities conform, to the Massachusetts Department of Environmental Protection's Stormwater Management Standards (310 CMR 10.05(6) (k)-(q)).

(10) The extent to which stormwater management facilities in concert with low impact design measures abate contaminants caused by golf course maintenance.

(11) The extent to which low impact design is used.

(12) The extent to which the stormwater management system prevents any increase in the peak rate of discharge for the ten (10) and one hundred (100) year frequency storm events.

(13) The extent to which buildings incorporate water conservation devices, including water efficient plumbing fixtures.

(14) The extent to which rooftop mechanical equipment is visually screened and acoustically buffered.

(15) The extent to which negative traffic impacts are minimized in off-site intersections in the Intersection Study Area through provision of necessary intersection upgrades.

(16) The extent to which use of potable water from the Sharon municipal water distribution system for irrigation is avoided. The extent to which irrigation water use, including water from on-site wells, is minimized through adherence to an Irrigation Management Plan and for wells on Two-Family Dwelling and Multiuse Clubhouse lots (but excluding

consideration of wells serving the golf course), the extent to which irrigation well drawdown impacts affecting existing water supply wells on neighboring properties are minimized.

(17) The extent to which native plant materials are used; invasive plants are avoided; and the quantities of pesticides, fertilizers, and herbicides are minimized.

(18) The extent to which runoff from pedestrian areas, landscape areas, and low volume vehicular areas is accommodated using low impact design principles;

(19) The extent to which underground utilities are provided.

x. Final Action by the Planning Board. The Planning Board final action shall consist of an approval based on the determination that the Site Plan for the Recreation and Residential Overlay District Project is consistent with the criteria and requirements set forth in this Section 4390, an approval subject to reasonable conditions consistent with the criteria and requirements set forth in this Section 4390, or a denial based on a determination that:

(1) The required Site Plan application filing materials for the Recreation and Residential Overlay District Project is incomplete or

(2) The Site Plan is inconsistent with the criteria and requirements set forth in this Section 4390 (unless otherwise waived) so that it admits of no reasonable solution.

4398. Consultants.

To facilitate review of an application for a Site Plan, the Planning Board may engage outside consultants in accordance with Section 4390.

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. Additionally, for projects requiring issuance of State or Federal permits, consultants may be engaged to peer review submissions

to the State or Federal agency and to represent the Town before these agencies to protect the Town's interests. Consultants may be engaged to observe construction of the site improvements authorized by Site Plan approval.

(a) Scope of Work. In the course of exercising its powers under this Bylaw, the Planning Board may engage outside consultants for peer review of submissions, for peer review and representation in regard to state and federal permits and licensing, or for construction observation. Consultants are selected by majority vote of the Planning Board.

(b) Review Fees. Applicants shall reimburse the Town for the fees and expenses of outside consultants engaged by the Planning Board. Fees shall be paid prior to inception of each phase of the work. Escrow accounts shall be replenished within fifteen (15) days following receipt of notice. Failure to pay fees in accordance with the aforesaid shall be deemed, after notice to the applicant, with an opportunity to cure, to constitute withdrawal of the project. Fees shall be deposited in a special account established by the Town Treasurer and may be expended only for the purposes described above.

(c) Prior to engaging the consultant, 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. 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 Planning Board shall stand.

4399. Enforcement and Implementation.

Any Site Plan approval issued under this section shall lapse within one (1) year if actual construction of site infrastructure in accordance with the approved Site Plan has not commenced sooner, except upon application within one (1) year and for good cause shown. Construction shall not include site preparation and preliminary site clearing activities. Such

time period shall be extended upon request by the applicant for one (1) year.

4400. Flood Hazard District

4410.1 Floodplain District Boundaries

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Sharon designated as Zone A and AE on the Norfolk County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency for the administration of the National Flood Insurance Program. The map panels of the Norfolk County FIRM that are wholly or partially within the Town of Sharon are panel numbers 25021C0187E, 25021C0188E, 25021C0189E, 25021C0191E, 25021C0193E, 25021C0194E, 25021C0351E, 25021C0352E, 25021C0353E, 25021C0354E, 25021C0356E, 25021C0357E, 25021C0358E, 25021C0359E, and 25021C0366E dated July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Engineering Division of the Department of Public Works.

4410.2 Base Flood Elevation.

The Base Flood Elevation shall be the level of flooding having a one (1%) percent chance of being equaled or exceeded in any given year, as designed on FEMA Firms. In the absence of such designation, the Base Flood Elevation shall be determined by the Inspector of Buildings based upon the best available information regarding flood hazards, including any available United States Geological Survey, Soil Conservation Service and Corps of Engineers studies, after seeking and obtaining the recommendation of the Town Engineer.

4410.3 Floodway Data.

In Zone A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the