

FALL SPECIAL TOWN MEETING

NOVEMBER 14, 2011

Pursuant to the provisions of the warrant of October 4, 2011 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 David L. Yas. 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: Eric Hooper, Peter O'Cain, Greg Meister, Cindy Doherty, Mark Mazur, Brett MacGowan, Norma Simons Fitzgerald, Richard Gelerman, Lisa Whelan, Timothy Farmer, Glenn Brand, Portia Gwen Harcus, Martha Raider, Thomas Doran and Lisa Raider.

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.

VOTED UNANIMOUSLY: That the meeting adjourn at 11:00 P.M. or at the close of the Article then under discussion and to reconvene on Tuesday evening November 15, 2011 at the Arthur E. Collins Auditorium at 7:00 P.M.

ARTICLE 1.

VOTED: That the Town authorize the Board of Selectmen to acquire by gift, purchase or eminent domain the following interests in land: The fee in approximately 400 to 500 square feet of land; a permanent easement for subsurface traffic detection sensor equipment; and temporary construction easements. All said interests to be acquired are located along

the south-easterly side line of South Main Street between Interstate 95 and Gavins Pond Road, as generally shown on a plan entitled "Exhibit A South Main Street, Sharon, Massachusetts," dated September 2011, prepared by Coler & Colentino, a copy of which is on file in the office of the Town Clerk, and as the same may be more or less particularly described, or as such plan may be later identified or amended.

And further to convey such land and easements to the Commonwealth of Massachusetts without consideration, for the purpose of the widening of South Main Street and the installation of traffic lights and pedestrian signals at the intersection of Old Post Road and South Main Street.

And to authorize the Board of Selectmen to undertake any and all actions, enter into any such agreements and execute such documents as may be necessary to accomplish the foregoing.

And to appropriate twelve thousand (\$12,000.00) dollars to fund said purchase or taking and any and all fees and costs associated with said fee and/or easement acquisitions, said funds to be appropriated from third party payments to the town.
2/3 VOTE DECLARED BY MODERATOR.

ARTICLE 2.

VOTED UNANIMOUSLY: That the Town accept the provisions of Mass. General Laws Chapter 60, section 3D, to authorize tax bills to be designed with a place for taxpayers to donate amounts to, and to establish, an elderly and disabled taxation fund to defray the real estate taxes of elderly and disabled persons of low income.

ARTICLE 3.

VOTED: That action under Article 3 be indefinitely postponed. (Amend Zoning By-Law Section 2315.)

ARTICLE 4.

MOTION: That the Town transfer the care, custody, management and control of property off Valley Road, containing approximately 10 acres, and conveyed to the Town by deed of Harry H. Noble and Mary F. Noble on April 29, 1943, recorded at

the Norfolk Registry of Deeds in Book 2438, at Page 64, from the Board of Selectmen for municipal purposes to the Conservation Commission for conservation purposes. **NOT CARRIED. 2/3 VOTE DECLARED BY MODERATOR.**

ARTICLE 5.

VOTED: That the Town amend the following sections of the Zoning By-law, exactly as printed on pages 9 to 18 of the warrant for this Special Town Meeting except on page 10, for Section 2323, for the paragraph beginning "Personal services," delete the second sentence of that paragraph so the paragraph reads as follows: "Personal services, such as daycare, barber, beauty shop, health or fitness club, photographer, shoe repair, and tailor."

And except for the next paragraph, beginning with "In Business District A and Business District B only," to place a period after the words "those premises" and to delete the words, "and provided further that methods of disposal of liquid or gaseous wastes are approved by the Board of Health."

And except to delete the first sentence of Section 2326 as printed in the Warrant on page 12 and replace it with the following language which adds Business District D to the affected districts: "Buildings with gross floor area exceeding sixty thousand (60,000) square feet in Business Districts B, C and D, and buildings with gross floor area exceeding five thousand (5,000) square feet in Business District A."

And except for the deletion of the words "or take any other action relative thereto" appearing on page 18.

By deleting Section 2213 in its entirety and replacing it with the following new Section 2213:

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

By deleting Section 2321 in its entirety and replacing it with the following new Section 2321:

2321. Permitted Residential Uses:

In Business Districts A, B and C, single- or two- (2) family dwellings.

In Business District A, up to two (2) apartment units when located above a non-residential ground floor use.

By deleting Section 2323 in its entirety and replacing it with the following new Section 2323:

2323. Permitted Commercial Uses:

The following uses are permitted subject to the building floor area limitations, parking space thresholds, and performance criteria set forth herein. The uses enumerated hereinafter are permitted provided that (1) the total of all buildings on a lot does not exceed sixty thousand (60,000) square feet of gross floor area in Business Districts B and C, five thousand (5,000) square feet of gross floor area in Business District A, and the building floor area limits established for Business District D, (2) that the total number of required (prior to any reductions under Section 3111) off-street parking spaces does not exceed one hundred fifty (150) in Business Districts B and C and twenty (20) spaces in Business District A, and (3) that uses in Business District D comply with the requirements of Sections 2327, 2328, and 2329. For the purposes of this Section, all contiguous separate lots or buildings in Business District A if under single ownership shall be considered as one (1) lot or building.

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

Retail stores.

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

In Business District B only, workshops of the following: carpenters, plumbers, or similar artisans primarily working on fixed household installations or cars.

In Business Districts A, B and C, other craftsmen's shops for the fabrication, alteration or maintenance of hand-portable goods and household furnishings, such as cabinet makers, upholsterers, etc., to be delivered on the premises, and further provided as follows:

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

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

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

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

Personal services, such as daycare, barber, beauty shop, health or fitness club, photographer, shoe repair, and tailor. In Business Districts A and B only, uses such as barber, beauty shop, and photographer shall use methods of disposal of liquid or gaseous wastes as approved by the Board of Health.

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

In Business District D, the following:

- (1) Multiple free standing buildings on a single lot accommodating multiple principal uses permitted under Sections 2322, 2323, 2325, and 2326 provided that they comply with the objectives and requirements of

Business District D as set forth in Section 2327 and with the limitations of 2466.

(2) Theatre and multi-screen movie complex.

(3) Hotel.

(4) Illumination of parking areas pursuant to 2328.

By deleting Section 2326 in its entirety and replacing it with the following new Section 2326:

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

Buildings with gross floor area exceeding sixty thousand (60,000) square feet in Business Districts B and C, and buildings with gross floor area exceeding five thousand (5,000) square feet in Business District A.

Parking facilities exceeding one hundred fifty (150) parking spaces in Business Districts B and C and twenty (20) parking spaces in Business District A.

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

Clubs operated as a business.

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

In Business District A, multiple residence buildings containing three (3) or more dwelling units used either exclusively for residential uses or containing a mix of permitted residential and non-residential uses as provided in Section 4240.

Drive-through services serving the customer while seated in a car for establishments principally serving coffee, other beverages, breakfast food, and pastries within Business District D and for banks within Business District B.

In Business Districts B, C and D, accessory scientific use provided that the Board of Appeals finds that the proposed accessory use does not substantially derogate from the public good.

In Business Districts B and D, funeral parlors.

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

In Business District B only, the following:

(1) Gasoline service station; automobile display room.

(2) Outdoor storage and display of goods for sale, whether as a principal or accessory use, but not including second-hand goods or parts, nor bulk goods such as lumber or gravel, provided all outdoor storage and display is screened from side and rear lot lines in the manner described in Subsection 3117.

(3) Storage buildings for goods to be repaired or sold at retail directly to the consumer or temporarily stored for the consumer.

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

By deleting Section 3144 in its entirety and replacing it with the following new Section 3144:

3144. Site Plan Approval.

For developments subject to site plan review, adequacy of space for off-street parking and for off-street loading shall be determined in accordance with Sections 6320-6337.

By deleting Section 4230 in its entirety and replacing it with the following new Section 4230:

4230. Business Districts B and C.

Apartments in excess of two (2) dwelling units, including services related thereto, over nonresidential establishments may be authorized in Business Districts B and C by special permit from the Board of Appeals, provided that no dwelling unit shall be located below the second floor, in accordance with the following:

By adding a new Section 4240 as follows:

4240. Business District A.

A. Site plan approval shall be required pursuant to Sections 6320 and 6330. The Planning Board shall be the authority for Site Plan Review and the Board of Appeals shall be the Special Permit Granting Authority for all developments in Business District A, unless otherwise noted in the Zoning By-laws. In addition to the reviews provided in said Sections, the Planning Board and Board of Appeals shall also consider suitability and safety of ways for residents to their apartments, parking areas and usable open space; and the compatibility of the proposed non-residential uses with residential uses with respect to safety from fire or other hazards and to protection from noise, litter or other nuisance.

B. Multiple residence buildings containing three (3) or more dwelling units, and mixed use buildings with or without residential uses which require a special permit under Section 2326, including services related thereto, shall be designed in accordance with the following:

(1) There shall be a minimum lot area requirement of two thousand two hundred (2,200) square feet per dwelling unit.

(2) There shall be no restriction on combining different categories of permitted uses within the same building other than those imposed by the State Building Code or other federal, state or local regulations other than the Zoning By-Laws.

(3) Where it faces a street, a building shall have no more than forty percent (40%) of its ground floor frontage devoted to residential uses, or enclosed parking.

(4) Blank walls shall not occupy more than forty percent (40%) of a ground floor street-facing frontage and shall not exceed twenty (20) linear feet without being interrupted by a window or entry. Buildings shall provide a foundation or base that extends from the ground to the bottom of the lower window sills that is distinguished from the building face by a change in volume or material. A clear visual division shall be maintained between the ground level floor and upper floors, which may include changes in volume or materials or other architectural detailing such as a belt course or cornice. The top of any

building shall contain a distinctive finish consisting of a cornice or other architectural termination.

(5) All ground floor facades facing public sidewalks, plazas, or other public open spaces, streets or rights-of-way, shall have transparent features covering a minimum of at least forty percent (40%) and a maximum eighty percent (80%) of the area between two (2) and ten (10) feet above grade. Transparent features may include windows and transparent doors. "Transparent" means that an individual can see into the building from the outside. Transparent glass may be tinted, Low-E, or include other similar treatment. For residential uses, this minimum transparency requirement is reduced to twenty percent (20%) of the area between two (2) and ten (10) feet above grade to allow for increased privacy. Other treatments that enhance the pedestrian environment may be used.

C. On a lot which is used for residence as well as business uses, the landscaping requirements of Section 3117 shall apply to side and rear lot lines, except where driveways or parking areas are shared with an adjoining lot. A strip of lawn or natural vegetation at least twenty (20) feet wide may be substituted in place of the screening otherwise required.

D. Notwithstanding the provisions of Section 3112, all off-street parking required for residences shall be located on the same lot, or adjacent lots, and shall be reserved for the residents and their guests.

By amending Article V. Definitions, by adding the following new definitions inserted in alphabetical order:

Apartment. An apartment (or flat) is a self-contained dwelling unit that occupies only part of a larger building that may contain one (1) or more additional apartments, non-residential uses, or both. Apartments may be owned (by an owner-occupier) or rented (by tenants).

Basement. A story with at least forty percent (40%) of its height below finished grade. However, for purposes of determining compliance to the height limit requirements of this Bylaw, a basement shall not be considered a story unless its ceiling is five (5) feet or more above the average finished grade abutting the building.

Mixed Use Building. A building intended and designed to be used for at least two (2) different permitted uses as allowed for under Section 2300.

Single-Family Dwelling. A detached residential building intended and designed to be occupied by a single family.

Special Permit Granting Authority. A public board of the Town of Sharon authorized under enabling provisions of M.G.L. Chapter 40A and specific provisions of this Bylaw to hold hearings, make determinations and findings, and subsequently issue or deny special permits, variances, or other special approvals specified in this Bylaw. The Special Permit Granting Authority shall be the Board of Appeals unless specifically designated otherwise in this Ordinance to be another authorized Board or Agency as allowed under the Massachusetts General Laws.

Story. The portion of a building included between the surface of a floor and the surface of the floor or roof next above, unless described as a "Half Story," and not including a below-grade parking structure or basement.

Two-Family Dwelling. A residential building intended and designed to be occupied by two (2) families.

And by deleting the definition of Half Story in its entirety and replacing it with the following new definition:

Half Story. A story directly under a sloping roof where, in the case of a roof having one (1) uniform degree of pitch (such as in gable or shed roof types) the points of intersection of the bottom of the rafters and the interior faces of the exterior walls are less than two (2) feet above the floor level on at least two (2) opposite exterior walls or, in the case of a roof having two (2) or more pitches on each of two (2) or more sides (such as gambrel or mansard roof types), the average finished floor to finished ceiling height is less than six (6) feet. Dormers may be constructed on the roof and exterior walls provided they are structurally supported on the roof rafters and the length of the dormer(s) as measured between the lowest bearing points of the dormer(s) on the rafters of the sloping roof does not exceed fifty percent (50%) of the length of the sloping roof to which it is attached.

By deleting Section 6323.a(3) in its entirety and replacing it with the following new Section 6323.a(3):

- (3) In Business Districts A and C, site plan review for projects shall be subject to Section 6330, using the review criteria established in Section 6335.

By deleting Section 6330 in its entirety and replacing it with the following new Section 6330:

Projects Requiring Low Impact Site Plan Approval. Unless a site plan has been endorsed by the Planning Board, no building permit shall be issued in the Business A or the Business C District for:

- a. The construction, reconstruction, addition, exterior alteration, or change in use of any structure, other than a single- or two- (2) family dwelling, for uses permitted by right or by special permit as identified in Section 2323, or
- b. The construction, reconstruction, addition, exterior alteration, or change in use of any structure for uses permitted by special permit as identified in Section 2326.

The Planning Board will establish a two- (2) tier review process. In the opinion of the Planning Board, projects which meet a checklist of criteria adopted by the Planning Board in its rules and regulations as part of the "Design Guidelines for the Town Center Business District" shall be approved within twenty-one (21) days, subject to Board of Health approval, if such approval is required for the project, and referred to the Building Department. In the opinion of the Planning Board, projects which do not meet this checklist will be reviewed and a decision filed within forty-five (45) days of the determination that further review is required. Such guidelines may be adopted and/or amended from time to time by the Planning Board and are incorporated in this By-Law by reference. Any project including new construction, reconstruction, addition, exterior alteration or change in use that requires (prior to any reductions under Section 3111) twenty (20) or more parking spaces on one (1) lot or in one (1) shared parking area shall be subject to the extended review process as set forth above and in Section 6334. Any project including new construction, reconstruction, addition, exterior alteration or change in use that requires prior to any reductions under Section 3111) less than twenty (20) parking spaces on one (1) lot or in one (1) shared parking

area shall be subject only to the twenty-one (21) day review process.

Any alterations or improvements generated in compliance with the Americans with Disabilities Act shall be exempt;

or to take any other action relative thereto. **2/3 VOTED DECLARED BY MODERATOR.**

ARTICLE 6.

VOTED: That the Town amend the following sections of the Zoning By-law, as follows exactly as printed on pages 19 to 26 of the warrant for this Special Town Meeting, except for the deletion of the words "or take any other action relative thereto" appearing on page 26.

By deleting Section 2412(c) in its entirety and replacing it with following new Section 2412(c):

(c) The minimum distance between side lot lines from the frontage to the front of the primary structure on the lot shall be fifty (50) feet.

By deleting Section 2412(f) (5) in its entirety and replacing it with the following new Section 2412(5):

(5) The minimum distance between side lot lines from the frontage to the front of the primary structure on the lot shall be twenty (20) feet.

By adding a new Section 2412(h) as follows:

(h) The regulations contained within Section 2412 shall not apply to Business District A, unless the property contains a single- or two- (2) family dwelling.

By deleting Section 2461 in its entirety and replacing it with the following new Section 2461:

2461. Minimum Lot Area:

Business District A	Ten thousand (10,000) square feet for single- or two- (2) family dwellings.
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No minimum lot size for all other uses.

Business Districts B and C Ten thousand (10,000) square feet for two- (2) family dwellings.
Eight thousand (8,000) square feet for all other uses.

Business District D Fifty-three (53) acres.

Professional District Twenty thousand (20,000) square feet.

By deleting Section 2462 in its entirety and replacing it with the following new Section 2462:

2462. Minimum Lot Frontage and Width:

In Business District A, the minimum lot width for single-family and two- (2) family dwellings shall be eighty (80) feet. There shall be no minimum width requirement for all other uses.

In Business District A, the minimum frontage for single-family and two- (2) family dwellings shall be seventy (70) feet. There shall be no minimum frontage requirement for all other uses.

In Business Districts B, C and D, and the Professional District, the minimum lot width for two- (2) family dwellings shall be eighty (80) feet. Lot width for all other uses shall be as specified in Section 2412.

Minimum frontage for all other uses:

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

By deleting Section 2463 in its entirety and replacing it with the following new Section 2463:

2463. Lot Coverage and Open Space.

For purposes of this Section 2463, open space shall mean a portion of a lot or other area of land associated with and adjacent to a building or group of buildings in relation to which it serves to provide light and air, for scenic, recreational or similar purposes. Such space shall be available for entry and use by the occupants of the building(s) with which

it is associated, and to the general public as appropriate with respect to the location of the open space on the lot and the nature of the use. Open space shall include parks, plazas, playgrounds, lawns, landscaped areas, decorative plantings and pedestrian ways. Streets, parking lots, driveways, service roads, loading areas, and areas normally inaccessible to pedestrian circulation shall not be counted in determining required open space.

A. Maximum Lot Coverage:

Business District A: Twenty-five percent (25%) for single-family and two- (2) family dwellings. Sixty percent (60%) for all other uses.

Business District B: Twenty-five percent (25%) for residential uses. Twenty percent (20%) for all other uses.

Business District C: Twenty-five percent (25%) for single-family and two- (2) family dwellings, and thirty-five percent (35%) for multi-family residential uses. Fifty percent (50%) for all other uses.

Business District D: Twenty percent (20%) excluding parking decks.

Professional District: N/A.

B. Minimum Landscaped Open Space Coverage including Natural Vegetation Areas:

Business District A: Twenty percent (20%).

Business District B: N/A.

Business District C: Thirty percent (30%).

Business District D: Thirty-five percent (35%).

Professional District:

N/A.

C. Lot coverage and open space variations may be allowed by special permit from the Board of Appeals in Business Districts A and C:

Maximum lot coverage may be increased to not more than eighty five percent (85%) of total lot area and minimum landscaped open space coverage may be reduced to not less than fifteen percent (15%) of total lot area by special permit from the Special Permit Granting Authority. Under this special permit, increased lot coverage shall include buildings and impervious surfaces. In granting a special permit for increased lot coverage or decreased landscaped open space coverage, the Special Permit Granting Authority shall determine that the special permit includes the provision of amenities or facilities that provide for the public benefit or convenience. Typical site improvements may be determined to be public benefits or convenience when in compliance with the following:

(1) When street plantings are provided along the entire street frontage for non-residential uses, except at drives, and except where neither a street setback nor a buffer zone is required. The required plantings should generally be located between the street and the build-to line.

(2) When curb cuts are consolidated either on a single lot or between abutting lots resulting in better traffic circulation and safety.

(3) When landscaping exceeding the minimum parking lot standards is provided. Trees and soil plots shall be so located as to provide visual relief and wind interruption within the parking area, and to assure safe patterns for internal circulation.

(4) When drainage techniques are used in order to promote improved stormwater drainage, such as porous pavement instead of traditional paving materials. Also, landscaped areas may be below grade in order to allow for stormwater retention and infiltration.

(5) When enhanced screening of dumpsters, refuse areas, and loading bays is provided for adjacent streets and

properties. Plantings should be supplemented by an opaque fence or wall at least six (6) feet tall.

(6) When a septic system is installed that provides enhanced treatment capability or where the lot is encumbered by easements that facilitate provision of a shared septic system with enhanced treatment capability.

(7) When the building and façade design are compatible with the promotion of architectural elements as described in the Post Office Square Design Guidelines.

(8) When a landscaped area, or small park, preferably including public seating, is located in the front yard setback.

By deleting Section 2464 in its entirety and replacing it with the following new Section 2464:

2464. Building Location.

Within Business Districts A and C, single-family and two- (2) family dwellings shall have a maximum front yard setback of twenty (20) feet from the property line.

All other uses shall have a maximum front yard setback of ten (10) feet from the property line. In Business District A, any required front setback may only be used for landscaping, public seating, circulation, signage and drives, consistent with the Post Office Square Design Guidelines. The Planning Board during site plan review, or the Board of Appeals during special permit review, may increase the front yard setback if this is necessary to provide public area for pedestrian circulation and seating, and to ensure that criteria for site design as identified in the "Design Guidelines for the Town Center Business District" are achieved.

Minimum front setback from street sideline:

Business District B: Ten (10) feet.

Business District D: Ten (10) feet from the sideline of Route I-95 and fifty (50) feet from Old Post Road.
One hundred (100) feet from all other streets.

Professional District: N/A.

Minimum setback from side or rear lot lines:

Business Districts A, B and C: Twenty (20) feet from lot lines in any Residence District. Ten (10) feet from all other lot lines.

Business District D: One hundred (100) feet (setbacks from Route I-95 are considered as front setbacks as set forth above).

Professional District: Twenty (20) feet from lot lines in any Residence District. Ten (10) feet from all other lot lines.

In Business Districts A and C and in the Professional District, minimum separation between buildings on the same lot is ten (10) feet, except no separation is required where two (2) buildings are separated by a fire wall meeting the requirements of the Massachusetts State Building Code. In those Districts, no separation is required where two (2) buildings are separated by a fire wall, meeting the requirements of the Massachusetts State Building Code, at adjoining side lot lines and where there is a multi-year development agreement between the two (2) property owners and the building offers aesthetic value and architectural interest.

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

(1) Buildings shall be laid out in pedestrian scale groups and the minimum separation between groups of buildings shall be maximized to the extent practicable.

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

By deleting Section 2465 in its entirety and replacing it with the following new Section 2465:

2465. Maximum Building Height.

Building height shall be as defined in the Massachusetts Building Code. When height is expressed in both stories and feet, the specified number of stories is allowed up to the maximum number of specified feet.

Residential uses in Business Districts and the Professional District shall not exceed three (3) stories or forty (40) feet.

All other uses, including mixed-use buildings (with or without a residential component), shall not exceed the following limits:

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

Business Districts A and C: Three (3) stories or forty-five (45) feet. Accessories and architectural features extending above the roofline may not exceed a height of fifty (50) feet;

Business District B: Four (4) stories or sixty (60) feet;

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

By deleting Section 2467 in its entirety and replacing it with the following new Section 2467:

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

or to take any other action related thereto. **2/3 VOTE DECLARED BY MODERATOR.**

ARTICLE 7.

VOTED: That the Town amend the following sections of the Zoning By-law, as follows exactly as printed on pages 27 to 32 of the warrant for this Special Town Meeting, except for the deletion of the words "or take any other action relative thereto" appearing on page 32.

By deleting Section 3110 in its entirety and replacing it with the following new Section 3110:

3110. Business and Professional District Parking Requirements.

Off-street parking and loading shall be provided to the following minimum specifications:

By deleting Section 3111 in its entirety and replacing it with the following new Section 3111:

3111. Number of Parking Spaces Required.

A. Parking in excess of the minimum standards set forth within this Section 3111 shall be at the discretion of the Board of Appeals during its review of a site plan or special permit application, or the Planning Board during its review of a site plan application in Business District A. The minimum number of parking spaces required shall be as follows:

- 1) For religious and public educational institutions: One (1) parking space per six hundred (600) square feet of gross floor area.
- 2) For other places of public assembly, such as for meetings, entertainment, recreation, adult education, service of food or beverages: One (1) parking space per five (5) fixed seats or ten (10) lineal feet of bench, or where no seats or benches are provided, one (1) parking space per twenty (20) square feet of floor area open to the public assembly.
- 3) For bowling alleys: Two (2) parking spaces per bowling alley.
- 4) In Business District D:

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

5) For all other permitted non-residential uses in the Business District A: Three (3) parking spaces per one thousand (1,000) square feet of gross leasable area on the ground floor and one and one half (1½) parking spaces per one thousand (1,000) square feet of such area on any additional floor.

6) For all other permitted non-residential uses in Business Districts B, C and D and the Professional District: Five (5) parking spaces per one thousand (1,000) square feet of gross leasable area on the ground floor and three (3) parking spaces per one thousand (1,000) square feet of such area on any additional floor.

7) For residential uses, there shall be one (1) parking space per dwelling unit.

8) In Business District A, for any place of public assembly that utilizes seasonal outdoor seating, the additional seasonal outdoor space shall be exempt from parking requirements.

B. Where the computation of required spaces results in a fractional number, a fraction of one half (1/2) or more shall be counted as one (1).

C. In Business District A, in order to provide for better site design, up to twenty-five percent (25%) of the total number of off-street parking spaces may, at the discretion of the Board of Appeals during its review of a special permit application, or the Planning Board during its review of a site plan application, be allocated for compact cars with dimensions of eight (8) feet by eighteen (18) feet. Such spaces shall be clearly designated for compact cars only.

D. In Business District A, multi-level above- or below-grade parking may be allowed, if determined appropriate by the Board of Appeals during its review of a special permit application, or the Planning Board during its review of a site plan application, and shall not exceed two (2) levels.

E. No existing non-residential use on a lot non-conforming as to parking may be expanded or changed to a use requiring more parking spaces unless provision is made for additional parking spaces at least equal to the difference between the requirements for the proposed enlargement or new use and the present parking

requirement. However, when a change or expansion of a non-residential use in a business district is proposed primarily within an existing building on a lot non-conforming as to parking, the Board of Appeals during its review of a site plan or special permit application, or the Planning Board during its review of a site plan application in Business District A, may, by special permit, waive all or part of any increased parking requirement. In determining whether a waiver of parking is appropriate, the Special Permit Granting Authority shall consider evidence which shall be provided by the applicant regarding the following items:

- 1) The operating characteristics of the proposed use including but not limited to a description of the type of business, hours of operation, number of employees, delivery service requirements and loading facilities;
- 2) The peak parking demand for the proposed use in relation to the peak parking demand generated by other uses in the area;
- 3) The need for and provision of employee and customer parking; and
- 4) The availability and/or shortage of existing public parking within four hundred (400) feet of the site as per Section 3112 and the proximity of transit facilities.

F. Where it can be demonstrated that the combined peak parking needs of all the uses sharing the lot will, because of differences in peak hours or days, be less than required by Subsection 3111, the number of parking spaces to be provided may be reduced accordingly, but not by more than twenty-five percent (25%), by special permit from the Board of Appeals during its review of a site plan or special permit application, or the Planning Board during its review of a site plan application in Business District A, but only for as long as this condition exists.

G. In Business Districts A and B, for developments requiring more than twenty (20) off-street parking spaces, bicycle parking spaces in bicycle rings or racks shall be provided equaling one (1) per twenty (20) of the required off-street parking spaces or fraction thereof, in addition to the required off-street parking. For residential uses, at least half of the required bicycle parking spaces shall be provided in weather protected locations.

By deleting Section 3114 in its entirety and replacing it with the following new Section 3114:

3114. Location and Width of Curb Cuts.

Except for access to loading bays or to private residential driveways, there shall be no more than one (1) driveway from the street to a parking lot for the first one hundred (100) feet of lot frontage, nor more than one (1) additional driveway for each additional one (1) foot to one hundred (100) feet of frontage.

Driveways intersecting the street shall be no less than sixty-five (65) feet on center.

No curb cut shall be less than twelve (12) feet or more than thirty (30) feet in width. The width of a driveway for a one-way use shall be a minimum of eight (8) feet and for two-way use shall be a minimum of eighteen (18) feet and a maximum of thirty (30) feet.

For business uses, curb cut and driveway width may be changed as part of site plan review based upon standard engineering practice.

By deleting Section 3115 in its entirety and replacing it with the following new Section 3115:

3115. Requirements for Off-Street Loading.

There shall be at least one (1) loading bay for any building containing more than five thousand (5,000) square feet of gross leasable business floor area.

No loading bay shall be less than twelve (12) feet by fifty (50) feet for food stores, nor less than twelve (12) feet by thirty (30) feet for any other business, nor provide less than fourteen (14) feet of vertical clearance.

The loading bay shall be so laid out as to minimize parking maneuvers within a street, way or parking aisle.

By deleting Section 3117 in its entirety and replacing it with the following new Section 3117:

3117. Required Landscaping.

No parking or loading shall be permitted in the area between the front of the structure and the side lines of any way unless

approved by the Planning Board or the Board of Appeals as the case may require during the site plan review process.

Any parking or loading within a required yard abutting a residential district, except for accessory parking on a lot used solely for residence, shall be screened from such district by a strip at least four (4) feet wide, densely planted with shrubs or trees which are at least four (4) feet high at the time of planting and which are of a type that may be expected to form a year-round dense screen at least six (6) feet high within three (3) years, or by an opaque wall, barrier or uniform fence at least five (5) feet high, but not more than seven (7) feet above finished grade. Such screening shall be maintained in good condition at all times.

The total landscaped area maintained in lawns, ornamental plantings, or buffer screening shall not equal less than as required in Section 2463, unless reduced by the Planning Board or Board of Appeals during site plan approval. All areas not built over, paved or landscaped shall be maintained in natural vegetation. Where usable open space is required, it shall count in its entirety as part of the total landscaped area.

By deleting Section 3120 in its entirety.

By deleting Section 3143 in its entirety and replacing it with the following new Section 3143:

3143. Multi-family Development.

Unless a different standard is provided elsewhere within this Bylaw, in multi-family development, two (2) off-street parking spaces shall be provided for each dwelling having two (2) or more bedrooms, and one (1) such space for each dwelling unit having fewer than two (2) bedrooms;

or to take any other action relative thereto. **2/3 VOTE DECLARED BY MODERATOR.**

ARTICLE 8.

VOTED: That the Town amend the Zoning By-Laws by adding a new Section 4240.E exactly as printed on pages 34 to 40 of the warrant for this Special Town Meeting except that on page 34, add the following to the definition of Affordable Housing: "The unit must be approvable to be added to the subsidized housing inventory (SHI) pursuant to Chapter 40B. Units must be approved

through the Local Action Unit (LAU) program of the Massachusetts Department of Housing and Community Development, if not filed as part of a 40B comprehensive permit filing."

And except that on page 36, delete the first sentence of the second paragraph and replace it with the following: "In all cases utilizing off-site units, a finding by the Special Permit Granting Authority that this alternative method of compliance is advantageous to the Town in creating or preserving affordable housing and does not result in undue geographic concentration of affordable housing is required."

And except for the deletion of the words "or take any other action relative thereto" appearing on page 40.

4240.E. Housing and Affordability. Within Business District A, for those developments requiring a special permit for eight (8) or more dwelling units, whether through new construction, substantial rehabilitation, residential conversion, or adaptive reuse, a minimum of twelve and a half percent (12½%) of dwelling units built shall be affordable housing. Developments shall not be segmented or phased in a manner to avoid compliance with these provisions.

(1) For purposes of this Section, the following definitions shall apply.

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.

Eligible Household: An individual or household whose annual income is less than eighty percent (80%) 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.

(2) Marketing Plan. Any applicant for a special permit for a development of eight (8) or more dwelling units in Business District A must submit to the Special Permit Granting Authority a narrative document and marketing plan that establishes that the proposed development of housing is appropriate for diverse types of households, including households for individuals with disabilities and the elderly.

(3) Number of Affordable Housing Units. For purposes of calculating the number of units of Affordable Housing required within a development, any fractional unit greater than or equal to 0.5 shall be deemed to constitute a whole unit.

(4) 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 (1).

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 (1).

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

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

(5) 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.

Though it is intended that affordable units be included on-site, the Special Permit Granting Authority may authorize Affordable Housing on an alternative site(s) in Town suitable for housing use, preferably in the same neighborhood as the on-site development. Affordable off-site units may be located in an existing structure, provided that their construction constitutes a net increase in the number of affordable dwelling units contained in the structure. The number of off-site units shall be, at minimum, equal to that number of units otherwise required to be provided on-site. Off-site units shall be compatible in all respects with the market rate units built on-site, including quality and character, construction value, and site amenities (yards, parking, laundry facilities, etc.). Any units provided in an off-site development should also be compatible with the off-site neighborhood, in terms of design, to the degree practical.

In all cases utilizing said off-site units, the Special Permit Granting Authority shall find that this alternative method of compliance is advantageous to the Town in creating or preserving affordable housing and does not result in undue geographic concentration of affordable units. In making its finding, the Special Permit Granting Authority shall consider such factors as location, accessibility to schools and other services, whether off-site units would provide more appropriate family housing than on-site units would, availability of parking, proximity to public transportation, availability of open space, etc. The Special Permit Granting Authority shall consult with the Sharon Housing Partnership prior to making a determination about the location of units on an alternate site(s).

(6) 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. 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, or in perpetuity;

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. The plan shall contain a requirement that seventy percent (70%) of the affordable housing units shall be set aside for applicants that claim a local preference. Local preference applies to an applicant who has a principal residence or a place of employment in the Town of Sharon at the time of application. The plan shall also 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.

(7) Monitoring Agent. A monitoring agent which may be the Sharon Housing Authority, or other qualified housing entity, shall be designated by the Special Permit Granting Authority. In a case where the monitoring agent cannot adequately carry out its administrative duties, upon certification of this fact by the Special Permit Granting Authority, such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the Special Permit Granting Authority. In any event, such monitoring agent shall ensure the following, both prior to issuance of a building permit

for a project in the Business District A, 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.

(8) Housing Marketing and Selection Plan. The housing marketing and selection plan shall make provision for payment by the applicant or project proponent 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 4240.E(6).

(9) Phasing. The Special Permit Granting Authority, as a condition of any approval, may require a project to be phased in order to mitigate any extraordinary adverse impacts on nearby properties. For projects that are approved and developed in phases, the Special Permit Granting Authority shall assure the required number of Affordable Housing Units in the project, as per Section 4240G. Such assurance may be provided through use of the security devices referenced in G.L. c. 41, §81U, or through the Special Permit Granting Authority's withholding of certificates of occupancy until proportionality has been achieved.

(10) Computation. Prior to the granting of any 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.

(11) No Waiver. Notwithstanding anything to the contrary herein, the Affordability provisions in this Section 4240.E shall not be waived;

or to take any other action relative thereto. **2/3 VOTE DECLARED BY MODERATOR.**

ARTICLE 9.

MOTION: That the Town amend Article 11 of the General By-laws of the Town, by adding a "By-law, Rule or Regulation" number 14 to provide for penalties for violation of the Scenic Road Regulations of the Planning Board and/or of M.G.L. ch. 40, §15C, as follows:

By-law, Rule or Regulation	Amount of Fine	Enforcing Person
14. Scenic Road Regulations of the Sharon Planning Board	\$300 per violation	Town Engineer as agent of the Planning Board, and/or the Tree Warden or his agent

MOTION TO AMEND: To add the words "or her" after the word his. **CARRIED.**

VOTED: That the Town amend Article 11 of the General By-laws of the Town, by adding a "By-law, Rule or Regulation" number 14 to provide for penalties for violation of the Scenic Road Regulations of the Planning Board and/or of M.G.L. ch. 40, §15C, as follows:

By-law, Rule or Regulation	Amount of Fine	Enforcing Person
14. Scenic Road Regulations of the Sharon Planning Board	\$300 per violation	Town Engineer as agent of the Planning Board, and/or the Tree Warden or his/or her agent

ARTICLE 10.

VOTED: That the Town rescind the following borrowing authorizations for projects completed under budget or not needed, as stated below:

Date of vote	Purpose	Amount rescinded
Dec. 9, 2003 (Article 1)	Conservation: Land Acquisition	\$ 6,000,000.00
Dec. 9, 2003 (Article 1)	Water: Land Acquisition	\$ 1,500,000.00

ARTICLE 11.

VOTED: That the Town amend the Zoning By-Laws, Section 2332, Other Permitted Uses in the Light Industrial District, by adding a new use:

General retail and wholesale landscaping equipment, supply and service business.

2/3 VOTE DECLARED BY MODERATOR.

ARTICLE 12.

VOTED: That the Town vote to amend Section 2412(d) of the Zoning By-Laws to remove the word "lower" and replace it with the word "greater" as follows:

(d) For any lot created or altered in shape after the effective date of this regulation, any portion of the lot that is narrower than one-half (1/2) of the required minimum lot width, or less than sixty (60) feet, whichever is greater, as measured in any direction, shall not be counted toward the required lot area; furthermore, in the event that such narrow portion of the lot connects separate wider portions of a lot in a dumbbell configuration, the smaller of the connected sections shall also be excluded. **2/3 VOTE DECLARED BY MODERATOR.**

ARTICLE 13.

VOTED UNANIMOUSLY: That the Town appropriate the sum of \$820,000 for water system improvements for the Water Department and to meet this appropriation the Treasurer with the approval

of the Board of Selectmen is hereby authorized to borrow \$820,000 under Massachusetts General Law Chapter 44, S7.

ARTICLE 14.

MOTION: That the Town accept the provisions of Mass. General Laws Chapter 64G, section 3A, to impose a local room occupancy excise at the rate of 6 percent (6%). **NOT CARRIED.**

ARTICLE 15.

VOTED: That the Town vote to appropriate \$30,000 as recommended by the Community Preservation Committee, from the fiscal year 2012 Community Preservation Historic Preservation Fund revenues, for the acquisition of an antique fire truck, and to authorize the Board of Selectmen to enter into such agreements and execute such documents as may be necessary to accomplish the foregoing.

ARTICLE 16.

VOTED UNANIMOUSLY: That the Town authorize the Board of Selectmen and/or the Finance Director to accept a deed in lieu of foreclosure, in accordance with the requirements of M.G.L. ch. 60, s77C, for the following parcels of land:

Parcel:

11 WOODS WAY	111096000
9 R LU STUBBS LN	093101000
6 CHIVE DR	121088000
2 MASSASOIT RD	003019005
20 MASSASOIT RD	003019004

VOTED: That the Special Town Meeting be dissolved at 10:50 P.M.

Attendance: 196