

**2012**

**TOWN OF SHARON**



**SPECIAL TOWN MEETING WARRANT**  
with Report and Recommendations of the Finance Committee

**SPECIAL TOWN MEETING**  
**MONDAY, DECEMBER 3, 2012**  
**7:00 P.M.**

**Meeting at Sharon High School**  
**Arthur E. Collins - Auditorium**  
**Sharon High School, Pond Street**

***PLEASE BRING THIS REPORT TO THE MEETING***

**OPEN WARRANT MEETING**  
**Monday, November 26, 2012**  
**8:00 P.M.**  
**Sharon High School Library (2<sup>nd</sup> floor)**  
**181 Pond Street**  
**Sharon, Massachusetts**

***INFORMAL DISCUSSION OF WARRANT ARTICLES***

*Registered voters of Sharon planning to attend this meeting  
needing an ASL (American Sign Language) interpreter are  
urged to call the Selectmen's Office at 781-784-1515 ext. 1208*

***YOU MUST BE A REGISTERED VOTER TO  
ATTEND THIS MEETING***



## **OPEN WARRANT MEETING**

**Monday, November 26, 2012**

**8:00 P.M.**

**Sharon High School Library (2<sup>nd</sup> floor)  
181 Pond Street**

INFORMAL DISCUSSION OF WARRANT ARTICLES

## **WARRANT INTRODUCTION**

On December 3rd, voters will be asked to take action on the Articles presented in this Warrant. It is the responsibility of the Finance Committee to make recommendations to voters on those Articles. You will see that for several Articles, the Finance Committee has been unable to make recommendations because it lacked the information required for full deliberations and votes.

Several factors led to this unfortunate outcome, most significantly, the insufficient lead time between the September 4th decision to hold a Special Town Meeting and the December 3rd date set for the meeting.

In addition, the repeated opening and closing of the Warrant and the addition/withdrawal of Articles thereon resulted in an ever-changing schedule that became too compressed.

There are strict State laws and procedures for holding Town Meetings in Massachusetts. It is the responsibility of the Board of Selectmen to designate a specific period of time for submission of Articles that will be placed before the voters. This process is called the "Opening and Closing" of the Warrant. After that designated time, issues that arise must wait until a future Town Meeting to come before the voters.

The greater the amount of time that a Warrant is left open, or closed and reopened, for additional Articles to be placed on the Warrant, and the nearer the date of the Warrant closing is to Town Meeting, the more difficult it is for the Finance Committee and for other Boards and Committees to responsibly evaluate the Articles.

We appreciate the effort made by the Boards and Committees to review these matters in a very short period of time. However, when insufficient time is allowed for proper review, voters are left to consider complex issues at Town Meeting without the guidance of these bodies and the Finance Committee. This makes the Town Meeting process more complicated and difficult, particularly for zoning Articles because of statutory notice requirements.

It continues to be the position of the Finance Committee that decisions by the relevant Town boards and committees should occur before the Finance Committee deliberates, so that its

recommendations can be based on the best available information.

Only with full information and debate can the Finance Committee exercise its statutory responsibility and recommend actions to voters. Only with adequate time for public examination and debate of the issues can Town Meeting voters make informed decisions.

At the time of this writing, the positions of the Board of Selectmen, the Capital Outlay Committee, the Board of Health, the Community Preservation Committee, and the Planning Board on several Articles are lacking and thus unavailable to the Finance Committee.

The Finance Committee spent considerable time learning as much as possible about the Articles listed on the Warrant. We were able to make recommendations on several Articles. However, one Article, relating to Sharon Commons, that took a good deal of the Finance Committee's time was subsequently withdrawn from this Warrant. The proponents, feeling time pressure, elected to return at a future Town Meeting.

With adherence to better scheduling practices and deadlines, such rushed actions can be avoided.

The Finance Committee will continue to deliberate on the outstanding issues as information becomes available. It is our hope that the Open Warrant Meeting, to be held on Monday, November 26, will be an opportunity to update voters before the December 3rd Special Town Meeting.

**THE FINANCE COMMITTEE**

Ira Miller Chair;  
Laura Nelson and William Brack, Vice-Chairs;  
Alexander Korin, Clerk;  
Arnold Cohen, Brian Fitzgerald, Gordon Gladstone, Charles  
Goodman, Jacqueline Modiste, Edward Philips

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**SPECIAL TOWN MEETING**

**COMMONWEALTH OF MASSACHUSETTS**

**Norfolk, ss.**

**To either Constable of the Town of Sharon, Greeting:**

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Sharon qualified to vote in elections and Town affairs to meet at the Arthur E. Collins Auditorium at the Sharon High School on Pond Street in said Sharon on Monday, the 3rd of December 2012, at 7:00 P.M., and there to act on the following articles:

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**ARTICLE 1**

To see if the Town will vote to accept the proposed layout of Johnson Drive which is currently a portion of unnamed roadway in Sharon, as shown on a plan entitled, "Layout Plan of Johnson Drive in Sharon, MA, Norfolk County, "dated May 12, 2008, prepared by Merrikin Engineering, LLP, a copy of which is on file with the Sharon Town Clerk (the "Plan"). Said layout was approved by the Board of Selectmen and duly filed with the Town Clerk, and further to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain under Mass. General Laws, Chapter 79 and/or Chapter 80A as such eminent domain procedure shall be determined by the Board of Selectmen, the fee in or permanent easements to the areas within said layout for all purposes for which public town ways and sidewalks are used in the Town of Sharon, and temporary easements to use areas shown on said plan for construction purposes relating to the Plan 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;

And further to abandon and discontinue the unused portions of the 1962 town layout of the old High Plain Street and its easements and/or fee interests in the portion of the old High Plain Street, shown as Parcel D on the Plan.

And further to abandon and discontinue that portion of the 1966 Town Taking shown as Parcel E containing 11,782 square feet on the Plan.

And further to declare surplus those portions of land shown as Parcel B containing 7,859 square feet, Parcel D, containing 7,628 square feet and Parcel E, containing 11,782 square feet as shown on the Plan and to authorize the Board of Selectmen to convey or to otherwise dispose of the property to be abandoned and to enter into any such contracts or agreements to accomplish said disposition. It has been determined that the property to be abandoned, as shown on said plan, is no longer required for the purposes for which it was acquired. Said disposition to follow the action by the Norfolk County Commissioners to discontinue Parcel B leaving said title in the Town of Sharon.

Or take any other action relative thereto.

PLANNING BOARD

**FINANCE COMMITTEE RECOMMENDATION:**

Approval of this Article would allow the Town to accept a proposed layout of Johnson Drive, which is currently an unnamed and unused roadway right of way, and then abandon that layout. Under this Article the Town would also abandon a portion of an existing unused right of way layout on file with Norfolk County for the old High Plain Street.

By abandoning the right of ways on these parcels, the land to the center line of the right of ways would revert by law to the abutters. Thus, half of the land would revert to the Town without the encumbrances of the road layouts, while the other half of the land presently encumbered by the right of ways would revert to a private abutter.

In addition, positive action on this Article would cause the Town to declare the referenced Town-owned parcels as surplus and to authorize the Board of Selectmen to convey or to otherwise dispose of the property to be abandoned and to enter into any such contracts or agreements to accomplish said disposition.

The Town Engineer presented to the Finance Committee that the Town currently has no use for the right of ways or the Town-owned abutting property. However, if the actions proposed under

this Article are taken, the properties would become surplus and could be sold, as they are no longer required for the non-existent old High Plain Street.

This Article stands alone and the actions proposed under this Article do not require action under Articles 2 or 3 in this Warrant. However, the properties affected by this Article are subject to the proposed rezoning under Article 2. In addition, the revisions to the General By-Laws proposed under Article 3 would affect the properties identified in this Article if the rezoning in Article 2 were to pass.

The Planning Board had not taken a position on this Article in time for the Finance Committee to consider and write a recommendation for this Article.

The Board of Selectman had not taken a position on this Article in time for the Finance Committee to consider and write a recommendation for this Article.

**BECAUSE OF INSUFFICIENT INFORMATION, THE FINANCE COMMITTEE VOTED 8-0-1 TO PRESENT ITS RECOMMENDATION AT TOWN MEETING.**

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## **ARTICLE 2**

To see if the Town will vote to amend Section 2120 of its Zoning By-Law by amending the map entitled "The Zoning Map of Sharon, Massachusetts- Zoning Map" -dated May 7, 2007, as amended November 17, 2008, by changing the zoning district classifications for the following parcels from Rural District 1 to Light Industrial District:

Assessor's Parcel 123-3, containing approximately 0.66 acres of land, known as 2R General Edwards Highway.

Assessor's Parcel 123-3-3, containing approximately 7.44 acres of land, located off Old Post Road.

Assessor's Parcel 123-4, containing approximately 0.11 acres of land, located off High Plain Street.

Assessor's Parcel 123-5, containing approximately 0.59 acres of land, located off High Plain Street.

Assessor's Parcel 123-6, containing approximately 0.94 acres of land, located off High Plain Street.

Assessor's Parcel 76-4, containing approximately 7.60 acres of land, located off General Edwards Highway.

Parcels A (8,338 square feet), B (859 square feet), C (124 square feet), D (7,628 square feet), and E (11,782 square feet), as shown on a plan entitled "Town of Sharon Abandonment Plan of Land in Walpole & Sharon, MA", dated May 12, 2008, by Merrikin Engineering, LLP, a copy of which is on file with the Sharon Town Clerk, such parcels are located off High Plain Street and Johnson Drive.

Or take any other action relative thereto.

PLANNING BOARD

**FINANCE COMMITTEE RECOMMENDATION:**

**Approval of this Article would rezone the parcels identified above from Rural District 1 to Light Industrial.**

**Light Industrial Zoning under Section 2331 of the Sharon Zoning By-Laws includes manufacturing of pharmaceuticals, medical research and development, experimental and testing laboratories, office, retail, and many other commercial uses such as warehouses, restaurants, and funeral establishments.**

**As noted in the discussion of Article 1, some of the parcels identified in this Article are also the subject of Article 1. Action can be taken on this Article with or without action being taken on Article 1. Some of the parcels are privately owned and others are owned by the Town.**

**If the rezoning of these parcels were to occur, then the parcels identified in this Article would be impacted by action taken on Article 3 of this Warrant.**

**The Planning Board had not taken a position on this Article in time for the Finance Committee to consider and write a recommendation for this Article.**

The Board of Selectman had not taken a position on this Article in time for the Finance Committee to consider and write a recommendation for this Article.

BECAUSE OF INSUFFICIENT INFORMATION, THE FINANCE COMMITTEE VOTED 9-0-0 TO PRESENT ITS RECOMMENDATION AT TOWN MEETING.

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**ARTICLE 3**

To see if the Town will vote to amend The Town of Sharon General By-Laws, Article 12, Sign By-Law, "Section 5.4 Additional Permitted Signs: Business B, Professional, and Light Industrial Districts.", by adding a new Section, "Section 5.4.4 Permanent Free-Standing Signs". The proposed new Section 5.4.4 shall read as follows:

Section 5.4.4 Permanent Free-Standing Signs. Signs are permitted by Special Permit as follows:

- a) Number: One (1) free-standing pylon sign per lot meeting the minimum area requirements when lot is located west of Route I-95 and is in the Light Industrial District.
- b) Sign Area: Free-standing pylon sign limited to a maximum area of seven hundred twenty (720) square feet'
- c) Height: Free-standing pylon sign limited to a maximum of sixty (60) feet above the adjoining ground plane.
- d) The Board of Appeals shall act as the Sign Committee for all sign applications submitted under this section.

Or take any other action relative thereto.

PLANNING BOARD

**FINANCE COMMITTEE RECOMMENDATION:**

Approval of this Article would amend the Town of Sharon General By-Laws, Article 12, Sign By-Law, to use the same signage requirements and allowances that are provided for under the Business District D Zoning By-Laws within the Light Industrial Zoning District.

The Light Industrial Zoning District is in an area of Town along portions of Route 1 and Route I-95. Passage of this Article would allow outdoor advertising or "billboards" within the Light Industrial Zoning District with the same parameters and restrictions that were created for the Business District D Zoning District, commonly known as Sharon Commons.

Allowing billboard advertising within the Light Industrial District could be a source of revenue through licensing fees paid to the Town by owners of private property where billboards could be erected and through leases and licensing fees from parties interested in installing billboards on Town-owned property.

It has been presented to the Finance Committee that the Town, through the Board of Selectmen, would have some control of the use of billboards within Sharon. The *Boston Globe* reported recently that the State has drafted language for new outdoor advertising regulations that, if approved, would open up highways to electronic billboards that feature bright lights and changing messages.

The Planning Board had not taken a position on this Article in time for the Finance Committee to consider and write a recommendation for this Article.

The Board of Selectman had not taken a position on this Article in time for the Finance Committee to consider and write a recommendation for this Article.

**BECAUSE OF INSUFFICIENT INFORMATION, THE FINANCE COMMITTEE VOTED 9-0-0 TO PRESENT ITS RECOMMENDATION AT TOWN MEETING.**

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#### **ARTICLE 4**

To see if the Town will vote to appropriate, as recommended by the Community Preservation Committee, a sum of money from the Community Preservation Fund, to be spent under the direction of the Board of Selectmen, for the rehabilitation of the Sacred Heart property, including the costs of demolition of the existing structures and the restoration of the property, including the cost of engaging landscape architects, landscape designers, or other landscape and/or design professionals.

Or take any other action relative thereto.

BOARD OF SELECTMEN

**FINANCE COMMITTEE RECOMMENDATION:**

Approval of this Article would allow the Town to appropriate funds to both demolish the existing Sacred Heart building and engage a consultant to design a recreational area for the property after removal of the building.

The Sacred Heart building has been abandoned for over twenty years. It has been previously abated of hazardous materials anticipating demolition. The Sacred Heart Reuse Committee has for several years solicited proposals for private development of the property but has not received any credible proposals. Over the years, the building has deteriorated to such an extent that it is considered to be unusable and unrepairable.

There is currently a request before the Community Preservation Committee for approximately \$315,000 to fund the actions proposed under this article. Use of CPC funds will insure that the cleared space can be subsequently used only for recreation or open space.

The Community Preservation Committee had not taken a position on this Article in time for the Finance Committee to consider and write a recommendation for this Article.

The Board of Selectman had not taken a position on this Article in time for the Finance Committee to consider and write a recommendation for this Article.

**BECAUSE OF INSUFFICIENT INFORMATION, THE FINANCE COMMITTEE VOTED 9-0-0 TO PRESENT ITS RECOMMENDATION AT TOWN MEETING.**

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**ARTICLE 5**

To see if the Town will vote to raise and appropriate a sum of money to the School Committee for the reconstruction and/or repair of the High School track;

and to determine whether this appropriation shall be raised by borrowing or otherwise.

Or to take any other action relative thereto.

SCHOOL COMMITTEE

**FINANCE COMMITTEE RECOMMENDATION:**

Approval of this Article would allow the Town to raise and appropriate \$165,000 for renovating the existing athletic track at the High School.

The track was installed in 1997 by Cape & Island Track (CITT). After normal wear and deterioration, it was resurfaced in 2010 by CITT at a cost of \$63,000. Since then, multiple areas of the track have bubbled as a result of delamination of the original 1997 asphalt subsurface. The School Committee and administration deem the track unsafe for use.

The School Committee engaged a consultant to review the history of the track, examine its current problems, and make recommendations. The consultant concluded that:

1. Replacing the entire track is not economical.
2. The cause of the delamination appears to be poorly vented track surface, excess water pressure, and possibly a poor asphalt bond to the original track.

The consultant has recommended that only the surface be entirely replaced at a cost of \$165,000, based on a proposal from CITT. That amount will provide for the milling off of the old track surface and the purchase of materials to be newly installed. The consultant has concluded that the 2010 work done to repair the surface was done in accordance with the specifications drawn by the School Committee in consultation with CITT. Without admitting liability, CCIT has offered as part of their proposal to supply labor, estimated to be worth \$85,000, at no charge to the Town. The consultant has estimated that it would cost the Town approximately \$225,000 if this work were to be contracted with a company other than CITT.

The Capital Outlay Committee had not taken a position on this Article in time for the Finance Committee to consider and write a recommendation for this Article.

The Board of Selectman had not taken a position on this Article in time for the Finance Committee to consider and write a recommendation for this Article.

BECAUSE OF INSUFFICIENT INFORMATION, THE FINANCE COMMITTEE VOTED 9-0-0 TO PRESENT ITS RECOMMENDATION AT TOWN MEETING.

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## ARTICLE 6

To see if the Town will vote to amend the following sections of the Zoning By-Laws to change the Special Permit Granting Authority in Business Districts A and C, where the Planning Board is the Site Plan Approval Authority, so that the process would be simplified for both the Town and Applicants, and recognizing that the Planning Board already is the Special Permit Granting Authority in the Mixed Use Overlay District for Business Districts A, B, and C:

Amend Section 2326 of the Zoning By-Laws to remove the language "from the Board of Appeals" in the subheading and to remove the language "provided that the Board of Appeals finds" and replace it with "provided that the Special Permit Granting Authority finds".

Amend Section 2463.C of the Zoning By-Laws to remove the language "Board of Appeals" and replace it with "Planning Board".

Amend Section 2464 of the Zoning By-Laws to remove the language "during site plan review, or the Board of Appeals during special permit review".

Amend Section 3111.A of the Zoning By-Laws to remove the language "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" and replace it with "Parking in excess of the minimum standards set forth within this Section 3111 shall be at the discretion of the Site Plan Approval Authority or the Special Permit Granting Authority".

Amend Section 3111.C of the Zoning By-Laws to remove the language "Board of Appeals during its review of a special permit

application, or the Planning Board during its review of a site plan application" and replace it with "Planning Board".

Amend Section 3111.D of the Zoning By-Laws to remove the language "Board of Appeals during its review of a special permit application, or the Planning Board during its review of a site plan application" and replace it with "Planning Board".

Amend Section 3111.E of the Zoning By-Laws to remove the language "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," and replace it with "Site Plan Approval Authority or the Special Permit Granting Authority".

Amend Section 3111.F of the Zoning By-Laws to remove the language "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," and replace it with "Site Plan Approval Authority or the Special Permit Granting Authority".

Amend Section 3112 of the Zoning By-Laws to remove the language "created" and replace it with "credited" and remove the language "Board of Appeals" and replace it with "Planning Board" in the second paragraph of that Section; and to remove the language "Board of Appeal" and replace it with "Planning Board" in the third paragraph; and to leave the fourth paragraph intact.

Amend Section 4230 of the Zoning By-Laws to remove the language "Board of Appeals" and replace it with "Special Permit Granting Authority".

Delete Section 4240.A of the Zoning By-Laws in its entirety and replace it with the following new Section 4240.A:

"A. Site plan approval shall be required pursuant to Sections 6320 and 6330. The Planning Board shall be the Site Plan Review Authority and the Special Permit Granting Authority for all developments in Business District A. In addition to the standards for review provided in said Sections, the Planning Board 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."

Delete Section 6311 of the Zoning By-Laws in its entirety and replace it with the following:

"Unless specifically designated otherwise, and except in the Business A and C Districts where the Planning Board shall act as the Special Permit Granting Authority (SPGA), the Board of Appeals shall act as the SPGA."

Amend Section 6334 of the Zoning By-Laws to remove the language "Where Special Permits are required, the Planning Board and the Board of Appeals may start their process at the same time. The Planning Board will forward its determination to the Board of Appeals which may incorporate the Planning Board's decision into its decision."

Amend Section 6412 to add a new subsection 6412.c as follows: "c. Sections 6412.a and 6412.b notwithstanding, the Planning Board shall be the Special Permit Granting Authority in the Business A and C Districts."

Or take any other action relative thereto.

PLANNING BOARD

**FINANCE COMMITTEE RECOMMENDATION:**

**Approval of this Article would change the Special Permit Granting Authority in Business Districts A (the center of Town) and C (the Wilbur School District) to be the Planning Board, where currently the Planning Board is the Site Plan Approval Authority and the Zoning Board of Appeals (ZBA) is the Special Permit Granting Authority.**

**These changes would establish the Planning Board as the single Special Permit Granting Authority in those districts and eliminate the ZBA from the special permit granting process for Business Districts A and C.**

**The Finance Committee met with the Town Engineer, representing the Planning Board, with the Chair of the Planning Board, and with the Chair of the Zoning Board of Appeals. Their respective boards had not discussed the Article. The Town Engineer and Chair of the Planning Board stated that positive action on this**

Article would simplify the process and make it easier for development proposals to be submitted and acted upon in these areas of Town. The Chair of the Zoning Board of Appeals stated that the current process works well and that it provides for valuable checks and balances.

The Planning Board had not taken a position on this Article in time for the Finance Committee to consider and write a recommendation for this Article.

The Board of Selectman had not taken a position on this Article in time for the Finance Committee to consider and write a recommendation for this Article.

**BECAUSE OF INSUFFICIENT INFORMATION, THE FINANCE COMMITTEE VOTED 9-0-0 TO PRESENT ITS RECOMMENDATION AT TOWN MEETING.**

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#### **ARTICLE 7**

To see if the Town will vote to make the following corrections to improve consistency in the Zoning By-Laws:

Amend Section 2464 of the Zoning By-Laws to remove the language " "Design Guidelines for the Town Center Business District" " and replace it with "Post Office Square Design Guidelines".

Amend Section 4801.b to remove the language "Town's Design Guidelines" and replace it with "Post Office Square Design Guidelines".

Amend Section 4850.b to insert the language "Post Office Square" before the words "Design Guidelines" in both locations.

Amend Section 6330 to remove the language "Design Guidelines for the Town Center Business District" " and replace it with "Post Office Square Design Guidelines".

Amend Section 6333 to correct the reference and remove the language "Section 6322" and replace it with "Section 6326".

Amend Section 6334 to remove the language "Design Guidelines for the Town Center Business District" and replace it with "Post Office Square Design Guidelines".

Amend Section 6335 to remove the language " "Design Guidelines for the Town Center Business District" " and replace it with "Post Office Square Design Guidelines".

Amend Section 6337.b to remove the language "Design Guidelines for the Town Center Business District" and replace it with "Post Office Square Design Guidelines".

Or take any other action relative thereto.

PLANNING BOARD

**FINANCE COMMITTEE RECOMMENDATION:**

**Approval of this Article would make changes to the Town's Zoning By-Laws relative to the Post Office Square Design Guidelines.**

**The changes would clarify and make consistent the wording in nine locations in the By-Law referring to Design Guidelines for Post Office Square. All the changes are technical and not substantive.**

**THE FINANCE COMMITTEE VOTED 6-0-0 IN FAVOR OF APPROVAL.**

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**ARTICLE 8**

To see if the Town will vote to amend the General Bylaws as follows:

To amend Article 11, Section 2 by deleting the table of fines in its entirety and replacing it with the following new table of fines:

| <b>BY-LAW RULE OR REGULATION</b>   | <b>AMOUNT OF FINE</b>    | <b>ENFORCING PERSON</b>   |
|------------------------------------|--------------------------|---|
| 1. Police Regulations – Article 10 |                          |   |
| a. Sections 1-22; 25-30A           | Each offense: \$50       | Police Dept. Officer, or in the case of land owned by the Con Com, the Conservation Officer |
| b. Section 22A                     | First offense: A warning | Police Dept; Prosecuting  |

|   |   |   |
|---|---|---|
|   | Second offense: \$50<br>Third and each subsequent offense: \$100  | Officer   |
| c. Section 23 (Keeping of Junk Automobiles, etc.)   | Each offense: \$100   | Police Dept., Prosecuting Officer, Building Insp. |
| d. Section 31 (Disabled Parking)  | Insufficient designated parking, each offense: \$300<br>Unauthorized parking in disabled space, each offense: \$50  | Police Dept; Prosecuting Officer                  |
| e. Section 32 (Public Safety Lanes)   | Not exceeding \$15 if paid to Town's Parking Clerk within twenty-one days, \$20 if paid thereafter but before the Parking Clerk reports to the Registrar of Motor Vehicles, and \$35 if paid thereafter | Police Dept; Prosecuting Officer                  |
| f. Section 33 (Parades, Shows, etc.)  | First offense: \$50<br>Second offense: \$100<br>Third and each subsequent offense: \$300  | Police Dept.; Prosecuting Officer                 |
| 2. Board of Health Regulations  |   |   |
| a. Health Regulation Article 22.8.A (Control of Premises – Smoking and Tobacco)           | First offense: \$100<br>Second offense within two years of first offense: \$200<br>Third and each subsequent offense: \$300   | Health Agent or designated representative         |
| b. Health Regulation Article 22.8.B (Sale Without Permit – Smoking and Tobacco)           | \$200 per day   | Health Agent or designated representative         |
| c. Health Regulation Article 22.8.C (Smoking in a Prohibited Place – Smoking and Tobacco) | \$100 per offense   | Health Agent or designated representative         |

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|--|---|--|
| d. Health Regulation Article 22.8.D (Sales to Minors – Smoking and Tobacco)                          | First offense: \$100<br>Second offense: \$200<br>Third and each subsequent offense: \$300   | Health Agent or designated representative  |
| e. Health Regulation Article 26 (Pooper Scooper)   | First offense: \$25<br>Second offense: \$50<br>Third and each subsequent offense within a calendar year: \$100                                  | Health Agent; Animal Control Officer; or Police Dept.  |
| f. Health Regulation Article 12 (Minimum Sanitation Standards for Food Establishments)               | First offense: \$100<br>Second offense: \$200<br>Third and each subsequent offense: \$300   | Health Agent or designated representative  |
| g. Health Regulation Article 2 (Minimum Standards of Fitness for Human Habitation)                   | First offense: \$100<br>Second offense: \$200<br>Third and each subsequent offense: \$300   | Health Agent or designated representative  |
| h. Health Regulation Article 27 (Regulation on Waterfowl)  | First offense: \$25<br>Second offense: \$50<br>Third and each subsequent offense within a calendar year: \$100                                  | Health Agent; Animal Control Officer; Police Dept.; Environmental Police Officers of the Div. of Law Enforcement; Deputy Environmental Police Officers |
| i. Health Regulation Article 7 (Minimum Requirements for the Subsurface Disposal of Sanitary Sewage) | First offense: \$100<br>Second offense: \$200<br>Third and each subsequent offense: \$300   | Health Agent or designated representative  |
| 3. Article 7 (Second Hand Dealers)   | First offense per calendar year: \$100<br>Second offense per calendar year: \$200<br>Third and each subsequent offense per calendar year: \$300 | Police Dept  |
| 4. Article 12 (Sign By-Law)  | Each offense (per day):   | Building Inspector   |

|  |  |   |
|--|--|---|
|  | \$50   |   |
| 5. Article 12A (Earth Removal By-Law)                    | First offense: \$50<br>Second offense: \$100<br>Third and each subsequent offense: \$200   | Building Inspector  |
| 6. Article 15 (Snow and Ice Removal)                     | Each offense: \$50   | Superintendent of Public Works                              |
| 7. Articles 16 and 16A (Boating and Personal Watercraft) | Each offense: \$20   | Police Dept.; Public Works; Board of Selectmen              |
| 8. Article 16B (Alcohol on Lake Massapoag)               | First offense: \$50<br>Second offense: \$100<br>Third and each subsequent offense: \$300   | Police Dept.  |
| 9. Article 17 (Dogs)                                     | Violation of Section 6: \$100.00<br>All other violations:<br>First offense: \$25<br>Second offense: \$50<br>Third and each subsequent offense: \$100 | Animal Control Officer                                      |
| 10. Article 20 (Fire Code)                               | Each offense (per day): \$50   | Fire Chief  |
| 11. Article 21 (Swimming Pools)                          | Each offense: \$50   | Building Inspector  |
| 12. Article 23 (Wetlands Protection)                     | Each offense: \$50   | Conservation Officer  |
| 13. Article 24 (Water Restrictions)                      | First offense: \$25<br>Second offense: \$50<br>Third offense: \$100<br>Fourth and each subsequent offense (per day): \$200                           | Superintendent of Public Works or designated representative |
| 14. Article 26 (Collection, Transportation and Disposal) | First offense: \$50<br>Second offense: \$100   | Superintendent of Public Works; Building Inspector          |

|   |  |   |
|---|--|---|
| of Solid Waste)   | Third and each subsequent offense: \$200   |   |
| 15. Article 30 (Fire Alarms)                                    | Violation of Section D.2: \$100<br>Violation of Section B.2: \$50<br>False alarm service fee: \$50 for each false alarm more than three within a calendar year | Fire Chief  |
| 16. Article 37 (Illicit Discharge)                              | Each offense (per day): \$100  | Board of Selectmen or designated representative   |
| 17. Article 40 (Public Safety In-Building Radio Communications) | First offense: \$100<br>Second offense: \$200<br>Third and each subsequent offense, or alternatively, loss of Certificate of Occupancy: \$300                  | Building Inspector  |
| 18. Planning Board Regulations (Scenic Roads)                   | Each offense (per day): \$300  | Town Engineer, as agent of the Planning Board and/or the Tree Warden or his or her agent. |

To delete Article 9, Conflict of Interest, in its entirety.

To delete Section 8A.D. of Article 10, Police Regulations.

To designate the second paragraph of Section 22 of Article 10, Police Regulations, as its own Section: Section 22A.

To amend Article 12A (Earth Removal), Section 4, paragraph 7(a) to add a provision for abutter notification, so that the new paragraph 7(a) would read as follows:

7. a) Appoint a time and place for a public hearing, notice of which shall be given to the applicant and shall be published in a newspaper of general circulation in the Town at least 14

days before such hearing and by certified mail, postage paid, to abutters within 100 feet of the land in question.

To amend Article 15 (Snow and Ice Removal) by numbering the existing first paragraph as "SECTION 1" and adding a new second paragraph as follows:

SECTION 2. Penalty for violation of this By-law shall be fifty dollars (\$50) for each offense

To amend Article 16A (Regulation of Personal Watercraft), by adding a new Section 5 as follows:

SECTION 5. Penalty for violation of this By-law shall be twenty dollars (\$20) for each offense.

To amend Article 21 (Private Swimming Pools), by adding a new Section 4 as follows:

SECTION 4. Penalty for violation of this By-law shall be fifty dollars (\$50) for each offense.

To amend Article 40, Section 18, by deleting the second paragraph and the penalty chart.

Or take any other action relative thereto.

TOWN CLERK

**FINANCE COMMITTEE RECOMMENDATION:**

**Approval of this Article would eliminate inconsistencies and correct errors in the existing By-Laws and table of fines. These are not substantive changes to the By-Laws but technical corrections. There are no increases to existing fines, nor are there any new fines being authorized under this Article.**

**As examples, this Article proposes to eliminate Article 9 of the Sharon By-Laws relating to conflict of interest because Article 9 is superseded by State statutes. The Article would also add a provision to the By-Law relating to Earth Removal, requiring**

notification for those abutters within one hundred (100) feet of the land in question.

The Planning Board had not taken a position on this Article in time for the Finance Committee to consider and write a recommendation for this Article.

The Board of Selectman had not taken a position on this Article in time for the Finance Committee to consider and write a recommendation for this Article.

THE FINANCE COMMITTEE VOTED 6-0-0 IN FAVOR OF APPROVAL.

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### ARTICLE 9

To see if the Town will vote pursuant to Article 34A of the General By-laws to name the area located on the parcel of land bordering South Main Street, Station Street and South Pleasant Street, the "First Sergeant James A. Keating Memorial Park." Said park area is shown on Assessors Map 101, Parcel 196 and contains approximately one acre of land.

Or take any other action relative thereto.

BOARD OF SELECTMEN

#### FINANCE COMMITTEE RECOMMENDATION:

Approval of this Article would name a parcel of land in honor of First Sergeant James A. Keating.

First Sergeant Keating was a native son of Sharon and an American hero. He served in the European Theatre of World War II and earned a Silver Star for his heroism in battle, saving the life of a fellow soldier under heavy fire from the enemy. Sadly, First Sergeant Keating did not survive this ordeal.

The proponent is asking that the Town approve naming a new park as a tribute to James Keating and, through him, also honor the countless others for the sacrifice they gave for their families, their fellow citizens in Sharon and their country.

THE FINANCE COMMITTEE VOTED 7-0-0 IN FAVOR OF APPROVAL.

## ARTICLE 10

To see if the Town will vote to adopt the following resolution:  
To call upon the United States Congress to pass and send to the States for ratification an amendment to the Constitution of the United States that would firmly establish two principles:

- 1) Only human beings, not artificial entities such as corporations, are entitled to the rights and privileges guaranteed by the Constitution of the United States.
- 2) Election spending is not free speech guaranteed by the First Amendment, and is therefore subject to regulation by federal and state governments.

Or take any other action relative thereto.

PAUL LAUENSTEIN

### **FINANCE COMMITTEE RECOMMENDATION:**

Approval of this Article would adopt a resolution to call upon the U.S. Congress to send to the States for ratification an amendment to the U.S. Constitution that would establish two principles that contradict the Supreme Court's ruling in the landmark case Citizens United v. FEC, which declared that corporations, as associations of individuals, have speech rights under the First Amendment and that limiting a corporation's ability to spend money for election speech is unconstitutional.

The principles advocated by this warrant Article assert that (1) corporations are not people and thus are not entitled to constitutional protections, and (2) restricting election expenditures is not equivalent to restricting speech.

Many towns around the Commonwealth and the country have expressed their unhappiness with the Supreme Court ruling and the change that it makes in the nature of our electoral process.

A majority of the Finance Committee believes that it is appropriate for the Town to debate this issue and agrees with the sentiment expressed in the resolution.

The minority believes that Town Meeting has precious few hours to debate and discuss the many issues of our Town. Though

**meritorious, the resolution expressed in this Article should be brought forward by residents in other public forums.**

**THE FINANCE COMMITTEE VOTED 5-2-0 IN FAVOR OF APPROVAL.**

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**ARTICLE 11**

To see if the Town will vote to adopt the following resolutions:

Section 1. Call upon the Town, Board of Selectmen, Board of Health, School Department and any other relevant committees to consider how they might learn about, publicize, and encourage town residents to get involved, on a voluntary basis, in One Town One Challenge and its SafeAMER Educational and Engagement campaign to invite people, committees, and organizations to focus on the issues, risks, and safer alternatives to mercury amalgam in dentistry during the coming year.

Section 2. To call upon President of the United States to direct the Food and Drug Administration to follow the recommendations of its 2010 Scientific Advisory Panel to restrict amalgam use effective immediately, and to require consumer and patient information for all oral medical devices prior to installation comparable to that required for all prescription drugs.

Or take any other action relative thereto.

LAURA RUSSELL

**FINANCE COMMITTEE RECOMMENDATION:**

**Articles 11, 12, and 13, are in the warrant pursuant to a Citizen Petition. Each of these three Citizen Petition Articles relate to the use of mercury amalgam in dental fillings.**

**Approval of Article 11 would have no binding effect on the Federal government but would direct the Town as follows:**

**Section 1 would call upon the Board of Selectmen and other Town Boards and Committees to encourage Town citizens to learn about and to participate in programs concerning the issues, risks, and alternatives to the use of mercury amalgam in dentistry.**

Section 2 authorizes the Town to call upon the President of the United States to direct the Federal Food and Drug Administration to follow certain recommendations of an advisory panel that would restrict the use of mercury amalgam in dentistry.

The Finance Committee believes that this Article involves scientific and medical issues beyond the purview of its expertise or the expertise of Town Meeting, and it involves issues not appropriate for a Town Meeting vote.

THE FINANCE COMMITTEE VOTED 5-0-1 AGAINST APPROVAL OF THIS ARTICLE.

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## ARTICLE 12

To see if the Town will vote to amend the General By-laws by adding a new Article 41, entitled "Regulation of the Use of Dental Mercury Amalgam" as follows:

Section 1: All dental practices in the Town of Sharon shall display health and safety warnings, contraindications, and precautions, clearly visible and distributed to all patients, on the use of mercury dental amalgam comparable in wording and graphics to warnings placed by manufacturers on shipping dental amalgam, mercury, and amalgam alloy to dentists as required by the FDA<sup>1</sup>:

- WARNING - CONTAINS MERCURY
- May be harmful if vapors are inhaled
- Do not use in persons with a known mercury allergy
- Do not place the device in direct contact with other type of metals
- Use with adequate ventilation

Section 2: All dental practices in the Town of Sharon shall display a health and safety warning clearly visible and distributed to all patients on the potential risks of repair, replacement, removal and polishing of mercury dental amalgam, with guidelines on questions to ask your dentist comparable in wording to the "Questions for Your Dentist" posted by the

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<sup>1</sup> FDA, Guidance for Industry and FDA Staff, Class II Special Controls Guidance Document: Dental Amalgam, Mercury, and Amalgam Alloy (July 28, 2009, 8-9).  
<http://www.fda.gov/downloads/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/ucm073330.pdf>

International Academy of Oral Medicine & Toxicology (IAOMT).<sup>2</sup>

Section 3. All dental practices in the Town of Sharon shall be required to have patients sign informed consent forms, with a copy to the patient and retained by the dentist, before:

- a. Mercury dental amalgam materials may be placed in them
- b. Mercury dental amalgam may be repaired, replaced, removed or polished, and
- c. Mercury dental amalgam is placed, or is left to remain, after any restorative dental work is completed, in direct contact with other types of metals in the same, abutting, or occluding teeth.

Section 4. The Board of Health shall enforce the provisions of this By-law and shall adopt appropriate policies and procedures to effectuate the purposes of this By-law by July 1, 2013.

Or take any other action relative thereto.

LAURA RUSSELL

**FINANCE COMMITTEE RECOMMENDATION:**

**Approval of this Article would add a new Article 41 to the General By-Laws, to be enforced by the Board of Health, which would require all dental practices in Sharon to post a specific warning concerning dental amalgam containing mercury and to require dentists to have their patients sign an informed consent form when dental treatment involves the use of mercury dental amalgam.**

**The majority of the Finance Committee believes that regulation of the practice of dentistry in this manner should be at the State or Federal level.**

**THE FINANCE COMMITTEE VOTED 3 in favor, 3 against, 0 abstentions. Because of this tie vote, the committee will reconsider this article and present its recommendation at Town Meeting.**

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<sup>2</sup> International Academy of Oral Medicine & Toxicology, Questions for Your Dentist, <http://iaomt.org/find-a-doctor/questions-for-your-dentist/>

**ARTICLE 13**

To see if the Town will vote to direct the Town (Board of Selectmen) and the School Department (Sharon Public Schools), when it comes time to re-bid their dental plans, to request quotes on "cost neutral" plans that pay the same percentage toward all dental fillings, whether they are mercury amalgam or safer alternatives, in all teeth in any part of the mouth; and to offer such a plan to town employees in addition to or instead of a non-cost neutral dental plan.

Or take any other action relative thereto.

LAURA RUSSELL

**FINANCE COMMITTEE RECOMMENDATION:**

**Approval of this Article would direct the Board of Selectmen and the School Committee, in re-bidding with insurance companies for dental plans, to request quotes for a plan that would provide the same percentage coverage for non-mercury amalgam dental fillings as provided for mercury amalgam fillings, and to offer employees alternative dental plans providing such coverage.**

**The Finance Committee lacks information as to the feasibility, desirability, or potential additional Town expense that might be entailed by this Article.**

**THE FINANCE COMMITTEE VOTED 5-1-0 AGAINST APPROVAL OF THIS ARTICLE.**

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**ARTICLE 14**

To see if the Town will vote to accept and adopt as a public way each of the following:

- 1. Cattail Lane: beginning from Station 0+00, thence running southerly, a distance of 607.75 linear feet to station 6+07.75, its terminus.

As laid out by the Selectmen, including any easements and utilities appurtenant thereto, and raise and appropriate a sum of money for the costs associated therewith.

Or take any other action relative thereto.

PLANNING BOARD

**FINANCE COMMITTEE RECOMMENDATION:**

This is a pro-forma Article by which the Town of Sharon will accept responsibility for the maintenance and care of Cattail Lane, thereby making it a public way.

Since it is the understanding of the Finance Committee that the proper procedures have been followed and the residents are in support of the change, we too support the Article.

THE FINANCE COMMITTEE VOTED 7-0-0 IN FAVOR OF THIS ARTICLE.

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And you are directed to serve this Warrant by posting attested copies of the same in accordance with the Town By-Laws. Hereof fail not, and make due return of this Warrant with your doings thereon, at the time and place of meeting aforesaid. Given under our hands this 9th day of November, A.D., 2012

WILLIAM A. HEITIN, CHAIR

WALTER "JOE" ROACH

RICHARD A. POWELL

BOARD OF SELECTMEN  
SHARON, MASSACHUSETTS

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A True Copy: JOSEPH S. BERNSTEIN, Constable  
Sharon, Massachusetts  
Dated: November 9, 2012

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**TOWN OF SHARON**  
SHARON, MA 02067

PRESRT STD  
PAID  
Permit #13  
Sharon, MA  
ECRWSS

**POSTAL PATRON**  
**SHARON, MA 02067**