

FALL SPECIAL TOWN MEETING

NOVEMBER 17, 2008

Pursuant to the provisions of the warrant of October 16, 2008 the inhabitants of the Town of Sharon qualified to vote in town affairs met at the Arthur E. Collins Auditorium at 7:00 P.M.

The meeting was called to order by Moderator Paul E. Bouton. The Moderator said that in the absence of any objection he would assume that there was unanimous consent to waive the reading of the call and return of the warrant by Town Clerk Marlene B. Chused. There was no objection to this request.

The Moderator said that in the absence of any objection he would assume there was unanimous consent to allow the following non-voters to address the meeting: Dick Gelerman, Cindy Amara, Cindy Doherty, Mark Mazur, Norma Simons Fitzgerald, Peter O'Cain, Eric Hooper, Dennis Mann, Greg Meister, Mark Bobrowski, Adam Costa, Michael Intoccia, Robert Buonato, Scott Hickey, Ken Caputo, Jesse Moreno, Phil Macchi and Michael Curran.

VOTED UNANIMOUSLY: That whenever at this Town Meeting a majority or two thirds vote is required by statute, by-law or rule of procedure, a count need not be taken, or recorded by the clerk but may be publicly declared by the moderator. If a vote so declared is immediately questioned by seven or more voters, the count shall be taken, and the vote shall be recorded by the clerk; provided, however, that if the vote is unanimous, a count, need not be taken and the clerk shall record the vote as unanimous.

ARTICLE 1.

VOTED: That action under Article 1 be indefinitely postponed. (This article referred to a development agreement with Brickstone Sharon, LLC for the use of Mountain Street)

ARTICLE 3.

VOTED UNANIMOUSLY: That action under Article 3 be indefinitely postponed. (This article referred to a feasibility plan for the Middle School)

The Moderator stated that he is a partner in a law firm representing one of the owners of property involved in Articles 2, 4 and 5 of this Special Town Meeting. Therefore, he recused himself for those articles and had Paul Pietal serve as Moderator.

ARTICLE 2.

MOVED: That action under Article 2 be indefinitely postponed.
NOT CARRIED.

VOTED: That the Town authorize the Board of Selectmen to petition and /or direct the General Court of the Commonwealth of Massachusetts to file legislation on behalf of the Town for a special act as set forth on pages 4 and 5 of the Warrant for this meeting; and further, to authorize the General Court to make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT RELATIVE TO THE TOWN OF SHARON TO GRANT A LICENSE FOR THE SALE OF WINE AND MALT BEVERAGES AT A FOOD STORE, NOT TO BE DRUNK ON THE PREMISES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding Section 17 of Chapter 138 of the General Laws, or any other general or special law to the contrary, the licensing authority of the Town of Sharon may grant a license for the sale of wine and malt beverages at not more than five (5) food stores, not to be drunk on the premises, under Section 15 of said Chapter 138. Except as otherwise provided herein, such license shall be subject to all of said Chapter 138 except said Section 17. For the purposes of this act, a "food store" shall mean a grocery store or supermarket with a gross floor area of more than 1,000 square feet which sells at retail, food for consumption on or off the premises either alone or in combination with grocery items or other non-durable items typically found in a grocery store and sold to individuals for personal family or household use. Food store shall also mean a high-end food store or other specialty stores that may sell imported, organic, ethnic, or prepared foods for personal family or household use. Notwithstanding the foregoing,

a food store shall specifically exclude a convenience store or a store that also sells gasoline; provided, however, that the board of selectmen shall determine whether an applicant is a food store under this act. In making the determination, the board of selectmen shall consider such factors as the volume of sales, actual or proposed, and the extent and range of merchandise offered for sale. The holder of the license under this act may sell wine and/or malt beverages in combination with any other items offered for sale. The licensed premises must be located in the Business D District or the Light Industrial District, provided that use such as a grocery store or food store is allowed by right or by special permit in either such zoning district, and the licensed premises may also be located upon land in the Town of Sharon identified by Assessors parcel Map 37 Lot 5 (Shaw's Supermarket, 700 South Main Street, Sharon, MA). The amount of any initial or renewal fee for such license shall be determined by the licensing authority issuing or renewing that license. Notwithstanding any general or special law or any rule or regulation to the contrary, the licensing authority shall not approve the transfer of the license to any other location, but the license may be granted to a new operator at the same location if an applicant has followed any and all rules prescribed by the board of selectmen as the licensing authority related to the application and procedures for approval of such a transfer including filing a complete application for the transfer of the license to the new operator at the same location, and filing a letter in writing from the department of revenue evidencing that the license is in good standing with said department and that any and all applicable taxes have been paid. If a license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority of the Town of Sharon, which may grant the license to a new operator at the same location and under the same conditions as specified in this section.

SECTION 2. This act shall take effect upon its passage.

ARTICLE 4.

MOVED: That the Town vote to approve Article 4, amending the Sharon Zoning By-Law and Zoning Map, pursuant to G.L. c. 40R, to include the "Sharon Commons Smart Growth Overlay District," subject to the modifications shown on the handout entitled "Article 4 of the Town of Sharon Special Town Meeting Warrant, Redlined Version" and incorporated on the handout entitled

"Article 4 of the Town of Sharon Special Town Meeting Warrant, Clean Version."

MOTION: To call the question. **NOT CARRIED.**

MOTION: To call the question. **CARRIED.**

VOTED: Item 1. Amend the map entitled "The Town of Sharon, Massachusetts - Zoning Map," dated February 27, 2008, as amended, prepared by and bearing the signatures of the Sharon Planning Board, to add the Sharon Commons Smart Growth Overlay District, Subzones A and B, containing 11.55 acres of land and superimposed over the underlying zoning district, all as shown on the map entitled "Sharon Commons Smart Growth Overlay District (SCSGOD)," dated September 23, 2008, and attached hereto as Appendix A.

Item 2. In Article II, entitled "District Regulations," at the end of Section 2110, entitled "Districts," add the following new entry:

Sharon Commons Smart Growth Overlay District (SCSGOD)

Item 2. Add the following new Section:

4900. SHARON COMMONS SMART GROWTH OVERLAY DISTRICT (SCSGOD)

4901. Purpose

It is the purpose of this Section to establish a Sharon Commons Smart Growth Overlay District and to encourage smart growth in accordance with the purposes of G. L. Chapter 40R, and to foster a range of housing opportunities to be proposed in a distinctive and attractive site development program that promotes compact design, preservation of open space, and a variety of transportation options, including enhanced pedestrian access to employment and nearby transportation systems. Other objectives of this Section are to:

a. Promote the public health, safety, and welfare by encouraging diversity of housing opportunities;

b. Provide for a full range of housing choices for households of all incomes, ages, and sizes in order to meet the goal of preserving municipal character and diversity;

- c. Increase the production of a range of housing units to meet existing and anticipated housing needs;
- d. Provide a mechanism by which residential development can contribute directly to increasing the supply and diversity of housing;
- e. Establish requirements, standards, and guidelines, and ensure predictable, fair and cost-effective development review and permitting;
- f. Establish development standards to allow context-sensitive design and creative site planning;
- g. Enable the Town to receive Zoning Incentive Payments and/or Density Bonus Payments in accordance with G. L. Chapter 40R, 760 CMR 59.06, and additional Chapter 70 aid in accordance with G.L. Chapter 40S arising from the development of housing in the Sharon Commons Smart Growth Overlay District.

4902. Definitions

For purposes of this Section, the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under the Enabling Laws or this Section 4902. To the extent that there is any conflict between the definitions set forth in this Section and the Enabling Laws, the terms of the Enabling Laws shall govern.

Affordable Homeownership Unit: An Affordable Housing unit required to be sold to an Eligible Household.

Affordable Housing: Housing that is affordable to and occupied by Eligible Households.

Affordable Housing Restriction: A deed restriction of Affordable Housing meeting statutory requirements in G.L. c. 184, Section 31 and the requirements of Section 4904(5).

Affordable Rental Unit: An Affordable Housing unit required to be rented to an Eligible Household.

As-of-right Project or Project: Means a residential development allowed under Section 4905 without recourse to a special permit, variance, zoning amendment, or other form of zoning relief.

Assisted Living Facility: A facility licensed by the Executive Office of Elder Affairs pursuant to G.L. c. 19D and all of applicable requirements. This definition shall not include any other forms of group living quarters such as group foster care group homes, single room occupancy residences, rooming or lodging houses, and other facilities as listed in Commonwealth of Massachusetts Regulations (651 CMR 12.01).

Design Standards: See Section 4912.

Development Project: A residential development undertaken within the SCSGOD. A Development Project shall be identified on a Site Plan which is submitted to the Plan Approval Authority for site plan review in accordance with the requirements of this Section 4900.

DHCD: The Department of Housing and Community Development of the Commonwealth of Massachusetts or any successor agency.

Eligible Household: An individual or household whose annual income is less than 80 percent of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

Enabling Laws: G.L. Chapter 40R and 760 CMR 59.00.

Multifamily Use: Dwelling containing four (4) or more dwelling units.

Plan Approval: Standards and criteria which a Project in the SCSGOD must meet under the procedures established herein and in the Enabling Laws.

Plan Approval Authority: For purposes of reviewing Project applications and issuing decisions on development Projects within the SCSGOD, the Plan Approval Authority (PAA), consistent with G.L. Chapter 40R and 760 CMR 59.00, shall be the Zoning Board of Appeals. The PAA is authorized to approve a site plan to implement a Project.

Site Plan: A plan depicting a proposed Development Project for all or a portion of the Sharon Commons Smart Growth Overlay District and which is submitted to the Plan Approval Authority for its review and approval in accordance with provisions of this Bylaw.

Townhouse Use: Dwelling containing two (2) or three (3) dwelling units.

Zoning Bylaw: The Zoning Bylaw of the Town.

4903. Overlay District

a. Establishment. The Sharon Commons Smart Growth Overlay District, hereinafter referred to as the SCSGOD, is an overlay district having a land area of approximately 11.55 acres, being portions of Assessor's Map 47, Lot 37 and Assessor's Map 57, Lots 17, 18 and 21, that is superimposed over the underlying zoning district, as shown on the Zoning Map as set forth on the map entitled "Attachment 1-1: Locator Map," but only including Subzones A and B, and on the two (2) maps entitled "Attachment 5-4: Smart Growth Zoning Map," all maps being dated September 23, 2008 and attached hereto as Appendix A. These maps are hereby made a part of the Zoning Bylaw and are on file in the Office of the Town Clerk.

b. Underlying Zoning. The SCSGOD is an overlay district superimposed on all underlying zoning districts. Except as limited herein, the underlying zoning shall remain in full force and effect.

c. Applicability of SCSGOD. In accordance with the provisions of G.L. Chapter 40R and 760 CMR 59.00, an Applicant for a Project located within the SCSGOD may seek Plan Approval in accordance with the requirements of this Section 4900. In such case, then notwithstanding anything to the contrary in this Zoning By-law, such Plan Approval shall not be subject to any other provisions of this Zoning By-law, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to building permit or dwelling unit limitations, including but not limited to any rate of development limitations provided in the Zoning By-law. When a building permit is issued for any Project approved in accordance with this Section 4900, the provisions of the underlying district(s) shall no longer be applicable to the land shown on the site plan which was submitted pursuant to Sections 4910 and 4911 for such Project.

4904. Housing and Affordability

a. Marketing Plan. Prior to granting Plan Approval for housing within the SCSGOD, an Applicant for such approval must

submit a narrative document and marketing plan that establishes that the proposed development of housing is appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly. These documents in combination, to be submitted with an application for Plan Approval pursuant to Sections 4910 and 4911, below, shall include details about construction related to the provision, within the Project, of units that are accessible to the disabled. The marketing plan must be approved by DHCD prior to the issuance of a building permit for a Development Project.

b. Number of Affordable Housing Units. For all Projects, not less than twenty percent (20%) of the total housing units constructed in a Project shall be Affordable Housing. For all Projects where the Affordable Units proposed are Rental Units not less than twenty five percent (25%) of total housing units in any building containing rental units shall be Affordable Housing; provided, however, that twenty percent (20%) of such units may be affordable where restricted to households earning less than fifty percent (50%) of area median income. For purposes of calculating the number of units of Affordable Housing required within a Project, any fractional unit shall be deemed to constitute a whole unit.

c. Requirements. Affordable Housing shall comply with the following requirements:

(1). For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the DHCD shall apply.

(2). For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.

(3). Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.

(4). The SCSGOD shall not include the imposition of restrictions on age upon the entire District, but the development of specific Projects within the SCSGOD may be exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable federal, state and local fair housing laws and regulations and not less than twenty-five percent (25%) of the housing units in such a restricted Project shall be restricted as Affordable Housing.

(5). At least ten percent (10%) of the Affordable Housing Units shall be handicapped-accessible.

d. Design and Construction. Units of Affordable Housing shall be finished housing units. Units of Affordable Housing shall be dispersed throughout the development of which they are part and be comparable in initial construction, quality and exterior design to other housing units in the development. The total number of bedrooms in the Affordable Housing shall be at least proportionate to the total number of bedrooms in all the units in the Development Project of which the Affordable Housing is part.

e. Affordable Housing Restriction. Each unit of Affordable Housing shall be subject to an Affordable Housing Restriction which is recorded with the appropriate registry of deeds or district registry of the Land Court and prior to such recording has been approved by DHCD. Such Affordable Housing Restriction shall contain the following:

(1). Specification of the term of the affordable housing restriction which shall be the maximum period allowed by law but not less than ninety nine (99) years;

(2). The name and address of a Monitoring Agent with a designation of its power to monitor and enforce the affordable housing restriction;

(3). A description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in

a Project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project without specific unit identification.

(4). Reference to a housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. If approved by DHCD, the housing marketing and selection plan may provide for preferences in resident selection for the Affordable Housing Units. The plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such Unit shall be given to a household of the appropriate size;

(5). A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;

(6). Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership will be set;

(7). A requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease or sublease of any unit of Affordable Housing shall be given to the Monitoring Agent;

(8). Provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Monitoring Agent;

(9). Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Monitoring Agent and the Town, in a form approved by municipal counsel, and shall limit initial sale and all subsequent resales to and occupancy by an Eligible Household;

(10) Provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a

Project and shall run in favor of the Monitoring Agent and the Town, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;

(11). Provision that the owner(s) or manager(s) of Affordable Rental Unit(s) shall file an annual report to Monitoring Agent, in a form specified by that Agent certifying compliance with the affordability provisions of this Bylaw and containing such other information as may be reasonably requested in order to ensure affordability;

(12). A requirement that residents in Affordable Housing provide such information as the Monitoring Agent may reasonably request in order to ensure affordability.

f. Monitoring Agent. A Monitoring Agent which may be the Local Housing Authority, or other qualified housing entity shall be designated by the PAA as the Monitoring Agent for all Projects in the SCSGOD. In a case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the PAA or by DHCD, such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the PAA. In any event, such Monitoring Agent shall ensure the following, both prior to issuance of a Building Permit for a Project within the SCSGOD, and on a continuing basis thereafter, as the case may be:

(1). Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;

(2). Income eligibility of households applying for Affordable Housing is properly and reliably determined;

(3). The housing marketing and resident selection plan conforms to all requirements and is properly administered;

(4). Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and

(5) Affordable Housing Restrictions meeting the requirements of this Section are recorded with the proper registry of deeds.

g. Housing Marketing and Selection Plan. The housing marketing and selection plan shall make provision for payment by the Project applicant of reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements, as set forth in Section 4904(3).

h. Phasing. The PAA, as a condition of any Plan Approval, may require a Project to be phased in order to mitigate any extraordinary adverse Project impacts on nearby properties. For Projects that are approved and developed in phases, the PAA shall assure the required number of Affordable Housing Units in the Project, as per Section 4904(2). Such assurance may be provided through use of the security devices referenced in G.L. c. 41, § 81U, or through the PAA's withholding of certificates of occupancy until proportionality has been achieved. No Density Bonus Payment will be received by the Town until such proportionality has been achieved by the issuance of occupancy permits for the Affordable Housing Units in the Project.

i. Computation. Prior to the granting of any Plan Approval of a Project, the applicant must demonstrate, to the satisfaction of the Monitoring Agent, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town.

j. No Waiver. Notwithstanding anything to the contrary herein, the Affordability provisions in this Section 4904 shall not be waived.

4905. Permitted and Prohibited Uses

a. As-of-right Uses. The following uses shall be permitted as-of-right in the SCSGOD:

(1). Subzone A: Multifamily use. Wastewater generation exceeding six (6) gallons per day per one-thousand (1,000) sq. ft. of lot area and on-site wastewater treatment plants treating domestic wastewater pursuant to issuance of a Groundwater Discharge Permit by the Massachusetts Department of Environmental Protection. Wastewater treatment plan effluent shall comply with the DEP "Interim Guidelines on Reclaimed Water (Revised)," Policy No. BRP/DWM/PeP-P00-3, dated January 3, 2000.

(2). Subzone B: Townhouse use.

4906. Density

Subzone A: Twenty (20) dwelling units per acre of developable land.

Subzone B: Twelve (12) dwelling units per acre of developable land.

4907. Dimensional Regulations

No building or structure shall be built nor shall any existing building or structure be enlarged except in conformance with the following Table of Dimensional Requirements.

Table of Dimensional Requirements

Subzone	Minimum Area	Maximum Building Height	Required Frontage	Minimum Width	Maximum Coverage	Setbacks		
						Front	Side	Rear
A	60,000 square feet	4 stories † or 60 feet	N/A	N/A	35% building footprint; 60% total impervious	50	10	10
B		2.5 stories or 40 feet				5	5	5

† Not including below-grade parking facilities.

4908. Traffic and Pedestrian Safety

a. Driveways. Curb cuts provide for safe entering and exiting. The location of driveway openings in relation to traffic and to adjacent streets shall provide for the convenience and safety of vehicular and pedestrian movement within the site. The number of curb cuts on state and local roads shall be minimized.

b. Interior Design. The proposed development shall assure safe interior circulation within its site by separating pedestrian, bike ways, and vehicular traffic.

c. Transportation Plan. The proposed development shall be subject to an approved Transportation Plan. The Transportation Plan shall consist of the following information:

- (1). A plan showing the proposed parking, loading, traffic and pedestrian circulation within the site; access

and egress points; and other features related to traffic generated by the proposed use.

(2). A traffic study, prepared by a qualified traffic engineer, detailing the expected traffic impacts. The required traffic study shall substantially conform to the Institute of Transportation Engineers' "Traffic Access and Impact Studies for Site Development: A Recommended Practice," latest edition. The PAA shall approve the geographic scope and content of the study. In addition, the applicant shall submit a Transportation Demand Management (TDM) plan tailored to the specific uses and the geographic location of the site.

(3). Proposed mitigation measures, if any, such as left-turn lanes, roadway widening, signage, signalization of intersections.

4909. Off-Street Parking Regulations

a. Off-Street Parking Requirements. Any structure that is constructed, enlarged, or extended which affects the computation of parking spaces shall be provided in accordance with the Table of Off-Street Parking Regulations. An existing structure which is enlarged shall be required to provide parking spaces in accordance with the following table for the entire structure.

b. Existing Spaces. Parking spaces being maintained in connection with any existing structure shall not be decreased so long as said structure remains, unless a number of parking spaces is constructed elsewhere such that the total number of spaces conforms to the requirements of the tables of this Section provided this regulation shall not require the maintenance of more parking spaces than is required according to the tables.

c. Computation of Spaces. When the computation of required parking spaces results in the requirement of fractional space, any fraction over one-half shall require one space.

d. Combined Facilities. Parking required for two (2) or more structures may be provided in combined facilities on the same or adjacent lots, where it is evidence that such facilities will continue to be available for the several structures.

Table of Off-Street Parking Regulations

Uses	Minimum Number of Parking Spaces per Unit
Multifamily and Townhouse Use	1.5

e. Waiver of Parking Requirements. Notwithstanding anything to the contrary herein, any minimum required amount of parking may be reduced upon a demonstration to the reasonable satisfaction of the PAA that the lesser amount of parking will not cause excessive congestion, endanger public safety, or that lesser amount of parking will provide positive environmental or other benefits, taking into consideration:

- (1). The availability of surplus off-street parking in the vicinity of the use being served and/or the proximity of a bus station or major transportation route;
- (2). The availability of public or commercial parking facilities in the vicinity of the use being served;
- (3). Shared use of off-street parking spaces serving other uses having peak user demands at different times;
- (4). Age or other occupancy restrictions which are likely to result in a lower level of auto usage;
- (5). Impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways; and
- (6). Such other factors as may be considered by the PAA.

4910. Application for Plan Approval

a. Pre-Application. Prior to the submittal of a site plan, a "Concept Plan" may be submitted to help guide the development of the definitive site plan for Project buildout and individual elements thereof. Such Concept Plan should reflect the following:

- (1). Overall building envelope areas;

(2). Areas which shall remain undeveloped;

(3). General site improvements, groupings of buildings, and proposed land uses.

The Concept Plan is intended to be used as a tool for both the applicant and the PAA to ensure that the proposed Project design will be consistent with the Design Standards and Guidelines and the other requirements of the SCSGOD.

b. Application. An application for Plan Approval shall be submitted to the PAA on the form provided by the PAA. An application shall show the proposed buildout of the entire Project, whether the Project will be phased or not.

c. Required Submittals. The application for Plan Approval shall be accompanied by the following plans and documents:

(1). Site plan, drawn at a scale of one (1) inch equals twenty (20) feet or one (1) inch equals forty (40) feet, with a layout tied to the Massachusetts State Coordinate System and with elevations on North American Vertical Datum (NAVD 88). Site plans shall be prepared by an interdisciplinary team, including a Massachusetts Civil Professional Engineer and a Massachusetts Registered Landscape Architect, shall bear their signatures and seals. Building plans shall be prepared by a Massachusetts Registered Architect, and shall bear the architect's seal. Site plans shall include:

(i). Cover sheet, layout sheet, grading and drainage sheet, utilities sheet, wastewater collection and treatment system sheet, traffic control sheet, landscaping sheet, lighting sheet, photometric sheet, construction details sheet, construction phasing sheet and sedimentation and erosion control sheet.

(ii). Existing conditions sheet based on an on-the-ground survey and on fieldwork performed no more than three (3) years prior to submission, showing all existing topographic, utility and property information.

(iii). Layout sheet showing, 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.

(iv). Grading sheet showing existing and proposed grading using two (2) foot contours and spot grades, as required to show improvements.

(v). Wastewater sheets showing all components of the sanitary sewer collection, pumping and treatment systems.

(vi). Utilities sheets showing all components of the stormwater management system, water distribution system, site lighting system, lighting photometric plan and cable utility systems.

(vii). Landscape sheets showing all hardscape and planting 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. 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.

(2). Drainage calculations and a narrative report detailing runoff under existing pre-developed conditions and under future post-development conditions and identifying changes in the peak rate and total volume of stormwater runoff for the two (2), ten (10) and 100 year frequency storm events. The drainage calculations shall bear the signature and seal of the engineer of record.

(3). Schematic architectural plans and elevations for all structures.

(4). A complete sign package, including all advertising and way-finding signage.

(5). Traffic study conforming to the EOEA/EOTC Guidelines EIR/EIS Traffic Impact Assessment (1989). The Traffic Study Area (TSA) shall encompass all intersections within

3,000 feet of the project boundary accommodating 10 percent (10%) or more of the traffic generated by the project. Alternatively, the proponent may elect to allow the PAA to establish the limits of the TSA. Traffic shall be evaluated for the Existing Case, the No-Build Plus 5 Year Case and the Build Plus 5 Year Case. Existing traffic count data taken within the three (3) year period prior to filing and traffic studies completed within said three (3) year period may be utilized to satisfy this requirement.

(6). Plans for roadway and intersection upgrades for all roadway segments and intersections within the Traffic Study Area, sufficient to provide level-of-service D or better under the Build Plus 5 Year Case for the AM peak hour and the PM peak hour.

(7). In addition, the Plan Approval Authority will establish a "Scope" detailing the design, fiscal, environmental and community issues to be evaluated based upon the likely impacts of the proposed project.

(8). Evidence that the Project complies with the cost and eligibility requirements of Section 4904(3).

(9). Project plans that demonstrate compliance with the requirements of Section 4904(4).

(10). A form of Affordable Housing Restriction that satisfies the requirements of Section 4904(5).

4911. Procedures

a. Filing. An applicant for Plan Approval shall file the application and all required submittals with the Town Clerk and shall also file forthwith fifteen (15) copies of the application and the other required submittals with the PAA including notice of the date of filing with the Town Clerk.

b. Circulation to Other Boards. Upon receipt of the Application, the PAA shall immediately provide a copy of the application materials to the Board of Selectmen, Planning Board, Board of Health, Housing Partnership, Conservation Commission, Fire Department, Police Department, Building Commissioner, Department of Public Works, and other municipal officers, agencies or boards designated by the PAA for comment, and any such board, agency or officer shall provide any written comments

within sixty (60) days of its receipt of a copy of the plan and application for approval.

c. Hearing. The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of G.L. Chapter 40A. The decision of the PAA shall be made, and a written notice of the decision filed with the Town Clerk, within 120 days of the receipt of the application by the Town Clerk. The required time limits for such action may be extended by written agreement between the applicant and the PAA, with a copy of such agreement being filed in the office of the Town Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the application and site plan.

d. Peer Review. In addition to the application fee, the applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to G.L. c. 40R, s. 11. This technical review fee shall be paid at the time of the application. The initial deposit shall be \$10,000 and shall be subject to replenishment as needed. Such fees shall be held by the Town in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the applicant.

4912. Design Standards

a. Design Standards. In order to preserve and augment the SCSGOD's architectural qualities, historic character and pedestrian scale, the "Smart Growth Overlay District Design Standards," are incorporated herein as an appendix hereto, and are applicable to all Projects within the SCSGOD. Said design standards address: architectural elements; the scale and proportion of buildings; the alignment, width, grade, and surfacing materials of streets and sidewalks; the type and location of infrastructure; site design; off-street parking; landscaping design and species selection; exterior and window signs; and buffering in relation to adjacent properties. Said design standards are intended to be applied flexibly by the PAA as part of the Plan Approval process. All applications for Plan Approval shall comply, except where a specific waiver is granted, to said design standards.

b. Amendments. The PAA may adopt, by majority vote, amendments to the Design Standards. Any amendment to the Design Standards must be objective and not subjective and may only address the scale and proportions of buildings, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off-street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. DHCD may, at its discretion, require any amendment to the Design Standards to contain graphics illustrating a particular standard or definition in order to make such standard or definition clear and understandable.

c. DHCD Approval. Before adopting any Design Standard, the PAA shall submit the proposed Design Standard to DHCD for approval. Any amendment to the Design Standards shall not take effect until approved by DHCD and filed with the Town Clerk. In submitting a proposed Design Standard for DHCD approval, the PAA shall also submit sufficient documentation clearly showing that the proposed Design Standard will not add unreasonable costs to Development Projects or unreasonably impair the economic feasibility of a Development Project. A letter from a developer, property owner or other interested party indicating that the Design Standards will not add unreasonable costs or unreasonably impair the economic feasibility of a Development Project shall not constitute sufficient documentation.

d. Plan Approval. An application for Plan Approval that has been submitted to the Town Clerk pursuant to Sections 4910 and 4911 shall not be subject to any Design Standard that has not been approved by DHCD and filed with the Town Clerk.

4913. Decision

a. Waivers. Except where expressly prohibited herein, upon the request of the Applicant the Plan Approval Authority may waive dimensional and other requirements of this Section 4900, including the Design Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the SCSGOD, or if it finds that such waiver will allow the Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this Section.

b. Plan Review. An Application for Plan Approval shall be reviewed for consistency with the purpose and intent of this

Section, and such Plan Review and shall be construed as an as-of-right review and approval process as required by and in accordance with the Enabling Laws.

c. Plan Approval. Plan Approval shall be granted by a simple majority where the PAA finds that:

(1). The applicant has submitted the required fees and information as set forth herein; and

(2). The Project and site plan meet the requirements and standards set forth this Section 4900, or a waiver has been granted therefrom; and

(3). Extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated by means of suitable conditions.

d. Plan Disapproval. A site plan may be disapproved only where the PAA finds that:

(1). The applicant has not submitted the required fees and information as set forth herein; or

(2). The Project and site plan do not meet the requirements and standards set forth this Section 4900, or a waiver has not been granted therefrom; or

(3). It is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of suitable conditions.

e. Form of Decision. All decisions of the PAA shall be by a majority vote of the members present and voting. The PAA shall issue to the applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. A copy of the decision shall be provided to the Building Commissioner. A copy of the decision or application bearing such certification shall be recorded in the registry of deeds for the county and district in which the land

is located and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the applicant.

4914. Change in Plans after Approval by PAA

a. Minor Change. After Plan Approval, an applicant may apply to make minor changes involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the applicant for filing with the Town Clerk. A copy of the decision shall be provided to the Building Commissioner.

b. Major Change. Those changes deemed by the PAA to constitute a major change because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to this Section.

4915. Enforcement; Appeal

The provisions of the SCSGOD shall be administered by the Zoning Enforcement Officer, except as otherwise provided herein. Any appeal arising out of action by the PAA regarding an application for Plan Approval for a Project shall be governed by the applicable provisions of G. L. c. 40R. Any other request for enforcement or appeal arising under this Section shall be governed by the applicable provisions of G. L. c. 40A.

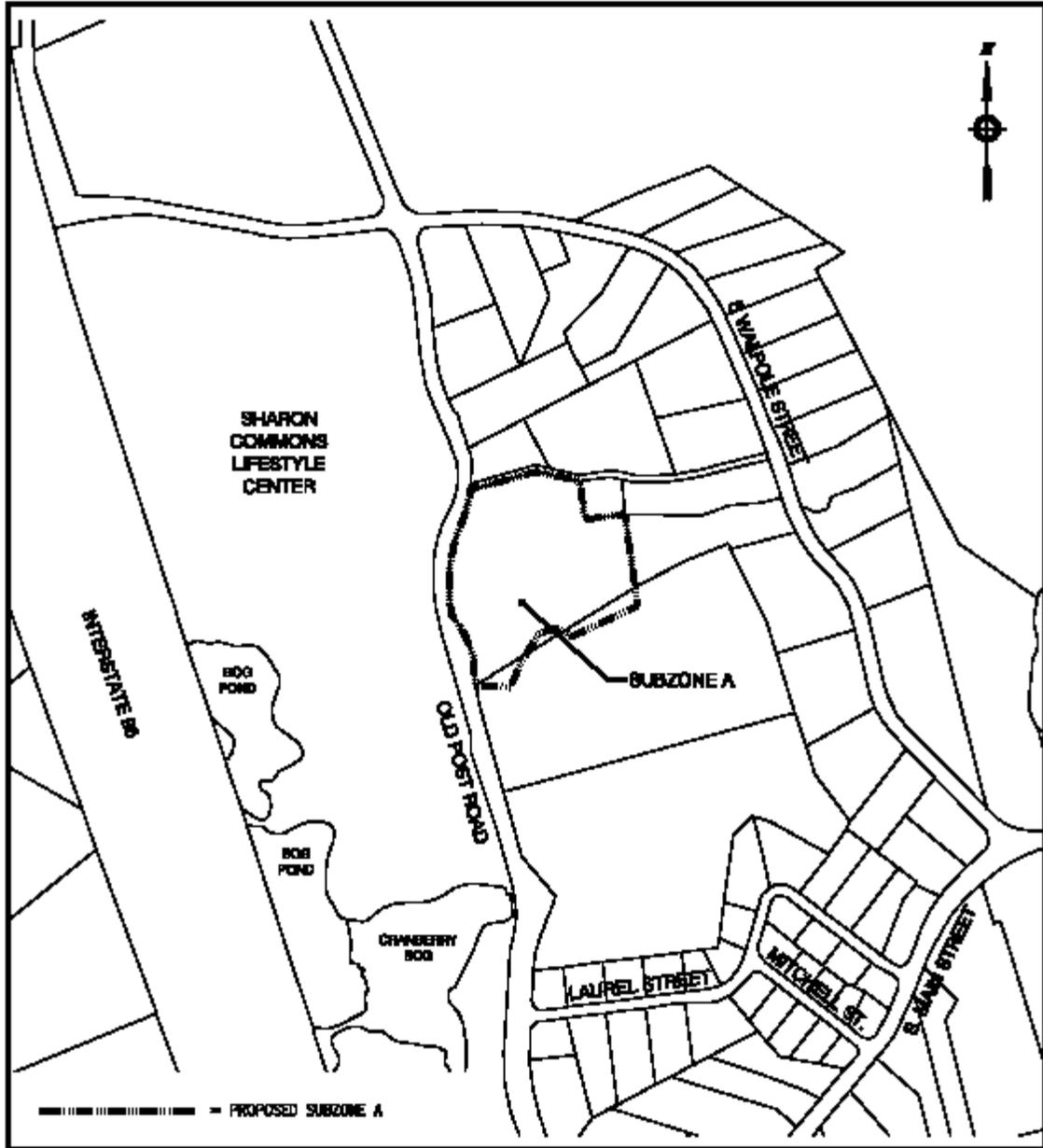
4916. Severability

If any provision of this Section 4900 is found to be invalid by a court of competent jurisdiction, the remainder of Section 4900 shall remain in full force. The invalidity of any provision of this Section 4900 shall not affect the validity of the remainder of the Town's Zoning By-Law.

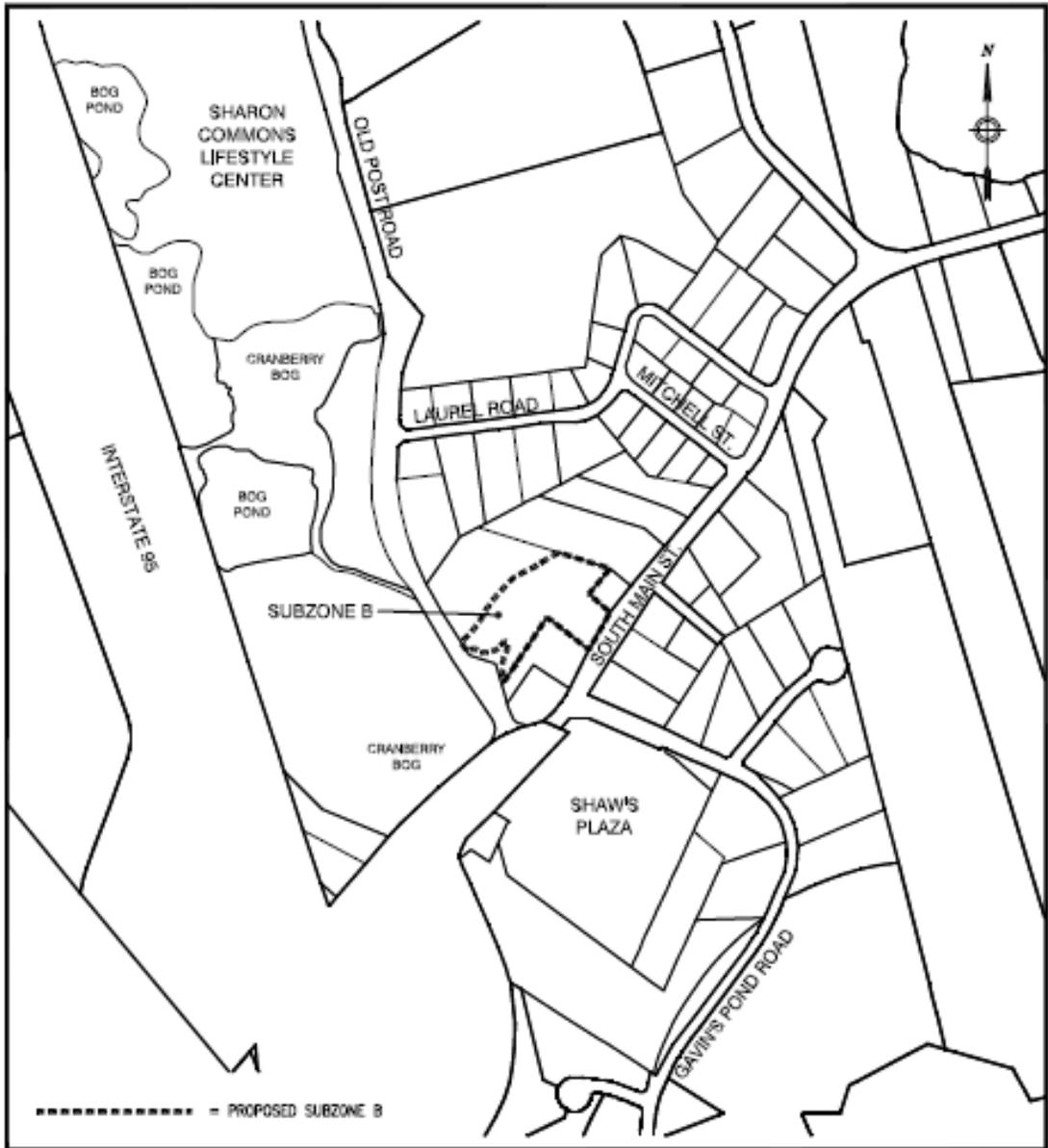
APPENDIX A



<p>ATTACHMENT 1-1: LOCATOR MAP</p>	<p>SHARON COMMONS SMART GROWTH OVERLAY DISTRICT (SCSGOD)</p>	<p>ATTACHMENT 1-1</p>
<p>COLER & COLANTONIO ENGINEERS AND SCIENTISTS</p>	<p>SHARON, MASSACHUSETTS SCALE: 1" = 1500' DATE: REV NOV. 13, 2008</p>	



<p>ATTACHMENT 5-4: SMART GROWTH ZONING MAP</p>	<p>SHARON COMMONS SMART GROWTH OVERLAY DISTRICT (SCSGOD)</p>	<p>ATTACHMENT</p>
<p>COLER & COLANTONIO  ENGINEERS AND ARCHITECTS</p>	<p>SHARON, MASSACHUSETTS SCALE: 1" = 800' DATE: SEPT. 23, 2008</p>	<p>5-4</p>



<p>ATTACHMENT 5-4: SMART GROWTH ZONING MAP</p>	<p>SHARON COMMONS SMART GROWTH OVERLAY DISTRICT (SCSGOD)</p>	<p>ATTACHMENT</p>
<p>COLER & COLANTONIO  ENGINEERS AND SCIENTISTS</p>	<p>SHARON, MASSACHUSETTS SCALE: 1" = 500' DATE: SEPT. 23, 2008</p>	<p>5-4</p>

APPENDIX B
SHARON COMMONS SMART GROWTH OVERLAY DISTRICT
DESIGN STANDARDS OF THE PLAN APPROVAL AUTHORITY

The following Design Standards seek to clarify the permitting process by defining expectations of the Plan Approval Authority with respect to site planning; height, bulk and scale compatibility; architectural elements and materials; architectural concept and consistency; human scale; exterior finish materials; project environment; landscaping; signage; surfacing, drainage and curbing; and traffic and pedestrian safety. The General Design Standards are applicable in all Subzones and shall supersede all other standards provided elsewhere in the Zoning By-Law, other than those contained in Section 4900 for the "Sharon Smart Growth Overlay District." The following Design Standards may be waived, in whole or in part, by majority vote of the Plan Approval Authority, as per Section 4913(1) of the Zoning By-Law.

PART ONE
GENERAL DESIGN STANDARDS

The following design standards apply to all lots in the Smart Growth Overlay District.

I. SITE PLANNING

A. **Site Design.** To the extent practicable, land shall be preserved in its natural state by minimizing tree and topsoil removal and restricting the limits of work to the smallest practicable area. All pedestrian entrances shall be enhanced by a landscaped area consisting of some combination of trees, grass, shrubs and flowers as may be appropriate for the space. A continuous pedestrian pathway shall link all common pedestrian entrances with each other and to adjacent streets. Open spaces shall include features such as benches, tables and hardscape elements.

B. **Public Ways.** Streets providing frontage for lots in the Smart Growth Overlay District shall meet requirements of the Planning Board's Rules & Regulations for the applicable class of street. Streets not providing proper pavement, walkways, or utilities shall be upgraded prior to building permit issuance or shall be upgraded prior to certificate of occupancy issuance with completion secured by a proper surety provided in accordance with Planning Board practice for subdivision streets.

C. **Access Drives.** Two-way access drives shall be a minimum width of 24 feet. The slope of the centerline of access drives shall be a minimum slope of 1½ percent, a maximum of 6 percent where parking is allowed, and a maximum slope of 12 percent where parking is not allowed. The minimum centerline radius of the two-way access drive shall be 75 feet.

D. **Curb Cuts.** Curb cuts serving more than 10 dwelling units shall be located only at locations where the centerline grade of the existing street is 6 percent or less and where stopping sight distance (SSD) and intersection sight distance (ISD) are provided for the 85th percentile travel speed. Minimum sight distance triangles shall be kept clear of obstructions and a leveling area shall be provided on the driveway having a maximum 3 percent slope and a minimum length of 50 feet. A maximum of one curb cut shall be constructed for every 100 feet of frontage.

E. **Off-Street Parking.**

a) Parking shall be provided on the same lot as the proposed use or on contiguous lots provided that access and parking easements are provided. The required number of parking spaces shall comply with Smart Growth Overlay District requirements. Parking spaces may be provided within structures, within exterior parking lots, and in a parallel configuration along the sides of principal access drives as set forth in Part Two hereof.

b) Parking spaces shall be setback a minimum of 5 feet from streets or ways and 5 feet from property lines of lots located outside the Smart Growth Overlay District. Parking shall be provided within 400 feet of the pedestrian entrance of buildings.

c) Exterior parking spaces shall be a minimum of 9 feet by 20 feet except that parallel parking spaces shall be a minimum of 9 feet by 25 feet.

d) Exterior parking aisles accommodating two-way traffic flow shall have a minimum width of 24 feet. Parking aisles within parking facilities for one-way traffic flow and shall have minimum widths as follows: 12 feet wide for 30 degree parking, 12 feet wide for 45 degree parking, 15 feet wide for 60 degree parking, and 20 feet for 90 degree parking. The minimum width of principal access drives accommodating parallel parking shall comply with Section I.C.

e) On-site parking shall be governed by a Parking Management Plan (PMP) in instances where less than 2.0 resident parking spaces per dwelling unit plus one visitor space per 20 resident parking spaces are provided for townhouses and where less than 1.8 resident parking spaces per dwelling unit plus one visitor space per 20 resident parking spaces are provided for apartments and condominiums. The Parking Management Plan shall limit the number of vehicles which may be garaged on site and shall provide enforcement mechanisms acceptable to the Plan Approval Authority.

F. **Walkways.** Walkways shall be provided connecting the front door of townhouse units and all common exterior doors except emergency doors of buildings containing more than twenty (20) dwelling units. Walkways shall extend from each building to each multivehicle parking areas, to on-site community or recreational facilities, and to adjacent streets. Walkways shall extend along the frontage of all lots unless there is an existing sidewalk on either side of the street. On-site walkways shall have a minimum width of 6 feet except walkways shall have a minimum width of 4 feet where said walkway serves a single residential dwelling unit. Off-site walkways along lot frontages shall conform to the Planning Board Rules & Regulations. All walkway segments shall comply with requirements for an accessible route as set forth in Architectural Access Board regulations. All walkway segments shall be protected from adjacent vehicular traffic by vertical curbing having a minimum 6 inch reveal.

G. **Surfacing.** All access drives, parking facilities, and loading facilities shall be surfaced with a hard, durable, surface consisting of bituminous concrete pavement, Portland cement concrete pavement, or pavers with a 12 inch gravel base. Bituminous concrete pavement within access drives, aisles, and loading facilities shall have a minimum thickness of 4½ inches and within parking spaces shall have a minimum thickness of 3½ inches. Pavement and base materials shall comply with requirements of the Planning Board's Rules & Regulations. All walkways shall be surfaced with bituminous concrete pavement having a minimum thickness of 3 inches with a 12 inch gravel base or with cement concrete pavement having a minimum thickness of 4 inches with an 8 inch gravel base.

H. **Fire Access.** All buildings shall be provided with vehicular access acceptable to the Fire Department. Buildings containing more than ten (10) dwelling units shall have access

for fire apparatus on a minimum of three sides on paved or stabilized surfaces. Access drives and parking lot aisles shall accommodate the largest fire apparatus to be used by the local fire department.

I. **Open Space.** Landscaped open space shall be provided for all lots in the Smart Growth Overlay District.

J. **Underground Utilities.** Utilities shall be installed underground.

K. **Stormwater Management.**

a) Stormwater management system shall be provided to collect all stormwater runoff from all lots with impervious areas proposed. Stormwater management system shall be contained within the boundaries of each lot excepting that contiguous lots may share a stormwater management system provided that suitable easements and a management agent are provided ensuring proper funding and operation and repair or the stormwater management system in perpetuity.

b) The stormwater management system shall have sufficient capacity to accommodate design storms while maintaining open channel flow in drainlines and one foot of freeboard in basins. Stormwater management system shall provide for collection and recharge of a volume equal to a 1 inch rainfall depth over all impervious surfaces within the lot. Stormwater management system shall provide for collection of runoff from the ten year frequency storm event from all surfaces within the lot. Stormwater basins shall provide for no increase in the peak rate of discharge for the 10 year frequency storm event. Stormwater management system plus overland flow shall collect runoff and direct it towards basins for the 100 year frequency design storm event. Stormwater basins shall provide for no increase in the peak rate of discharge for the 100 year frequency storm event.

c) Roofwater shall be recharged in roofwater recharge facilities.

d) Stormwater basins and roofwater recharge facilities shall be located with a minimum one foot separation to groundwater. Each stormwater basin shall be provided with a 10 foot wide maintenance road accessing the rim of the basin. Access shall be provided to the outlet control structure, sediment trap, and the emergency overflow device. Each open basin shall be

provided with a sediment forebay or other equivalent device. Basins shall be located to avoid inundation by floodwaters during the 100 year storm. Basin discharges shall not direct runoff towards abutting properties.

e) The stormwater management system shall comply with the DEP Stormwater Management Standards as set forth in 310 CMR 10.00 whether or not the site is subject to regulation under the "Massachusetts Wetlands Protection Act." Specifically the stormwater management system shall comply with the following:

(i) There shall be no discharge of untreated stormwater directly to or cause erosion in wetlands or waterbodies.

(ii) The post-development peak discharge rate shall not exceed pre-development peak discharge rate for the 2, 10, and 100 year frequency storm events.

(iii) Loss of annual recharge to ground water shall be minimized through the use of infiltration measures including environmentally sensitive site design, low impact development techniques, stormwater best management practices and good operation and maintenance. The annual recharge from the postdevelopment site shall equal or exceed the annual recharge from the pre-development conditions based on soil type.

(iv) Stormwater management systems shall be designed to remove 80% of the average annual post-construction load of Total Suspended Solids (TSS).

(v) For land uses with higher potential pollutant loads, source control and pollution prevention shall be implemented.

(vi) Stormwater discharges within any Water Resource Protection District or any Zone II or Interim Wellhead Protection Area of a public water supply and stormwater discharges near or to any other critical area require the use of the specific source control and pollution prevention measures and the specific structural stormwater best management practices.

(vii) A plan to control construction related impacts including erosion, sedimentation and other pollutant sources during construction shall be developed and implemented.

(viii) A long-term operation and maintenance plan shall be developed and implemented to ensure that the stormwater management system functions as designed.

(ix) All illicit discharges to the stormwater management system are prohibited.

f) Use of low impact design practices including pervious pavement is encouraged.

g) Stormwater management system shall provide for 40 percent removal of Total Suspended Solids upgradient of any stormwater basin or recharge facility and shall provide for 80 percent Total Suspended Solids removal downgradient of the last stormwater basin.

h) Drainlines, structures, and appurtenances shall comply with requirements of the Planning Board's Rules & Regulations.

i) The design of stormwater basins and roofwater recharge facilities shall be based on characterization of the soil profile, permeability tests, and depth to groundwater based on test pits and/or borings and test well data. For each facility proposing recharge as mitigation for the design storm events, one test pit or boring and one permeability test shall be provided. For larger basins, the number of tests shall be increased such that one test pit or boring and one permeability test is provided for each 5,000 sq. ft. of basin footprint.

j) An Operation and Maintenance Plan must be provided that provides for proper operation and maintenance of the stormwater management system in perpetuity. The Operation and Maintenance Plan shall comply with DEP recommended practice and shall provide adequate administrative organization to ensure proper funding and a proper management organization.

L. **Floodplains.** Parking facilities and access drives shall either be constructed above the 100 year flood elevation as shown on the Flood Insurance Rate Map for Sharon or the drainage system shall be designed to avoid surcharging catchbasins with floodwaters. The lowest floor of buildings shall be constructed a minimum of one foot above the 100 year flood elevation. The volume of fill or structures placed within the 100 year floodplain shall be offset by compensatory excavation such that the volume of fill is balanced by a volume of compensatory

excavation for each foot of elevation up to and including the 100 year flood elevation.

M. **Dumpsters.** Dumpster pads shall be located to the side or rear of buildings where practicable. Dumpsters shall be provided with an 8 inch thick reinforced cement concrete pad with an 8 inch gravel base. The dumpster pad shall be provided with an area drain connected to the drainage system tributary to an appropriately sized water quality inlet. Dumpsters shall be screened with a combination of plantings and fencing as provided in Section VII.D(a).

N. **Utility and Service Equipment.** Transformers, switchgears, meters, HVAC equipment or any other type of utility or service equipment shall be located to the rear or side of buildings where practicable and shall be screened with a combination of plantings and fencing allowed by the utility provider as provided Section VII.D(a).

O. **Lighting.** Site lighting shall be designed with the lower illumination levels consistent with good design practice and IESNA recommendations. Maximum illumination levels shall not exceed 5 foot-candles at any location. Light trespass shall be limited to 0.25 foot-candles at all property lines, except at curb cuts. Fixtures and poles shall be compatible in style with on-site buildings. Maximum pole height shall be 24 feet in parking lots and 16 feet along pedestrian walkways and in pedestrian areas. Maximum height for building mounted fixtures shall be 10 feet above finished grade of properties directly abutting offsite residences, except for balcony fixtures and as required by State Building Code. Fixtures shall avoid upward projection of light consistent with "dark skies" principals and shall avoid point sources of light visible from off-site locations. All exterior lighting shall be energy efficient and shall incorporate zones and timers to reduce lighting levels at non peak times.

II. **ARCHITECTURAL ELEMENTS AND MATERIALS**

A. **Materials.** Painted or factory finished lap siding, stained cedar shingles, natural and artificial stone and masonry products are generally acceptable. Roofing materials may be asphalt shingles, synthetic shingles and other non reflective roofing products are acceptable.

B. **Facades.** Windows may be double hung with divided lights or combined into a series of windows. Trim around windows,

fixed shutters, louvers, water table courses and historical style columns at porches are acceptable.

C. **Blank Walls.** Walls having no doors or windows shall not be allowed. All walls shall include the design features specified in Section II.B. Facades above. Particular attention shall be paid to facades facing sidewalks or visible from a street, driveway or abutting property to ensure that they include architectural elements such as porches, stoops, columns or decorative fences.

D. **Mechanical Equipment.** Mechanical equipment shall be fully enclosed with screening and acoustically buffered and shall not be visible from ground level.

III. ARCHITECTURAL CONCEPT AND CONSISTENCY

A. **Massing.** Buildings shall be massed in such a way as to allow for views and to allow for light, air and sun between buildings. Townhouse units shall be combined into buildings that allow for variety in size and shape. Multifamily buildings shall be stepped, jogged or angled in order to reduce bulk and mass.

B. **Rooftops.** Buildings shall have roofs with overhangs and dormers. Roofs shall have a pitch, color and texture. Roofs may contain dormers, porches, skylights and chimneys and other features that demonstrate a residential character. Any rooftop mechanical equipment, air compressors and other noise producing elements shall be acoustically buffered and shall be screened on all sides.

C. **Distinctive Features.** Columns, trim styles, railings, balustrades, window flower boxes and dormers shall be encouraged.

IV. HUMAN SCALE

A. **General.** Residential scaled exterior light fixtures, site benches, and planters are encouraged. Patterned garage doors rather than blank panel doors are encouraged.

V. EXTERIOR FINISH MATERIALS

A. **General.** Consistency of finish materials in terms of color, texture and pattern is encouraged.

VI. PROJECT ENVIRONMENT

A. **Wastewater.** Sanitary sewer collection systems, on-site and off-site force mains and pumping stations, and on-site wastewater treatment plants serving the Smart Growth Overlay District shall have adequate administrative and funding mechanisms to provide for proper operation, maintenance, monitoring, and testing. All sanitary sewers shall be subject to on going requirements for leak detection and repair. Buildings shall incorporate water conservation devices including low flow plumbing fixtures including low flow toilets. On-site wastewater generation exceeding six (6) gallons per day per one-thousand (1,000) sq. ft. of lot area and on-site wastewater treatment plants treating domestic wastewater are only permitted pursuant to issuance of a Groundwater Discharge Permit by the Massachusetts Department of Environmental Protection. Wastewater treatment plant effluent shall comply with the DEP "Interim Guidelines on Reclaimed Water (Revised)", Policy No. BRP/DWM/PeP-P00-3 dated 01/03/2000.

B. **Traffic.** Off-site road and intersection improvements shall be provided to mitigate traffic impacts of Smart Growth Overlay District projects. All roadways within 3,000 feet of the project site accommodating more than 10 percent of the trips generated by sites in the Smart Growth Overlay District shall be improved to Collector Street Standards as set forth in the Land Subdivision Rules and Regulations of the Sharon Planning Board. All intersections accommodating more than 10 percent of the trips generated by sites in the Smart Growth Overlay District shall be improved such that the intersection shall operate at level-of-service D (LOS D) or better under the Build Plus 5 Year Case. 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.

C. **Irrigation.** Irrigation shall comply with an "Irrigation Management Plan" that incorporates staged drought management provisions. The Irrigation Management Plan may provide for non-municipal water and treated effluent application to turf in recreation facilities to the extent allowed by regulatory agencies having jurisdiction. On-site well water may be used, but drawdown affecting adjacent water supply wells should be minimized.

D. **Landscape Maintenance.** Site operation and maintenance shall comply with an Integrated Pest Management Plan. Use of

fertilizer shall be minimized. Prior to applicant soil shall be analyzed and only required nutrients shall be applied.

E. **Noise.** All exterior HVAC or other exterior equipment shall include a noise suppression package or a screening enclosure to baffle the noise. Noise caused by such equipment shall neither exceed 70 dBA at the source nor exceed 55 dBA at the boundary of the property containing the Smart Growth Overlay District. Interior noise levels shall not exceed 55 dBA.

F. **Sedimentation and Erosion.** Construction shall be performed in a manner that minimizes sedimentation, erosion, and fugitive dust. Plan submissions shall include sedimentation and erosion control plans. All construction shall comply with the "Stormwater Discharges Generated By Construction Activity By-Law."

G. **Construction Impacts.** Construction shall be performed in compliance with applicable laws and codes and shall include all measures required by the Plan Approval Authority to control noise, vibration, truck traffic, maintenance of traffic, and safety.

VII. LANDSCAPING

A. **Planting Plans.** Planting plans for all Smart Growth Overlay District projects shall be prepared by a Massachusetts Registered Landscape Architect and the planting plan shall bear the Landscape Architect's signature and seal.

B. **Design.** Required plantings shall consist of shade trees, coniferous trees, ornamental flowering trees, shrubs, mulch beds, turf areas, and Natural Vegetation Areas. A minimum of 6 shrubs or one flowering tree shall be provided for each required shade tree. Landscaping shall consist primarily of native species to minimize maintenance, particularly water use. Plants included on the Massachusetts Department of Agricultural Resources' "Massachusetts Prohibited Plant List" (2006) are prohibited. Extensive mono plantings of a single species shall be avoided. Loam shall be provided for all areas within the limit of construction excluding building footprints, paved areas, and Natural Vegetation Areas. Loam shall be placed at a depth of at least six inches and shall be seeded and maintained as turf, planted for groundcover, or shall be covered with a 4 inch thick layer of natural color cedar bark mulch or suitable stabilization such as colored stone.

C. **Context.** Landscaped areas shall be context sensitive and designed to complement adjacent or nearby buildings, walkways, streets and parking areas.

D. **Required Plantings.**

a) Screening shall be provided for dumpsters, exterior electric and mechanical equipment, and utility structures subject to any restrictions set forth by the utility purveyor. Screening shall consist of evergreen trees and shrubs and shall be 2 feet taller than the feature being screened within ten years of planting. An opaque board fence having a minimum height of 6 feet shall be provided continuously adjacent to the element being screened as allowed by the utility provider. Evergreen trees or shrubs shall be planted such that their spread provides contact between plants within ten years of planting. Trees shall be under planted with evergreen shrubs to provide a continuous screen at all levels.

b) Landscaping shall be provided along the entire street frontage. Front yard landscape areas shall have a minimum width of 10 feet. Trees may be equally spaced or clustered in a manner approved by the PAA. One shade tree or one coniferous tree shall be provided for each 30 feet of frontage. Credit shall be given for street tree planting proposed within adjacent streets.

c) Landscaping shall be provided for all parking lots containing 10 or more parking spaces. A minimum of 1 shade tree shall be provided for every 8 parking spaces. Shade trees shall be located in a manner to provide shade to the pavement in order to reduce heat gain in the parking lots.

E. **Plantings.**

a) Shade trees shall be deciduous hardwood trees and shall have a minimum caliper of 2 to 2½ inches at the time of planting.

b) Flowering trees shall have a minimum caliper of 2 to 2½ inches at the time of planting.

c) Coniferous trees shall be 8 to 10 feet in height at the time of planting.

d) Shrubs shall be 18" to 24" in height at the time of planting.

e) All trees shall be healthy, vigorous growing, and true to form and shape. All trees and shrubs shall be nursery grown.

F. **Irrigation.** Potable water from the Sharon public water distribution system shall not be used for irrigation. Irrigation shall conform to an Irrigation Management Plan.

G. **Detention Basins.** To the maximum extent practicable, detention basins shall be designed to blend in with the natural landscape. The basins shall also be screened with naturalistic plants to better incorporate the area into the natural vegetation area.

H. **Lighting.** Site lighting shall be designed with the lower illumination levels consistent with good design practice and IESNA recommendations. Fixtures and poles shall be compatible in style with on-site buildings. Maximum pole height shall be 24 feet. Fixtures shall avoid upward projection of light consistent with "dark skies" principals and shall avoid point sources of light visible from off-site locations.

VIII. SIGNAGE

A. **Master Signage Plan.** All applications shall include a master signage plan that includes the design and location of all signs within the project including any monument, building, directional and informational signs. Generally, all signs within a single project shall adhere to a common design theme.

B. **Monument Signs.** No more than one monument sign, limited to a maximum of 24 square feet per side, per entrance from a public way shall be allowed. There shall be two posts for monument signs (one on each side), which shall be constructed of granite, wood, or other material as may be approved by the PAA. These signs shall be limited to the name of the development and the municipal address.

C. **Building Signs.** Building signs shall be pedestrian in scale and limited to one sign, a maximum of 12 square feet, per public entrance for multifamily buildings. Townhouse signs shall be limited to the name of the occupant and the municipal address, and shall not exceed 1 square foot.

**PART TWO
SUBZONE DESIGN STANDARDS**

**SUBZONE A
RESIDENTIAL CONDOMINIUMS & APARTMENTS**

The following design standards apply to all lots in Subzone A:

I. SITE PLANNING

A. Off-street Parking.

a) Parking shall be provided on the same lot as the proposed use or on contiguous lots provided that access and parking easements are provided. The required number of parking spaces shall comply with Smart Growth Overlay District requirements. Visitor parking spaces may be provided either within parking structures, along one-side of on-site access drives, in exterior at grade parking facilities.

(i) Exterior parking facilities shall fully comply with Part One, Section I.E.

(ii) Structured parking spaces may be a minimum of 9 feet by 20 feet (preferred) or may be reduced to 8 ½ feet by 18 feet. Up to 25 percent of garage spaces may be 8 ½ by 16 feet for compact car parking spaces. Columns in parking garages may encroach on up to 3 sq. ft. of any parking space provided that the encroachment does not reduce the minimum required length or width by more than one foot.

(iii) Parking aisles accommodating two-way traffic flow shall have a minimum width paved of 24 feet.

B. Curbing. Access drives, parking facilities, and loading facilities shall be provided with vertical faced curbing or monolithic haunched concrete walks having a 6 inch reveal. Vertical granite curb type VA4 shall be used within 50 feet of the sideline of streets or ways providing frontage. The applicant may provide either vertical granite curb type VA4, vertical precast concrete curb, or monolithic haunched concrete walks on other portions of the site. Curb shall be backed front and back with concrete. The Plan Approval Authority may allow bituminous concrete berm in remote portion of the site or in service areas.

SUBZONE B
RESIDENTIAL TOWNHOUSES

The following design standards apply to all lots in Subzone B:

I. SITE PLANNING

A. **Secondary Driveways.** Secondary driveways serving one dwelling unit shall be a minimum width of 12 feet. The slope of the centerline of secondary driveway shall be a minimum slope of 1 percent, a maximum of 8 percent where parking is allowed, and a maximum slope of 12 percent where parking is not allowed.

B. **Off-Street Parking.**

a) Garage resident parking spaces for townhouse units shall measure shall be a minimum of 12 by 20 feet.

b) Exterior resident parking spaces for townhouse units shall be a minimum of 9 by 20 feet. Exterior resident parking spaces for individual units shall be located to avoid blocking access to the garage parking space. A stacked parking configuration is not allowed.

c) Visitor parking spaces may be provided in separate on-site parking facilities or parallel parking spaces may be provided along the sides of principal access drives. Visitor parking shall be provided within 400 feet of the townhouse building that it is intended to serve. Visitor parking spaces shall comply with the provisions of Section I.E.

C. **Surfacing.** Secondary access drives, and parking spaces shall be surfaced with bituminous concrete pavement, Portland cement concrete, or pavers with a 12 inch gravel base. Bituminous concrete pavement within secondary driveways and parking spaces shall have a minimum thickness of 3½ inches. Pavement and base materials shall comply with requirements of the Planning Board's Rules & Regulations as applicable.

D. **Curbing.** Access drives serving townhouse units shall be provided with a planting strip and sloped granite edging or vertical faced curbing having a 6 inch reveal. Vertical granite curb type VA4 shall be used within 50 feet of the sideline of streets or ways providing frontage. The applicant may provide either vertical granite curb type VA4, vertical precast concrete curb, or sloped granite edging on other portions of the site. Where sloped granite edging is used, the edging shall be

separated from walkways by a planting strip. Curb shall be backed front and back with concrete and sloped granite edging shall be set in concrete.

II. LANDSCAPING

A. **Design.** Consideration shall be given to creating defined open areas for each dwelling unit through screening and planting.

B. **Required Plantings.** A minimum of 1 shade tree is required for each townhouse dwelling unit.

2/3 VOTE DECLARED BY MODERATOR. VOTE CHALLENGED BY 7 VOTERS. A STANDING VOTE. VOTES IN THE AFFIRMATIVE 189. VOTES IN THE NEGATIVE 32.

Springfield, Massachusetts

March 9, 2009

The within amendment to the zoning by-laws adopted under Article 4 of the warrant for the Special Town Meeting that convened on November 17, 2008, is hereby approved.

MARTHA COAKLEY

ATTORNEY GENERAL

By: Kelli E. Gunagan

Assistant Attorney General

ARTICLE 5.

VOTED UNANIMOUSLY: That action under Article 5 be indefinitely postponed. (This article referred to the Sharon Commons Smart Growth Overlay District)

ARTICLE 6.

MOVED: That the Town accept the proposed layout of Johnson Drive and take such other actions as contained in Article 6 of the Warrant for this meeting exactly as printed on pages 53-54 except for the deletion of the words, "and to raise and appropriate therefor a sum of money for said easement or fee acquisitions, and further, to determine whether this appropriation shall be raised by borrowing or otherwise" appearing on page 53 and the words appearing on page 54, "or take any other action relative thereto". **NOT CARRIED.**

ARTICLE 7.

VOTED UNANIMOUSLY: That action under Article 7 be indefinitely postponed. (This article referred to amending the Zoning By-

Laws by adding at the end of Section 2110 a new overlay district "100 High Plain Overlay District")

ARTICLE 8.

VOTED UNANIMOUSLY: That action under Article 8 be indefinitely postponed. (This article referred to amending "The Town of Sharon, Massachusetts - Zoning Map" in accordance with approval of the proposed amendment of Article 7)

ARTICLE 9.

VOTED UNANIMOUSLY: That the Town establish a stabilization fund pursuant to M.G.L. ch. 40, § 5B, for the purpose of funding sidewalk improvements, and to raise and appropriate \$310,000, from money initially given to the Town for this purpose by the Avalon Bay developers; and to authorize the Department of Public Works to spend money from the Sidewalk Improvement Stabilization Fund for constructing, repairing, maintaining, or otherwise improving the Town's sidewalk system.

ARTICLE 10.

VOTED UNANIMOUSLY: That the Town establish a stabilization fund pursuant to M.G.L. ch. 40, § 5B, for the purpose of funding water line improvements, and to raise and appropriate \$400,000, from money initially given to the Town for this purpose by the Avalon Bay developers, and to authorize the Water Department to spend money from the Water Improvement Stabilization Fund for such purpose.

ARTICLE 11.

VOTED UNANIMOUSLY: That the Town raise and appropriate the sum of \$100,000 for extraordinary repairs to stabilize or otherwise improve facilities and or structures located on the former Horizons for Youth property; and to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow \$100,000 under Massachusetts General Laws, Chapter 44, §7.

ARTICLE 12.

VOTED: That the Town raise and appropriate the sum of \$25,000 for the Charter Commission to hire consultants, pay for administrative costs, and otherwise pay ordinary expenses

incurred by the Commission and to meet this appropriation the sum of \$25,000 shall be transferred from the Reserve Fund.

ARTICLE 13.

VOTED: That the Town accept easements from six individual homeowners on Lakeview Street where it has been determined that small portions of the existing roadway are currently located on private property. Said easements are located as described in the legal descriptions and plans of easements as filed with the Town Clerk, or as the same may be more further described by the Board of Selectmen.

ARTICLE 14.

VOTED: That action under Article 14 be indefinitely postponed. (This article would amend the Zoning By-Laws by deleting the section entitled "Sign By-Law")

ARTICLE 15.

VOTED UNANIMOUSLY: That the Town amend Article 25, Enumeration of fees, of the General By-Laws by deleting therefrom the last item entitled "Issuance of a burial permit, ten dollars."

Springfield, Massachusetts

March 9, 2009

The within amendment to the general by-laws adopted under Article 15 of the warrant for the Special Town Meeting that convened on November 17, 2008, is hereby approved.

MARTHA COAKLEY

ATTORNEY GENERAL

By: Kelli E. Gunagan

Assistant Attorney General

ARTICLE 16.

VOTED: That the Town authorize the Collector to charge a fee for each written demand issued by the Collector said fee not to exceed \$30.00, to be added to and collected as part of the tax, as authorized by M.G.L. ch. 60, S15.

ARTICLE 17.

VOTED: That the Town amend Article 17, Regulation of Dogs, of the General By-Laws exactly as printed on pages 64-67 of the Warrant for this meeting except for the deletion of the words, appearing on page 67, "or take any other action relative thereto."

SECTION 1. Licenses shall be required in accordance with Massachusetts General Laws Chapter 140, Section 139 and are valid for a one year period commencing on January 1st and expiring on December 31st of each year. The annual fee for every dog license, except as otherwise provided by the law, shall be \$20 for a male dog and \$20 for a female dog, unless a certificate of registered veterinarian has been shown to the Town Clerk indicating that such male or female dog has been spayed or neutered, in which case the fees shall be \$15.

SECTION 1A. The fee for kennel licenses shall be thirty-five dollars (\$35.00) if no more than four dogs over the age of three months are kept in said kennel; sixty dollars (\$60.00) if more than four but no more than ten dogs over the age of three months are kept therein; and one hundred and twenty-five dollars (\$125.00) if more than ten dogs over the age of three months are kept therein.

SECTION 2. Disturbing the peace: No person shall own or keep in the Town any dog which by biting, excessive barking, howling or in any other manner disturbs the quiet of the public.

SECTION 2A. Mandatory Leash Law: No person shall permit a dog owned or kept by him beyond the confines of the property of the owner or keeper unless the dog is held firmly on a leash or is under the control of its owner or keeper or the agent of either. As used in this section the term "control" shall include but not be limited to oral or visual commands to which the dog is obedient. Dogs running at large and not under restraint will be caught and confined for a period of up to ten days, and the owner or keeper will be forthwith notified. Said dog shall not be released to that owner or keeper, until a pick-up charge of twenty dollars (\$20.00) per dog shall have been paid to the Town of Sharon for services rendered in addition to a per day boarding fee which is determined by the shelter for the care and keep of each dog impounded.

SECTION 3. Complaint of nuisance: If any person shall make a complaint in writing to the Animal Control Officer that any dog owned or harbored within his/her jurisdiction is a nuisance by reason of vicious disposition or excessive barking or other disturbance, the Animal Control Officer shall investigate such complaint, which may include an examination under oath of the complainant, and submit a written report to the Selectmen of his/her findings and recommendations, together with the written complaint. Upon receipt of such report and examination of the

complainant under oath, the Selectmen may make such order concerning the restraint, muzzling or disposal of such dog as may be deemed necessary. The Animal Control Officer, after investigation, may issue an interim order that such dog be restrained or muzzled for a period not to exceed fourteen (14) days to enable the Selectmen to issue their order following the receipt of the report of the Animal Control Officer. If the Selectmen fail to act during the period of the interim order, upon expiration of the period the interim order automatically is vacated.

SECTION 4. The Animal Control Officer may restrain or muzzle, or issue an interim order to restrain or muzzle, for a period of not to exceed fourteen (14) days, for any dog for any of the following reasons:

- a. for having bitten a person;
- b. if found at large or unmuzzled, as the case may be, while an order for the restraint of such dog is in effect;
- c. if found in a school, schoolyard or public recreational area;
- d. for having killed or maimed or otherwise damaged any other domesticated animal;
- e. for chasing any vehicle upon any public way open to public travel in the Town;
- f. for any violation of Section 2.

Upon restraining or muzzling, or issuing an interim order to restrain or muzzle, the Animal Control Officer shall submit in writing to the Selectmen a report of his/her action and the reasons therefore. Upon receipt of such report, the Selectmen may make such order concerning the restraint, muzzling or disposal of such dog as may be deemed necessary. If the Selectmen fail to act upon the report during the period the dog is restrained or muzzled, upon expiration of the period, the interim order automatically is vacated.

SECTION 5. Appeal of restraint or muzzling: The owner or keeper of any dog that has been ordered to be restrained or muzzled or has been restrained under this article, may file a request in writing with the Animal Control Officer that the restraining order be vacated, or that the dog be released, and after investigation by the Animal Control Officer such Officer may

vacate such order or release such dog, if the order or restraint was imposed by him/her. If the order was imposed by the Selectmen, the Animal Control Officer shall submit a written report of his/her investigation, with his/her recommendations, to the Selectmen, who may vacate the order.

SECTION 6. Any owner or keeper of a dog who shall fail to comply with any order of the Animal Control Officer or Selectmen issued pursuant to this article shall be punishable by a fine of one hundred dollars (\$100.00).

SECTION 7. Vaccination: It shall be unlawful for the owner of any dog over the age of six months to keep or maintain such dog unless it shall have been vaccinated by a licensed veterinarian with antirabies vaccine within two years, or within the period of immunity as certified by said veterinarian, preceding the date on which such dog is kept or maintained.

SECTION 8. Violation of this by-law other than is provided in Section 6 shall be punished by a fine of twenty-five dollars (\$25) for a first offense, fifty dollars (\$50) for a second offense, and one hundred dollars (\$100) for a third and subsequent offense.

SECTION 9. In addition to the requirement that a dog shall be duly licensed as required by law, the owner of a dog which is not licensed on or before May 31st in any year shall be subject to a "late fee" so-called, of twenty-five dollars (\$25), said fee to be paid in addition to the license fee for all dogs licensed on or after May 31st of any year. The owner of any unspayed and unleashed female dog found by the Animal Control Officer roaming at large in season (heat) off the premises of the owner or keeper shall be subject to a fine of twenty-five dollars (\$25). In accordance with Article 11 of the General By-Laws of the Town of Sharon, a non-criminal disposition penalty will be imposed in the amount of twenty-five dollars (\$25) for any owner of a dog who fails to comply with the licensing of their dog on or before June 30th of any year; said fee is to be paid in addition to the late fee and license fee.

Or to take any other action relative thereto.

Springfield, Massachusetts

March 9, 2009

The within amendment to the general by-laws adopted under Article 17 of the warrant for the Special Town Meeting that convened on November 17, 2008, is hereby approved.

MARTHA COAKLEY

ATTORNEY GENERAL

By: Kelli E. Gunagan

Assistant Attorney General

ARTICLE 18.

VOTED UNANIMOUSLY: That the Town increase the gross receipts that seniors may have in the prior calendar year to be eligible to defer property taxes under M.G.L. c. 59 § 5, Clause 41A, from \$40,000 to 100% of the amount established annually by the Commissioner of Revenue as the income limit for single seniors who are not heads of households to qualify for the "circuit breaker" state income tax credit for the preceding state tax year, with such increase to be effective for deferrals granted for taxes assessed for any fiscal year beginning on or after July 1, 2008.

VOTED: That this Special Town Meeting be dissolved at 10:25 P.M.

Attendance: 239