

TOWN OF SHARON



2016 SPECIAL TOWN MEETING WARRANT

With Report & Recommendations of the Finance Committee

MONDAY, DECEMBER 12, 2016

7:00 P.M.

**SHARON HIGH SCHOOL AUDITORIUM
181 POND STREET**

**Registered voters are asked to bring this report to the meeting
for use in the proceedings**

*Registered voters planning to attend Town Meeting needing an ASL (American Sign Language)
Interpreter are asked to call the Selectmen's Office at 781-784-1500 x1208 at least one week in advance
of the meeting*

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2016 SPECIAL TOWN MEETING WARRANT**

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OPEN WARRANT MEETING

Informal discussion of warrant articles

Tuesday, December 6, 2016

8:00pm

Town Hearing Room, Sharon Community Center, 219 Massapoag Avenue

WARRANT INTRODUCTION

It is the responsibility of the Finance Committee to make recommendations to the voters of Sharon on all matters that come before Town Meeting. The Town of Sharon has an Annual Town Meeting the first Monday in May at which the Town makes decisions on the annual budget, capital expenditures and other matters. The Town of Sharon's By-Laws have a provision for the Board of Selectmen to call a Special Town Meeting that is typically done in the fall and usually done to address zoning by-law requests and other matters. This year, the Selectmen have called a Special Town Meeting on December 12, 2016.

The primary matter for consideration by the Town Meeting at the Special Town Meeting is Article 1, a request by the Sharon Valley Country Club (the Proponent) to have the Town amend its zoning by-laws to permit clustered residential town houses on the property in an effort to keep the Country Club open. The alternative would be for the owner to develop the golf course into single family residential units. Article 1 of the warrant is discussed in more detail within the write up of that Article.

The Finance Committee always requests that the Selectmen provide ample time for consideration of zoning by-law changes due to the complex nature of the issues and the fact that the Planning Board and other boards need substantial time to hold hearings and develop their recommendations. In addition, the Finance Committee understands that zoning by-law articles involve a back and forth between the Planning Board, other boards and the Proponent. The resulting requests for changes can alter the by-law and other agreements due to this exchange. Unfortunately, the process this year has been particularly challenging; it has taken substantial time for the development of the information required to analyze the proposed zoning by-law. As a result, (reflected in the write up of Article 1) the Planning Board has not been able to conclude its required hearing prior to the close of the Warrant and the Finance Committee is unable to make a recommendation until Town Meeting. Moreover, we expect that at Town Meeting, the Proponent will make a motion to slightly amend the zoning by law as it is published in the warrant. The Finance Committee will encourage the Proponent to update the citizens of proposed changes prior to the Town Meeting so you have additional time to consider the final by-law.

Opportunities to ask questions or give opinions are always available at Finance Committee meetings and at the Open Warrant Meeting to be held on December 6th. Please take time to understand the issues and attend the Special Town Meeting on December 12th to make your voice heard.

THE FINANCE COMMITTEE

William Brack, Chair; Patricia-Lee Achorn, Ira Miller, Vice-Chairs; Arnold Cohen, Jason Gates, Gordon Gladstone, Charles Goodman, Alexander Korin, Laura Nelson, Edward Philips, and Hanna Switekowski

**TOWN OF SHARON
SPECIAL TOWN MEETING
COMMONWEALTH OF MASSACHUSETTS**

Norfolk, ss.

To either of the Constables of the Town of Sharon in the County of Norfolk, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said town, qualified to vote in elections and in town affairs, to meet at the Sharon High School Auditorium, 181 Pond Street, Sharon, Massachusetts on **Monday, December 12, 2016, at 7:00 P.M.**, then and there to act on the following articles:

Article 1: Zoning By-Law Change – Recreation and Residential Overlay District – Spring Valley Country Club

Sponsored by: Board of Selectmen

To see if the Town will Vote to Amend the "Zoning Bylaws of the Town of Sharon, Massachusetts as Amended Though March 2014" by amending certain sections thereof and by amending the map entitled "Zoning Map, Town of Sharon, Massachusetts, June 2013" and prepared by the Department of Public Works, Engineering Division, GIS Team, in order to create a new "Recreation and Residential Overlay District" as follows:

AMEND SECTIONS 4388 and 4390

Delete the title "4390 Outside Consultants." Relocate the remaining paragraphs of Section 4390 following the last paragraph of Section "4388 Consultants," and revise paragraph 4388(b) by inserting the word "Section" before the number "4390(a)" and deleting the phrase "Executive Secretary" and replacing it with the phrase "Town Administrator" and revise the second paragraph following paragraph 4388(b) by deleting the phrase "M.G.L., 30B, §§ 1-20" and replacing it with the phrase "M.G.L., c. 30B, §§ 1-20" such that it reads:

4388. Consultants.

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

Consultants may be engaged to review any or all components of the site plan submission or any offsite improvements proposed in conjunction with the project. Additionally, for projects requiring issuance of State or Federal permits, consultants may be engaged to peer review submissions to the State or Federal agency and to represent the Town

before these agencies to protect the Town's interests. Consultants may be engaged to observe construction of the site improvements authorized by site plan approval.

(a) **Scope of Work.** In the course of exercising its powers under this Bylaw, the Board of Appeals may engage outside consultants for peer review of submissions, for peer review and representation in regard to state and federal permits and licensing, or for construction observation. Consultants are selected by majority vote of the Board of Appeals. To the extent practicable, the Board shall work cooperatively with the applicant and when appropriate shall seek input from the Planning Board, Board of Health, and Conservation Commission with respect to identifying appropriate consultants. Applicants are responsible for payment of consultant fees.

(b) **Review Fees.** Applicants shall reimburse the Town for the fees and expenses of outside consultants engaged by the Board of Appeals. Fees shall be paid prior to inception of each phase of the work. Escrow accounts shall be replenished within 15 days following receipt of notice. Failure to pay fees in accordance with the aforesaid shall be deemed, after notice to the applicant, with an opportunity to cure, to constitute withdrawal of the project. Fees shall be deposited in a special account established by the Town Treasurer pursuant to MGL. c. 44 § 53G. These funds may be expended only for the purposes described in above Section 4390(a), and in compliance with the Uniform Procurement Act, M.G.L. c. 30B, §§ 1-20. Within thirty (30) days of completion of the project or of withdrawal the proposal, applicants shall receive a final report of funds in the special account and shall be paid any unspent excess in the account, including accrued interest. The Town Accountant shall submit annually a report of the special account to the Board of Selectmen and Town Administrator for review and for publication in the Sharon Annual Report.

Review related fees will only be imposed if the work constitutes peer review of materials prepared on behalf of the applicant and not of independent studies performed on behalf of the Board; if the work is performed in connection with the applicants' specific projects; and if the findings and reports are made part of the public record.

Procurement of outside consultant services shall comply with the Uniform Procurement Act, M.G.L., c. 30B, §§ 1-20, and with the following additional requirements:

- (1) the applicant shall be given five (5) days' notice and opportunity to attach written comments to the invitation for bids or request for proposals;
- (2) at least three (3) bona fide bids or proposals shall be solicited; and
- (3) the applicant shall be given five (5) days' notice and opportunity to comment on all bids or proposals prior to the selection of the consultant and the award of a contract.

Consultants shall be qualified and where applicable duly licensed to evaluate specific issues before the Board. Bona fide bids or proposals shall include: the name of each person performing the work, the educational and professional credentials of each person performing the work; the work experience of each person performing the work; a description of the work to be performed; the hourly rate charged by each person performing the work; and all other expenses to be incurred.

Any invitation for bids or request for proposals shall indicate that award of the contract is contingent upon payment of a review fee.

Fees assessed pursuant to this section shall be reasonable in light of: the complexity of the proposed project as a whole; the complexity of particular technical issues; the number of housing units proposed; the size and character of the site; the projected construction costs; and fees charged by similar consultants in the area. Generally fees will not exceed amounts that would be expended by the Town to review a comparable project.

(c) Appeal of Selection. Prior to paying the review fee, applicants may appeal selection of a particular consultant to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist either of an educational degree in or related to the field at issue or three (3) or more years of practice in the field at issue or a related field. The required time limits for action upon the application by the Board shall be extended by the duration of the appeal. In the event that no decision is made by the Board of Selectmen within one (1) month following the filing of the appeal, the selection made by the Board shall stand.

Note: No Change is proposed to Section "4389. Enforcement and Implementation."

INSERT SECTION 4390

Insert a new Section "4390. Recreation and Residential Overlay District (RROD)" following Section "4389. Enforcement and Implementation" as follows:

4390. Recreation and Residential Overlay District (RROD).

4391. Recreation and Residential Overlay District Requirements.

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

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

passive open space areas.

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

c. All Recreation and Residential Overlay District Projects require Site Plan Approval from the Planning Board.

d. Application. Recreation and Residential Overlay Districts shall be considered as superimposed on underlying zoning districts. A Recreation and Residential Overlay District Project shall conform to all other provisions of this Bylaw including other overlay districts except to the extent that use, dimensional, parking, loading, and design requirements are set forth in Section 4390. The Recreation and Residential Overlay District shall not restrict owners' rights relative to the underlying zoning district, including other overlay districts. However, if an applicant elects to use the Recreation and Residential Overlay District provisions by submitting a Site Plan application for a Recreation and Residential Overlay District Project with the Planning Board pursuant to Section 4397 and so develops a Recreation and Residential Overlay District Project, as evidenced by obtaining a building permit for two or more Two-Family Dwelling Units, all development within the total Recreation and Residential Overlay District shall conform to the use, dimensional, parking, and loading requirements of Section 4390. To the extent there are inconsistencies between provisions of Section 4390 and the provisions of any underlying district, the provisions of Section 4390 shall govern.

e. Active Open Space Requirements: Each application for Site Plan Approval for a Recreation and Residential Overlay District Project must provide a golf course that includes at least nine (9) holes having an average length exceeding 250 yards.

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

weather delays, redesign of the golf course, or unanticipated and unusual water problems and other natural disasters.

g. **Affordability Requirement.** A minimum of ten (10) percent of all Dwelling Units within each Recreation and Residential Overlay District Project shall be Affordable Dwelling Units.

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

i. **Sureties.** The property owner shall post lot covenants, instruments of surety, insurance policies, letters of credit or similar securities as provided in the Town's subdivision regulations (hereinafter instruments) to be provided prior to the issuance of any building permits or for each phase of the project, if applicable, to the benefit of the Town of Sharon in a form acceptable to Town Counsel in amounts to be reasonably established by the Planning Board to secure incomplete site infrastructure improvements. Release mechanisms for building permits shall be as provided in the Town's subdivision regulations for release of lots.

j. **Construction Requirements.** Site improvements shall comply with the requirements of this paragraph provided; however, that these construction requirements may be waived by the Planning Board as part of Site Plan Review. Materials for site improvements shall comply with the Sharon Rules and Regulations Governing the Subdivision of Land. Primary Access Drives shall have minimum pavement widths of twenty-two (22) feet and minimum centerline radii of fifty (50) feet. Segments of Primary Access Drives serving more than ten (10) dwelling units or serving the Multiuse Clubhouse shall have minimum pavement widths of twenty-four (24) feet and minimum centerline radii of one hundred (100) feet. Pavement shall consist of four (4) inches of hot mix asphalt pavement, a three (3) inch thick dense graded base, and a twelve (12) inch thick gravel base with hot-mix asphalt curb or berm. The centerline of access drives shall be a minimum slope of one (1) percent and a maximum slope of seven percent (7%). A hot mix asphalt curb with a five (5) ft. wide walkway shall be provided along one side of the Primary Access Drive with a three (3) inch thick hot mix asphalt pavement with an eight (8) inch thick gravel base. Water distribution and sanitary sewer systems shall comply with the design requirements of the Planning Board Rules & Regulations. Cable utilities shall be installed underground. Stormwater management shall comply with Section 4394.

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

4392. Definitions.

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

Affordable Dwelling Unit - A Dwelling Unit fully eligible for inclusion in the Department of Housing and Community Development's Subsidized Housing Inventory (SHI). Affordable Housing Units shall be provided that can be sold or rented to households whose income is at or below 80% of the median household income within the Town of Sharon as reported by the U.S. Department of Housing and Urban Development and shall be deed restricted as affordable units. Resident selection for the Affordable Dwelling Units must comply with the requirements of a lottery or other fair and equitable procedure approved by the Subsidizing Agency or Massachusetts Department of Housing and Community Development for a Fair Housing Marketing Plan.

Multiuse Clubhouse - A facility in one or more buildings grouped around a common parking area that includes a golf clubhouse if the project includes an operational golf course and may include one or more of the following: a sit down restaurant, function facility, or gymnasium/health club/fitness center all of which may be open to the public.

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

Recreation and Residential Overlay District Project - A project located on a lot of land within the Recreation and Residential Overlay District and developed pursuant to the requirements of Section 4390 with Two-Family Dwellings, a Multiuse Clubhouse, open space used for active recreation and/or conservation purposes and with uses of land and

buildings or dimensional, parking, and loading requirements governed by the provisions of Section 4390.

4393. Use Regulations.

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

a. Permitted Uses:

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

b. Permitted Accessory Uses:

- (1) Surface and garage parking for residences and Multiuse Clubhouse.
- (2) Security services and related uses, including guard houses.
- (3) A property sales office and facility management office.
- (4) Stormwater management facilities.
- (5) On-site septic systems in compliance with Title 5 and Sharon Board of Health Regulations, if and as applicable.
- (6) Wastewater treatment facilities and related appurtenances; provided that such wastewater treatment plants shall be subject to the issuance of a Groundwater Discharge Permit issued by the Massachusetts Department of Environmental Protection (DEP) and to the issuance of a Treatment Works Construction Permit by the Sharon Board of Health subject to provision of adequate funding mechanisms ensuring proper operation and maintenance protocols, Town monitoring and testing, and repair and replacement consistent with the requirements of the Department of Environmental Protection and the Sharon Board of Health, if and as applicable.. In addition, at the boundary of the lot containing the wastewater disposal area, the groundwater shall meet

Massachusetts drinking water standards and other limits on pollutants set forth hereinafter. Unless waived by the Planning Board during Site Plan Review, the soil absorption system shall be located outside of any Water Resource Protection District.

(7) Open space which may include trails and parking at trail heads.

(8) Maintenance buildings and garages for parking of service or facility vehicles excluding any vehicle maintenance; provided, however, such maintenance building shall not exceed eight thousand (8,000) sq. ft. in floor area and the cart storage building shall not exceed six thousand (6,000) sq. ft. in floor area.

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

4394. Performance Standards.

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

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

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

(2) Wastewater shall be discharged to the sanitary sewer system of the Town of Norwood or to an on-site wastewater treatment plant authorized by a DEP Groundwater Discharge Permit and a Sharon Board of Health Treatment Works Construction Permit, if and as applicable, or to an on-site septic system in compliance with Title 5 (310 CMR 15.00) and the Sharon Board of Health Rules & Regulations for a Recreation and Residential Overlay District Project, if and as applicable.. On-site septic systems shall only be allowed for design flows of up to twenty-five hundred (2,500) gallons per day cumulatively within a total Recreation and Residential Overlay District Project unless the Planning Board determines that sewage generation for the total Recreation and Residential Overlay District Project will not exceed 10,000 gallons per day in perpetuity.

(3) Wastewater treatment plant effluent shall meet Massachusetts Drinking Water Standards (310 CMR 22.00) and Massachusetts Surface Water Quality

Standards for Class A Surface Waters.

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

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

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

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

(3) Low impact design using on-lot stormwater management and recharge shall be used to the maximum extent practicable including separate roofwater recharge facilities including raingardens and lawn depressions, and porous pavement for unit driveways and walkways. Grading for Two-Family Dwellings including driveway grading, should disconnect lot runoff from the Primary Access Drive.

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

c. Irrigation. Irrigation of the golf course lot shall be allowed. Irrigation on any lot containing Two-Family Dwelling Units or Multiuse Clubhouse lot impacted by construction required as a result of Site Plan Review (but not including the golf course) shall be allowed if subject to an Irrigation Management Plan that incorporates staged drought management provisions and incorporates use of non- municipal water and treated effluent application to turf to the extent allowed by regulatory agencies. Potable water from the Sharon municipal water distribution system shall not be used for irrigation. On-site well water may be used if authorized by agencies having jurisdiction, but drawdown affecting adjacent water supply wells shall be minimized (excluding drawdown by wells serving the golf course).

d. Landscaping. Landscaping shall be provided for all Two-Family Dwelling lots and the Multiuse Clubhouse lot impacted by construction as a result of Site Plan Review (but not including the golf course). Plant materials shall be native

species where practicable. Invasive plants listed on the Massachusetts Department of Agricultural Resources' Massachusetts Prohibited Plant List shall not be planted. Methods of application and allowed quantities of fertilizers are subject to limitations of a turf management plan approved during Site Plan Review.

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

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

4395. Dimensional Regulations.

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

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

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

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

(3) Maximum Total Project Density.

Sixty-Eight (68) dwelling units total per Recreation and Residential Overlay District Project.

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

Two (2) bedrooms per dwelling unit maximum.

One hundred thirty-six (136) bedrooms total per Recreation and Residential Overlay District Project.

(4) Maximum Total Project Coverage Limits

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

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

b. Separate Lots. Two-Family Dwellings shall be located on one or more lots separate from the golf course and Multiuse Clubhouse lots. The golf course and the Multiuse Clubhouse shall each be located on a separate lot.

c. Dimensional requirements for lots are as follows:

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

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

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

(4) Minimum Lot Width: Two hundred ten (210) feet.

(5) Minimum Lot Frontage: One hundred forty (140) feet.

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

(7) Maximum Coverage Limits
of impervious materials

including structures:

Ten (10) percent for the golf course.

Forty (40) percent for the Multiuse
Clubhouse.

Fifty (50) percent for the Two-Family
Dwellings.

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

(9) Minimum Street setback for Principal or accessory Buildings: Twenty (20) feet.

(10) Minimum Setback for Principal or Accessory Buildings from Side or Rear Lot Lines: Twenty (20) feet.

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

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

d. Maximum Building Height.

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

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

(3) For accessory buildings: not to exceed the more restrictive of two stories or thirty (30) feet.

4396. Required Off-Street Parking and Loading.

a. Minimum Parking Requirements:

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

(2) Multiuse Clubhouse: Five (5) parking spaces per one thousand (1,000) sq.-ft. of floor area. As part of the Site Plan Review and Approval process, the Planning Board may reduce the number of parking spaces required upon submission of a parking management plan prepared by a Civil Professional Engineer (PE).

b. Design Requirements for Residences Parking:

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

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

c. Design Requirements for Golf Course Parking:

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

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

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

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

(5) Homeowner and property owner organization documents must include provisions for establishing and enforcing parking restrictions and prohibitions.

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

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

4397. Site Plan Review and Approval.

Within a Recreation and Residential Overlay District, no building permit shall be issued and no building or structure shall be erected, moved or externally enlarged, no golf course or Multiuse Clubhouse shall be maintained or constructed, no area for parking, loading or vehicular services (including driveways giving access thereto) shall be established or changed, unless authorized by Site Plan approval from the Planning Board.

a. Process: Within a Recreation and Residential Overlay District, Site Plan review is a tiered process which provides for limited review of applications for smaller numbers of dwelling units and detailed review of applications for larger numbers of dwelling units which have greater potential to cause impacts. Tiered site plan review includes the following:

Limited Site Plan Review (LSPR)

Site Plan Review (SPR)

b. Review Thresholds. A Site Plan application for a Recreation and Residential Overlay District Project authorizing up to ten (10) dwelling units for the total project or a Site Plan application(s) for a phase or phases of a Recreation and Residential Overlay District Project authorizing up to ten dwelling units cumulatively within the total Recreation and Residential Overlay District Project Area may be authorized by Limited Site Plan Approval. One or more

Site Plan applications for a Recreation and Residential Overlay District Project, with or without one or more phases of a Recreation and Residential Overlay District Project, which authorize more than ten (10) Two-Family Dwelling Units cumulatively within the total Recreation and Residential Overlay District Project area may only be authorized by Site Plan Approval.

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

d. Limited Site Plan Review (LSPR). Unless waived by the Planning Board, applications for Limited Site Plan Review shall include the following:

- (1) A Sketch Plan of the total Recreational and Residential Overlay District Project shall be submitted that shows the total Recreation and Residential Overlay District Project and phases of development.
- (2) Site Plans shall be drawn to a scale of forty feet (40') to the inch (or such other scale as the Planning Board may accept). Site Plans shall be prepared by a multidisciplinary team and shall be signed and sealed by a Massachusetts Civil Professional Engineer (PE), a Massachusetts Professional Land Surveyor (PLS), and a Massachusetts Registered Landscape Architect (RLA).
- (3) Existing conditions survey shall be based upon on-the-ground fieldwork. Layout shall be tied to the Mass State Coordinate System and elevations shall be on North American Vertical Datum (NAVD 88).
- (4) Site Plans shall include a cover sheet, layout sheet, grading and drainage sheet, landscaping sheet, details sheet, and a sedimentation and erosion control sheet. The Plans shall show, among other things, all existing and proposed buildings and structures and their uses, means of building egress, parking areas, driveway openings, driveways for individual dwelling units, and zoning summary table.
- (5) Site Plans shall show existing and proposed grading with a one foot (1') contour interval and spot grades based on (NAVD 88)
- (6) Site Plans shall show all on-site local, state, and federal regulatory resource boundaries and buffer zones shall be clearly identified and all wetland flag locations shall be numbered and placed upon the Site Plan;

(7) Site Plans shall show on-lot sanitary sewer collection systems, wastewater treatment systems including septic systems in compliance with Title 5 and Sharon Board of Health Regulations, if and as applicable; stormwater management systems; water distribution systems; and, cable utility systems.

(8) Reduced scale copies of a typical architectural floor plan, elevations, colors and materials shall be submitted for prototype buildings.

(9) A Stormwater Management Report shall be submitted that includes a narrative, a Stormwater Checklist signed and sealed by a Civil Professional Engineer (PE), TR-55/TR-20 based hydrologic analysis, rational formula pipe sizing calculations, a Long-Term Pollution Prevention Plan (Standards 4-6), a Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan (Standard 8), and an Operation and Maintenance Plan (Standard 9).

e. Site Plan Review (SPR): Unless waived by the Planning Board, applications for Site Plan Review shall include all content and submittals required for Limited Site Plan Review and the following:

(1) Applicants are encouraged to also submit a sketch plan of proposed projects prior to formal Site Plan Approval submission. Site Plans shall also include a traffic control sheet, a lighting sheet, and a construction phasing sheet.

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

(3) Site Plans shall also show all proposed residential units.

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

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

- (6) Earthwork quantities shall also be provided.
 - (7) Site Plans shall also show all hydrants, fire protection systems, site lighting, and lighting fixture and pole details.
 - (8) Site Plans shall also include landscape plantings and planting details, and all hardscape elements. Site lighting fixture locations shall be shown for coordination purposes. The drawings shall show the quantity, location, species, and height or caliper of all trees and shrubs and the species, size, and quantity of all groundcovers. Details shall be provided for all structures and hardscape elements and planting details shall be provided for coniferous and deciduous trees and shrubs of each size.
 - (9) Typical architectural plans and elevations and colors and materials shall also be submitted for each residential building type. Specific architectural plans and elevations and colors and materials shall be submitted for all principal nonresidential buildings.
 - (10) A complete sign package shall also be submitted including all informational and directional signage. All wall signs and free standing signs shall be shown. Sign plans and details shall show locations, dimensions, colors, materials, finishes, methods of illumination and illumination levels, and methods of structural support.
 - (11) A traffic study prepared by a Traffic or Civil Professional Engineer evaluating existing, no-build, and build intersection operations in the Traffic Study Area (TSA) shall be submitted. The TSA be established by the Planning Board to include the nearest major intersection on each approach to the principal site entrance and other intersections as designated. Traffic counts must be taken within one year of the date of submission; trip generation shall be based on the Institute of Transportation Engineers (ITE); trip distribution and traffic assignment shall be quantitatively based; sight distance at the site entrance shall be evaluated, and intersection crash rates shall be calculated. For locations where intersection operations are impacted, measures to avoid, minimize, and mitigate traffic impacts shall be developed and evaluated the applicant's commitment to mitigation shall be clearly stated.
- f. Reports to the Planning Board. Within ten (10) days following receipt of a duly submitted Site Plan, the Planning Board shall transmit one (1) copy thereof to the Board of Health and Conservation Commission. The Board of Health and Conservation Commission shall review the site plan application and report in writing their recommendations to the Planning Board within forty-five (45)

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

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

- (1) The extent to which the Site Plan fulfills the objective of the Recreation and Residential Overlay District to create a viable residential community with the amenities afforded by an on-site golf course and Multiuse Clubhouse and passive open space areas.
- (2) The extent to which Affordable Dwelling Units are provided in accordance with Section 4391g;
- (3) The extent to which convenient and safe vehicular and pedestrian movements are accommodated within the site, and in relation to adjacent streets, property or improvements;
- (4) The extent to which adequate utility services are provided to serve proposed residential and recreational uses.
- (5) The extent to which adequate provisions are made for disposal for sewage, refuse or other wastes; drainage for surface water; and removal of snow;
- (6) The extent to which measures are provided to minimize impacts on surface water and groundwater.
- (7) The extent to which wastewater treatment plant effluent meets the Massachusetts Drinking Water Standards (310 CMR 22.00) and the Massachusetts Surface Water Quality Standards for Class A Surface Waters.
- (8) The extent to which stormwater management facilities shall attenuate increases in the volume of off-site discharge for the one-year frequency storm event.
- (9) The extent to which stormwater management facilities conform, to the Massachusetts Department of Environmental Protection's Stormwater

Management Standards (310 CMR 10.05(6) (k)-(q)).

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

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

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

(13) The extent to which use of potable water from the Sharon municipal water distribution system for irrigation is avoided.

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

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

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

(17) The extent to which use of potable water from the Sharon municipal water distribution system for irrigation is avoided. The extent to which irrigation water use, including water from on-site wells, is minimized through adherence to an Irrigation Management Plan and for wells on Two-Family Dwelling and Multiuse Clubhouse lots (but excluding consideration of wells serving the golf course), the extent to which irrigation well drawdown impacts affecting existing water supply wells on neighboring properties are minimized.

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

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

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

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

- (1) The required Site Plan application filing materials for the Recreation and Residential Overlay District Project is incomplete or
- (2) The Site Plan is unreasonably inconsistent with the criteria and requirements set forth in this Section 4390 (unless otherwise waived) so that it admits of no reasonable solution.

4398. Consultants.

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

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

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

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

(c) Prior to engaging the consultant, applicants may appeal selection of a particular consultant to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of

interest or does not possess the minimum required qualifications. In the event that no decision is made by the Board of Selectmen within one (1) month following the filing of the appeal, the selection made by the Planning Board shall stand.

4399. Enforcement and Implementation.

Any Site Plan approval issued under this section shall lapse within one (1) year if actual construction of site infrastructure in accordance with the approved Site Plan has not commenced sooner, except upon application within one (1) year and for good cause shown. Construction shall not include site preparation and preliminary site clearing activities. Such time period shall be extended upon request by the applicant for one (1) year. A Recreation and Residential Overlay District Project may be constructed in multiple phases over time. Once construction of any portion of a Recreation and Residential Overlay District Project has commenced, such Site Plan approval shall not lapse if the construction proceeds in phases in accordance with an overall project schedule of completion not to exceed four (4) years unless extended by the Planning Board for good cause shown.

AND FURTHER

To amend the Zoning By-Law by amending the map entitled "Zoning Map, Town of Sharon, Massachusetts" revised May 6, 2013 and prepared by the Department of Public Works, Engineering Division, GIS Team, by placing a certain tract of land containing approximately two hundred (200) acres of land in the "Recreation and Residential Overlay District" as generally indicated on the plan entitled "Zoning: Key Plan" and on the plan entitled "Zoning: Recreation and Residential Overlay District Tiot Street, Sharon, MA 02067" prepared by Coneco Engineers and Scientists dated 10/06/2016 which are included on pages that follow and as more specifically shown on a plan entitled "Spring Valley Country Club, 25 Tiot Street, Sharon, MA 02067, Conceptual Layout, Overall Site" prepared for Forge Builders by Coneco Engineers and Scientists dated May 17, 2016 which plan is on file with the Town Clerk.

Currently, the parcel is located within the Rural District 1 (R-1 District) and will remain in this District. The parcel is currently overlain partially by the Ground Water Protection District and those portions of the parcel will remain in this overlay district.

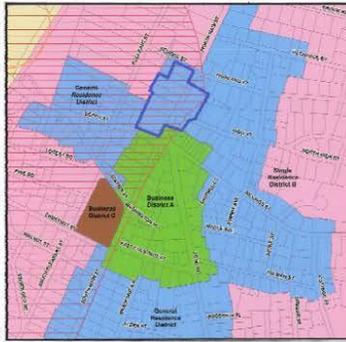
And further by amending the aforesaid map entitled "Zoning Map, Town of Sharon, Massachusetts" by adding the term "Recreation and Residential Overlay District" and color symbol to the map legend.

or to take any other action relative thereto.

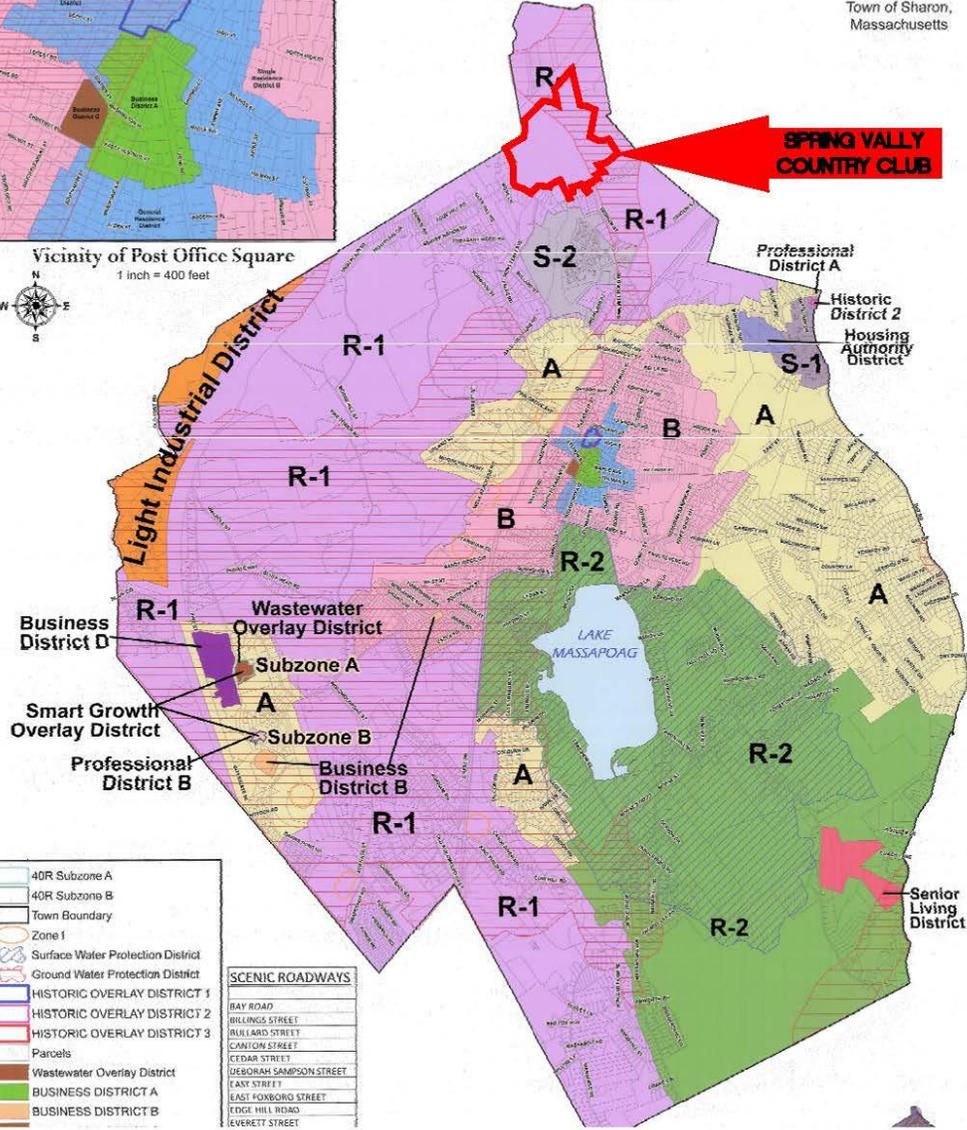
Zoning



Town of Sharon,
Massachusetts



Vicinity of Post Office Square
1 inch = 400 feet



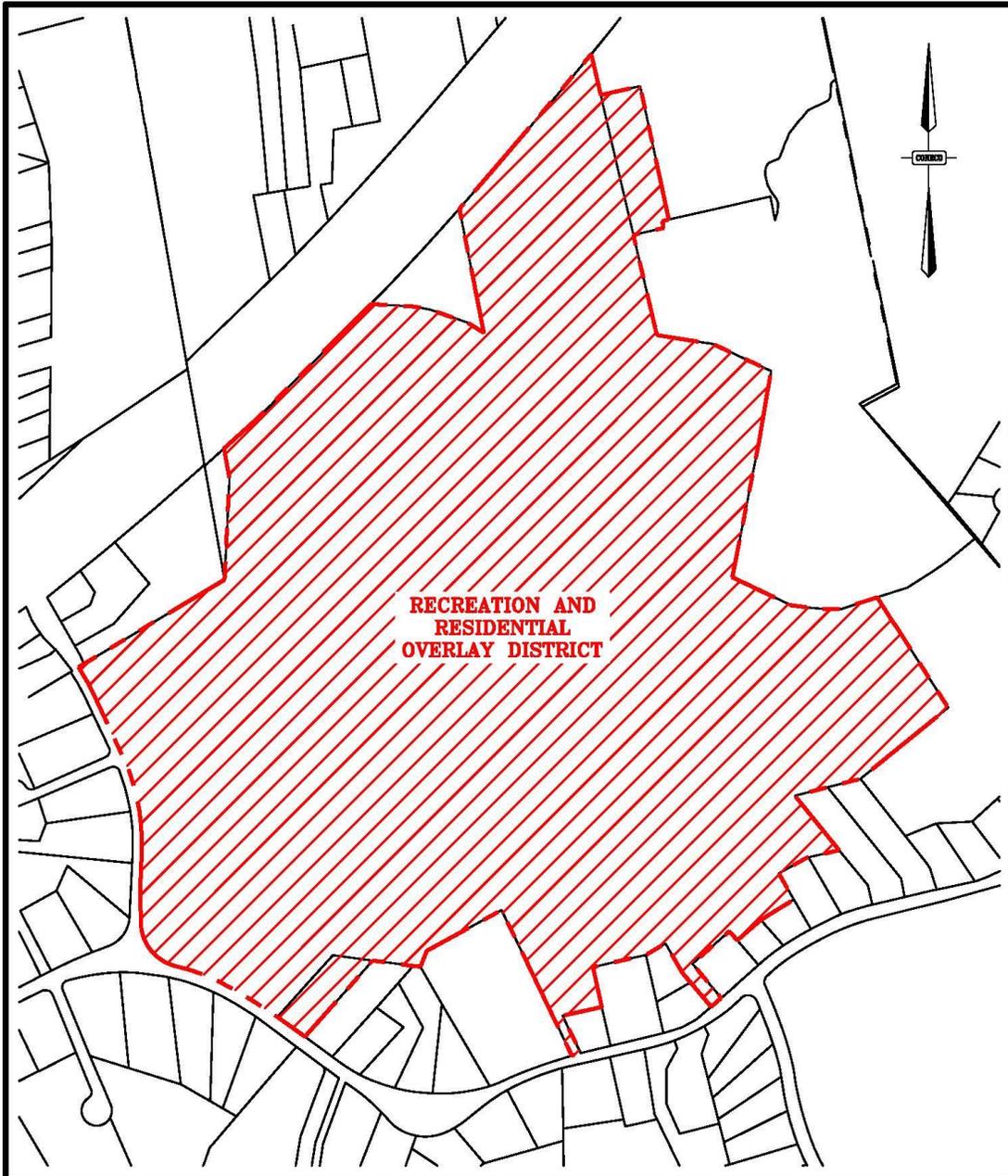
- 40R Subzone A
- 40R Subzone B
- Town Boundary
- Zone I
- Surface Water Protection District
- Ground Water Protection District
- HISTORIC OVERLAY DISTRICT 1
- HISTORIC OVERLAY DISTRICT 2
- HISTORIC OVERLAY DISTRICT 3
- Parcels
- Wastewater Overlay District
- BUSINESS DISTRICT A
- BUSINESS DISTRICT B

SCENIC ROADWAYS

- BAY ROAD
- BILLINGS STREET
- BULL LARD STREET
- CANTON STREET
- CEDAR STREET
- DEBORAH SIMPSON STREET
- EAST STREET
- EAST ROXBORO STREET
- EDGE HILL DRIVE
- EVERETT STREET

25 TROT STREET, SHARON, MASSACHUSETTS 02067

<p>CONECO Engineers & Scientists 4 FIRST STREET, WINDHAM, MASSACHUSETTS 02826 PHONE 508-697-7000 OR 508-548-3200 FAX 508-697-2006 WEBSITE: WWW.CONECO.COM</p>	PREPARED FOR: SPRING VALLEY, LLC		PLAN SET: ZONING	
	SCALE 1" = 5000'	DATE 10/06/2016	PROJECT NO. 9231.0	TITLE: KEY PLAN



25 TIOU STREET, SHARON, MA 02067

 <p>CONECO <i>Engineers & Scientists</i> <small>4 FIRST STREET, BRIDGEWATER, MASSACHUSETTS 02324 PHONE 978-677-3781 OR 800-549-3309 FAX 978-677-0808 WEBSITE: www.coneco.com</small></p>	PREPARED FOR: SPRING VALLEY, LLC		PLAN SET: ZONING	
	SCALE 1" = 800'	DATE 10/06/2016	PROJECT NO. 9231.0	TITLE: RECREATION AND RESIDENTIAL OVERLAY DISTRICT, TIOU STREET, SHARON, MA 02067

FINANCE COMMITTEE RECOMMENDATION:

Approval of this Article would add new sections 4390-4399 to the Town Zoning By-Law creating a new Recreation and Residential Overlay District (“RROD”). In addition, certain technical, non-substantive changes to existing Sections 4388 and 4390 of the By-Law would be made. In particular, the provisions of the present section 4390 would be incorporated into the existing section 4388.

Background

The background for this proposed article is as follows: There is a new owner, 25 Tiot Holdings, LLC (“Tiot”), of the property located on Tiot Street which Spring Valley Country Club (“SVCC”) used to own and where SVCC operates an 18-hole golf course with ancillary facilities, including a club house. The golf course property is within the Rural 1 residential district. Upon purchasing the property, the new owner (Tiot) told the SVCC that it intended to subdivide and develop the golf course property into four or five bedroom, single family homes “as of right” pursuant to the Town’s Subdivision Rules and Regulations. According to SVCC’s legal representative, SVCC requested an opportunity to save the golf course; SVCC and Tiot reached a verbal agreement allowing SVCC until the end of 2016 to obtain zoning that would preserve the golf course and include as permissible uses the development of duplex two bed room condominiums in clustered development (the Project) as described in more detail below.

Over the summer, SVCC approached the Board of Selectmen with a proposed zoning by-law change to permit the use of cluster town house residential units and related changes SVCC believes will allow the owner Tiot to develop the property in a way to preserve the golf course. The owner, Tiot, and the Board of Selectmen subsequently negotiated a Memorandum of Understanding (“MOU”) containing certain agreements between the Town and the owner discussed in more detail below. Finally, in September and throughout October, the SVCC, on behalf of Tiot, presented the zoning by-law changes and MOU to the various Town boards, including the Planning Board, Board of Selectmen, Conservation Commission and Finance Committee. The zoning by-law and MOU contained in this Warrant are the versions that were submitted during the period the warrant was open and later discussed by the Town boards prior to November 2, 2016.

On November 2, 2016, the SVCC presented to the Finance Committee slight modifications to the zoning by-law that grew out of the public review process. As those modifications were not incorporated into the proposed zoning by-law as of the time of the publishing of the warrant and as of the deadline for the Finance Committee’s recommendations regarding the Warrant on November 9, 2016, those modifications are not discussed in this write up and will be presented at Town Meeting on December 12, 2016.

It is important to note that Planning Board hearings regarding the proposed zoning by-law changes are open as of the writing of this recommendation. The next hearing was scheduled for November 10, 2016.

Proposed Zoning Changes

The proposed new Section 4391 states that the purpose of the RROD is to “enhance the public welfare by creating a viable residential community with the amenities afforded by an on-site golf course, multi-use clubhouse, and passive open space areas.” The following lists of items are accurate as of November 2, 2016:

- A project under the RROD requires site plan approval by the Planning Board.
- Applications under the proposed RROD are required to include at least a nine-hole golf course. (It has been represented to the Finance Committee that the intent is to maintain an 18-hole course).
- Once the first building permit is issued, the owner will sign a restriction prohibiting residential use of the parcel presently containing the golf course. This restriction will be recorded in the Registry of Deeds and remain in force in perpetuity, even if the property is sold.
- If the golf course is ever abandoned, as defined in proposed Section 4391(f), ownership of the golf course parcel must be conveyed to the Town at no cost.
- Section 4391(g) requires that at least 10 percent of the dwelling units must be affordable.
- The project may be developed in phases. The owner must post sureties or other security to assure completion of infrastructure improvements before the issuance of any building permits.
- Section 4391(j) sets out specifications for road construction and other infrastructure design. Section 4391(k) provides that all infrastructure shall remain forever private – which means, for example, that the Town is not responsible for road maintenance or snow plowing.

Proposed Section 4393 sets forth use regulations for RROD developments. Permitted uses include: 2-family dwellings; a golf course; a multi-use clubhouse; a gym/health club/fitness center; tennis courts; and a swimming pool. Permitted accessory uses include surface and garage parking; guard houses for security; a sales office; stormwater management facilities; Title 5 compliant on-site septic systems; a wastewater treatment facility; maintenance buildings; and certain signage.

Proposed Section 4394 provides standards for wastewater collection, stormwater management, irrigation, landscaping, water conservation, and traffic mitigation. Wastewater and stormwater management systems must comply with State and Town regulations.

Proposed Section 4395 sets forth dimensional regulations, including lot size and density requirements, set back provisions, building height limits, etc. Section 4396 sets out parking and loading requirements.

The owner seeking to develop the property pursuant to the proposed new Section 4390 and following sections would be required to submit an application for Site Plan approval to the Planning Board.

Proposed Section 4397 sets forth detailed requirements for what must be included in an application for Site Plan Review and for the criteria applicable for review of the applications. Time limits are provided for lapse of the Site Plan Approval unless commencement and completion of the project are accomplished within certain time frames.

Proposed Section 4398 provides that the Planning Board may hire outside consultants to facilitate review of a Site Plan application, and to provide peer review on behalf of the Town in the event the owner/applicant is required to seek approval from any State or Federal agencies. The owner/applicant is required to reimburse the Town for fees and expenses of such consultants. Advance payment of these fees by the owner/applicant is to be made into an escrow account. There is a procedure for the owner/applicant to contest to the Board of Selectmen the selection of a consultant by the Planning Board, the grounds for such an appeal being limited to conflict of interest and lack of qualifications.

Section 4399 provides for the lapse of the Site Plan approval if the owner/applicant fails to commence or finish the project within certain time frames.

The warrant article further provides for the amendment of the Town Zoning Map, to incorporate the new overlay district.

MOU

As noted above, the members of the SVCC approached Tiot to propose an alternate development plan that would preserve the golf course and allow for the construction of a number of duplex condominium units. Tiot agreed to consider this approach, on the condition that the Town approved the necessary zoning before the end of 2016. Working under this deadline, extensive negotiations between counsel for the country club and the Board of Selectmen, Town Counsel and the Town's consultant took place, leading to the execution of a MOU dated October 6, 2016 by the Selectmen and the Tiot.

Under the MOU, the Selectmen agree to sponsor this Article, and a copy of Article 1 is an exhibit to the MOU. The MOU provides that Tiot will preserve the existing 18-hole golf course. It further provides for the development of duplexes on the property. At the time this warrant goes to print, the exact configuration is being revised and changes will be reflected in the article and the MOU. The current MOU agrees to development of 29 duplexes, each containing two 2-bedroom units, with related amenities, including a clubhouse and function facility, a public restaurant, and maintenance building (collectively, the "Project.") In addition, five 2-unit duplexes along Edge Hill Road, each unit containing two bedrooms (the "ANR Duplexes") could be built. This configuration would total 68 new condominium units, each with a maximum of two bedrooms. In response to ongoing meetings and discussions, a revised plan under consideration, but not yet agreed to, would allow 52 new condominium units and 8 four bedroom homes along Edge Hill Road instead of the 10 condominiums. That configuration would total the same number of bedrooms as the 68 condominiums – 136 bedrooms.

To deal with the septic needs of the proposed development, the MOU provides that Tiot will seek to tie into the Town of Norwood MWRA sewer system. This would require the owner to

reach an agreement with the Town of Norwood, including approval by the Town of Norwood Town Meeting, which could not occur before spring of 2017, as well as approval by applicable State agencies. If an agreement between the owner and the Town of Norwood fails to be approved, Tiot would have the right to seek approval of an on-site sewer system, including a Package Treatment Facility, which would have to meet all applicable State and Town requirements.

Section 4 of the MOU provides that the owner will support the Town's efforts to obtain water main service for "emergency" purposes from the Town of Norwood. The owner agrees in the MOU to provide up to \$650,000 to the Town toward the cost of obtaining such services from the Town of Norwood, payments to be made in increments upon issuance of building permits for duplex units pursuant to the Project.

In recognition of the owner's commitment to help pay for the emergency water main tie in, the Town agrees in Section 5 of the MOU to reduce the fees for water hook-ups for the Project and the ANR Duplexes from \$4,000 to \$1,000 per unit.

Section 6 of the MOU provides that as long as the golf course remains in use, members of the Sharon High School golf team would be allowed free use of the golf course at agreed upon times; the Town would have the right to use the golf course and its facilities for an annual fund raising event; and the initiation fee for the golf course would be waived for Sharon residents in 2017 and 2018.

Section 7.1 of the MOU provides that upon approval of the RROD zoning article and granting of all permits without appeal (or if an appeal is taken, the outcome of the appeal is favorable to the owner), Tiot will impose a permanent restriction to the land covered by the golf course prohibiting the development of the land for residential use. This restriction would be recorded in the Registry of Deeds and would apply to any future owner. Section 7.2 provides that if the golf course is abandoned in the future, the owner would be required to convey the golf course property to the Town at no cost.

Section 8 of the MOU requires Tiot to reimburse the Town for its legal fees and consultant fees incurred in connection with the negotiation and drafting of the MOU and in preparing for the Fall 2016 Special Town Meeting.

Section 9.1 of the MOU states that if this Article is not approved at the Town Meeting or if site plan approval is not obtained from the Planning Board or necessary approvals are not obtained from other Boards, "or if the project does not proceed to construction for any reason" Tiot is not bound by any commitments or mitigation measures set forth in the MOU except those stated in sections 8 and 9.4 of the MOU. (Section 9.4 requires payment by the owner to the Town of a one-time, non-refundable administration fee of \$10,000 upon execution of the MOU) The reduced water hook-up fee provided for in section 5 of the MOU would also be rescinded. The owner would then be free to develop the property "as of right" as permitted under existing laws and regulations (with the right to seek approval of a sewer connection from the Town of Norwood).

Section 9.3 requires the owner to execute a Notice of the terms of the MOU, subject to Town Counsel’s approval, which is to be recorded in the Norfolk Registry of Deeds. Any assignee or successor to the present owner would thus be bound by the MOU.

The MOU is contingent upon Town Meeting Approval of this Special Town Meeting zoning article.

The Owner’s “As of Right” Option for the Property

According SVCC’s representative, somewhere between 60 - 80 four or five bedroom, single family homes could be built on the site. It is uncertain exactly how many homes could be built because open questions as to the siting of such homes due to wetlands, ground water protection and Title V/waste water treatment issues remain unanswered. During the review in October, the Finance Committee and Planning Board asked SVCC to ask Tiot to provide more definitive information regarding the option to construct single family homes to allow comparison against the proposed zoning. One significant issue was whether the owner could use a package treatment plant to treat wastewater for the single family homes to avoid septic system limitations at the site. At the Finance Committee meeting on November 2, 2016, the SVCC representative provided some of the requested additional information on wetlands, ground water protection and wastewater treatment options for the “as of right” option. SVCC has represented that through the use of a package treatment plant for the single family home option that the SVCC believes can be permitted through the state Department of Environmental Protection (“DEP”), the golf course property could be developed into a residential subdivision “as of right” of conservatively 70 – 75 five bedroom, single family homes. The Finance Committee requested that the SVCC provide a revised plan as to the number of single family homes that could be built in light of this information. The Finance Committee has not had an opportunity to ask additional questions to the SVCC regarding the issues involved in permitting a package treatment plant with the state DEP, including the nature of who owns the treatment plant and what the cost of maintaining the treatment plant would be. The SVCC states that it is likely that around 70 to 80 single family homes could be built under the subdivision and other applicable rules if a package treatment plant was permitted by DEP. It is just not known at this time exactly how many homes that would be and what the issues might be with the package treatment plant. In the absence of a treatment plant, substantially less than 70-80 single family homes would likely be built “as of right” due to Title V limitations, and those homes would likely be 4 bedroom homes.

Comparison of Zoning By-law Amendment to “As of Right” Development

The Finance Committee has sought information from the SVCC to allow the Finance Committee to compare the costs and benefits to the Town between the “as of right” development of the property and the development permitted under the proposed zoning by-law, and taking into account the MOU. As noted above, the Finance Committee was presented with a revised zoning by-law on November 2, 2016 with a small number of changes to the proposed by-law and MOU discussed in this warrant. These changes have not been reviewed or finalized by the town’s legal counsel or by the Planning Board. Finally, the Finance Committee has yet

to fully review new information provided just days before this recommendation is due concerning what is buildable on the property “as of right” and substantial questions remain.

The Finance Committee is continuing to review and evaluate the following:

1. The projected revenue to the Town from assumed property values and property taxes
2. The projected costs to the Town from the two options, most notably driven by the number of school aged children projected under the two alternative use options
3. The benefits of open space to the Town
4. The benefits to the Town contained in the MOU
5. Other issues as they become known

The Finance Committee believes that this difficult analysis, when completed, will be of value to the Town in deciding between the two options being presented.

Due to the fact that as of this time the Planning Board hearings are still open and the Finance Committee is unable to provide a completed recommendation, the Committee will continue its analysis and present its findings at Town Meeting.

The Board of Selectmen has not voted on the Article at the time of the printing of the warrant.

THE FINANCE COMMITTEE VOTED 10-0-0 TO MAKE ITS RECOMMENDATION AT TOWN MEETING.

Article 2: Library to Post Office Square Walkway Lease Extension

Sponsored by: Board of Selectmen

To see if the Town will vote to authorize the Town, acting by and through its Board of Selectmen, to lease for two periods of five years each the following parcel of land to be used as a public walkway that connects the Town of Sharon Public Library to the Post Office Square municipal parking lot:

A certain strip of land which connects the Town of Sharon Public Library to the Post Office Square Municipal Parking Lot, more specifically shown as “Sidewalk in Lease Area,” on a plan entitled “Sidewalk Plan,” a copy of which is on file with the Office of the Town Clerk. The property to be leased is a portion of property owned by Mo-Neb Realty Associates, LLC, more particularly described in a deed recorded at the Norfolk Registry of Deeds in Book 13522, Page 233.

Or to act in any way relative thereto.

FINANCE COMMITTEE RECOMMENDATION:

Approval of this Article would authorize the Board of Selectmen to renew the lease for two (2) periods of five (5) years each for the land used as a public walkway between the Sharon Public Library and the Post Office Square municipal parking lot.

The Town of Sharon has a lease agreement with Andrew D. Nebenzahl, Trustee of the Mo-Neb Realty Associates, LLC for a public walkway that connects the Town of Sharon Public Library to the Post Office Square Municipal parking lot. The Town has responsibility for construction and maintenance of the walkway, liability insurance, and granting five (5) parking stickers that permit parking in the Post Office Square Municipal Parking Lot without limitation as to hours in the day.

The Board of Selectmen voted 3-0-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 10-0-0 IN FAVOR OF APPROVAL.

Article 3: Naming of Flume House for Cliff Towner

Sponsored by: Board of Selectmen

To see if the Town will vote pursuant to Article 34A of its General By-Laws to name the flume house at Lake Massapoag as the Cliff Towner Flume House, or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:

Approval of this Article would name the flume house at Lake Massapoag the Cliff Towner Flume House. The members of Sharon’s Lake Management Study Committee are spearheading an effort to name the flume house that sits on the shore of the lake at the boat launch area after Clifford Towner in recognition of his many years of service protecting Sharon’s most precious natural resource, Lake Massapoag. Cliff voluntarily monitored the lake’s levels nearly every day for over twenty years, exhibiting an extraordinary dedication to the preservation of the ecosystem that the lake powers. Having the flume house bear his name would be a fitting tribute to Cliff and his commitment to the town and its natural resources.

While the support has been nearly unanimous, some have expressed philosophical differences with the general practice of naming spaces, fields, or buildings in town after people, either out of caution that there may be more impressive future candidates for the same honor or that the general nature of the names of town spaces is one of Sharon’s charms. There is, however, precedent for such namings: the Arthur E. Collins Auditorium (Sharon High School), the David I. Clifton Ballroom (Community Center) and the Frank I. Sullivan Recreation Area, are just a few spaces that the Town has dedicated over the course of its history.

The Board of Selectmen voted 3-0 in favor of approval.

The Historical Commission voted 5-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 8-1-1 IN FAVOR OF APPROVAL.

Article 4: Naming of Sharon Middle School Football Field for Jack Cosgrove

Sponsored by: Board of Selectmen

To see if the Town will vote pursuant to Article 34A of its General By-Laws to name the football field at the Sharon Middle School as the Jack Cosgrove Field, or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:

Approval of this Article would name the Sharon Middle School football field the Jack Cosgrove Field. In response to a growing need for organized youth sports in Sharon, John “Jack” Cosgrove founded the Sharon Pop Warner Football program in the mid-1960’s and served as a coach for the better part of four decades. The program continues to serve as the foundation for both the Sharon High School football and cheerleading teams. Jack’s efforts had an immeasurably positive effect on many young people in Sharon, including both at-risk and disabled youth.

At the Annual Town Meeting in May, residents approved improvements to the Sharon Middle School football field, historically the field on which the Pop Warner team plays its home games. A group of current and former town residents have received the support of the Board of Selectmen, Middle School Council, Historical Commission, and School Committee to rename the field in Jack’s honor once the renovations are completed.

As mentioned in the previous article’s recommendation, some have philosophical differences with the practice of naming things in town after specific people, but there is precedent for such endeavors. The Finance Committee feels that Jack’s significant contributions make him worthy of this honor and endorses this article.

The Board of Selectmen voted 3-0 in favor of approval.

The School Committee voted 6-0 in favor of approval.

The Historical Commission voted 4-1 in favor of approval.

THE FINANCE COMMITTEE VOTED 8-1-1 IN FAVOR OF APPROVAL.

Article 5: Surplus Property Disposition Threshold Increase

Sponsored by: Board of Selectmen

To see if the Town will vote to amend the Town of Sharon General By-Laws, Article 31, Disposal of Surplus Property, by changing the figure “\$300” to “\$5,000” so the revised by-law would read as follows:

Any board or department of the Town may sell, trade in, give away or otherwise dispose of any personal property of the town that is within its possession or control and which has become obsolete or is not required for its further use, if it determines that no other town board or department could make use of the property. If another board or department could make use of the property, it shall be transferred, without cost, to that department. Before property valued at \$5,000 or more is transferred, sold, traded in, given away or otherwise disposed of, the transaction shall be approved by the School Committee, in the case of schools and departments under its control, or the Board of Selectmen, in the case of all other boards and departments. A public notice of the availability shall be posted at least 14 days prior to the disposition of all property valued at \$5,000 or more, except that which is transferred to another town department.

Or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:

Approval of this Article would amend The Town of Sharon General By-Laws, Article 31, Disposal of Surplus Property, by changing the figure “\$300” to “\$5,000.” Article 31 of the Town of Sharon General By-Laws regulates the disposal of surplus property by the Town. surplus property is defined as property that may exceed departmental need, because of staff reduction or mission change, need to be replaced, due to damage to the property beyond repair, or because obsolete property. The amended article would increase the dollar threshold from \$300 to \$5,000 to permit Town departments to dispose of such items from \$300 to \$5,000. The department with the surplus property will first offer it to other departments. If another board or department could make use of the property, the property shall be transferred, without cost, to that department. Before property valued at \$5,000 or more is transferred outside the Town, whether by being sold, traded in, given away or otherwise disposed of, the transaction shall be approved by the School Committee, in the case of schools and departments under its control, or the Board of Selectmen, in the case of all other boards and departments . A public notice of the availability shall be posted at least 14 days prior to the disposition of all property valued at \$5,000.

The Board of Selectmen voted 3-0-0 in favor of approval.

THE FINANCE COMMITTEE VOTED 10-0-0 IN FAVOR OF APPROVAL.

Hereof fail not, and make due return of this Warrant with your doings thereon at the time and place of said meeting. And you are directed to serve this Warrant by posting attested copies of the same in accordance with the Town by-laws.

Given under our hands this 14th day of November, A.D., 2016

BOARD OF SELECTMEN
TOWN OF SHARON

Walter B. Roach, Jr., Chair

John J. McGrath, Clerk

William A. Heitin

A True Copy: Tilden M. Kaufman, Constable
Sharon, Massachusetts
Dated: November 14, 2016

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SHARON, MA 02067**

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