

FALL SPECIAL TOWN MEETING

NOVEMBER 4, 2013

Pursuant to the provisions of the warrant of September 27, 2013, the inhabitants of the Town of Sharon qualified to vote in Town affairs met at the Arthur E. Collins Auditorium at 7:00 P.M.

The meeting was called to order by Moderator David L. Yas. The Moderator said that in the absence of any objection he would assume there was unanimous consent to allow the following non-voters to address the meeting: Richard Gelerman, Lisa Whelan, Cindy Amara, Cindy Doherty, Eric Hooper, Peter O'Cain, Mark Mazur, Norma Simons Fitzgerald, Timothy Farmer, Glenn Brand, Ken Wertz, Greg Meister, Amanda Deni Lavasseur, Diane Malcolmson, Lee Ann Amend, David I. Clifton and Ed Pare.

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 unanimous.

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 5, 2013 at the Arthur E. Collins Auditorium at 7:00 P.M.

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.

ARTICLE 1.

VOTED: That the Town confirm its prior vote of May 2011, authorizing the Board of Selectmen to lease a portion of the property known as 411 East Foxboro Street, app. 27.76 acres, Assessor map 31, Parcel 18, and 421 East Foxboro Street, app. 3109 sq. feet, Assessor Map 31, Parcel 17, from the Board of Selectmen to New Cingular Wireless PCS, LLC, for purposes of installing a multi-carrier wireless communication monopole facility and related access and improvements, on such terms and conditions as the Board of Selectmen shall determine, and

further to authorize the Selectmen to convey such non-exclusive easements as may be necessary to provide electric and telephone utilities to serve that facility. The aforesaid Parcel was acquired by the Town by Order of Taking, dated February 15, 1973, recorded in the Norfolk Registry of Deeds in Book 4912 at Page 514.

ARTICLE 2.

There will be no motion under this article and no action shall be taken because there is no report from the Planning Board on this article. In the absence of a Planning Board report, by statute, Town Meeting may not take action and any motion made under this article would be out of order.

ARTICLE 3.

VOTED UNANIMOUSLY: That action under Article 3 be indefinitely postponed. (Proposed changes to Art. 12 (permitted signs) of the General By-Laws)

ARTICLE 4.

VOTED UNANIMOUSLY: That action under Article 4 be indefinitely postponed. (Proposed purchase of land on Mountain St.)

ARTICLE 5.

MOTION: That the Town appropriate the sum of \$80,000.00 from the Community Preservation Fund Open Space balance for the construction and rehabilitation of the Sacred Heart property for recreational use, as recommended by the Community Preservation Committee. Said sum to be expended by the Board of Selectmen in accordance with the Community Preservation Committee's recommendations.

MOTION TO AMEND: By reducing the amount to be appropriated by \$20,000.00 and to add: "none of this appropriation shall be used towards the cost of any system for irrigation."

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

MOTION TO AMEND: By reducing the amount to be appropriated by \$20,000.00 and to add: "none of this appropriation shall be used towards the cost of any system for irrigation." **CARRIED. A STANDING VOTE. VOTES IN THE AFFIRMATIVE 77. VOTES IN THE NEGATIVE 51.**

VOTED: That the Town appropriate the sum of \$60,000.00 from the Community Preservation Fund Open Space balance for the construction and rehabilitation of the Sacred Heart property for recreational use, as recommended by the Community Preservation Committee. Said sum to be expended by the Board of Selectmen in accordance with the Community Preservation Committee's recommendations. None of this appropriation shall be used towards the cost of any system for irrigation.

ARTICLE 6.

MOVED: That the Town accept G.L. c. 64L, § 2(a), to authorize imposition of a local meals excise tax of 0.75%.

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

VOTED: That the Town accept G.L. c. 64L, § 2(a), to authorize imposition of a local meals excise tax of 0.75%.

POINT OF ORDER: For clarification of appropriation of funds.

ARTICLE 7.

VOTED UNANIMOUSLY: That the Town appropriate the sum of \$100,000.00 for resurfacing of public ways and reconstruction of sidewalks for the Department of Public Works, and to meet this appropriation, transfers from the following prior authorizations will be made:

\$92,490.00	(33008311-581100-HS)	HS Roof Project
\$4,862.00	(32005541-621103)	ATM5/10#18I COA Van
\$2,648.00	(32006630-621313)	ATM5/12#13H Bldg Rep Recreation

ARTICLE 8.

VOTED UNANIMOUSLY: That the Town transfer \$24,900.00 from the High School Roof Project (33008311-581110-HS) to the Standing Building Project - Building Repair/New Construction, authorized under Article 10C of the May 6, 2013 Annual Town Meeting, and reduce the Tax Levy by said amount.

ARTICLE 9.

VOTED: That the Town raise and appropriate \$300,000.00 to be added to the Stabilization Fund for the purposes for which the Town may be authorized to borrow under Chapter forty-four, Sections seven and eight, or any other lawful purpose. **2/3 VOTE DECLARED BY MODERATOR.**

ARTICLE 10.

VOTED: That the Town raise and appropriate \$50,000 to the Town of Sharon's 250th Anniversary Committee special fund, under the direction of the Board of Selectmen, for celebratory events and activities to mark the Town's 250th Anniversary.

ARTICLE 11.

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

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

And by adding a new section 4100, Adult Entertainment Uses, exactly as printed on pages 15 through 20 of this Special Town Meeting Warrant, except for the following:

By deleting the Section 4130 in the warrant and replacing it with the following new Section 4130:

4130. Siting Requirements

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

No Adult Use shall be located less than four hundred (400) feet from any residential zoning district or from any residential use; from any public or private school, or municipal building open to the general public; from any church or other religious facility; from any public park or recreation area and any principal or accessory private recreational facility use; or from any day care center, nursing home or hospital. The minimum distance specified above shall be measured in a straight line from the nearest property line of the premises on which the Adult Use is to be located to the nearest boundary line of a residential zoning district, or the nearest property line of any of the designated uses set forth herein, except where the distance to be measured crosses Interstate 95 or US Route 1, in which case, the distance shall be limited by and measured only to the boundary of such highway.

By deleting subsection (d) of Section 4140 as shown in the warrant and renumbering subsections (e) and (f) accordingly.

By deleting the subsection (8) of Section 4170 as shown in the warrant and replacing it with the following new subsection (8):

8) The distances between the proposed Adult Use establishment and any residential zoning district, public or private school, church or other religious facility, public park or recreation area, day care center, nursing home and hospital, and municipal building open to the general public. **2/3 VOTE DECLARED BY MODERATOR.**

ARTICLE 12.

VOTED UNANIMOUSLY: That the Town authorize the Board of Selectmen to negotiate and enter into a contract for the disposal of the Town's solid waste for a period of not more than twenty-five (25) years, on such terms and conditions as the Board of Selectmen deem appropriate.

ARTICLE 13.

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

The property known and numbered as 1300 General Edwards Highway (U.S. Route 1), shown as Sharon Assessor's Parcel 76-4, containing approximately 7.60 acres of land, as described in a Final Judgment in Tax Lien Case, dated May 19, 1997, recorded in Norfolk Registry of Deeds in Book 11903, Page 392, and being a portion of the land identified in a deed dated October 30, 1974, recorded at said Deeds in Book 5089, Page 113. **2/3 VOTED DECLARED BY MODERATOR.**

ARTICLE 14.

MOTION: That the Town amend Article 12, the Sign By-Law, of the Town's General By-Laws, exactly as printed on pages 24 through 25 of this Special Town Meeting Warrant, except for the words "to take any other action relative thereto."

MOTION TO AMEND.

MOTION TO AMEND. WITHDRAWN.

ORIGINAL MOTION AND SECOND RETRACTED.

VOTED: That the Town amend Article 12, the Sign By-Law, of the Town's General By-Laws, exactly as printed on pages 24 through 25 of this Special Town Meeting Warrant, except for the words "to see if the Town will vote to amend Article 12, the Sign By-Law, of the Town's General By-Laws, as provided below":

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

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

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

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

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

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

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

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

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

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

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

By adding a new subsection (e):

e) Electronic Message Centers that change messages or copy at intervals by programmable electronic, digital, or mechanical processes or by remote control may be permitted under this Section. Electronic Message Centers shall not exceed thirty-five (35%) percent of the total allowed square footage of the sign.

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

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

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

By adding a new subsection (e):

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

VOTED: That this Special Town Meeting be dissolved @ 9:27 P.M.

Attendance: 159