

## **FALL SPECIAL TOWN MEETING**

**November 9, 2009**

Pursuant to the provisions of the warrant of October 14, 2009, the inhabitants of the Town of Sharon qualified to vote in town affairs met at the Arthur E. Collins Auditorium at 7:00 P.M.

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

The Moderator said that in the absence of any objection he would assume there was unanimous consent to allow the following non-voters to address the meeting: Cindy Doherty, Mark Mazur, Norma Simons Fitzgerald, Brett MacGowan, Dennis Mann, Greg Meister, Peter O'Cain, Eric Hooper, Dick Gelerman, Cindy Amara, Jose Libano, Tim Farmer, Kevin O'Rourke, John Kusmiersky, Marty Spagat, Jeff Spagat, John Twohig, Chris Regnier, Timothy Sullivan, Robert Daylor, Robert Vanasse, Jeffrey Dirk, John Connery, Greg O'Brien, Kyla Bennett, Michael McKeon, Richard Marks, Robert White and Philip Macchi.

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

### **ARTICLE 1.**

**MOTION:** That the Town amend the Zoning By-Laws of the Town of Sharon, as follows:

By amending Section 4380 "Senior Living Overlay District (Senior Living Overlay District)," Section 4382, Definitions, by adding at the end thereof the following:

Unified Building System Area. An area shown on a drawing entitled "Senior Living District Development Plan" (dated and last revised 08/06/2009 on file with the Town Clerk and

incorporated herein as part of this By-Law) within which, notwithstanding the building height and story provisions of Section 4385.c., the maximum building height including any accessory features, rooftop equipment, and mechanical penthouses but excluding elevator headhouses, shall not exceed elevation four hundred eighty-two (482) feet National Vertical Geodetic Datum, provided, however, that any one building cannot contain more than ten (10) stories of Senior Dwelling Units.

**MOTION TO AMEND:** To take out the words "of Senior Dwelling Units" at the end of the paragraph so the section will read

Unified Building System Area. An area shown on a drawing entitled "Senior Living District Development Plan" (dated and last revised 08/06/2009 on file with the Town Clerk and incorporated herein as part of this By-Law) within which, notwithstanding the building height and story provisions of Section 4385.c., the maximum building height including any accessory features, rooftop equipment, and mechanical penthouses but excluding elevator headhouses, shall not exceed elevation four hundred eighty-two (482) feet National Vertical Geodetic Datum, provided, however, that any one building cannot contain more than ten (10) stories.

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

**MOTION TO AMEND:** **NOT CARRIED.**

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

**MOTION:** That the Town amend the Zoning By-Laws of the Town of Sharon, as follows:

By amending Section 4380 "Senior Living Overlay District (Senior Living Overlay District)," Section 4382, Definitions, by adding at the end thereof the following:

Unified Building System Area. An area shown on a drawing entitled "Senior Living District Development Plan" (dated and last revised 08/06/2009 on file with the Town Clerk and incorporated herein as part of this By-Law) within which, notwithstanding the building height and story provisions of Section 4385.c., the maximum building height including any accessory features, rooftop equipment, and mechanical penthouses but excluding elevator headhouses, shall not exceed elevation four hundred eighty-two (482) feet National Vertical Geodetic Datum, provided, however, that any one building cannot contain

more than ten (10) stories of Senior Dwelling Units. **NOT CARRIED. A STANDING VOTE. VOTES IN THE AFFIRMATIVE 504. VOTES IN THE NEGATIVE 337.**

## **ARTICLE 2.**

**MOTION:** That the Town amend the Zoning By-Laws of the Town of Sharon, Massachusetts as follows:

By amending section 2312 "Permitted community Service Uses" by adding to the second sentence after the words "water tower," the words "water tank, water pump station," changing the ":" after the word "building" to a "," and inserting the words "and/or" before the word "park," and adding at the end of the sentence the phrase "or any combination of the foregoing," so that the revised second sentence reads:

"Municipal building, and/or park, water tower, water tank, water pump station or reservoir, or any combination of the foregoing."

By amending section 2400 Dimensional Regulations, sections 2423 by adding at the end thereof the following: "the foregoing notwithstanding, for any lot located adjacent to the Senior Living Overlay District and that provides permitted community service use or uses, the following coverage limits shall be required:

Maximum lot coverage: thirty (30%) percent.

Maximum area of impervious materials including structures: fifty (50%) percent.

Minimum natural vegetation area: twenty (20%) percent.

By amending Section 2424 by adding at the end thereof the following: "the foregoing notwithstanding, there shall be no minimum separation between buildings and/or structures on the same lot for any lot located adjacent to the Senior Living Overlay District that provides a permitted community service use or uses." **NOT CARRIED. A STANDING VOTE. VOTES IN THE AFFIRMATIVE 431. VOTES IN THE NEGATIVE 274.**

## **ARTICLE 3.**

**MOTION:** That the Town authorize the Board of Selectmen to amend that certain Development Agreement dated May 2, 2007, by and between Brickstone Sharon, LLC, a Massachusetts limited liability company, and the Town of Sharon, as previously

amended, to provide for changes to Section 8 thereof, relating to Traffic and Roadway usage.

The proposed amendment will provide for the insertion of a new Section 8.3 substantially as shown as Paragraph Number 9 on that certain Second Amendment to Development Agreement between said parties, including Exhibit N thereto, a copy of which is on file with the Town Clerk.

Said proposed amendment requires Town Meeting approval pursuant to Section 11.13 of said Agreement and relates, without limitation, to the use of Mountain Street for access and egress to and from the Project Site for a period of time as more fully described in said proposed amendment.

**MOTION:** To call the question. **NOT ACCEPTED BY MODERATOR.**

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

**VOTED:** That the Town authorize the Board of Selectmen to amend that certain Development Agreement dated May 2, 2007, by and between Brickstone Sharon, LLC, a Massachusetts limited liability company, and the Town of Sharon, as previously amended, to provide for changes to Section 8 thereof, relating to Traffic and Roadway usage.

The proposed amendment will provide for the insertion of a new Section 8.3 substantially as shown as Paragraph Number 9 on that certain Second Amendment to Development Agreement between said parties, including Exhibit N thereto, a copy of which is on file with the Town Clerk.

Said proposed amendment requires Town Meeting approval pursuant to Section 11.13 of said Agreement and relates, without limitation, to the use of Mountain Street for access and egress to and from the Project Site for a period of time as more fully described in said proposed amendment. **A STANDING VOTE. VOTES IN THE AFFIRMATIVE 359. VOTES IN THE NEGATIVE 332.**

#### **ARTICLE 4.**

**VOTED:** That action under Article 4 be indefinitely postponed. (To authorize the Board of Selectmen to petition the General Court for Special Home Rule legislation entitled "An Act Creating The Sharon Hills Special Assessment District And Authorizing The Incurrence of Certain Indebtedness Related Thereto",)

**VOTED:** That the meeting adjourn at 11:00 P.M. or at the close of the Article then under discussion and to reconvene on Tuesday evening November 10, 2009 at the Arthur E. Collins Auditorium at 7:00 P.M.

**THE MEETING ADJOURNED AT 11:35 p.m.**

Attendance: 920

**FALL SPECIAL TOWN MEETING**

**November 9, 2009**

The Adjourned Special Town Meeting of November 9, 2009 was adjourned at 11:35 P.M. to reconvene at the Sharon High School, Arthur E. Collins Auditorium on Pond Street on Tuesday, November 10, 2009 at 7:00 P.M. then and there to act on all unfinished business in the Special Town Meeting Warrant of 2009.

**Attest:**

**Marlene B. Chused  
Sharon Town Clerk**

**November 10, 2009**

This is to certify that I have posted a copy of the above notice in accordance with Town By-Laws.

JOSEPH S. BERNSTEIN  
Constable  
Sharon, Massachusetts

**ADJOURNED SPECIAL TOWN MEETING**

**November 10, 2009**

**MOTION:** To reconsider action taken under Article 3. **NOT  
ACCEPTED BY MODERATOR.**

The Moderator said that in the absence of any objection he would assume there was unanimous consent to allow Dao Thach, a non-voter to address the meeting.

#### **ARTICLE 5.**

**MOVED:** That the Town raise and appropriate the sum of \$50,540,287 to be expended under the direction of the School Building Committee for the purpose of paying costs for the renovation of the Sharon Middle School, located at 75 Mountain Street, Sharon, Massachusetts, and shown as Parcel #072048000 on the Sharon Assessors records, which includes a 49,540 square foot two-story addition to Middle School plus 11,540 square feet for the Early Childhood program and 7,670 square feet for Central Administration. The addition/renovation will modernize the facility, provide permanent space for the grade 6 students in addition to increased space for Special Education, cafeteria, gymnasium, as well as new windows, lighting and technology (the "Middle School Renovation Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town of Sharon and the MSBA. Any grant that the Town of Sharon may receive from the MSBA for the Middle School Renovation Project shall not exceed the lesser of (1) 52.68 percent of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

And further to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$50,540,287 under Massachusetts General Law, Chapter 44, Section 7.

And further that this appropriation shall take effect only if the Town votes at an election held in accordance with G.L. c. 59, §21C (m) to exempt the debt incurred herein from the provisions of Proposition 2½.

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

**VOTED:** That the Town raise and appropriate the sum of \$50,540,287 to be expended under the direction of the School Building Committee for the purpose of paying costs for the renovation of the Sharon Middle School, located at 75 Mountain Street, Sharon, Massachusetts, and shown as Parcel #072048000 on the Sharon Assessors records, which includes a 49,540 square foot two-story addition to Middle School plus 11,540 square feet for the Early Childhood program and 7,670 square feet for Central Administration. The addition/renovation will modernize the facility, provide permanent space for the grade 6 students in addition to increased space for Special Education, cafeteria, gymnasium, as well as new windows, lighting and technology (the "Middle School Renovation Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town of Sharon and the MSBA. Any grant that the Town of Sharon may receive from the MSBA for the Middle School Renovation Project shall not exceed the lesser of (1) 52.68 percent of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

And further to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$50,540,287 under Massachusetts General Law, Chapter 44, Section 7.

And further that this appropriation shall take effect only if the Town votes at an election held in accordance with G.L. c. 59, §21C (m) to exempt the debt incurred herein from the provisions of Proposition 2½. **2/3 VOTE DECLARED BY MODERATOR.**

#### **ARTICLE 6.**

**VOTED:** That action under Article 6 be indefinitely postponed. (Funding additional architectural and project manager fees for the Middle School.)

**ARTICLE 7.**

**VOTED UNANIMOUSLY:** That action under Article 7 be indefinitely postponed. (Transfer from available funds to return to School Committee's FY 2010 budget Special Education Circuit Breaker Funds.)

**ARTICLE 8.**

**VOTED:** That the Town authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts for a special act as set forth below, **except that the total number of such licenses town wide shall be five and the locations where the licensed premises may be located, in addition to those as shown in the proposed Act also include the locations previously authorized by Chapter 471 of the Acts of 2008, being the Business D District, the Light Industrial District, provided that use such as a grocery store or food store is allowed by right or by special permit in either such zoning district, and the licensed premises may also be located upon land identified by Assessors Parcel Map 37 Lot 5 and commonly known as Shaw's Supermarket, 700 South Main Street;** and further, to authorize the General Court to make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of this petition; "An Act Relative To The Town Of Sharon To Grant A License For The Sale Of Wine And Malt Beverages At A Food Store, Not To Be Drunk On The Premises" exactly as printed on pages 14 - 16 of the warrant for this Special Town Meeting.

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

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

SECTION 1. Notwithstanding Section 17 of Chapter 138 of the General Laws, or any other general or special law to the contrary, the licensing authority of the town of Sharon may grant a license for the sale of wine and malt beverages at not more than five (5) food stores, not to be drunk on the premises, under Section 15 of said Chapter 138, said food stores to be



located in the following described locations and to be subject to the definition contained herein. Except as otherwise provided herein, such license shall be subject to all of said Chapter 138 except said Section 17. For the purposes of this act, a "food store" shall mean a grocery store or supermarket with a gross floor area of more than 1,000 square feet which sells at retail, food for consumption on or off the premises either alone or in combination with grocery items or other non-durable items typically found in a grocery store and sold to individuals for personal family or household use. Food store shall also mean a high-end food store or other specialty stores that may sell imported, organic, ethnic, or prepared foods for personal family or household use. Notwithstanding the foregoing, a food store shall specifically exclude a convenience type store, or a store which is designed to accommodate the sale of a limited number of items as a matter of convenience to the customer, or a store that also sells gasoline; provided, however, that the board of selectmen shall determine whether an applicant is a food store under this act. In making the determination, the board of selectmen shall consider such factors as the volume of sales, actual or proposed, and the extent and range of merchandise offered for sale. The holder of the license under this act may sell wine and/or malt beverages in combination with any other items offered for sale. The licensed premises must be located in the Business District A, as shown on the map attached hereto as Exhibit A, provided that such use as a grocery store or food store is allowed by right or by special permit in the Business District A, and the licensed premises may also be located upon land in the Town of Sharon identified by Assessors parcel Map 69 Parcel 227 and located in the Business District B, (Sharon Heights Shopping Mall, 362 South Main Street, Sharon, MA, ), shown on the map attached hereto as Exhibit B. The amount of any initial or renewal fee for such license shall be determined by the licensing authority issuing or renewing that license. Notwithstanding any general or special law or any rule or regulation to the contrary, the licensing authority shall not approve the transfer of the license to any other location, but the license may be granted to a new operator at the same location if an applicant has followed any and all rules prescribed by the board of selectmen as the licensing authority related to the application and procedures for approval of such a transfer including filing a complete application for the transfer of the license to the new operator at the same location, and filing a letter in writing from the department of revenue evidencing that the license is in good standing with said department and that any and all applicable taxes have been paid. If a license granted under this section is

cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority of the town of Sharon, which may grant the license to a new operator at the same location and under the same conditions as specified in this section.

#### **ARTICLE 9.**

**VOTED UNANIMOUSLY:** That the Town Amend the "Zoning By-Laws of the Town of Sharon, Massachusetts" as last amended in May 2008 exactly as printed on pages 19 - 28 of the Warrant for this Special Town Meeting except for the deletion of the words "or take any other action relative thereto" appearing on page 28, except for correcting the word "planning" to read "planing" in Section 2331.a(12) on page 20, and except that the referenced amendment to Section 2475 on the bottom of page 25 of the Warrant to read as follows: "Amend Section "2475. Building Location" by inserting a new paragraph before the first paragraph thereof as follows:"

#### REPLACE SECTION 2330

Amend Section "2330. Light Industrial Districts" by deleting the section in its entirety and replacing it with the following:

2330. Light Industrial District.

2331. Permitted Light Industrial Uses.

The following are permitted, except that if the proposed building, building addition or change of use exceeds the floor area or parking space thresholds of 2334.a, the use shall be allowed only by Special Permit. Additionally, certain uses require site plan approval pursuant to 6323.

a. Manufacturing. Assembly, manufacturing, and packaging subject to the exclusions of paragraph (12) hereof:

(1) Canvas, cloth, cork, felt, fiber, glass, metal, sheet metal, paper, plastic, textile, and wood products from previously prepared materials;

(2) Electrical, laboratory, medical, dental, office, store, sterilization, and water purification apparatus, devices, machinery, and equipment;

(3) Instruments, musical instruments, optical goods, clocks and watches or other precision apparatus, devices, machinery, and equipment;

(4) Apparel, apparel accessory, and footwear products;

(5) Aerospace, boat, rail, and vehicle parts and components;

(6) Pharmaceuticals and personal care products;

(7) Machine tools;

(8) Food products;

(9) Bottling works;

(10) Jewelry;

(11) Toys, novelties, and sporting goods;

(12) Wood product manufacturing shall exclude planning and sawmill operations. Food product manufacturing and packaging shall exclude fish or meat, sauerkraut, vinegar, yeast, and fat and oil rendering.

b. Research & Development and Laboratories:

(1) Research and development (R&D) facilities;

(2) Experimental laboratories;

(3) Testing laboratories.

c. Warehousing Storage and Distribution:

(1) Wholesale sales, offices and showrooms;

(2) Warehousing and wholesale merchandise storage and distribution of materials, supplies, equipment, and manufactured products, whether or not produced on the premises.

d. Office:

(1) General and professional offices;

(2) Municipal offices.

e. Retail:

(1) Retail sales and services;

- (2) Funeral establishments;
- (3) Restaurants and catering;
- (4) Dry cleaners, excluding on-site cleaning or processing.
- f. Nursery school, daycare center or other agency for the day care of children, and adult daycare center.
- g. Theatre.
- h. Wellness center and health club.
- i. Medical and dental:
  - (1) Medical and dental offices and laboratories;
  - (2) Medical and dental and clinics;
  - (3) Medical development, research, experimental, or testing laboratories and facilities;
  - (4) Hospitals and/or comprehensive health care system;
  - (5) Home health care.
- j. Miscellaneous:
  - (1) Printing and publishing establishments;
  - (2) Public utilities, service yards, and electrical switch gear and transforming stations;
  - (3) Repair, maintenance, and service industries;
  - (4) Machine shops;
  - (5) Shop and/or showroom of a builder, carpenter, cabinetmaker, caterer, electrician, painter, paperhanger, plumber, sign painter, upholsterer, heating and ventilation contractor, or other tradesman.

2332. Other Permitted Principal Uses:

- a. Religious or educational uses on land owned or leased by a public body, religious sect or denomination, or non-profit educational corporation;
- b. Agriculture, horticulture or floriculture;

c. Business services supporting businesses located in the district;

d. Personal services such as, but not limited to, barber and beauty shops, health club, membership club, photographer, shoe repair, tailor, and other personal service uses.

2333. Permitted Accessory Uses:

a. Such accessory uses as are customarily incident to the foregoing uses, including the use of structures and land for showrooms for display purposes only, as well as storage, power plants, water storage structures or reservoirs, sewage treatment plants and chimneys;

b. Outside display of goods for display and sales on the premises accessory to a permitted main use such as, but not limited to, retail stores, shops and salesrooms, conducted in a completely enclosed building on the same premises.

2334. Uses and Accessory Uses Allowed by Special Permit (from the Board of Appeals, except as noted):

a. Uses allowed pursuant to 2331 where the proposed building, addition or change of use results in more than one hundred thousand (100,000) square feet of gross floor area or more than two hundred fifty (250) parking spaces;

b. Facilities for the sale, leasing, rental or servicing of new and used automobiles and trucks, trailers, and boats provided that all servicing is carried on within one (1) or more buildings, and provided further that a Class 1 agent's or seller's license (as defined in Chapter 140, Section 58, of the Massachusetts General Laws) shall be held by the user of the premises;

c. Earth removal pursuant to 4120;

d. Commercial indoor and/or outdoor recreational uses, including recreational uses that include a training component such as, but not limited to, skateboard park, tennis, swimming, skating, sports fields and courts, golf driving range, miniature golf course, batting cages, go-carts, bumper boats, indoor racing tracks, and other similar uses;

e. Open or outside storage of materials, supplies, equipment, construction equipment, and manufactured products, in a storage

yard, provided that the storage is appropriately screened in accordance with all applicable sections of the Zoning By-Laws;

f. Outdoor storage or overnight parking of busses, trucks, or other vehicles whose gross vehicle weight as determined by the Massachusetts Registry of Motor Vehicles, equals or exceeds ten thousand (10,000) pounds;

g. Paved parking lots and/or parking spaces including commercial parking not serving the primary use(s) on the lot;

h. Temporary parking lots;

i. Drive-in windows for restaurants, banks, drycleaners, or any other personal services;

j. Self storage facilities;

k. Motel or hotel, provided that the following are complied with:

(1) Minimum floor area per unit, not including corridors and public floor areas, shall be two hundred forty (240) square feet;

(2) No motel or hotel unit floor elevation shall be located below the mean grade level of the land;

(3) No more than ten percent (10%) of the public floor area (lobby, function rooms, restaurants) shall be used for accessory commercial uses such as newsstands, barber or beauty shops, vending machines, gift shops or offices other than those offices necessary to the management of the motel.

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

2335. Within the Light Industrial District, all uses shall comply with the design standards listed herein. All such standards may be waived as part of the Site Plan Review process.

a. Buildings on the same lot shall be designed with distinct but harmonious architectural elements in a park-like campus setting. Loading areas shall be neatly organized and thoroughly shielded. Rooftop mechanical equipment shall be visually screened and acoustically buffered. Day-night average sound levels caused by rooftop equipment shall not exceed fifty-five decibels (55 dBs) at the property line. Buildings shall be energy efficient and shall incorporate energy saving devices;

b. Large parking areas shall be laid out in separate fields with an average size of one-hundred twenty (120) parking spaces or less and with a maximum size of two hundred forty (240) parking spaces. Discrete parking fields shall be separated by landscaped areas and shall use grading, layout and other design features to provide visually distinct parking fields. Large unbroken and monotonous parking areas shall be avoided. One three and one-half (3½) inch caliper shade tree shall be provided for every twenty-five (25) parking spaces and trees shall be planted within fifteen (15) feet of the parking area. Parking shall be set back a minimum of twenty (20) feet from property lines and a minimum of ten (10) feet from on-site buildings, provided however, that these setbacks shall not apply to buildings in existence as of November 9, 2009 or to lease lines or lots lines of buildings developed in a campus setting where each lease area or lot has common ownership interests. Parking shall be setback fifty (50) feet from residential lot lines. The provisions of this paragraph may be waived by the Board of Appeals for parking facilities approved by Special Permit for occasional event parking;

c. Site lighting shall be designed with lower illumination levels consistent with IESNA recommended practice. Light trespass shall be limited to 0.5 foot candles at the property line and there shall be no unshielded point sources of light visible from adjacent streets and properties. Lighting fixtures shall promote dark skies principles by limiting upward projecting light. Pole heights shall be limited to twenty-four (24) feet. Lighting fixtures shall promote dark skies principles by limiting upward projecting light;

d. Parking area pavements shall be a three and one-half (3½) inch thick bituminous concrete pavement with a twelve (12) inch thick gravel base. Heavy duty pavement shall be a five (5) inch thick bituminous concrete pavement with a twelve (12) inch gravel base. Heavy duty pavement shall be used in all loading areas and along truck access routes and at principal parking lot drives. Pervious pavement may be used in areas not subject to heavy traffic or exposed to hazardous materials if approved pursuant to Site Plan Approval or Special Permit. Curbing shall be vertical granite type VA4 or vertical precast concrete curb within one-hundred (100) feet of buildings and on the principal access drive. Curbing may be replaced with parking blocks in specific locations in order to implement Low Impact Design drainage measures if approved pursuant to Site Plan Approval or Special Permit. The provisions of this paragraph may be waived

by the Board of Appeals for parking facilities approved by Special Permit for occasional event parking.

REPLACE SECTION 2473

Amend Section "2473. Maximum Lot Coverage" by deleting the section in its entirety and replacing it with the following:

2473. Maximum Lot Coverage:

Maximum lot coverage:                      Sixty percent (60%), excluding freestanding parking decks and parking structures.

Seventy-five percent (75%), including parking structures.

AMEND SECTION 2475

Amend Section "2475. Building Location" by inserting a new paragraph before the first paragraph thereof such that it reads:

2475. Building Location:

Multiple Buildings: Multiple buildings devoted to the principal and accessory uses set forth in Sections 2331 through 2334 inclusive are permitted to be located on a lot.

REPLACE SECTION 4531.d.

Amend Section "4531.d" by deleting the section in its entirety and replacing it with the following:

d. sewage treatment plants, except as follows:

(1) in Business District D, on-site wastewater treatment is permitted provided that it is authorized by a Groundwater Discharge Permit and a Treatment Works Construction Permit as set forth in 2329 and provided that the wastewater treatment plant does not accept industrial wastewater as defined in 310 CMR 15.004(5) and that adequate funding mechanisms are in place to provide for proper operation and maintenance and for monitoring and testing;



(2) in the Light Industrial District, on-site wastewater treatment for domestic wastewater and/or industrial wastewater as defined in 310 CMR 15.004(5) may be permitted pursuant to 4532.d, provided that it is authorized by a Groundwater Discharge Permit, a Sewer Extension Permit, a Sewer Connection Permit and/or other applicable permits from the Massachusetts Department of Environmental Protection and a Treatment Works Construction Permit and/or other applicable permits from the Sharon Board of Health, and further provided that adequate funding mechanisms are in place to provide for proper operation and maintenance and for monitoring and testing.

#### AMEND SECTION 4532.d

Amend Section "4532.d by deleting the section in its entirety and replacing it with the following:

d. sewage generation exceeding six (6) gallons per day per one thousand (1,000) square feet of lot area and on-site wastewater treatment and disposal except as provided in 2329. On-site treatment and disposal of domestic wastewater exceeding ten thousand (10,000) gallons per day total and industrial wastewater as defined in 310 CMR 15.004(5) may be allowed if authorized by the Massachusetts Department of Environmental Protection and by the Sharon Board of Health. Residential wastewater generation shall be calculated as one hundred ten (110) gallons per bedroom per day.

#### AMEND SECTION 6323

Amend Section "6323. Applicability" by revising paragraph "a(1)" by deleting the phrase "and Light Industrial Districts" by revising paragraph "a(2)" by inserting after the phrase "In the Light Industrial District, site plan" the phrase "for projects exceeding either sixty thousand (60,000) square feet of gross floor area or three (3) acres of land disturbance and" and by revising paragraph "b" inserting following paragraph b(1) a new paragraph b(2) such that it reads:

6323.       Applicability.

Site Plan Approval under the requirements of this subsection is required in the following cases:

a.    Site Plan Review (SPR) is required for the projects listed below provided that the Board of Appeals may waive site plan review for minor changes to existing facilities:

(1)   In Business District B, for projects exceeding ten (10) acres;

(2)   In the Light Industrial District, for projects exceeding either sixty thousand (60,000) square feet of gross floor area or three (3) acres of land disturbance and for any motel, hotel or motor truck sales and service facility, regardless of floor area or land disturbance;

(3)   In Business District A, for projects with more than twenty (20) parking spaces on one lot or in one shared parking area, the criteria established in Section 6335 for site plan review shall be used in lieu of those identified for residential areas in Section 6334;

(4)   In the Professional District, for all projects other than one single family home on a lot.

b.    Major Site Plan Review (MSPR) is required for the following projects:

(1)   In Business District D, site plans for all projects;

(2)   In the Light Industrial District, site plans for projects exceeding either two hundred thousand (200,000) square feet of gross floor area or ten (10) acres of land disturbance.

c.    Coordinated Review is required under the Storm Water Discharges Generated by Construction Activity General Bylaw in all districts for site plans that disturb in excess of one (1) acre of land. For the purposes of this Subsection, the designation "disturb" shall mean any land area which, according to the plan, will be subject to any activity such as clearing, grading and excavating that exposes soil, sand, rock, gravel or similar earth material;

**ARTICLE 10.**

**VOTED:**       That the Town raise and appropriate, as recommended by the Community Preservation Committee, the sum of \$14,650.00 from

the Fiscal Year 2009 Community Preservation Fund revenues for historic preservation purposes, to fund the remodeling, reconstruction and making of extraordinary repairs to the Public Library, where said funds are to be taken from the Community Preservation Fund account balance as of October 15, 2008; and permit expenditures in anticipation thereof as of July 1, 2009.

**VOTED:** That the Town raise and appropriate, as recommended by the Community Preservation Committee, the sum of \$25,000.00 from the Fiscal Year 2009 Community Preservation Fund revenues for historic preservation purposes, to fund a survey and inventory of the historic properties in the Town of Sharon by the Sharon Historical Commission, where said funds are to be taken from the Community Preservation Fund account balance as of October 15, 2008; and permit expenditures in anticipation thereof as of July 1, 2009.

#### **ARTICLE 11.**

**VOTED UNANIMOUSLY:** That the Town accept the amendment to General Laws, Chapter 59, Section 5K, as amended by Chapter 27 of the Acts of 2009, and to increase the maximum amount of the deduction that eligible seniors may take to their property tax bill from the current limit of \$750 to the limit of \$1,000, effective for the fiscal beginning July 1, 2009, and further to provide that the said maximum amount for such deduction shall be increased from time to time without further town meeting action to the allowable state maximum dollar amount.

#### **ARTICLE 12.**

**VOTED:** That the Town reauthorize the Board of Selectmen and/or the Conservation Commission to convey to the Massapoag Sportsmen's Club, a certain parcel of land with conservation restrictions, totaling 17.19 acres (hereinafter "the Property"), that is a portion of the land located at 83 Belcher Street, Sharon, shown as Lot 2-B on a Plan of Land attached hereto as Exhibit A entitled "Subdivision Plan of Land, Sharon, Mass.," dated December 29, 2008 and prepared by Sharon Survey Service, 10 E. Chestnut Street, Sharon, MA. For Grantor's title, see Norfolk Registry of Deeds, Book 3520, Page 521, in exchange and consideration for certain land conveyed to the Town of Sharon from the Massapoag Sportsmen's Club, as previously authorized by the terms of the unanimous vote of Article 40 of the May 10, 1999 Annual Town Meeting;

Further that the Town reauthorize the Board of Selectmen and/or

the Conservation Commission to petition the General Court of the Commonwealth of Massachusetts, to pass legislation to allow the conveyance as approved by this Town Meeting article, and/or such other state agencies as may be required to permit such conveyance as described above;

Further that the Town authorize the Board of Selectmen and the Conservation Commission and/or such other Town agencies or officials as may be appropriate to take such other actions and to execute such documents as may be required to accomplish the foregoing. **2/3 VOTE DECLARED BY MODERATOR.**

#### **ARTICLE 13.**

**VOTED:** That action under Article 13 be indefinitely postponed. (To authorize the Selectmen to acquire a parcel of land for general municipal purposes.)

#### **ARTICLE 14.**

**MOTION:** That the Town amend Article 17, Section 9 of the General By-Laws, Regulation of Dogs by deleting the words "on or after" from said section and inserting in their place "on or before." The revised section 9 will read as follows:  
Section 9: In addition to the requirement that a dog(s) shall be duly licensed as required by law, the owner of a dog(s) which is not licensed on or before May 31st in any year shall be subject to a "late fee" so-called, of twenty-five (\$25.); said fee to be paid in addition to the license fee for all dogs licensed **on or before** May 31st of any year. The owner of any unspayed and unleashed female dog(s) found by the Animal Control Officer roaming at large in season (heat) off the premises of the owner or keeper shall be subject to a fine of twenty-five dollars (\$25.). In accordance with Article 11 of the General By-Laws of the Town of Sharon, a non-criminal disposition penalty will be imposed in the amount of twenty-five dollars (\$25) for any owner of a dog(s) who fails to comply with the licensing of their dog(s) on or before June 30th of any year; said fee is to be paid in addition to the late fee and license fee. **NOT CARRIED.**

#### **ARTICLE 15.**

**VOTED UNANIMOUSLY:** That the Town accept and adopt as a public way the following:

**Eisenhower Drive:** beginning from Station 0+00,thence running northeasterly, a distance of 695.05 linear feet to Station 6+95.05, its terminus.  
And further, to accept the roadway as laid out by the Selectmen, including any easements and utilities appurtenant thereto, and raise and appropriate the sum of \$500.00 for the costs associated therewith,and further to authorize the Board of Selectmen to acquire by gift, eminent domain under Massachusetts General Laws Chapter 79, or otherwise, for emergency access and utility purposes, the fee or an easement in that certain parcel of land adjacent to the Eisenhower Drive extension and identified as "access and utility easement" between Lots 1A and 2A on a plan entitled Plan of Land in Sharon, MA., Toomey-Munson & Associates, April 6, 2007, a copy of which is on file with the Town Clerk.

#### **ARTICLE 16.**

**VOTED:** That action under Article 16 be indefinitely postponed. (Granting of lease agreement by Selectmen for Horizons For Youth property.)

#### **ARTICLE 17.**

**MOTION:** That the Town amend the General By-Laws of the Town of Sharon, by deleting the Sign By-law in its entirety and by adding in its place the version exactly as printed on pages 36 - 51 of the Warrant for the Special Town meeting except for deleting the language of section 5.6 which states "Sections 5.3, 5.4 and 5.6" and inserting in its place language that states "Sections 5.3, 5.4 and 5.7"; and the deletion of the words "or take any other action relative thereto" appearing on page 51.  
SECTION 1. Authority and Objectives

This By-Law shall be known as the Sharon Sign By-Law, and is adopted under the authority of Chapters 93 and 43B of the General Laws of Massachusetts.

This By-Law is intended to serve these objectives:

Facilitate efficient communications to ensure that people receive the messages they need or want, and

Promote good relationships between signs and the buildings and environment to which they relate, and

Maintain visual diversity by avoiding requirement of uniformity, and

Support business vitality within business and industrial zones by avoiding burdensome procedures and restrictions.

## SECTION 2. Definitions

**SIGN:** Any device designed to inform or attract the attention of persons who are not on the premises on which the device is located. Any exterior building surfaces which are internally illuminated or decorated with gaseous tube or other lights are considered signs. The following, however, shall not be considered signs within the context of this By-Law:

- a) Flags and insignia of any government except when displayed in connection with commercial promotion.
- b) Legal notices or informational devices erected or required by public agencies.
- c) Standard gasoline pumps bearing thereon in usual size and form the name, type, and price of gasoline.
- d) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or parts internally illuminated or decorated with gaseous tube or other lights.
- e) On-premises devices guiding and directing traffic and parking not exceeding two (2) square feet in area, and bearing no advertising matter.

**SIGN AREA:** The area of the smallest horizontally or vertically oriented rectangle which could enclose all the display area of the sign, together with any backing different in color or material from the finish material of the building face, and together with any decorative framing or other elements whose judged intent is to extend the effective sign area, exclusive of minimal supporting framework, but without deduction for open space or other irregularities. Only one (1) side of flat, back-to-back signs need be included in calculating sign area.

## SECTION 3. Administration

3.1 Sign Committee. A Sign Committee of five (5) members may be appointed by the Selectmen for three (3) year terms (so arranged initially that no more than two (2) terms expire each

year). Members shall include at least one (1) retail merchant operating in Sharon, one (1) registered architect or landscape architect, and one (1) other person having professional training in visual design. In addition to the five (5) members, two (2) associate members shall be appointed by the Selectmen for one (1) year terms, to act in cases where members are unable to do so.

The Committee shall elect a Chairman and a Clerk. All decisions shall be made by majority vote of five (5) members or members and alternates.

a) The Sign Committee shall act on applications and appeals for all signs except as set forth in paragraphs b and c below.

b) The Planning Board shall act as the Sign Committee for all signs for a facility within Business Districts A and C and for off-premises signs pertaining to a facility in Business Districts A and C in lieu of the Sign Committee created under this Section 3.1 and references to the Sign Committee are deemed to reference the Planning Board. All applications for sign approvals for a facility within and for off-premises signs pertaining to a facility in Business Districts A and C shall be submitted to the Sign Committee created under this Section 3.1 in addition to the Planning Board, and the Sign Committee shall be given an opportunity by the Planning Board to provide its comments on each such application.

c) The Board of Appeals shall act as the Sign Committee for all signs for a facility within Business District D and for off-premises signs pertaining to a facility in Business District D in lieu of the Sign Committee created under this Section 3.1 and references to the Sign Committee are deemed to reference the Board of Appeals. All applications for sign approvals for a facility within and for off-premises signs pertaining to a facility in Business District D shall be submitted to the Sign Committee created under this Section 3.1 in addition to the Board of Appeals, and the Sign Committee shall be given an opportunity by the Board of Appeals to provide its comments on each such application.

3.2 Permits. No sign shall be erected, enlarged, reworded, redesigned or structurally altered without a sign permit issued by the Building Inspector, unless specifically exempted from this requirement in Section 5. Permits shall only be authorized for signs in conformance with this By-Law. Permit applications

shall be accompanied by two (2) prints of scale drawings of the sign, supporting structure and location.

Permits shall expire ten (10) years from the date of issue, but may be renewed for additional ten (10) year periods subject to the same standards and procedures as for new signs at that time.

For signs subject to design review and hearing, a public hearing shall be held by the Sign Committee, with at least seven (7) days notice given by advertisement in a newspaper of general circulation in Sharon. Prior to the hearing, the applicant shall submit photographs of his premises and those abutting on either side. Permit approval or disapproval shall be determined following the hearing and reported to the Building Inspector within thirty (30) days of application or appeal unless the applicant requests an extension to facilitate submittal of additional materials or revised design.

3.3 Appeals. The Sign Committee may, upon appeal and after design review and hearing, grant a variance from the terms of this By-Law upon its finding that owing to physical peculiarities of the specific location, literal enforcement of those terms would result in substantial hardship to the applicant or detriment to the vicinity, and that results of granting the variance will be consistent with the stated objectives of this By-Law.

3.4 Fees. Application and hearing fees shall be established and revised from time to time by the Sign Committee at a level sufficient to defray the estimated cost of administering this By-Law, and shall be based upon the number, area, and illumination of the signs applied for.

3.5 Penalty. Any person violating any provision of this By-Law shall be subject to a penalty of not more than fifty dollars (\$50) for each offense, under the non-criminal processes authorized at Sec. 21D, Ch.40, G.L. Each day that the violation continues shall be considered a separate offense.

3.6 Signs in the Business A or Business C Districts. Any such sign shall otherwise be subject to all of the provisions of this Article 12, Sign By-Law, and shall, in addition, be subject to the applicable provisions of the "Design Guidelines for the Town Center Business District" which are referenced in Section 6335 of the Town's Zoning By-Laws and as the same may be from time to time amended. To the extent, if any, that the applicable Design Guidelines for the Town Center Business District exceed or



differ from the provisions of this Article 12, the provisions of the Design Guidelines for the Town Center Business District shall apply.

#### SECTION 4. General Regulations

4.1 Maintenance. All signs shall be maintained in a safe and neat condition to the satisfaction of the Building Inspector, and in accordance with requirements of the State Building Code. Structural damage, missing letters, or other deterioration obscuring content shall be remedied or the sign removed within sixty (60) days.

#### 4.2 Prohibitions.

##### 4.2.1 Illumination.

a) Signs shall be lighted only by a steady, stationary light shielded and directed solely at or internal to the sign.

b) No illumination shall be permitted which casts glare onto any residentially used premises or onto any portion of a way so as to create a traffic hazard, or which results in average face brightness exceeding sixty (60) foot-lamberts in a Business or Light Industrial District as established in the Zoning By-Law, or twenty (20) foot-lamberts elsewhere.

##### 4.2.2 Location.

a) Corner visibility shall not be obstructed within the limits established at Section 2414 of the Zoning By-Law.

b) No signs shall be attached to motor vehicles, trailers, or other movable objects regularly or recurrently located for fixed display.

c) No sign shall be attached to a radio, television, or water tower, or any other type of tower or smoke stack.

##### 4.2.3 Type.

a) Pennants, streamers, advertising flags, spinners, or similar devices shall not be permitted.

b) No animated or revolving sign shall be permitted and only time and temperature indicators shall be allowed to flash.

#### 4.3 Off-Premises Signs.

4.3.1 Only signs pertaining exclusively to the premises on which they are located or to products, accommodations, services, or activities on the premises shall be allowed, except as provided in Sections 4.3.2 and 4.3.3.

4.3.2 Permanent off-premises directional signs, designating the route to an establishment not on the street to which the sign is oriented, may be erected and maintained within the public right-of-way at any intersection if authorized by the Selectmen, or on private property if authorized following design review and hearing by the Sign Committee subject to the following:

- a) Such signs shall be permitted only upon the authorizing agency's determination that the sign will promote the public interest, will not endanger the public safety, and will be of such size, location, and design as will not be detrimental to the neighborhood.
- b) At locations where directions to more than one (1) establishment are to be provided, all such directional information shall be incorporated into a single structure.
- c) All such directional signs shall be unlighted and the maximum Sign Area shall be limited to four (4) square feet, except that the maximum Sign Area shall be limited to nine (9) square feet for directional signs that serve a facility in Business District D and are located at the intersection of South Main Street and Old Post Road, at the intersection of South Main Street and the I-95 ramps, and on the segment of Old Post Road between South Main Street and a point thirty six hundred (3,600) feet north thereof.

4.3.3 Permanent off-premises freestanding signs pertaining to facilities located in Business District D and to the businesses, products, accommodations, and services provided in said facilities are allowed within Residential Districts only if located in the northwest quadrant abutting the intersection of South Main Street and Old Post Road and within one hundred sixty (160) feet of the intersection of the centerlines of South Main Street and Old Post Road, if authorized following design review and hearing by the Sign Committee subject to the following:

- a) Each lot in Business District D is limited to one (1) off-premises entrance sign and one (1) off-premises pylon sign.

b) Off-premises entrance signs shall be monument signs having a maximum height of ten (10) feet above the adjoining ground plane and a maximum Sign Area of one hundred fifty (150) square feet. Off-premises pylon signs shall have a maximum height of thirty (30) feet above the adjoining ground plane and a maximum Sign Area of three hundred fifty (350) square feet.

c) The provisions of Section 4.2.1 shall not apply to off-premises monument entrance signs. Off-premises monument entrance signs shall be externally illuminated by a steady, stationary light shielded and directed solely at the sign face. No illumination shall be permitted which casts glare onto any residential structure or onto any portion of a way so as to create a traffic hazard, or which results in average face brightness exceeding sixty (60) foot-lamberts.

d) The provisions of Section 4.2.1 shall not apply to off-premises pylon signs. Off-premises pylon signs shall only be illuminated by one (1) of the following lighting methods: (i) external illumination that is shielded and directed solely at the sign face; (ii) halo illumination; and (iii) push through illuminated letters on an opaque sign panel. All such illumination shall use a steady, stationary light. No illumination shall be permitted which casts glare onto any residential structure or onto any portion of a way so as to create a traffic hazard, or which results in average face brightness exceeding sixty (60) foot-lamberts. Between the hours of 12:00 midnight and 6:00 AM, illumination shall be directed at, around or through only the names of the stores that are open for business during that time, and if any store is open, the name of the lifestyle shopping center.

e) Off-premises signs shall not be located within five (5) feet of any property line, within one hundred (100) feet of any residence, or within the minimum sight distance triangle required to provide intersection sight distance at intersections in accordance with American Association of State Highway and Transportation Officials (AASHTO) requirements.

4.4 Temporary Signs. Temporary signs shall be allowed as specified in Section 5, and provided that they comply with the following:

a) Unless otherwise specified in this By-law, temporary signs must comply with all applicable requirements for permanent signs, including issuance of a sign permit.

b) Temporary signs not meeting requirements for permanent signs may, if allowed below, advertise sales, special events, or changes in the nature of an operation, but shall not otherwise be used to advertise a continuing or regularly recurring business operation, and shall be removed promptly when the information they display is out of date or no longer relevant. The Building Inspector may require a forfeitable deposit sufficient to defray costs of assuring compliance.

## SECTION 5. Permitted Signs

5.1 All Districts. The following signs are allowed in all zoning districts.

a) One (1) sign, either attached or free-standing, indicating only the name of the owner or occupant, the street number, and uses or occupations engaged in thereon. Sign area shall not exceed two (2) square feet. Requires no sign permit.

b) An off-premises directional sign, as provided in Paragraph 4.3.

c) Temporary signs of not more than twelve (12) square feet in area, erected for a charitable or religious cause. Requires no sign permit if to be removed within thirty (30) days of erection.

d) One (1) temporary unlighted real estate sign not larger than six (6) square feet in area, advertising the sale, rental, or lease of the premises or subdivision on which it is erected. Requires no sign permit if the erecting agent has obtained a one (1) year permit and paid an annual fee for erecting such signs.

e) One (1) temporary unlighted sign indicating the name and address of the parties involved in construction on the premises, not larger than ten (10) square feet on premises of forty thousand (40,000) square feet or smaller, and not larger than twenty five (25) square feet in other cases, unless a larger size is required by a state or federal funding agency. Requires no sign permit.

5.2 Additional Permitted Signs: Residence, Suburban, Rural and Housing Authority Districts.

a) A single sign, either attached or free-standing, oriented to each street on which the premises abut, each such sign not to

exceed ten (10) square feet in area, indicating the nonresidential principal use or uses of the premises.

b) For nonconforming uses, if authorized by the Sign Committee following design review and hearing, a sign replacing and not larger than an existing sign or, if more restrictive, not larger than allowed under the following.

### 5.3 Additional Permitted Signs: Business A Districts.

5.3.1 Permanent Wall Signs. Signs (other than temporary signs) attached flat against a building or visible through its windows, are permitted as follows:

a) Number: One (1) per occupant per street that the premises abuts. If the building abuts a parking lot, the applicant may request a special permit from the Planning Board for a smaller secondary sign on the side of the building facing the parking lot. The area of a sign facing a parking lot shall not exceed fifty percent (50%) of the area of the primary sign, or an area deemed appropriate by the Planning Board. The content of a secondary sign shall be limited to the name of the business. When there are two (2) or more secondary signs on the building facing a parking lot, they shall conform to a master signage plan for the building, as prepared and submitted by the occupant/applicant and approved by the Planning Board.

b) Area: Total area of all wall signs shall be not more than ten percent (10%) of the projected area of the elevation they are attached to, except that no sign shall exceed thirty (30) square feet.

c) Location: Not extending above or beyond the end of the wall or roof to which it is attached, nor overhanging a street or sidewalk by more than the thickness (up to six (6) inches) of a flat wall sign.

5.3.2 Permanent Projecting or Freestanding Signs: Signs (other than temporary signs) either not attached to a building, or attached to and projecting at right angles from a building wall, are permitted as follows:

a) Number: One (1) for each street the premises abuts.

b) Area: Not more than six (6) square feet each.

c) Height: Not extending more than ten (10) feet above adjoining ground level.

5.3.3 Temporary Signs. Temporary signs, in addition to signs allowed under Section 5.3.1, are permitted only if unlighted inside of windows, occupying not more than thirty percent (30%) of the area of each window. Requires no sign permit.

5.4 Additional Permitted Signs: Business B, Professional, and Light Industrial Districts.

5.4.1 Permanent Wall Signs. Signs (other than temporary signs) attached flat against a building or visible through its windows are permitted as follows:

a) Number: One (1) per occupant per street that the premises abuts.

b) Area: Total area of all wall signs shall be not more than twenty percent (20%) of the projected area of the elevation they are attached to, except that no sign shall exceed one hundred (100) square feet in area if oriented for visibility from Route 1 or Route I-95 and not more than fifty (50) square feet in other cases.

c) Location: Not extending above or beyond the end of the wall or roof to which it is attached, nor overhanging a street or sidewalk by more than the thickness (up to six (6) inches) of a flat wall sign.

5.4.2 Permanent Projecting or Freestanding Signs. Signs (other than temporary signs) either not attached to a building or attached to and projecting at right angles from a building wall, are permitted as follows:

a) Number: One (1) for each street that the premises abuts.

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 fifty (50) 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.

c) Location: Not within five (5) feet of any street or property line, and not extending more than twenty (20) feet above adjoining ground level.

d) Height: The height of each sign shall be measured from the ground in accordance with the definition of "height" under the Sharon Zoning By-Laws.

5.4.3 Temporary Signs. Temporary signs, in addition to signs allowed under Section 5.4.1, are permitted only if unlighted inside of windows, occupying not more than thirty percent (30%) of the area of each window. Requires no sign permit.

5.5 Additional Permitted Signs in Business District D. The following signs are permitted in Business District D, provided that all such signs shall comply with the objectives and design standards for Business District D under the *Zoning By-Laws*, including Sections 2327 and 2328 thereof.

5.5.1 Permanent Wall Signs. Signs (other than temporary signs) attached flat against a building or visible through its windows are permitted as follows:

a) Primary Wall Signs: One (1) primary wall sign containing a business name is permitted per occupant per façade where wall signs are permitted; provided, however, that the largest anchor store shall be permitted to have multiple primary wall signs on a single façade, but only in the event that the Board of Appeals acting as the Sign Committee determines that the signage is consistent with the design standards for Business District D after taking into account the total amount of signage for the store.

b) Accessory Wall Signs: Accessory wall signs are permitted where wall signs are permitted for stores with a floor area of ten thousand (10,000) square feet or greater that identify types of products and services, but not brand names or businesses, associated with the particular occupant using such accessory wall signs.

c) Facades: Primary and accessory wall signs are limited to a maximum of three (3) facades for each building; provided, however, that the largest anchor store shall be permitted to have a wall sign on the fourth façade, but only in the event that the Board of Appeals acting as the Sign Committee determines that the signage is consistent with the design

standards for Business District D after taking into account the total amount of signage for the store.

d) Location: Wall signs may not extend above or beyond the end of the wall or roof to which it is attached and not project perpendicularly for more than six (6) inches.

e) Cumulative Area: Maximum area encompassed by all wall signs shall be determined in accordance with the provisions of Section 5.5.7.

f) Sign Area: The primary wall sign for each occupant shall be limited to a Sign Area of forty (40) square feet, except as set forth in paragraph g below. Accessory wall signs may be no more than forty (40) square feet in Sign Area, except that stores greater than forty thousand (40,000) square feet may have accessory wall signs up to sixty (60) square feet in Sign Area.

g) Other Sign Areas: The primary wall sign for the occupant of a premises whose floor area exceeds one hundred thousand (100,000) square feet shall be limited to a Sign Area of one thousand (1,000) square feet if mounted on a building façade facing and set back less than one hundred fifty (150) feet from the sideline of Route I-95 and shall be limited to a Sign Area of four hundred (400) square feet if mounted on any other building façade; the primary wall sign for the occupant of a premises whose floor area exceeds forty thousand (40,000) square feet but does not exceed one hundred thousand (100,000) square feet shall be limited to a Sign Area of three hundred (300) square feet; and the primary wall sign for the occupant of a premises whose floor area exceeds ten thousand (10,000) square feet but does not exceed forty thousand (40,000) square feet shall be limited to a Sign Area of one hundred fifty (150) square feet.

5.5.2 Permanent Free-Standing Signs. Signs are permitted as follows:

a) Number: One (1) free-standing pylon sign per lot and one (1) free-standing monument sign at each driveway on abutting streets.

b) Sign Area: Free-standing pylon sign limited to a maximum of seven hundred twenty (720) square feet and each free-standing monument sign limited to a maximum of one hundred fifty (150) square feet.



c) Height: Free-standing pylon sign limited to a maximum height of sixty (60) feet above the adjoining ground plane and free-standing monument signs limited to a maximum height of fourteen (14) feet above the adjoining ground plane.

5.5.3 Permanent Projecting Signs. Projecting blade signs are permitted as follows:

a) Number: One (1) per occupant.

b) Location: Perpendicular to and not projecting above the façade to which it is attached.

c) Sign Area: The individual sign for each occupant shall be limited to fifteen (15) square feet.

5.5.4 Permanent Directional Signs. Way-finding or directional signs are permitted as follows:

a) Number: One (1) per two (2) acres of lot area.

b) Sign Area: Limited to twelve (12) square feet.

5.5.5 Temporary Signs. Temporary signs, in addition to signs allowed under Section 5.5.1, are permitted as of right if such sign is unlighted, located on the inside of a window and occupies no more than thirty percent (30%) of the area of each window. Requires no sign permit.

5.5.6 Awning Signs. All stores may place the store name on awnings provided that the store name on any awning shall not exceed twenty (20) square feet.

5.5.7 Sign Area. The total signage permitted for all permanent signs, including all primary wall signs, accessory wall signs and awning signs, on any façade shall not exceed fifteen percent (15%) of that overall façade area.

5.5.8 Signs Facing South Walpole Street. Wall signs on building facades facing and setback less than two hundred (200) feet from South Walpole Street are prohibited.

5.6 Sign Area Bonuses. The Sign Committee may authorize an increase of as much as fifty percent (50%) above the sign area limits of Sections 5.3, 5.4 and 5.6 upon its determination following design review and hearing that at least five (5) of

the eight (8) guidelines of Section 6 are met, as are the By-Law objectives of Section 1.

5.7 Additional Permitted Signs: In the Senior Living Overlay District (Senior Living District) the following additional signs shall be permitted:

5.7.1 Permanent Wall Signs. Signs (other than temporary signs) attached flat against a building or visible through its windows are permitted as follows:

a) Number: Two (2) per building, but not more than one (1) per side of building.

b) Area: Total area of wall signs shall be not more than twenty percent (20%) of the projected area of the facade of the side of the building to which they are attached, except that no individual sign shall exceed one hundred (100) square feet.

c) Location: Not extending above or beyond the end of the wall or roof to which it is attached, nor overhanging a street or sidewalk by more than six (6) inches.

5.7.2 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 street that the premises abuts.

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.

5.7.3 Internal Way-finding Signs. Internal directional traffic control signs shall be permitted.

5.7.4 Additional Freestanding Signs. In addition to the foregoing, two (2) signs per building identifying the buildings not larger than twenty (20) square feet in area per side and not extending more than eight (8) feet above adjoining ground level.

5.7.5 Temporary Signs. Two (2) temporary signs not larger than one hundred (100) square feet in area, advertising the sale, rental, lease or availability of a unit or bed in a nursing home

facility. Such sign requires no sign permit if the erecting agent has obtained a one (1) year permit and paid an annual fee for erecting such signs.

## SECTION 6. Design Guidelines

Five (5) of the following eight (8) design guidelines must be determined by the Sign Committee to have been met to qualify for sign area bonuses of Section 5.6. In addition, compliance with them is suggested but not required for other signs, and will be considered by the Sign Committee in acting on other cases before them.

- a) Sign scale is appropriate in relation to development scale, viewer distance and travel speed, and sign sizes on nearby structures.
- b) Sign size, shape, and placement serves to define or enhance such architectural elements of the building as columns, sill lines, cornices, and roof edges, and not to interrupt, obscure or hide them.
- c) Sign design is not wholly discontinuous with other signage on the same or adjacent structures, providing continuity in mounting location and height, proportions, materials, or other important qualities.
- d) Sign materials, colors, lettering style, and form are compatible with building design and use.
- e) Sign content doesn't overcrowd background (normally not exceeding forty percent (40%) of background area).
- f) Sign legibility isn't impaired by excessive complexity, multiple lettering styles or colors, or other distracting elements.
- g) Signs do not display brand names, symbols, or slogans of nationally distributed products except in cases where the majority of the floor or lot area on the premises is devoted to manufacture, sale, or other processing of that specific product.
- h) Signs do not contain selling slogans, product descriptions, help wanted notices, or other advertising which is not an integral part of the name or other identification of the location or the enterprise.

## SECTION 7. Non-Conforming Signs

Existing signs shall be removed or brought into conformity with this By-Law within thirty (30) days of notification of violation by the Building Inspector unless he authorizes a longer period necessitated by unavailability of parts. Signs shall be subject to notification as follows:

- a) Illegally erected signs: Immediately.
- b) Temporary signs: Immediately.
- c) Illumination violation (4.2.1): Immediately.
- d) Pennants, streamers, etc. (4.2.3a): Immediately.
- e) Off-premises signs (4.3): Upon expiration of current permit from Outdoor Advertising Board, or, if no such permit is held, immediately.
- f) Visibility violation (4.2.2a): Following July 1, 1983, or when sign is ten (10) years old, whichever is later. Signs will be assumed to be ten (10) years old unless owner documents to the contrary.
- g) Other violations: Following abandonment of the sign, or following change or termination of activities on the premises which render the sign non-conforming, or following damage such that repair or restoration would exceed one-third (1/3) of the replacement value as of the date of the damage, or following July 1, 1991, if later;

**MOTION:** To amend by inserting the following text at the end of Section 1:

This By-Law shall require a two-thirds (2/3) majority vote at Town Meeting in order to make additions, deletions, and/or other modifications. **NOT CARRIED.**

**MOTION:** To amend Section 3.1 - Change the word "may" to "shall" in the first sentence. **NOT CARRIED.**

**VOTED:** That the Town amend the General By-Laws of the Town of Sharon, by deleting the Sign By-law in its entirety and by adding in its place the version exactly as printed on pages 36 - 51 of the Warrant for the Special Town meeting except for deleting the language of section 5.6 which states "Sections 5.3, 5.4 and 5.6" and inserting in its place language that states

"Sections 5.3, 5.4 and 5.7"; and the deletion of the words "or take any other action relative thereto" appearing on page 51.

## SECTION 1. Authority and Objectives

This By-Law shall be known as the Sharon Sign By-Law, and is adopted under the authority of Chapters 93 and 43B of the General Laws of Massachusetts.

This By-Law is intended to serve these objectives:

Facilitate efficient communications to ensure that people receive the messages they need or want, and

Promote good relationships between signs and the buildings and environment to which they relate, and

Maintain visual diversity by avoiding requirement of uniformity, and

Support business vitality within business and industrial zones by avoiding burdensome procedures and restrictions.

## SECTION 2. Definitions

**SIGN:** Any device designed to inform or attract the attention of persons who are not on the premises on which the device is located. Any exterior building surfaces which are internally illuminated or decorated with gaseous tube or other lights are considered signs. The following, however, shall not be considered signs within the context of this By-Law:

- a) Flags and insignia of any government except when displayed in connection with commercial promotion.
- b) Legal notices or informational devices erected or required by public agencies.
- c) Standard gasoline pumps bearing thereon in usual size and form the name, type, and price of gasoline.
- d) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or parts internally illuminated or decorated with gaseous tube or other lights.
- e) On-premises devices guiding and directing traffic and parking not exceeding two (2) square feet in area, and bearing no advertising matter.

**SIGN AREA:** The area of the smallest horizontally or vertically oriented rectangle which could enclose all the display area of the sign, together with any backing different in color or material from the finish material of the building face, and together with any decorative framing or other elements whose judged intent is to extend the effective sign area, exclusive of minimal supporting framework, but without deduction for open space or other irregularities. Only one (1) side of flat, back-to-back signs need be included in calculating sign area.

### SECTION 3. Administration

3.1 Sign Committee. A Sign Committee of five (5) members may be appointed by the Selectmen for three (3) year terms (so arranged initially that no more than two (2) terms expire each year). Members shall include at least one (1) retail merchant operating in Sharon, one (1) registered architect or landscape architect, and one (1) other person having professional training in visual design. In addition to the five (5) members, two (2) associate members shall be appointed by the Selectmen for one (1) year terms, to act in cases where members are unable to do so.

The Committee shall elect a Chairman and a Clerk. All decisions shall be made by majority vote of five (5) members or members and alternates.

a) The Sign Committee shall act on applications and appeals for all signs except as set forth in paragraphs b and c below.

b) The Planning Board shall act as the Sign Committee for all signs for a facility within Business Districts A and C and for off-premises signs pertaining to a facility in Business Districts A and C in lieu of the Sign Committee created under this Section 3.1 and references to the Sign Committee are deemed to reference the Planning Board. All applications for sign approvals for a facility within and for off-premises signs pertaining to a facility in Business Districts A and C shall be submitted to the Sign Committee created under this Section 3.1 in addition to the Planning Board, and the Sign Committee shall be given an opportunity by the Planning Board to provide its comments on each such application.

c) The Board of Appeals shall act as the Sign Committee for all signs for a facility within Business District D and for off-premises signs pertaining to a facility in Business District D

in lieu of the Sign Committee created under this Section 3.1 and references to the Sign Committee are deemed to reference the Board of Appeals. All applications for sign approvals for a facility within and for off-premises signs pertaining to a facility in Business District D shall be submitted to the Sign Committee created under this Section 3.1 in addition to the Board of Appeals, and the Sign Committee shall be given an opportunity by the Board of Appeals to provide its comments on each such application.

3.2 Permits. No sign shall be erected, enlarged, reworded, redesigned or structurally altered without a sign permit issued by the Building Inspector, unless specifically exempted from this requirement in Section 5. Permits shall only be authorized for signs in conformance with this By-Law. Permit applications shall be accompanied by two (2) prints of scale drawings of the sign, supporting structure and location.

Permits shall expire ten (10) years from the date of issue, but may be renewed for additional ten (10) year periods subject to the same standards and procedures as for new signs at that time.

For signs subject to design review and hearing, a public hearing shall be held by the Sign Committee, with at least seven (7) days notice given by advertisement in a newspaper of general circulation in Sharon. Prior to the hearing, the applicant shall submit photographs of his premises and those abutting on either side. Permit approval or disapproval shall be determined following the hearing and reported to the Building Inspector within thirty (30) days of application or appeal unless the applicant requests an extension to facilitate submittal of additional materials or revised design.

3.3 Appeals. The Sign Committee may, upon appeal and after design review and hearing, grant a variance from the terms of this By-Law upon its finding that owing to physical peculiarities of the specific location, literal enforcement of those terms would result in substantial hardship to the applicant or detriment to the vicinity, and that results of granting the variance will be consistent with the stated objectives of this By-Law.

3.4 Fees. Application and hearing fees shall be established and revised from time to time by the Sign Committee at a level sufficient to defray the estimated cost of administering this By-Law, and shall be based upon the number, area, and illumination of the signs applied for.

3.5 Penalty. Any person violating any provision of this By-Law shall be subject to a penalty of not more than fifty dollars (\$50) for each offense, under the non-criminal processes authorized at Sec. 21D, Ch.40, G.L. Each day that the violation continues shall be considered a separate offense.

3.6 Signs in the Business A or Business C Districts. Any such sign shall otherwise be subject to all of the provisions of this Article 12, Sign By-Law, and shall, in addition, be subject to the applicable provisions of the "Design Guidelines for the Town Center Business District" which are referenced in Section 6335 of the Town's Zoning By-Laws and as the same may be from time to time amended. To the extent, if any, that the applicable Design Guidelines for the Town Center Business District exceed or differ from the provisions of this Article 12, the provisions of the Design Guidelines for the Town Center Business District shall apply.

#### SECTION 4. General Regulations

4.1 Maintenance. All signs shall be maintained in a safe and neat condition to the satisfaction of the Building Inspector, and in accordance with requirements of the State Building Code. Structural damage, missing letters, or other deterioration obscuring content shall be remedied or the sign removed within sixty (60) days.

#### 4.2 Prohibitions.

##### 4.2.1 Illumination.

a) Signs shall be lighted only by a steady, stationary light shielded and directed solely at or internal to the sign.

b) No illumination shall be permitted which casts glare onto any residentially used premises or onto any portion of a way so as to create a traffic hazard, or which results in average face brightness exceeding sixty (60) foot-lamberts in a Business or Light Industrial District as established in the Zoning By-Law, or twenty (20) foot-lamberts elsewhere.

##### 4.2.2 Location.

a) Corner visibility shall not be obstructed within the limits established at Section 2414 of the Zoning By-Law.



b) No signs shall be attached to motor vehicles, trailers, or other movable objects regularly or recurrently located for fixed display.

c) No sign shall be attached to a radio, television, or water tower, or any other type of tower or smoke stack.

#### 4.2.3 Type.

a) Pennants, streamers, advertising flags, spinners, or similar devices shall not be permitted.

b) No animated or revolving sign shall be permitted and only time and temperature indicators shall be allowed to flash.

#### 4.3 Off-Premises Signs.

4.3.1 Only signs pertaining exclusively to the premises on which they are located or to products, accommodations, services, or activities on the premises shall be allowed, except as provided in Sections 4.3.2 and 4.3.3.

4.3.2 Permanent off-premises directional signs, designating the route to an establishment not on the street to which the sign is oriented, may be erected and maintained within the public right-of-way at any intersection if authorized by the Selectmen, or on private property if authorized following design review and hearing by the Sign Committee subject to the following:

a) Such signs shall be permitted only upon the authorizing agency's determination that the sign will promote the public interest, will not endanger the public safety, and will be of such size, location, and design as will not be detrimental to the neighborhood.

b) At locations where directions to more than one (1) establishment are to be provided, all such directional information shall be incorporated into a single structure.

c) All such directional signs shall be unlighted and the maximum Sign Area shall be limited to four (4) square feet, except that the maximum Sign Area shall be limited to nine (9) square feet for directional signs that serve a facility in Business District D and are located at the intersection of South Main Street and Old Post Road, at the intersection of South Main Street and the I-95 ramps, and on the segment of Old Post Road between South

Main Street and a point thirty six hundred (3,600) feet north thereof.

4.3.3 Permanent off-premises freestanding signs pertaining to facilities located in Business District D and to the businesses, products, accommodations, and services provided in said facilities are allowed within Residential Districts only if located in the northwest quadrant abutting the intersection of South Main Street and Old Post Road and within one hundred sixty (160) feet of the intersection of the centerlines of South Main Street and Old Post Road, if authorized following design review and hearing by the Sign Committee subject to the following:

a) Each lot in Business District D is limited to one (1) off-premises entrance sign and one (1) off-premises pylon sign.

b) Off-premises entrance signs shall be monument signs having a maximum height of ten (10) feet above the adjoining ground plane and a maximum Sign Area of one hundred fifty (150) square feet. Off-premises pylon signs shall have a maximum height of thirty (30) feet above the adjoining ground plane and a maximum Sign Area of three hundred fifty (350) square feet.

c) The provisions of Section 4.2.1 shall not apply to off-premises monument entrance signs. Off-premises monument entrance signs shall be externally illuminated by a steady, stationary light shielded and directed solely at the sign face. No illumination shall be permitted which casts glare onto any residential structure or onto any portion of a way so as to create a traffic hazard, or which results in average face brightness exceeding sixty (60) foot-lamberts.

d) The provisions of Section 4.2.1 shall not apply to off-premises pylon signs. Off-premises pylon signs shall only be illuminated by one (1) of the following lighting methods: (i) external illumination that is shielded and directed solely at the sign face; (ii) halo illumination; and (iii) push through illuminated letters on an opaque sign panel. All such illumination shall use a steady, stationary light. No illumination shall be permitted which casts glare onto any residential structure or onto any portion of a way so as to create a traffic hazard, or which results in average face brightness exceeding sixty (60) foot-lamberts. Between the hours of 12:00 midnight and 6:00 AM, illumination shall be directed at, around or through only the names of the stores that are open for business during that time, and if any store is open, the name of the lifestyle shopping center.

e) Off-premises signs shall not be located within five (5) feet of any property line, within one hundred (100) feet of any residence, or within the minimum sight distance triangle required to provide intersection sight distance at intersections in accordance with American Association of State Highway and Transportation Officials (AASHTO) requirements.

4.4 Temporary Signs. Temporary signs shall be allowed as specified in Section 5, and provided that they comply with the following:

a) Unless otherwise specified in this By-law, temporary signs must comply with all applicable requirements for permanent signs, including issuance of a sign permit.

b) Temporary signs not meeting requirements for permanent signs may, if allowed below, advertise sales, special events, or changes in the nature of an operation, but shall not otherwise be used to advertise a continuing or regularly recurring business operation, and shall be removed promptly when the information they display is out of date or no longer relevant. The Building Inspector may require a forfeitable deposit sufficient to defray costs of assuring compliance.

## SECTION 5. Permitted Signs

5.1 All Districts. The following signs are allowed in all zoning districts.

a) One (1) sign, either attached or free-standing, indicating only the name of the owner or occupant, the street number, and uses or occupations engaged in thereon. Sign area shall not exceed two (2) square feet. Requires no sign permit.

b) An off-premises directional sign, as provided in Paragraph 4.3.

c) Temporary signs of not more than twelve (12) square feet in area, erected for a charitable or religious cause. Requires no sign permit if to be removed within thirty (30) days of erection.

d) One (1) temporary unlighted real estate sign not larger than six (6) square feet in area, advertising the sale, rental, or lease of the premises or subdivision on which it is erected.

Requires no sign permit if the erecting agent has obtained a one (1) year permit and paid an annual fee for erecting such signs.

e) One (1) temporary unlighted sign indicating the name and address of the parties involved in construction on the premises, not larger than ten (10) square feet on premises of forty thousand (40,000) square feet or smaller, and not larger than twenty five (25) square feet in other cases, unless a larger size is required by a state or federal funding agency. Requires no sign permit.

## 5.2 Additional Permitted Signs: Residence, Suburban, Rural and Housing Authority Districts.

a) A single sign, either attached or free-standing, oriented to each street on which the premises abut, each such sign not to exceed ten (10) square feet in area, indicating the nonresidential principal use or uses of the premises.

b) For nonconforming uses, if authorized by the Sign Committee following design review and hearing, a sign replacing and not larger than an existing sign or, if more restrictive, not larger than allowed under the following.

## 5.3 Additional Permitted Signs: Business A Districts.

5.3.1 Permanent Wall Signs. Signs (other than temporary signs) attached flat against a building or visible through its windows, are permitted as follows:

a) Number: One (1) per occupant per street that the premises abuts. If the building abuts a parking lot, the applicant may request a special permit from the Planning Board for a smaller secondary sign on the side of the building facing the parking lot. The area of a sign facing a parking lot shall not exceed fifty percent (50%) of the area of the primary sign, or an area deemed appropriate by the Planning Board. The content of a secondary sign shall be limited to the name of the business. When there are two (2) or more secondary signs on the building facing a parking lot, they shall conform to a master signage plan for the building, as prepared and submitted by the occupant/applicant and approved by the Planning Board.

b) Area: Total area of all wall signs shall be not more than ten percent (10%) of the projected area of the elevation they are attached to, except that no sign shall exceed thirty (30) square feet.

c) Location: Not extending above or beyond the end of the wall or roof to which it is attached, nor overhanging a street or sidewalk by more than the thickness (up to six (6) inches) of a flat wall sign.

5.3.2 Permanent Projecting or Freestanding Signs: Signs (other than temporary signs) either not attached to a building, or attached to and projecting at right angles from a building wall, are permitted as follows:

a) Number: One (1) for each street the premises abuts.

b) Area: Not more than six (6) square feet each.

c) Height: Not extending more than ten (10) feet above adjoining ground level.

5.3.3 Temporary Signs. Temporary signs, in addition to signs allowed under Section 5.3.1, are permitted only if unlighted inside of windows, occupying not more than thirty percent (30%) of the area of each window. Requires no sign permit.

5.4 Additional Permitted Signs: Business B, Professional, and Light Industrial Districts.

5.4.1 Permanent Wall Signs. Signs (other than temporary signs) attached flat against a building or visible through its windows are permitted as follows:

a) Number: One (1) per occupant per street that the premises abuts.

b) Area: Total area of all wall signs shall be not more than twenty percent (20%) of the projected area of the elevation they are attached to, except that no sign shall exceed one hundred (100) square feet in area if oriented for visibility from Route 1 or Route I-95 and not more than fifty (50) square feet in other cases.

c) Location: Not extending above or beyond the end of the wall or roof to which it is attached, nor overhanging a street or sidewalk by more than the thickness (up to six (6) inches) of a flat wall sign.

5.4.2 Permanent Projecting or Freestanding Signs. Signs (other than temporary signs) either not attached to a building or

attached to and projecting at right angles from a building wall, are permitted as follows:

a) Number: One (1) for each street that the premises abuts.

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 fifty (50) 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.

c) Location: Not within five (5) feet of any street or property line, and not extending more than twenty (20) feet above adjoining ground level.

d) Height: The height of each sign shall be measured from the ground in accordance with the definition of "height" under the Sharon Zoning By-Laws.

5.4.3 Temporary Signs. Temporary signs, in addition to signs allowed under Section 5.4.1, are permitted only if unlighted inside of windows, occupying not more than thirty percent (30%) of the area of each window. Requires no sign permit.

5.5 Additional Permitted Signs in Business District D. The following signs are permitted in Business District D, provided that all such signs shall comply with the objectives and design standards for Business District D under the *Zoning By-Laws*, including Sections 2327 and 2328 thereof.

5.5.1 Permanent Wall Signs. Signs (other than temporary signs) attached flat against a building or visible through its windows are permitted as follows:

a) Primary Wall Signs: One (1) primary wall sign containing a business name is permitted per occupant per façade where wall signs are permitted; provided, however, that the largest anchor store shall be permitted to have multiple primary wall signs on a single façade, but only in the event that the Board of Appeals acting as the Sign Committee determines that the signage is consistent with the design standards for Business District D after taking into account the total amount of signage for the store.

b) Accessory Wall Signs: Accessory wall signs are permitted where wall signs are permitted for stores with a floor area of ten thousand (10,000) square feet or greater that identify types of products and services, but not brand names or businesses, associated with the particular occupant using such accessory wall signs.

c) Facades: Primary and accessory wall signs are limited to a maximum of three (3) facades for each building; provided, however, that the largest anchor store shall be permitted to have a wall sign on the fourth façade, but only in the event that the Board of Appeals acting as the Sign Committee determines that the signage is consistent with the design standards for Business District D after taking into account the total amount of signage for the store.

d) Location: Wall signs may not extend above or beyond the end of the wall or roof to which it is attached and not project perpendicularly for more than six (6) inches.

e) Cumulative Area: Maximum area encompassed by all wall signs shall be determined in accordance with the provisions of Section 5.5.7.

f) Sign Area: The primary wall sign for each occupant shall be limited to a Sign Area of forty (40) square feet, except as set forth in paragraph g below. Accessory wall signs may be no more than forty (40) square feet in Sign Area, except that stores greater than forty thousand (40,000) square feet may have accessory wall signs up to sixty (60) square feet in Sign Area.

g) Other Sign Areas: The primary wall sign for the occupant of a premises whose floor area exceeds one hundred thousand (100,000) square feet shall be limited to a Sign Area of one thousand (1,000) square feet if mounted on a building façade facing and set back less than one hundred fifty (150) feet from the sideline of Route I-95 and shall be limited to a Sign Area of four hundred (400) square feet if mounted on any other building façade; the primary wall sign for the occupant of a premises whose floor area exceeds forty thousand (40,000) square feet but does not exceed one hundred thousand (100,000) square feet shall be limited to a Sign Area of three hundred (300) square feet; and the primary wall sign for the occupant of a premises whose floor area exceeds ten thousand (10,000) square feet but does not exceed forty thousand (40,000) square feet shall be limited to a Sign Area of one hundred fifty (150) square feet.

5.5.2 Permanent Free-Standing Signs. Signs are permitted as follows:

- a) Number: One (1) free-standing pylon sign per lot and one (1) free-standing monument sign at each driveway on abutting streets.
- b) Sign Area: Free-standing pylon sign limited to a maximum of seven hundred twenty (720) square feet and each free-standing monument sign limited to a maximum of one hundred fifty (150) square feet.
- c) Height: Free-standing pylon sign limited to a maximum height of sixty (60) feet above the adjoining ground plane and free-standing monument signs limited to a maximum height of fourteen (14) feet above the adjoining ground plane.

5.5.3 Permanent Projecting Signs. Projecting blade signs are permitted as follows:

- a) Number: One (1) per occupant.
- b) Location: Perpendicular to and not projecting above the façade to which it is attached.
- c) Sign Area: The individual sign for each occupant shall be limited to fifteen (15) square feet.

5.5.4 Permanent Directional Signs. Way-finding or directional signs are permitted as follows:

- a) Number: One (1) per two (2) acres of lot area.
- b) Sign Area: Limited to twelve (12) square feet.

5.5.5 Temporary Signs. Temporary signs, in addition to signs allowed under Section 5.5.1, are permitted as of right if such sign is unlighted, located on the inside of a window and occupies no more than thirty percent (30%) of the area of each window. Requires no sign permit.

5.5.6 Awning Signs. All stores may place the store name on awnings provided that the store name on any awning shall not exceed twenty (20) square feet.



5.5.7 Sign Area. The total signage permitted for all permanent signs, including all primary wall signs, accessory wall signs and awning signs, on any façade shall not exceed fifteen percent (15%) of that overall façade area.

5.5.8 Signs Facing South Walpole Street. Wall signs on building facades facing and setback less than two hundred (200) feet from South Walpole Street are prohibited.

5.6 Sign Area Bonuses. The Sign Committee may authorize an increase of as much as fifty percent (50%) above the sign area limits of Sections 5.3, 5.4 and 5.6 upon its determination following design review and hearing that at least five (5) of the eight (8) guidelines of Section 6 are met, as are the By-Law objectives of Section 1.

5.7 Additional Permitted Signs: In the Senior Living Overlay District (Senior Living District) the following additional signs shall be permitted:

5.7.1 Permanent Wall Signs. Signs (other than temporary signs) attached flat against a building or visible through its windows are permitted as follows:

a) Number: Two (2) per building, but not more than one (1) per side of building.

b) Area: Total area of wall signs shall be not more than twenty percent (20%) of the projected area of the facade of the side of the building to which they are attached, except that no individual sign shall exceed one hundred (100) square feet.

c) Location: Not extending above or beyond the end of the wall or roof to which it is attached, nor overhanging a street or sidewalk by more than six (6) inches.

5.7.2 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 street that the premises abuts.

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.

5.7.3 Internal Way-finding Signs. Internal directional traffic control signs shall be permitted.

5.7.4 Additional Freestanding Signs. In addition to the foregoing, two (2) signs per building identifying the buildings not larger than twenty (20) square feet in area per side and not extending more than eight (8) feet above adjoining ground level.

5.7.5 Temporary Signs. Two (2) temporary signs not larger than one hundred (100) square feet in area, advertising the sale, rental, lease or availability of a unit or bed in a nursing home facility. Such sign requires no sign permit if the erecting agent has obtained a one (1) year permit and paid an annual fee for erecting such signs.

## SECTION 6. Design Guidelines

Five (5) of the following eight (8) design guidelines must be determined by the Sign Committee to have been met to qualify for sign area bonuses of Section 5.6. In addition, compliance with them is suggested but not required for other signs, and will be considered by the Sign Committee in acting on other cases before them.

a) Sign scale is appropriate in relation to development scale, viewer distance and travel speed, and sign sizes on nearby structures.

b) Sign size, shape, and placement serves to define or enhance such architectural elements of the building as columns, sill lines, cornices, and roof edges, and not to interrupt, obscure or hide them.

c) Sign design is not wholly discontinuous with other signage on the same or adjacent structures, providing continuity in mounting location and height, proportions, materials, or other important qualities.

d) Sign materials, colors, lettering style, and form are compatible with building design and use.

e) Sign content doesn't overcrowd background (normally not exceeding forty percent (40%) of background area).

- f) Sign legibility isn't impaired by excessive complexity, multiple lettering styles or colors, or other distracting elements.
- g) Signs do not display brand names, symbols, or slogans of nationally distributed products except in cases where the majority of the floor or lot area on the premises is devoted to manufacture, sale, or other processing of that specific product.
- h) Signs do not contain selling slogans, product descriptions, help wanted notices, or other advertising which is not an integral part of the name or other identification of the location or the enterprise.

#### SECTION 7. Non-Conforming Signs

Existing signs shall be removed or brought into conformity with this By-Law within thirty (30) days of notification of violation by the Building Inspector unless he authorizes a longer period necessitated by unavailability of parts. Signs shall be subject to notification as follows:

- a) Illegally erected signs: Immediately.
- b) Temporary signs: Immediately.
- c) Illumination violation (4.2.1): Immediately.
- d) Pennants, streamers, etc. (4.2.3a): Immediately.
- e) Off-premises signs (4.3): Upon expiration of current permit from Outdoor Advertising Board, or, if no such permit is held, immediately.
- f) Visibility violation (4.2.2a): Following July 1, 1983, or when sign is ten (10) years old, whichever is later. Signs will be assumed to be ten (10) years old unless owner documents to the contrary.
- g) Other violations: Following abandonment of the sign, or following change or termination of activities on the premises which render the sign non-conforming, or following damage such that repair or restoration would exceed one-third (1/3) of the replacement value as of the date of the damage, or following July 1, 1991, if later;

**VOTED:** That this Special Fall Town Meeting be dissolved at  
9:45 P.M.

Attendance: 301