

2013

TOWN OF SHARON



SPECIAL TOWN MEETING WARRANT

With Report and Recommendations of the Finance Committee

**SPECIAL TOWN MEETING
MONDAY, NOVEMBER 4, 2013
7:00 P.M.
Sharon High School
Arthur E. Collins Auditorium
181 Pond Street**

PLEASE BRING THIS REPORT TO THE MEETING

OPEN WARRANT MEETING

Monday, October 28, 2013

8:00 P.M.

Sharon High School Library (2nd 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

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8:00 P.M.

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181 Pond Street**

INFORMAL DISCUSSION OF WARRANT ARTICLES

WARRANT INTRODUCTION

It is the responsibility of the Finance Committee to make recommendations to the voters on all matters that come before Town Meeting. In May of each year, Annual Town Meeting must adopt a town budget for the upcoming fiscal year which begins July 1 and ends June 30. In the fall a Special Town Meeting may be convened to consider issues such as zoning by-laws and amendments as well as other timely matters brought before the voters to debate and vote. This warrant is your guide to the items you may reasonably expect to deliberate and vote on November 4th at this year's Special Town Meeting.

Preparing recommendations for all the articles in this warrant continues to be a challenge. It has been very difficult to obtain the information necessary for the Finance Committee to thoughtfully discuss and prepare this document with the complete details and fully developed concepts and ideas as well as information on agreements negotiated as part of proposed zoning changes to be voted at this Town Meeting. The Finance Committee was very concerned about the ability of the Town to consider the proposed actions under Articles 2, 3 and 4 of this warrant due to the time pressures faced in gathering the information and data needed to make a thorough recommendation to the Town. On October 15, 2013, a few days before the finalization of the recommendations for this warrant, the Selectmen voted unanimously to take no action on Articles 2, 3 and 4 of the warrant related to the proposed open space development on Rattlesnake Hill. Instead, the Selectmen voted to hold the public review process for the proposals which form the substance of Articles 2, 3 and 4 open for at least another two months. The Selectmen did this to allow further development of the proposals, additional public comment and the development of potential of alternatives to Articles 2, 3 and 4. After that review process, the Selectmen will hold a public meeting on the proposals and then consider whether to take the matter up at a Special Town Meeting or at the Annual Town Meeting in May 2014. The Finance Committee commends the Selectmen for delaying action on these Articles to allow further development of the proposals, additional public comment on the proposals and the development of potential alternatives.

The Finance Committee and other committees and boards encountered similar problems in obtaining information on a timely basis and preparing for the 2013 Annual Town Meeting and in preparing for the fall 2012 Special Town Meeting. We appreciate the efforts and desire of the Board of Selectmen and others to bring matters of importance to the Town for consideration at Town Meeting. But we believe that the Town needs to take a serious and careful look at the warrant schedule and preparation process for Town Meeting and establish reasonable deadlines for the submission and consideration of matters on the warrant to create more time for the voters of the Town of Sharon to be able to consider the important matters laid before them at Town Meeting. The Finance Committee will be working with the Selectmen and other committees in Sharon to seek consensus on serious improvements needed to the Town Meeting warrant process. Our committee's responsibility and our primary goal is to provide more advance detailed factual information to the voters of the Town to allow you more deliberate consideration prior to Town Meeting.

For the articles where necessary information and/or input was lacking, the Finance Committee will continue to review the information delivered at the last minute prior to this warrant being

distributed and seek additional information that is currently unavailable. We will continue to deliberate on these articles, take positions and present our recommendations at Town Meeting on November 4th.

There are 14 articles presented in this warrant. As noted above, after the posting of the warrant the Board of Selectman recommended to defer action on three of the articles, Articles 2 through 4, that relate to a proposed Zoning By-Law change, General By-Law change and land acquisition under the authority of the Community Preservation Committee (CPC) relating to a proposed residential cluster zoning development and creation of open space in what is currently the “Brickstone” Senior Living District, otherwise known as Rattlesnake Hill. This warrant includes another zoning article relating to a legal change to the Adult Zoning By-Law to conform to changes in state law. Article 5 involves the implementation of a plan to create a park and public space at the Sacred Heart site with funding from the CPC. Article 9 concerns a proposed appropriation to increase the funds in the Town’s Stabilization Fund, while Article 6 proposes to enact a local Meal Tax of .75%. There are other appropriation articles, including money for the upcoming 250th Anniversary of the Town of Sharon in 2015. There are also a few other articles to address town business needs such as authorizing the negotiation of a refuse contract, amending the General Sign By Law, among others. As noted above, to the extent possible, the Finance Committee has provided a comprehensive summary of each article and a recommendation regarding each article.

Opportunities for voters to ask questions or give opinions are always available at Finance Committee meetings and at the Open Warrant Meeting on Monday, October 28th at 8:00 p.m. in the High School Library. Please take time to understand the issues and attend the Annual Town Meeting on November 4th.

THE FINANCE COMMITTEE

William Brack, Chair; Ira Miller and Laura Nelson, Vice-Chairs; Patricia-Lee Achorn, Aaron Agulnek, Arnold Cohen, Gordon Gladstone, Charles Goodman, Alexander Korin, and Ted Philips

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 4th of November 2013, at 7:00 P.M., and there to act on the following articles:

ARTICLE 1

To see if the Town will vote to confirm its prior vote of May 2011, authorizing the Board of Selectmen to lease the property known as 411 East Foxboro Street, app. 27.76 acres, Assessor map 31, Parcel 18, and 421 East Foxboro Street, app. 3109 sq. feet, Assessor Map 31, Parcel 17, from the Board of Selectmen to New Cingular Wireless PCS, LLC, for purposes of installing a multi-carrier wireless communication monopole facility and related access and improvements, on such terms and conditions as the Board of Selectmen shall determine, and further to authorize the Selectmen to convey such non-exclusive easements as may be necessary to provide electric and telephone utilities to serve that facility. The aforesaid Parcel was acquired by the Town by Order of Taking, dated February 15, 1973, recorded in the Norfolk Registry of Deeds in Book 4912 at Page 514.

Or take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

Approval of this Article would reconfirm the Board of Selectmen authorization to engage in negotiations on behalf of the Town of Sharon and to execute a lease for the purpose of installing a multi-carrier wireless communication monopole facility.

Approval of Article 13 at the May 2, 2011, Annual Town Meeting changed the zoning for this Town-owned land near the corner of Wolomolopoag and East Foxboro Streets. The land houses the Town Water Well #6, and passage of that Article allows for additional uses for this parcel of land by transferring “the care, custody, management and control of the property known as 411 East Foxboro Street...to the Board of Selectmen for water supply or general municipal purposes.”

The Board of Selectmen is currently under negotiations to lease 411 East Foxboro Street for the installation of a cellular antenna array and necessary supporting accessories. The Town benefits financially from leasing Town space to outside entities. This use was discussed during the original Town Meeting review of the 2011 Article that is the subject of this Article. In its 2011 recommendation in favor of the Article, the Finance Committee noted that “the Board of Selectmen wants to further the process of allowing a cellular antenna array to be built on this property.”

In 2011 members of the Finance Committee expressed concern that there had not been sufficient notification to the abutters to allow for open and public discussion prior to the Annual Town Meeting. While reviewing the present Article, the Finance Committee heard from several abutters to 411 East Foxboro Street: they are well informed and engaged in the review of this proposal.

The Board of Selectmen voted 2-0-0 in favor of the Article and at a subsequent meeting, Selectman Powell went on the record as supporting the Article.

THE FINANCE COMMITTEE VOTED 8-0-0 IN FAVOR OF APPROVAL.

ARTICLE 2

To see if the Town will Vote to Amend the Zoning Bylaws of the Town of Sharon, Massachusetts dated April 12, 2012, as last amended on May 6, 2013 by amending certain sections thereof and by amending the map entitled “Zoning Map, Town of Sharon, Massachusetts” dated February 2008 and prepared by the Department of Public Works, Engineering Division, GIS Team, as follows:

Amend the Zoning By-Laws of the Town of Sharon, Massachusetts dated April 12, 2012, as last amended on May 6, 2013 as follows:

AMEND SECTION 2110

Amend Section “2110. Districts” by inserting at the end of Section 2110 after the phrase “Historic Districts” the following: “Rattlesnake Hill Open Space Overlay District (Rattlesnake Hill District)”.

AMEND SECTION 2211

Amend Section “2211. Authorization” by inserting at the end of Section 2211 the following: “No premises shall be used in the Rattlesnake Hill Open Space Overlay District except as provided in Sections 4391-4396 and development within the Rattlesnake Hill Open Space Overlay District shall not be subject to Site Plan Review pursuant to Sections 6320-6337.”

AMEND SECTION 3420

Amend Section “3420. Permit Issuance” by modifying the beginning of Section 3420 to read: “Except in a Senior Living District or in a Rattlesnake Hill Open Space Overlay District, the Inspector of Buildings shall issue building permits for construction of new dwelling units in subdivisions submitting for approval after December 5, 1978, or for multi-family dwellings (regardless of location) only as follows:”.

ADD SECTION 4391

Insert following Section “4390. Outside Consultants” a new section 4391 as follows:

4391. Rattlesnake Hill Open Space Overlay District (Rattlesnake Hill District)

4392. Rattlesnake Hill District Requirements. Development within the Rattlesnake Hill District is subject to the following:

a. Purposes. The purposes of the Rattlesnake Hill District are (i) to enhance the public welfare by creating a vibrant community of single family homes, consistent with Article I of this Zoning Bylaw; (ii) to expand housing resources; and (iii) to protect valuable natural resources by providing open space for residents of a Rattlesnake Hill Development and the Town.

b. Application. The Rattlesnake Hill District shall be considered as superimposed on underlying zoning districts. A Rattlesnake Hill Development shall conform to the Bylaw except to the extent that use, dimensional, parking and loading requirements are set forth in Sections 4391-4396 or as otherwise provided in Sections 4391-4396 and except Section 4500 shall not apply. To the extent that any inconsistencies exist between the provisions of Sections 4391-4396 and the provisions of other sections of this Bylaw, the provisions of Sections 4391-4396 shall govern. The Rattlesnake Hill District shall not restrict owners’ rights relative to the underlying zoning district or other overlay districts, including, but not limited to, the Senior Living Overlay District. However, if an applicant elects to use the Rattlesnake Hill District provisions by seeking a building permit or building permits, which may be issued on a phased basis, from the Inspector of Buildings pursuant to Section 6131 and so develops a Rattlesnake Hill Development, then all development in the Rattlesnake Hill District shall conform to the requirements of Sections 4391-4396 and whereafter Sections 4380-4390 shall not apply. Section 6132 shall not preclude an applicant for a Rattlesnake Hill Development from obtaining a permit for a Rattlesnake Hill Development if part or all of any groundwater, wastewater, storm water treatment facility, or irrigation wells or pipes serving the proposed Rattlesnake Hill Development are located on land to be transferred to the Town of Sharon or Conservation Commission or another property owner.

c. Application of Wetland Setbacks. In a Rattlesnake Hill Development, the construction and maintenance of a site access drive of minimum legal practical width is permitted within Wetland Setback Areas, even where there is an alternative means of access from a public way to unrestricted land of the same owner, provided that all required Orders-of-Conditions and other required authorizations are obtained under the Massachusetts Wetlands Protection Act (M.G.L. ch. 131 § 40) or Town of Sharon Wetlands Protection Bylaw.

d. For any Rattlesnake Hill Development, only that portion of a lot or future lot within a Water Resource Protection District is subject to water resource protection provisions.

4393. Definitions. The following terms shall have the meanings set forth herein and shall supersede any conflicting definitions elsewhere in the Zoning Bylaw:

Rattlesnake Hill Development – A project located within the Rattlesnake Hill District and developed pursuant to one or more subdivision plans of land pursuant to the requirements set forth in Sections 4391-4396. A Rattlesnake Hill Development may be designed and developed for residential uses and accessory uses as permitted in Section 4394.b, in such ways that depart from the underlying zoning regulations, and other provisions of this Bylaw to the extent modified by (i) the provisions of Sections 4391-4396, (ii) a development agreement between the Town of Sharon and an applicant, and (iii) other waivers. A Rattlesnake Hill Development, including without any limitation, all infrastructure, utilities, roadways, residential units, and recreational facilities, may be built in phases, and building permits and certificates of occupancy may be issued in phases, and the completion of one phase shall not be a prerequisite for commencement of another phase or issuance of building permits or certificates of occupancy therefor.

4394. Use Regulations.

a. Permitted Uses. Uses in the Rattlesnake Hill District shall be as permitted in General Residence, Single Residence, Suburban, Rural and Housing Authority Districts under Sections 2310-2313, and shall be subject to the restrictions of Section 2316.

b. Permitted Accessory Uses. Permitted Accessory Uses in the Rattlesnake Hill District shall be such accessory purposes as are customarily incident to the foregoing uses and are not injurious to a neighborhood as a place of residence including: (i) water, stormwater, and wastewater treatment facilities and related appurtenances serving other Permitted Uses in the Rattlesnake Hill District; (ii) passive recreation facilities including walking, jogging, and bicycle trails; (iii) a property sales office or trailer; (iv) permanent or temporary signage in accordance with Section 5.8 of Article 12 of the Sharon General By-Laws; (v) private garage accessory to a residence; and (vi) as permitted in Section 2314.

4395. Performance Standards. A Rattlesnake Hill Development shall comply with the following:

a. Treatment Plants. Any water, wastewater, storm water, or groundwater treatment plant or associated infrastructure in the Rattlesnake Hill District must receive all required permits from the Commonwealth of Massachusetts.

b. Storm water Management. An applicant for a permit in the Rattlesnake Hill District must obtain a storm water permit under Article 38 of the General Bylaws of the Town of Sharon.

c. Parking. A Rattlesnake Hill Development shall meet a minimum standard of 2 off-street parking spaces per dwelling unit, provided each such parking space is large enough to accommodate a rectangle measured nine (9) by twenty (20) feet.

d. Access and Infrastructure. Access and infrastructure improvements shall be provided substantially in compliance with the Land Subdivision Rules and Regulations of the Planning Board subject to any waivers granted by the Planning Board and subject to other Town and state regulatory constraints.

4396. Dimensional Regulations.

a. Lot Requirements. All lots shall have frontage on streets in one or more subdivisions located within the Rattlesnake Hill District. No more than one principal building shall be located on any lot.

b. Minimum Lot Area. Minimum Lot Area shall be twenty thousand (20,000) square feet.

c. Maximum Building Height. Buildings in a Rattlesnake Hill Development shall have a maximum height of thirty-five (35) feet or two-and-a-half stories.

d. Lot Width and Frontage.

Minimum lot width: Fifty (50) feet

Minimum frontage: Fifty (50) feet.

e. Coverage Limits. Forty percent (40%), and Section IV.E of the Town of Sharon Groundwater Protection Regulation shall not apply to any Rattlesnake Hill Development.

f. Building Location.

Minimum front yard setback: Thirty (30) feet,
Minimum side yard setback: Ten (10) feet, and
Minimum rear yard setback: Fifteen (15) feet.

g. Curb Cut. Section 3114 does not apply to a Rattlesnake Hill Development.

DISTRICT USE REGULATIONS

Amend section 2312 by adding subsection “d”. other general municipal purposes.

AND FURTHER

To amend the Zoning By-Law by amending the map entitled “Zoning Map, Town of Sharon, Massachusetts” dated June 2013 and prepared by the Department of Public Works, Engineering Division, GIS Team, by placing a portion of a certain tract of land at 400 Mountain Street containing approximately 337 acres of land within the Rattlesnake Hill Open Space Overlay District as shown in Attachment A.

Said tract of land is located at on the easterly side of Mountain Street between Mountain Street and Bay Road and northerly of Briggs Pond.

Currently, said tract of land is located within the Rural District 2 (R-2) and will remain in this district. Portions of the tract are currently overlain by the Senior Living Overlay District (Senior Living District), the Surface Water Resources Protection District and the Groundwater Protection District and will remain in these overlay districts.

And further by amending the aforesaid map entitled “Zoning Map, Town of Sharon, Massachusetts” by revising the map legend, labels, and notes;

Or take any other action relative thereto.

PLANNING BOARD

FINANCE COMMITTEE RECOMMENDATION:

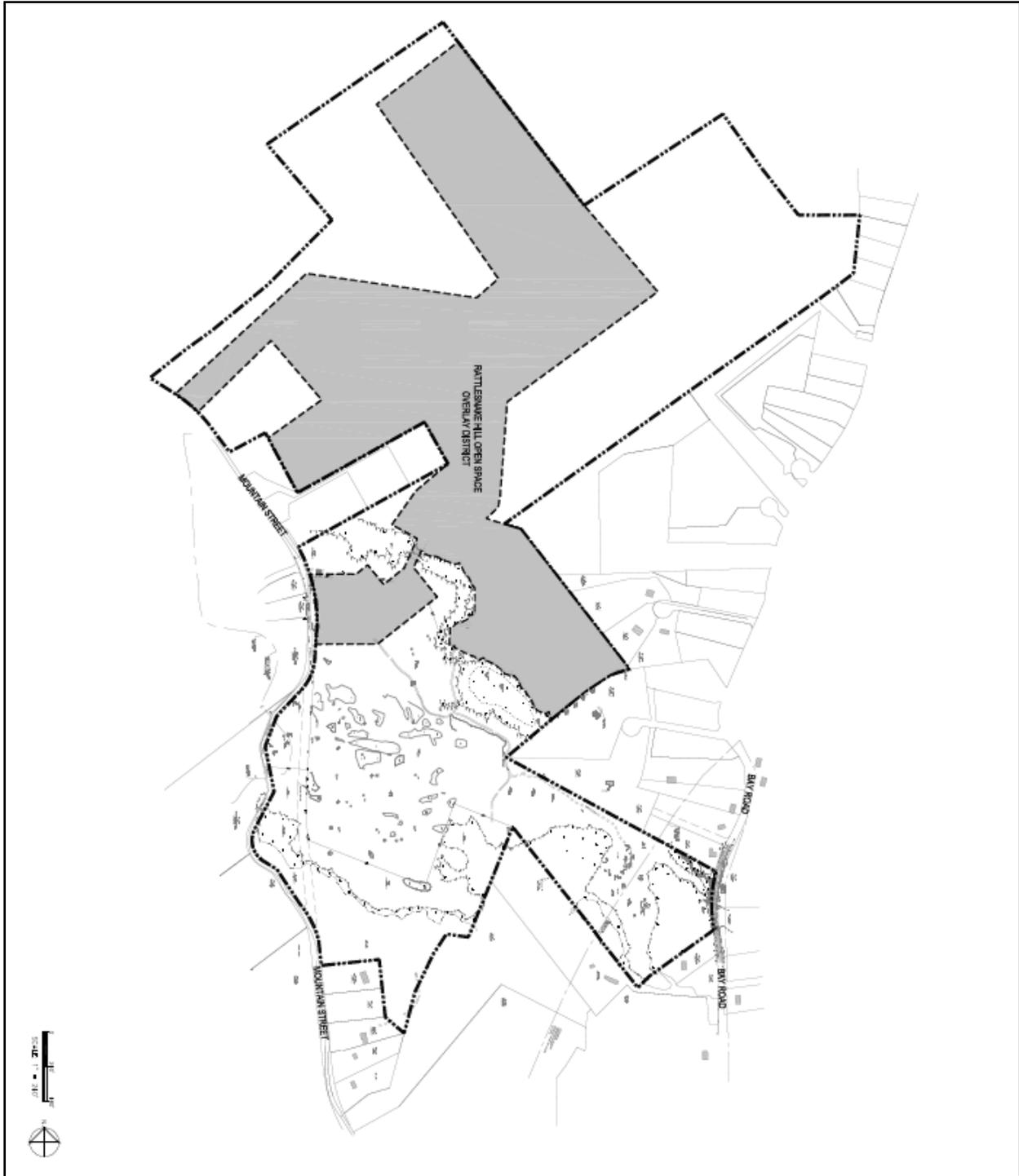
The Board of Selectmen, Community Preservation Committee, Planning Board, Finance Committee have been reviewing this Article and the related Articles 3 and 4 in the weeks leading up to the Fall Town Meeting. The Selectmen voted unanimously at a meeting on October 15, 2013 to take no action on this Article and the related Articles at the Town Meeting on November 4, 2013. Instead, the Selectmen voted to hold the public review process for the proposals that form the substance of Articles 2, 3 and 4 open for at least two months. The Selectmen did this to allow further development, additional public comment and the development of potential of alternatives to Articles 2, 3 and 4.

The Finance Committee commends the Selectmen for delaying action on this Article to allow further development of the proposal, additional public comment on the proposal and the development of potential alternatives.

The Board of Selectmen voted 3-0-0 to take no action on this Article.

The Planning Board had not yet voted on this Article as of the time of this recommendation.

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



Attachment A

**Rattlesnake Hill Open Space Overlay District
(Rattlesnake Hill District)**

ARTICLE 3

SECTION I

To see if the Town will vote to Amend the General By-Laws of the Town of Sharon, Massachusetts dated April 12, 2012, as last amended on December 3, 2012 as follows:

AMEND ARTICLE 12, SECTION 5

Amend Article 12, Section 5 “Permitted Signs” by adding a new Section 5.8 after Section 5.7.5 “Temporary Signs”:

5.8 Additional Permitted Signs: In the Rattlesnake Hill Open Space District (Rattlesnake Hill District) the following additional signs shall be permitted:

5.8.1 Permanent Projecting or Freestanding Signs. Signs (other than temporary signs) not attached to a building are permitted as follows:

- a) Number: One (1) for each entrance into the Rattlesnake Hill Development from an existing public way.
- b) Area: Not more than fifty (50) square feet per side of each sign.
- c) Location: Not within five (5) feet of any street or property line, and not extending more than ten (10) feet above adjoining ground level.

5.8.2 Internal Wayfinding Signs. Internal directional traffic control signs shall be permitted.

5.8.3 Temporary Sign. Two (2) temporary signs not larger than one hundred (100) square feet in area, advertising the sale or availability of a home in a Rattlesnake Hill Development (as defined in Section 4393 of the Town of Sharon Zoning By-Law). Such temporary sign requires no sign permit if the erecting agent has obtained a one-year permit and paid an annual fee for erecting such signs.

Or take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

As noted in the recommendation on Article 2, the Selectmen voted unanimously at a meeting on October 15, 2013 to take no action on this Article and the related Articles at the Town Meeting on November 4, 2013. Instead, the Selectmen voted to hold the public review process for the proposals that form the substance of Articles 2, 3 and 4 open for at least two months. The Selectmen did this to allow further development, additional public comment and the development of potential of alternatives to Articles 2, 3 and 4.

The Finance Committee commends the Selectmen for delaying action on this Article to allow further development of the proposal, additional public comment on the proposal and the development of potential alternatives.

The Board of Selectmen voted 3-0-0 to take no action on this Article.

The Planning Board had not yet voted on this Article as of the time of this recommendation.

THE FINANCE COMMITTEE VOTED 9-0-0 FOR INDEFINITE POSTPONEMENT.

ARTICLE 4

To see if the town will vote to appropriate and transfer a sum of money, as recommended by the Community Preservation Committee, to acquire by purchase a parcel of land, or portions thereof described as follows:

Said land is identified on a plan of land on file with the Town Clerk and is all or a portion of any of the three “Open Space” parcels shown thereon, as the same may be amended,

for open space and/or recreation purposes under the Community Preservation Act and to appropriate and transfer from the Community Preservation Fund to the Sharon Conservation Fund annual revenues or available funds to fund such acquisition,

and to authorize the Conservation Commission to grant a conservation restriction on any such land acquired using funds from the Community Preservation fund to a qualified nonprofit, charitable corporation on such terms and conditions and for such consideration as the Conservation commission shall determine and further to authorize the Conservation Commission to enter into all agreements and execute any and all instruments necessary for such actions and acquisition.

And to see if the town will vote to acquire by gift and/or accept, for general municipal purposes the land, or a portion thereof, not purchased with Community Preservation funds, and described as follows:

Said land is identified on a plan of land on file with the Town Clerk and is to contain approximately 50 acres, more or less, and to be located with frontage on Mountain Street on the Southerly most parcel of land identified as “Open Space” on said plan, as the same may be amended.

and further to authorize the Board of Selectmen as Water Commissioners or as the Board of Selectmen to enter into such agreements, accept such deeds or other instruments, grant such easements or licenses pertaining to such land, and execute such documents as may be necessary to accomplish the foregoing,

Or take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

As noted in the recommendation on Article 2, the Selectmen voted unanimously at a meeting on October 15, 2013 to take no action on this Article and the related Articles at the Town Meeting on November 4, 2013. Instead, the Selectmen voted to hold the public review process for the proposals that form the substance of Articles 2, 3 and 4 open for at least two months. The Selectmen did this to allow further development, additional public comment and the development of potential of alternatives to Articles 2, 3 and 4.

The Finance Committee commends the Selectmen for delaying action on this Article to allow further development of the proposal, additional public comment on the proposal and the development of potential alternatives.

The Board of Selectmen voted 3-0-0 to take no action on this Article.

The Planning Board had not yet voted on this Article as of the time of this recommendation.

THE FINANCE COMMITTEE VOTED 9-0-0 FOR INDEFINITE POSTPONEMENT.

ARTICLE 5

To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund Undesignated Balance, for the construction and rehabilitation of the Sacred Heart property for recreational use, as recommended by the Community Preservation Committee, or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

FINANCE COMMITTEE RECOMMENDATION:

Approval of this Article would allocate \$80,000 from Community Preservation funds for the construction and rehabilitation of the Sacred Heart property to allow it to be used as open and recreational space.

Phase I (demolition and planning) was paid for with Community Preservation Act (CPA) funds appropriated at the November 2012 Special Town Meeting. Approximately \$110,000 of the \$315,000 appropriation was spent, and the remainder stayed in the CPA Fund.

Phase II (final construction and rehabilitation) will require \$80,000 to complete the project.

The total cost of the project will be \$190,000, made up of \$110,000 from Phase I plus \$80,000 from Phase II. This is well under the \$315,000 appropriation approved at the 2012 Special Town Meeting.

The Sacred Heart Reuse Committee and the Board of Selectmen have put forth a final design for the open space construction that has also been reviewed and approved by the Community Preservation Committee (CPC). The CPC added money for the fencing and the bollards to the design approved by Board of Selectmen.

To save on costs, the Selectmen asked the DPW to do the work in-house. The DPW will be responsible for completing the construction phase of the project at great saving to the Town of Sharon. The sprinkler system will be installed by a sub-contracted vendor.

Budget:

1.	Erosion Control	\$ 350
2.	Tree Protection	\$ 650
3.	Parking Blocks	\$1,860
4.	Plantings	\$7,000
5.	Seeding	\$3,000
6.	Parking -9 new spaces	\$16,998
7.	Trails – Stone Dust	\$5,000
8.	Benches	\$6,000
9.	Picnic Tables	\$3,000
10.	SPRINKLER SYSTEM	\$20,000
	Subtotal:	\$63,858
11.	Contingency ~ 10%	\$6,387
	TOTAL:	\$70,245
12.	Fencing (Added by CPC)	\$5,000
13.	Bollards (Added by CPC)	\$4,755
	FINAL TOTAL:	\$80,000

The Board of Selectmen voted 2-0-0 in favor of the Article and at a subsequent meeting, Selectman Powell went on the record as supporting the Article.

The Community Preservation Committee is in favor of this Article with a vote of 5-0-0.

THE FINANCE COMMITTEE VOTED 7-1-1 IN FAVOR OF APPROVAL.

ARTICLE 6

To see if the Town will vote to accept G.L. c. 64L, § 2(a), to authorize imposition of a local meals excise tax of 0.75%, or take any other action relative thereto.

BOARD OF SELECTMEN / FINANCE COMMITTEE

FINANCE COMMITTEE RECOMMENDATION:

Approval of this Article would allow the Town to impose a local meals tax of 0.75%. This amounts to 7.5 cents on a ten-dollar meal bill and 75 cents on a one hundred-dollar meal bill.

The tax would be imposed on any taxable meal, including those served to non-residents, e.g., when a Stoughton resident buys ice cream at Crescent Ridge, that person would pay the additional tax.

The Finance Director estimates that passage of this Article would result in an annual increase of \$118,000 of revenue to the Town. This tax, allowed by the state as a local option, is imposed by several surrounding communities, including Foxboro, Mansfield, Norwood, Stoughton, and Walpole.

If this Article is not approved, then the Town would lose this source of revenue and, if needed for the budget, the amount of \$118,000 will have to be raised by way of real estate taxes on residents rather than by raising it by the local meals tax that would be paid by both residents and non-residents purchasing taxable food in Sharon.

The Board of Selectmen voted 2-0-0 in favor of the Article and at a subsequent meeting, Selectman Powell went on the record as supporting the Article.

THE FINANCE COMMITTEE VOTED 8-0-0 IN FAVOR OF APPROVAL.

ARTICLE 7

To see if the Town will vote to raise and appropriate a sum of money for resurfacing of public ways and for the reconstruction of sidewalks for the Department of Public Works and to determine whether the money shall be raised by borrowing, by taxation, by transfer from available funds, or by a combination thereof, or take any other action relative thereto.

DEPARTMENT OF PUBLIC WORKS

FINANCE COMMITTEE RECOMMENDATION:

This Article relates to the funding of certain roadway improvements. As of the time of writing this recommendation, the Town Finance Director and Selectmen were still reviewing whether an appropriation would be needed for these improvements at the Fall Town Meeting.

The Board of Selectmen has not yet taken a position on this Article as of this writing.

THE FINANCE COMMITTEE VOTED 9-0-0 FOR INDEFINITE POSTPONEMENT.

ARTICLE 8

To see if the Town will vote to transfer \$24,900.00 from the High School Roof Project (33008311-581110-HS) to the Standing Building Project – Building Repair/New Construction, authorized under Article 10C of the May 6, 2013 Annual Town Meeting, and reduce the Tax Levy by said amount, or take any other action relative thereto.

FINANCE DIRECTOR

FINANCE COMMITTEE RECOMMENDATION:

Approval of this Article would allow the transfer of a remaining balance of \$24,900.00 from the completed High School Roof project in order to help fund the spending authorized under Article 10c of the May 2013 Annual Town Meeting.

This transfer will have the effect of reducing the amount needed to be raised on the tax levy to fund that authorized spending.

The Board of Selectmen voted 2-0-0 in favor of the Article and at a subsequent meeting, Selectman Powell went on the record as supporting the Article.

THE FINANCE COMMITTEE VOTED 8-0-0 IN FAVOR OF THIS ARTICLE.

ARTICLE 9

To see if the Town will vote to raise and appropriate a sum of money to be added to the Stabilization Fund for the purposes for which the Town may be authorized to borrow under Chapter forty-four, Sections seven and eight, or any other lawful purpose; to determine whether the money shall be provided by taxation, by transfer from available funds, by gift, or by a combination thereof; or take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

Approval of this Article would raise and appropriate a sum of money to be added to the Stabilization Fund. The current balance of the stabilization account is \$120,000. In September 2013, the Board of Selectmen adopted a Stabilization Fund policy. The Finance Director and the Town Administrator represented to the Finance Committee that a paucity of cash reserves in the Town's Stabilization Fund was one criterion cited by the bond rating agency Moody's for its recent downgrade of the Town's bond rating from Aa2 to Aa3.

In the opinion of the Finance Director, as a result of the downgrade, the interest rate for future Town borrowings might increase by 25 basis points (1/4%) at a minimum and potentially increase further if there are future downgrades. The bond rating agencies recommend that stabilization accounts be funded at an amount between 5 and 10 percent of the operating budget. In preparation for a future bond offering, the Finance Director and the Town Administrator recently had a conversation with S&P, the other municipal bond rating agency and informed S&P of the Town's newly adopted policy and of this Article. At this time, S&P has not changed its rating and it remains Aa2.

The Town management feels that the Town's adoption of a reserve fund policy, a plan to reach 5 to 10 percent of the operating budget, and addition of funds to the Stabilization Fund at this Special Town Meeting would help maintain the Aa2 rating with S&P and guard against future downgrades. The Selectmen voted 3-0-0 to recommend that \$300,000 be appropriated under this Article at Town Meeting. The Town Administrator has suggested that another \$250,000 will be required in May.

The proponents contend that this appropriation to the Stabilization Fund is necessary to prevent future downgrades and ensure that the Town's borrowing costs are not increased. They support raising and appropriating funds to add to the stabilization fund immediately. The proponents further argue that this action would demonstrate to rating agencies that the Town is committed to implementing its reserve fund policy. They believe it is a better investment of the Town's resources to contribute funds to the Stabilization Fund that would be an asset of the Town rather than to spend additional money on increased interest rates resulting from a lower rating. In addition, the proponents contend that a well-funded stabilization account will allow the Town to brace against future economic uncertainties.

The opponents argue that action on this Article should be taken only as part of comprehensive deliberations that occur during preparation of the annual Town budget. They feel that a rush to raise and allocate new monies that will have the immediate impact of higher resident tax bills should be done only as part of a comprehensive plan to address all the concerns mentioned as reasons for the Town's bond rating downgrade and with knowledge of the full impact to taxpayers. Additionally, it is clear that action to resolve this issue will require expenditures over a number of years. Opponents argue that by delaying action until the next Annual Town Meeting, full consideration can take place on the best way to address this need as part of the Priorities Committee and budget process. The opponents believe that the addition of any amount to the Stabilization Fund at this time will have no immediate effect on the bond rating, and therefore advocate that consideration of this expenditure in May is the appropriate course of action.

The Board of Selectmen voted 3-0-0 in favor of an appropriation of \$300,000 for the stabilization fund under this Article.

THE FINANCE COMMITTEE VOTED 5-4-0 IN FAVOR OF APPROVAL.

ARTICLE 10

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to the Town of Sharon’s 250th Anniversary Committee special fund, under the direction of the Board of Selectmen, for celebratory events and activities to mark the Town’s 250th Anniversary, or take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

Approval of this Article would provide funding for the planning and execution of a celebration to mark the Town of Sharon’s 250th anniversary. A committee has been appointed by the Board of Selectmen to create events that will commemorate this milestone.

At the time of this writing, the Finance Committee has not seen a budget nor received a specific request. The Selectmen voted to recommend an appropriation of \$50,000 for fund, but that there is no budget set for the event and the total amount for the event would likely be higher.

The Board of Selectmen voted 2-0-0 in favor of the Article and at a subsequent meeting, Selectman Powell went on the record as supporting the Article.

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

ARTICLE 11

To see if the Town will vote to amend the Zoning Bylaw by adding a new subsection m, to Section 2334, Uses and Accessory Uses Allowed by Special Permit in the Light Industrial Zone, as follows:

m. Adult Entertainment Uses pursuant to section 4100. These uses shall not be considered accessory uses.

And by adding a new section 4100, Adult Entertainment Uses, as follows:

4100. Adult Entertainment Uses.

4110. Purpose and Authority.

The purpose of this bylaw is to address the well-documented secondary impacts of Adult Uses, as defined herein. Such secondary impacts have been found to include increased levels of crime, blight resulting from the clustering and concentration of Adult Uses, adverse impacts on the

business climate of municipalities, and adverse impacts on property values of residential and commercial properties. Late night noise and traffic also increase due to the late hours of operation of many of these establishments. This section is enacted pursuant to G.L. c. 40A, s. 9A, with the purpose and intent of addressing and mitigating the secondary impacts of Adult Uses that are adverse to the health, safety, and welfare of the Town and its inhabitants.

The provisions of this section have neither the purpose nor intent of imposing a limitation or restriction on the content of any communicative matter or materials, including sexually oriented matters or materials. Similarly, it is not the purpose or intent of this section to restrict or deny access by adults to sexually oriented matter or materials protected by the Constitutions of the United States or of the Commonwealth of Massachusetts, or to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute, or exhibit such matter or materials. Neither is it the purpose or intent of this section to legalize the sale, rental, distribution, dissemination, or exhibition of obscene or other illegal matter or materials, as defined in G.L. c. 272, s. 31.

4120. Definitions.

ADULT BOOKSTORE: An establishment having as a substantial or significant portion of its stock-in-trade books, magazines and other matter which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement, as defined in G.L. c. 272, s. 31.

ADULT CABARET: A nightclub, bar, restaurant, tavern, dance hall or similar commercial establishment which regularly features persons or entertainers who appear in a state of nudity or live performances which are distinguished or characterized by nudity, sexual conduct or sexual excitement, as defined in G.L. c. 272, s. 31.

ADULT MOTION-PICTURE THEATER: An enclosed building or any portion thereof regularly used for presenting material (motion-picture films, video cassettes, cable television, slides or any other such visual media) distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement, as defined in G.L. c. 272, s. 31.

ADULT PARAPHERNALIA STORE: An establishment having as a substantial or significant portion of its stock devices, objects, tools or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement, as defined in G.L. c. 272, s. 31.

ADULT VIDEO STORE: An establishment having as a substantial or significant portion of its stock-in-trade, for sale or rent, motion-picture films, video cassettes and similar audio/visual media, which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement, as defined in G.L. c. 272, s. 31.

ADULT USE: Adult bookstores, adult cabarets, adult motion-picture theaters, adult paraphernalia stores and adult video stores, or a combination thereof operated as a single business, or any other business or establishment characterized by an emphasis depicting, describing or related to sexual conduct or excitement as defined in G.L. c. 272, s. 31, and as

defined in this by-law. For purposes of interpreting the definition of “adult use” as defined by this by-law, “regular or regularly,” shall mean a consistent, ongoing and substantial course of conduct, such that the films, performances or business activities so described constitute a significant and substantial portion of the films, performances or business activities offered as a part of the ongoing business of the sexually oriented business. For purposes of this bylaw, “significant or substantial” shall mean more than twenty five (25%) percent of the subject establishment’s inventory of stock or more than twenty five (25%) percent of the subject premise’s gross floor area.

4130. Siting Requirements

All Adult Uses as defined in section 4120 of this Zoning Bylaw are allowed only in the Light Industrial (LI) District upon the granting of a special permit by the Zoning Board of Appeals.

No Adult Use shall be located less than four hundred (400) feet from any residential zoning district or from any residential use; from any public or private school, or municipal building open to the general public; from any church or other religious facility; from any public park or recreation area and any principal or accessory private recreational facility use; from any group day care center, family day care center, nursing home or hospital; or from any establishment licensed under the provisions of G.L. c. 138, s. 12. The minimum distance specified above shall be measured in a straight line from the structure in which the Adult Use is to be located to the nearest boundary line of a residential zoning district, or the nearest property line of any of the designated uses set forth herein.

4140. Additional Siting Requirements.

- a. The maximum lot coverage, including building, parking and driveways shall be fifty (50%) percent of the upland lot area.
- b. A fifty (50) foot vegetated buffer containing adequate screening appropriate to the character of the area and the intensity of the use shall be provided between an Adult Use and other abutting commercial uses.
- c. An Adult Use shall not be allowed within a building containing other retail, consumer or residential uses, or within a shopping center, shopping plaza, or mall.
- d. The appearance of buildings for Adult Uses shall be consistent with the appearance of buildings in similar (but not specifically ‘adult’) use, and not employ unusual color or building design which would attract attention to the premises.
- e. There shall be screening of windows and doors to prevent the public's view of the interior from any public or private right of way or abutting property.
- f. No adult use shall be allowed to disseminate adult matter to minors, to cause Adult Use displays to be viewed by minors or to allow minors to linger on the premises.

4150. Off-street Parking and Loading.

Off-street parking and loading shall be provided as required for retail uses in the Light Industrial

District, sections 3130 and 3133.

4160. Sign Requirements.

- a. Only one (1) sign to be mounted flat on the building wall face shall be allowed for an Adult Use. The area of this wall sign shall be not more than ten (10%) percent of the projected area of the elevation it is attached to, except that no sign shall exceed thirty (30) square feet.
- b. Only one (1) freestanding sign may be allowed at the discretion of the Zoning Board of Appeals, in a situation where the wall sign may not be visible from the street on which the property has frontage. This freestanding sign shall not be located within five (5) feet of any street or property line and not more than ten (10) feet above the ground. Any such sign shall have a maximum sign area of four (4) square feet.
- c. All other signs, including temporary and window signs, whether on the exterior of the building or visible from the exterior of the building, are prohibited.
- d. No Adult Use may have any flashing lights visible from outside the establishment. Furthermore, no sign shall rotate, or contain reflective or fluorescent elements.
- e. The appropriate lighting of the sign(s) shall be determined by the Zoning Board of Appeals.
- f. The sign(s) shall otherwise comply with the Sign Bylaw, Article 12, of the General Bylaws of the Town of Sharon.

4170. Special Permit Submission and Approval.

- a. In addition to the requirements in this section 4100, special permit applications for approval under this section 4100 shall comply with the submittal requirements for site plan approval as detailed in section 6326 and shall contain the following additional information:
 - 1) Names and addresses of the legal owner(s) of the Adult Entertainment Establishment.
 - 2) Name and addresses of all persons having a fee, equity and/or security interest in such establishment. In the event a corporation, partnership, trust or other entity is listed, the name and address of every person who has an ownership interest and/or beneficial interest in the entity must be listed in order that the Special Permit Granting Authority will know who are the persons who will actually own and control the establishment. The applicant and/or owner must disclose if they have been convicted of violating the provisions of MGL Ch. 119, Section 63 (inducing or abetting delinquency of a child) or MGL Ch. 272, Section 28 (matter harmful to minors, etc.) or similar laws in other states.
 - 3) Name and address of the manager.
 - 4) The number of employees, or proposed number of employees, as the case may be.
 - 5) Proposed security precautions.

6) The external and internal physical layout of the premises.

7) Full description of the intended nature of the business.

8) The distances between the proposed Adult Use establishment and any residential zoning district, public or private school, church or other religious facility, public park or recreation area, group day care center, family day care center, nursing home and hospital, municipal building, and any establishment licensed under the provisions of G.L. c. 138, s. 12.

b. In approving a special permit, the Special Permit Granting Authority may attach such conditions, limitations and safeguards as are deemed necessary to protect the immediate area and the Town, provided however that no such conditions in fact prohibit the use of the property for the use intended. No special permit shall take effect until such decision has been recorded in the Registry of Deeds. Conditions of approval may include but are not limited to the following:

1) Street, side or rear setbacks greater than the minimum required by this bylaw.

2) Requirement of screening or parking areas or other parts of the premises from adjoining premises or from the street, by walls, fences, planting, or other means.

3) Modification of the exterior features or appearances of the structure.

4) Limitation of size, number of occupants, method or time of operation, or extent of facilities.

5) Regulation of number, design and location of access drives or other traffic features.

6) Requirement of off-street parking or other special features beyond the minimum required by this or other applicable ordinances.

7) The special permit shall be issued to the owner of the establishment and shall not transfer with a change in ownership of the business and/or property.

8) Where the Adult Use is not governed by other State or local Licensing Board, the following conditions shall apply:

A. A manager responsible for the operation of the establishment shall be designated by the owner, if the owner is not the manager. The manager shall register with the Board of Selectmen. No manager shall be designated who has been convicted of violating MGL Ch. 119, Section 63, or MGL Ch. 272, Section 28, or similar laws in other states.

B. Special permits for Adult Use establishments shall not be granted to any person or persons convicted of violating the provisions of Massachusetts General Laws Chapter 119, Section 63, nor Massachusetts General Laws Chapter 272, Section 28, or similar laws in other states.

c. Lapse of Permit.

- 1) Any special permit granted hereunder for an Adult Use establishment shall lapse after one (1) year, including such time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or if in the case of a permit for construction, if construction has not begun by such date except for good cause, including such time to pursue or await the determination of an appeal referred to in Massachusetts General Laws Chapter 40A, Section 17, from the grant thereof.
- 2) The special permit shall not be renewed if any of the following has taken place on or in proximity to and associated with the premises, a) unlawful sexual activity; b) gambling; c) drug use; d) violent crimes; e) offenses against children; f) repeated public disturbances requiring intervention by the police; and, g) any other illegal activities.
- 3) Violation of any of the conditions of approval of the special permit shall be grounds for non-renewal of the special permit as provided for above.

4180. Existing Adult Use Establishments.

Any Adult Use Establishment that was in existence as of the first date of the publication of the notice of public hearing on this zoning amendment regulating Adult Uses may continue to operate in the same location, without material change in scale or content of the business, but shall apply for such special permit within ninety (90) days following the adoption of this bylaw and shall thereafter comply with all of the requirements herein.

4190. Prohibited Uses.

Nothing in this bylaw is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violated any Town bylaw or Statute of the Commonwealth of Massachusetts regarding public nuisances, sexual conduct, lewdness, or obscene or harmful matter, or the exhibition or public display thereof.

If any provision of this section of the bylaw is ruled invalid by a court of competent jurisdiction, such ruling shall not affect the validity of the remainder of the section.

Or take any other action relative thereto.

PLANNING BOARD

FINANCE COMMITTEE RECOMMENDATION:

Approval of this Article would add new sections 4100-4190 to the Town's Zoning By-Laws, to provide for Adult Entertainment Uses. This type of Article is specifically authorized by Massachusetts General Laws, Chapter 40A, Section 9A. The Article applies to adult book stores, adult movie theaters, adult cabarets, adult paraphernalia stores, and adult video stores. These terms, as well as the term "adult use," are defined in the By-Law, which incorporates the definitions in Chapter 40A, Section 9A. The By-Law requires that any

adult use be located at least 400 feet away from any residential zoning district or use, any school, any municipal building, any religious facility, any recreation area, any group day care center, and any nursing home or hospital. There are other requirements relating to siting, off-street parking, and signs. A site plan must be submitted to the Special Permit Granting Authority, and criteria for issuing the special permit are set forth. Permits would need to be renewed on an annual basis.

The purpose of the proposed By-Law is to enable the Town to regulate adult uses under its Zoning By-Laws. Decisions by the Massachusetts Supreme Judicial Court and federal courts have held that attempts by cities or towns to simply ban such uses outright violated the First Amendment of the Constitution, which guarantees the right to free speech and expression. The proposed By-Law would allow the town to regulate adult uses in a manner that is permitted under the U.S. and Massachusetts Constitutions. Many other cities and towns have already adopted zoning by-laws similar to the proposed Article.

The Town approved a similar By-Law at the 2012 Town Meeting. However, the Attorney General denied approval of the 2012 Article, because of a recent decision of the United States District Court, which held that a similar zoning article adopted by another Massachusetts town was unconstitutional.

The proposed Article modifies the 2012 Article to meet the objections of the Attorney General's Office. Certain portions of the 2012 Article that were deemed to provide too much subjective discretion to the Board of Appeals in the issuance of a special permit have been removed. New Sections 4170(6), (7), and (8) have been added, which require additional information to be provided by the applicant for a special permit.

The Board of Selectmen voted 2-0-0 in favor of the Article and at a subsequent meeting, Selectman Powell went on the record as supporting the Article.

The Planning Board is in favor of this Article with a vote of 5-0-0.

THE FINANCE COMMITTEE VOTED 7-1-0 IN FAVOR OF APPROVAL.

ARTICLE 12

To see if the Town will vote to authorize the Board of Selectmen to negotiate and enter into a contract for the disposal of the Town's solid waste for a period of not more than twenty-five (25) years, on such terms and conditions as the Board of Selectmen deem appropriate, or take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

Approval of this article will give authorization to the Board of Selectmen to enter into a contract, for a term not to exceed twenty five years, for the disposal of the Town's solid waste.

The current quarterly billing from Allied Waste, received by each household, for trash disposal is composed of two elements which are the subject of two separate contracts with two separate companies:

- 1. trash collection**
- 2. trash disposal**

THIS ARTICLE DEALS ONLY WITH THE TRASH DISPOSAL CONTRACT.

In 1984 the Town entered into a trash disposal agreement with SEMASS for a period of twenty five years from the actual commencement date of the contract. That contract provided that the Town pay a fee (tipping fee) of \$12.00 per ton with stipulated allowed escalations. Currently the Town, after twenty five years, is paying \$34.52 per ton as a tipping fee for disposal (included within the \$54.00 quarterly bill from Allied Waste), a very favorable price. That contract will expire December 31, 2014.

For the past many months the Town has been negotiating with the current disposal company and solicited proposals from competing companies. It is anticipated that the contract ultimately to be entered into will increase the cost per household in an amount not to exceed \$30.00 per year. It is anticipated by the negotiators that the quarterly billing will increase by approximately \$7.50 from \$54.00 to \$61.50.

THIS IS NOT AN ADDITION TO YOUR REAL ESTATE TAX BILL. Each household is billed quarterly and directly by Allied Waste for the total cost of collection and disposal.

Final negotiations are still ongoing over details of the contract and therefore the Finance Committee cannot make a recommendation at the time of the printing of the Warrant.

Separately, and not a subject of this article, the Town is negotiating a new contract for the collection portion of the waste disposal process.

The Board of Selectmen voted 2-0-0 in favor of the Article and at a subsequent meeting, Selectman Powell went on the record as supporting the Article.

BECAUSE OF THE LACK OF TIMELY INFORMATION, THE FINANCE COMMITTEE VOTED 8-0-0 TO MAKE A RECOMMENDATION AT TOWN MEETING.

ARTICLE 13

To see if the Town will vote to transfer care, custody and management of the following property from the Board of Selectmen for general municipal purposes to the Board of Selectmen for the purpose of leasing and to authorize the Board of Selectmen to enter into any and all necessary agreements to let and/or lease the property for the construction, installation, operation and maintenance of a billboard, on such terms and conditions as the Board of Selectmen deem appropriate, the following property:

The property known and numbered as 1300 General Edwards Highway (U.S. Route 1), shown as Sharon Assessor’s Parcel 76-4, containing approximately 7.60 acres of land, as described in a Final Judgment in Tax Lien Case, dated May 19, 1997, recorded in Norfolk Registry of Deeds in Book 11903, Page 392, and being a portion of the land identified in a deed dated October 30, 1974, recorded at said Deeds in Book 5089, Page 113.

Or take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

Approval of this Article would reconfirm the Board of Selectmen authorization to engage in negotiations on behalf of the Town of Sharon and to execute a lease for the purpose of installing a billboard on land designated for “general municipal purposes.”

At previous town meetings, residents have taken votes to support the establishment of billboards on town-owned property along Interstate 95 and Route 1 in Sharon. Subsequent to these actions, the Board of Selectmen have negotiated a deal to put a billboard on the land known as 1300 General Edwards Highway (Route 1) which has the potential to net the town approximately \$1.25 million spread over the next 20 years. This article allows the selectmen to transfer the land in question from “general municipal purposes” and designate it for lease.

The Board of Selectmen voted 2-0-0 in favor of the Article and at a subsequent meeting, Selectman Powell went on the record as supporting the Article.

THE FINANCE COMMITTEE VOTED 8-0-0 IN FAVOR OF APPROVAL.

ARTICLE 14

To see if the Town will vote to amend Article 12, the Sign By-Law, of the Town's General By-Laws, as provided below:

By adding the following new definitions to Section 2. Definitions:

BILLBOARD: A sign which directs attention to a business, product, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

ELECTRONIC MESSAGE CENTER: A sign on which the characters, letters or illustrations can be changed automatically or through electronic or mechanical means. Electronic message centers exclude time and temperature signs.

By amending Section 3, Administration, by amending Section 3.1 by adding the following new third paragraph:

If no such Sign Committee has been appointed by the Board of Selectmen, the Board of Appeals shall act as Sign Committee.

By amending Section 4.3.1 to add to the end of that section the words " and Section 5.4.4."

By amending Section 5.4.2, Permanent Projecting or Freestanding Signs, by renaming the section "Permanent Projecting or Freestanding On-Premises Signs" and by amending subsection (b) to increase allowed sign area for signs visible along Route 1 or Route I-95 from fifty (50) square feet to one hundred and fifty (150) square feet, so that section (b) reads as follows:

b) Area: Not more than eighty (80) square feet if identifying a retailing complex comprising three (3) or more enterprises and fifty thousand (50,000) or more square feet of floor area on a single lot, or not more than one hundred and fifty (150) square feet each for other signs if oriented for visibility from Route 1 or Route I-95, and not more than twenty-five (25) square feet in other cases.

By amending subsection (c) by deleting "and not extending more than twenty (20) feet above adjoining ground level."

By amending subsection (d) by deleting the existing subsection (d) and replacing it with the following:

d) The maximum height of each sign shall be 20 feet, measured by the distance above the adjoining ground plane.

By adding a new subsection (e):

e) Electronic Message Centers that change messages or copy at intervals by programmable electronic, digital, or mechanical processes or by remote control may be permitted under this

Section. Electronic Message Centers shall not exceed thirty-five (35%) percent of the total allowed square footage of the sign.

By amending Section 5.4.4, Permanent Free-Standing Signs as follows:

5.4.4: Change “Permanent Free-Standing Signs” and “signs” to “Billboards” and add “In the Light Industrial District” to the first sentence so it reads as follows:

5.4.4 Billboards. In the Light Industrial District, Billboards are permitted by sign permit, subject to design review and hearing, as provided in Section 3 herein, as follows:

By adding a new subsection (e):

(e) Electronic or digital Billboards that change their messages or copy at intervals by programmable electronic, digital, or mechanical processes or by remote control may be permitted under this Section, provided they comply with and are permitted under applicable state and federal requirements for electronic signs.

Or take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

Approval of this Article would amend the Town of Sharon’s sign bylaw to further define the two terms “billboard” and “electronic message center”.

Billboards, as you might expect, are permanent, free-standing signs which directs attention to a business, product, service or entertainment conducted, sold, or offered at a location other than the premises where the sign is located. An electronic message center, by comparison, is a much smaller sign that can be changed automatically, excluding time and temperature signs. For point of reference, the electronic component to the sign at the entrance to the Sharon Middle School would qualify as an electronic message center.

As Sharon moves towards allowing billboards and other signs along the highways that pass through its borders, these technical corrections to the sign bylaw are necessary to avoid confusion and comply with state and federal requirements for said signs.

The Board of Selectmen voted 2-0-0 in favor of the Article and at a subsequent meeting, Selectman Powell went on the record as supporting the Article.

THE FINANCE COMMITTEE VOTED 8-0-0 IN FAVOR OF APPROVAL.

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 27th day of September, A.D., 2013

WALTER "JOE" ROACH, CHAIR

RICHARD A. POWELL

WILLIAM A. HEITIN

**BOARD OF SELECTMEN
SHARON, MASSACHUSETTS**

**A True Copy: JOSEPH S. BERNSTEIN, Constable
Sharon, Massachusetts
Dated: September 27, 2013**

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