

SPECIAL TOWN MEETING

NOVEMBER 6, 2017

Pursuant to the provisions of the warrant of October 19, 2017, 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 Andrew Nebenzahl. 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: Frederic Turkington, Town Administrator, Krishan Gupta, Finance Director, Tilden Kaufman, Chief of Police, Lauren Barnes, Assistant to the Town Administrator, Dick Gelerman, Town Counsel, Lisa Whelan, Town Counsel, Eric Hooper, Superintendent of Public Works, Peter O’Cain, Town Engineer, Lance Delpriore, Assistant Engineer, Mark Mazur, Administrative Assessor, Kathleen Medeiros, Council of Aging Director, Greg Meister, Conservation Agent, Diane Malcolmson, Animal Control Officer, Lee Ann Amend, Library Director, Richard Murphy, Deputy Fire Chief, Dr. Victoria Greer, Superintendent of Schools, John Marcus, Asst. Superintendent of Schools, Liz Murphy, Asst. Superintendent of Schools, Jose Libano, High School Principal, Ken Wertz, Interim Dir. Maintenance & Operations – Schools, Mark Parrish, Robert Gingras, Richard Marks, Steven Rafsky, Nancy Hall, David Spiegel and Craig Seymour.

VOTED UNANIMOUSLY: 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.

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 7, 2017, at the Arthur E. Collins Auditorium at 7:00 P.M.

ARTICLE 1.

VOTED UNANIMOUSLY: That the Town of Sharon appropriate the amount of One Million Nine Hundred Thousand (\$1,900,000) Dollars for the purpose of paying costs of a Feasibility Study for the Sharon High School to understand the extent of facility and programming deficiencies at the Sharon High School located at 181 Pond Street, Sharon, Massachusetts and to recommend the most cost effective and educationally appropriate solution to those deficiencies to the MSBA Board of Directors. This study will take into consideration the “Sharon High School Existing Condition Study” performed in 2013, which found the existing structure suffers

from overcrowding of students, non-compliance of accessibility regulations, required update of outdated mechanical, electrical, and plumbing systems, majority of educational spaces are currently undersized based off of the Massachusetts School Building Authority standards, all of which are critical needs to allow for appropriate delivery of educational services for the students attending the Sharon High School, located at 181 Pond Street, Sharon, Massachusetts , including the payment of all costs incidental or related thereto, and for which the Town of Sharon may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the Sharon Standing Building Committee and to meet this appropriation, to transfer the following amounts:

<u>From:</u>		<u>Amount:</u>
Heights Roof Project Surplus		\$700,000.00
Heights Roof MSBA Refund		\$525,000.00
Free Cash - FY17		\$675,000.00
	Total	\$1,900,000.00

The Town of Sharon acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town of Sharon incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of Sharon, and that the amount of the appropriation authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town of Sharon and the MSBA.

ARTICLE 2.

Moderator Andrew Nebenzahl recused himself. Moderator David Yas presided for Article 2.

MOTION: That the Town amend the Zoning By-laws of the Town of Sharon exactly as printed on pages 4 – 22 of the Warrant for this Special Town Meeting, except for the deletion of the words “or take any other action relative thereto.”

**Town of Sharon MA Code, Division 1: Bylaws, Part II: General Legislation, Chapter 275
Zoning – Change: Expansion of Business Uses and Revision of Design
Standards in Business District D**

That the Town vote to amend the "Town of Sharon, MA, Code, Division 1: Bylaws, Part II: General Legislation, Chapter 275 Zoning" as amended though March 2014" by amending the sections and subsections of the Bylaw as set forth hereinafter.

REVISE SUBSECTION 2321

Revise Subsection “2321. Permitted residential uses” by adding a new paragraph “c” following paragraph “b” thereof as follows:

- c. In Business District D, residences subject to the provision of AFFORDABLE HOUSING.

REVISE SUBSECTION 2323

Revise “2323. Permitted commercial uses” by replacing paragraph “k.” Delete “k. In Business District D, the following: (1) Multiple freestanding buildings on a single lot accommodating multiple principal uses permitted under Subsections 2322, 2323, 2325, and 2326, provided that they comply with the objectives and requirements of Business District D as set forth in Subsection 2327 and with the limitations of Subsection 2466. (2) Theater and multiscreen movie complex. (3) Hotel. (4) Illumination of parking areas pursuant to Subsection 2328.” and insert the following:

- a. In Business District D, the following:
 - (1) Multiple freestanding buildings on a single lot accommodating multiple principal uses permitted under Subsections 2322, 2323, 2325, and 2326, provided that they comply with the objectives and requirements of Business District D as set forth in Subsection 2327 and with the limitations of Subsection 2466.
 - (2) Medical or dental offices; financial institutions such as banks, savings institutions, credit unions, and credit institutions; and real estate, insurance, investing, or securities firms.
 - (3) Business services, whether or not related to the type of business permitted in the district, such as office cleaning, packaging, shipping, and similar business services.
 - (4) Personal services, such as hair salon and similar personal services.
 - (5) Theater and multiscreen movie complex.
 - (6) Hotel.
 - (7) Warehouse stores.
 - (8) Club and membership stores.
 - (9) Facilities licensed by the Massachusetts Executive Office of Education or successor agency if applicable including day care or child care facilities complying with “Large Group and School Age Child Care Program” licensing requirements and including facilities complying with “Center and School Based Early Education and Care Program” or “After School and Out of School Time Program” licensing requirements.
 - (10) Stores serving as drop-off and pick-up locations for cleaning and laundry services excluding laundromats and any onsite processing.
 - (11) Illumination of parking areas pursuant to Subsection 2328.

REPLACE SUBSECTION 2324

Delete Subsection “2324. Other Permitted Principal Uses” in its entirety and insert the following:

2324. Other permitted principal uses:

- a. Agriculture, horticulture or floriculture on parcels of more than five acres.
- b. In Business District D, residences in residential or mixed use buildings subject to the provision of AFFORDABLE HOUSING in accordance with the following:
 - (1) The purpose of this requirement is to make housing available that is affordable to low and moderate-income households. At minimum, AFFORDABLE HOUSING provided shall be in compliance with the requirements set forth in G.L. c. 40B sect. 20-24. The Units of AFFORDABLE HOUSING provided shall be considered as Local Initiative Units, in compliance with the requirements of the Massachusetts Department of Housing and Community Development (DHCD).

(2) Definition applicable to Business District D:

AFFORDABLE HOUSING — Housing that is affordable to and occupied by eligible households. The unit must be approvable to be added to the subsidized housing inventory (SHI) pursuant to MGL c. 40B. Units must be approved through the Local Action Unit (LAU) program of the Massachusetts Department of Housing and Community Development.

- (3) All units provided to satisfy this requirement, must be eligible for inclusion in the Massachusetts Department of Housing and Community Development’s Subsidized Housing Inventory (SHI) and their long term eligibility must be protected through a deed rider which shall be in force for the maximum period allowed by law but not less than 99 years. AFFORDABLE HOUSING may be ownership units or rental units and may be provided on-site or off-site; however, providing units on-site is preferred. If units are provided off-site, the Zoning Board of Appeals shall determine the comparability of the off-site units in terms of design, location, and access to Town services and amenities as part of Major Site Plan Review. The minimum number of units of AFFORDABLE HOUSING provided shall be 12½% of the total number of on-site dwelling units with any fractional unit deemed to constitute a whole unit. The number of Units of AFFORDABLE HOUSING as provided herein may not be waived.

- (4) Certificates of Occupancy for market rate units, shall not be issued until Certificates of Occupancy have been issued and deed restrictions recorded in the Registry of Deeds or the Land Court for the units of AFFORDABLE HOUSING in accordance with the following schedule:

Market Rate Housing Units Percent Complete	Affordable Housing Units Percent Complete
Less than 15	None Required
15	15
30	32
45	49

60	66
75	83
90	100

- (5) A housing marketing and resident selection plan is required which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process, and a requirement that 70% of the units of AFFORDABLE HOUSING shall be set aside for applicants that claim a local preference. Local preference applies to an applicant who has a principal residence or a place of employment in the Town of Sharon at the time of application.

c. BUSINESS DISTRICT D DEVELOPMENT.

REVISE SUBSECTION 2325

Revise “2325. Permitted accessory uses” by replacing paragraph “c.” Delete “c. Drive-through services serving the customer while seated in a car, except for drive-through service for banks and pharmacies within Business District D and except for drive-through services authorized by special permit in Subsection 2326 below” and insert the following:

- c. Drive-through services serving the customer while seated in a car, except for drive-through services authorized by special permit in Subsection 2326 below.

REPLACE SUBSECTION 2326

Delete Subsection “2326. Uses and accessory uses allowed by special permit from the Board of Appeals” in its entirety and insert the following:

2326. Uses and accessory uses allowed by special permit from the Board of Appeals:
- a. Buildings with gross floor area exceeding 60,000 square feet in Business Districts B and C, exceeding 135,000 square feet in Business District D, and exceeding 5,000 square feet in Business District A.
 - b. Parking facilities exceeding 150 parking spaces in Business Districts B and C and 20 parking spaces in Business District A.
 - c. In Business Districts A, B, and C, theater, hall or other place of indoor or outdoor amusement.
 - d. Clubs operated as a business.
 - e. In Business Districts B and C, apartments over nonresidential establishments as provided in Subsection 4230.
 - f. In Business District A, multiple residence buildings containing three or more dwelling units used either exclusively for residential uses or containing a mix of permitted residential and nonresidential uses as provided in Subsection 4240.

- g. Drive-through services serving the customer while seated in a car for banks within Business District B.
- h. In Business Districts B, C and D, accessory scientific use, provided that the Board of Appeals finds that the proposed accessory use does not substantially derogate from the public good.
- i. In Business Districts B and D, funeral parlors.
- j. Religious or educational purposes other than those specified by Subsection 2322.
- k. In Business District B only, the following:
 - (1) Gasoline service station; automobile display room.
 - (2) Outdoor storage and display of goods for sale, whether as a principal or accessory use, but not including secondhand goods or parts, nor bulk goods such as lumber or gravel, provided all outdoor storage and display is screened from side and rear lot lines in the manner described in Subsection 3117.
 - (3) Storage buildings for goods to be repaired or sold at retail directly to the consumer or temporarily stored for the consumer.
- l. In Business District D only, the following:
 - (1) Amusement and recreation uses, excluding each of the following: ADULT USE as defined in Subsection 4120; racing and racetrack use; permanent circus, carnival, and fair use; and casino, bingo, bookie, betting, and gaming use (Provided; however, that lottery tickets sales as a component of retail use shall not be considered as gaming use). In computing floor area, floor area ratio, and building coverage limits, places of outdoor amusement shall be considered as having a floor area of 100 sq.-ft. for every 200 sq.-ft. of land in outdoor amusement use.
 - (2) Drive-through services serving the customer while seated in a car for restaurant, bakery, coffee shop, bank, and pharmacy establishments.
 - (3) Memory Care Dementia Special Care Unit (DSCU) as defined in 105 CMR 150.023.
 - (4) Licensed or Certified Health Care Facility or Agency which is licensed by the Massachusetts Executive Office of Health and Human Services Department of Public Health Division of Health Care Facility Licensure and Certification or successor agency as applicable including the following:
 - (i) Health Care Center which may include urgent care services, primary care services, specialist services, clinics, outpatient facilities, diagnostic and lab services, day surgery, rehabilitation and sports medicine, mental health, and similar medical services provided that no overnight patient beds are provided;

- (ii) Certified home health agencies, hospices, physical therapy and speech pathology facilities, renal dialysis facilities, and temporary nursing agencies.
 - (5) Research & development facilities provided that only domestic wastewater (sanitary sewage as defined in 310 CMR 15.002) is discharged to any wastewater treatment plant within a Water Resources Protection District.
 - (6) For profit education services including elementary and secondary school, junior college, college, university, and vocational school.
 - (7) Training and conference center.
 - (8) Retail postal, parcel post, delivery service, and postal box uses.
 - (9) Congregate Housing as authorized by MGL Ch. 121B § 39 that provides a shared living environment with separate sleeping quarters and shared common facilities which are designed to integrate the housing and services needs of persons aged 60 and over or qualified disabled and that have applied to the Sharon Housing Authority.
- m. Natural gas custody transfer facilities or gate stations as provided in Section 4700.

REPLACE SUBSECTION 2327

Delete Subsection “2327. Business District D requirements” in its entirety and insert the following:

2327. Business District D requirements.
- a. The objective of Business District D is to accommodate residential, retail, office and other uses in locations where a large development area is available with suitable access to Interstate 95, where impacts to neighboring residential areas can be minimized, and adverse traffic and where environmental impacts can be mitigated. In connection with the creation of the Business District D and the addition of any land to the Business District D, the Board of Selectmen shall be authorized and directed to seek agreement from the owners of land located in the Business District D concerning public benefits to be provided in connection with proposed development, including without limitation the gift or dedication of land for conservation, education, flood prevention, recreation, water supply, or other public purposes.
 - b. All uses and accessory uses permitted or allowed by special permit must conform to the objective of the district.

REPLACE SUBSECTION 2328

Delete Subsection “2328. Business District D design requirements” in its entirety and insert the following:

2328. Business District D design requirements.

- a. Within Business District D, all uses shall comply with the design standards listed herein. All such standards may be waived as part of the site plan review process.
- b. Each application for Major Site Plan Review shall include copies of all plans and design information to be submitted to the Design Review Committee.
- c. All buildings shall be "four sided"; i.e., finished on all sides with comparable architectural details and finishes. Loading areas and rooftop equipment shall be neatly organized and thoroughly shielded.
- d. Buildings shall be energy-efficient and shall incorporate energy-saving devices.
- e. In designing all site improvements the applicant shall use best commercial efforts to incorporate the green development principals of energy efficiency and sustainability by including those Leadership in Energy and Environmental Design (LEED) Plan for Neighborhood Development (LEED ND: Plan) strategies set forth herein in the planning and design of Business District D Projects. The applicant shall use best commercial efforts to incorporate LEED ND: Plan principals; however, formal LEED ND: Plan certification shall not be required, building design shall not subject to LEED requirements, and inclusion of at least one certified green building shall not be required. The applicant shall use best commercial efforts to include LEED ND: Plan strategies which may be included in the planning and design of Business D Projects. These LEED ND strategies are as follows:

(1) Site Planning:

- (i) Smart Location. Locate facilities in proximity to Route 1 or interchanges on I-95 in order to minimize traffic impacts on local streets and minimize VMT for regional site access.
- (ii) Compact Development. To the extent practicable, the development footprint shall be minimized in site layout and buildings may incorporate second story and mezzanine areas.
- (iii) Reduced Parking Footprint. Site design shall reserve locations for parking fully compliant with Section 3100; however, each site plan application that is seeking a reduced parking footprint shall include a Parking Management Report by a Civil Professional Engineer (PE) identifying parking reductions enabled by actual peak parking demand and seasonal and event peak parking accommodated on unpaved surfaces. The Zoning Board of Appeals may waive paved parking based on evaluation of the Parking Management Report provided that locations allowing full parking construction are reserved in perpetuity.
- (iv) Housing and Jobs Proximity. To the extent practicable, offsite improvements shall be provided or incorporated in the site design linking the site to multifamily housing located within 300 ft. of the project site.
- (v) Walkable Site. The site shall be developed as a healthy walkable

environment by providing strong linkage between sidewalks and walkways in proximity to on-site buildings and sidewalks on adjacent streets.

(2) Environmental mitigation:

- (i) Sustainability. To the extent practicable, sustainable use of materials shall be increased by requiring use of comparable recycled and locally sourced materials during construction of site improvements and by providing single stream recycling during occupancy.
- (ii) Landscaping and Parking Layout. Onsite access drives shall be shaded by lining with native shade trees. Onsite parking areas shall be divided, separated into distinct appropriately scaled subareas, and shaded by providing vegetated planting strips of the maximum width practicable and parking lot islands planted with native shade trees.
- (iii) Water Conservation shall be promoted by precluding use of potable water for irrigation and requiring that irrigation be subject to an Irrigation Management Plan.
- (iv) Wetland Waterbody Conservation. To the extent practicable, the value of open space shall be enhanced by providing pedestrian access linking on-site buildings with open space and by providing visual access between onsite public spaces and open space areas.

(3) Access:

- (i) Multimodal Facilities. Multimodal Access and vehicular safety shall be enhanced by providing site access designed for shared vehicular, bicycle, and pedestrian use and with all access drives posted for low speed.
- (ii) Bicycle Facilities. Bicycle racks and indoor bicycle storage shall be provided as appropriate.
- (iii) Transportation Demand Management. Vehicle Miles Traveled (VMT) and energy use may be reduced by encouraging tenants to provide incentives for shared vehicle use such as carpools, vanpools, and a commuter rail station shuttle.

(4) Stormwater Management:

- (i) Low Impact Design: Stormwater management shall incorporate low impact design (LID) measures to the extent practicable.
- (ii) Drainage Patterns and Water Quality. Existing drainage patterns shall be preserved and water resources shall be protected by using Best Management Practices (BMPs) to limit runoff and reduce Total Suspended Solids and related contaminants.

- (iii) Vegetated planting strips and parking lot islands may be used to collect and treat runoff as integral components of the stormwater management system.
- f. Public spaces shall be provided in proximity to buildings that have a minimum aggregate area equal to 5% of the floor area of the on-site buildings. Public spaces shall be accessible to building occupants and the public and include walking, seating, and gathering areas. Public spaces shall have landscaping, hardscape, benches, and other amenities. Turf areas shall be irrigated; however, potable water from the Sharon water system shall not be used for irrigation. Hardscape shall consist of cement concrete, brick, granite block, cobblestone, or stone pavers. Stone or stone veneer shall be used for landscape walls and retaining walls. One tree shall be provided for each 1,500 square feet of area. Shade trees shall have a minimum caliper of 3 1/2 inches, and coniferous trees shall have a minimum height of 10 feet to 12 feet at the time of planting. Plant materials shall be native species and shall include street trees listed in the Rules and Regulations of the Sharon Planning Board. Pedestrian-scale dark skies compliant lighting shall be provided to allow full use of the public spaces at night. Public spaces are included in the required "minimum landscaped open space" (§2464. c).
- g. Parking areas shall be laid out in separate discrete parking fields 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. Parking shall be set back a minimum of 10 feet from property lines.
- h. Drive-through facilities serving customers while seated in a car shall be laid out in areas fully separated from any street, access drive, or parking aisle by raised islands with vertical faced granite curb. Separate drive-through facilities shall be as long as practicable and as a minimum shall provide sufficient length to accommodate the 95th percentile queue without extending into any access drive or parking aisle. A bypass capability shall be provided throughout the entire length of the drive-through facility, and all segments of the facility shall have a minimum pavement width of 20 feet. Drive-through facilities shall be designed in a manner that promotes good overall site circulation, access, and safety. Site layout shall preclude pedestrian access to the building through the drive-through facility and shall minimize conflicts between pedestrians and vehicles entering or exiting the drive-through facility. Proper signage and pavement markings shall be provided. Drive-through facilities shall be properly lighted and screened and shall minimize headlight glare on other portions of the site. Loudspeaker sound levels shall not exceed normal conversational sound levels. Where appropriate for the service provided, separate parking spaces not included in the overall parking count shall be provided to accommodate special orders and delays.
- i. Site lighting shall be designed with lower illumination levels consistent with IESNA recommended practice and shall minimize blue light emissions. Lighting systems shall have automated controls capable of reducing lighting levels outside business hours. Light trespass shall be limited to 0.5 foot-candle at the property line and there shall be no point sources of light visible from adjacent streets and properties. Pole heights shall be limited to 24 feet in parking areas and to 16 feet within 50 feet of on-site buildings. Pole height within 500 feet of Route I-95 may be increased to 34 feet, provided they are

not visible from any residence. All lighting fixtures shall be "dark skies" compliant and shall limit upward-projecting light. All lighting fixtures shall have or be comparable to lighting fixtures having the International Dark Sky Association (IDA) Fixture Seal of Approval.

- j. Parking area pavements shall be a 3 1/2-inch-thick hot mix asphalt pavement with a twelve-inch-thick gravel base. Heavy-duty pavement shall be a five-inch-thick hot mix asphalt pavement with a twelve-inch gravel base. Heavy-duty pavement shall be used in all loading areas and along truck access routes and at principal parking lot drives. Curbing within one-hundred (100) feet of buildings shall be vertical faced granite curb or vertical faced precast concrete curb.
- k. On-site wastewater treatment plants require adequate funding mechanisms to provide for proper operation and maintenance and for monitoring and testing of the on-site wastewater treatment plant by the Town consistent with the requirements of the Board of Health. Any on-site sanitary sewers shall be subject to ongoing requirements for leak detection and repair. Buildings shall incorporate water conservation devices, including low-flow plumbing fixtures including ultra-low-flow toilets.
- l. Runoff from pedestrian areas, landscape areas, and low-volume vehicular areas shall be accommodated using low-impact design principals where practicable, including pervious pavements, rain gardens, and other proven methods.

REVISE SUBSECTION 2329

Revise "2329. Business District D performance standards" by replacing paragraph "d." Delete "d. On-site wastewater generation exceeding six gallons per day per 1,000 square feet of lot area and on-site wastewater treatment plants treating domestic wastewater are only permitted pursuant to issuance of a groundwater discharge permit by the Massachusetts Department of Environmental Protection and a treatment works construction permit by the Sharon Board of Health. Within Aquifer Protection Districts, groundwater shall meet or exceed Massachusetts drinking water standards at the property line" and insert the following:

- d. On-site wastewater generation exceeding six gallons per day per 1,000 square feet of lot area and on-site wastewater treatment plants treating domestic wastewater or wastewater determined by the Zoning Board of Appeals to have constituents substantially similar to sanitary sewage (310 CMR 15.002) per Subsection 4531 d. (1) only are permitted pursuant to issuance of a groundwater discharge permit by the Massachusetts Department of Environmental Protection and a treatment works construction permit by the Sharon Board of Health. Within Aquifer Protection Districts, groundwater shall meet or exceed Massachusetts drinking water standards at the property line.

REPLACE SUBSECTION 2461.

Delete Subsection "2461. Minimum lot area" in its entirety and insert the following:

2461. Minimum areas:

- a. Minimum overall development area
 - Business District D 53 acres for a BUSINESS DISTRICT D DEVELOPMENT.
- b. Minimum lot area
 - Business District A 10,000 square feet for single- or two-family dwellings
No minimum lot size for all other uses.
 - Business Districts B and C 10,000 square feet for two-family dwellings
8,000 square feet for all other uses
 - Business District D 60,000 square feet for lots within a BUSINESS DISTRICT D DEVELOPMENT and 53 acres for lots not within a BUSINESS DISTRICT D DEVELOPMENT.
 - Professional District A 20,000 square feet
 - Professional District B 60,000 square feet

REPLACE SUBSECTION 2462.

Delete Subsection "2462. Maximum densities in Professional District B" in its entirety and insert the following:

- 2462. Maximum densities in Professional District B and Business District D.
 - a. Professional District B:
 - (1) Assisted-living residence units: a maximum of 15 assisted-living residence units per acre or fraction thereof.
 - (2) Residents in an assisted-living residence: 1 1/4 residents per unit in an assisted-living residence.
 - b. Business District D:
 - (1) Residential Units: the maximum dwelling units within a BUSINESS DISTRICT D DEVELOPMENT shall be the lesser of 1 dwelling unit per 2,250 sq.-ft. of gross floor area in "2323. Permitted Commercial Uses" and in certain "uses" as set forth in paragraphs a, d, h, l(3), l(4), l(5), l(6), l(7), and l(8) of §2326) or 225 dwelling units total.
 - (2) Bedrooms in Residential Units: a maximum of two bedrooms per dwelling unit.

REPLACE SUBSECTION 2463

Delete Subsection "2463. Minimum lot frontage and width" in its entirety and insert the following:

2463. Minimum lot frontage and width.

- a. In Business District A, the minimum lot width for single-family and two-family dwellings shall be 80 feet. There shall be no minimum width requirement for all other uses.
- b. In Business District A, the minimum frontage for single-family and two-family dwellings shall be 70 feet. There shall be no minimum frontage requirement for all other uses.
- c. In Business Districts B and C, the minimum lot width for two-family dwellings shall be 80 feet. In Professional Districts, the minimum lot width for single-family dwellings shall be 70 feet and 150 feet for all other uses. Lot width for all other uses shall be as specified in Subsection 2412.
- d. Minimum frontage for all other uses:
 - (1) Business Districts B and C: 70 feet.
 - (2) Business District D: 1,000 feet for a BUSINESS DISTRICT D DEVELOPMENT or for a lot not within a BUSINESS DISTRICT D DEVELOPMENT.

25 feet for a lot within a BUSINESS DISTRICT D DEVELOPMENT.
 - (3) Professional Districts: 100 feet.

REPLACE SUBSECTION 2464

Delete Subsection "2464. Lot coverage and open space" in its entirety and insert the following:

2464. Coverage and open space. For purposes of this Subsection 2464, "open space" shall mean a portion of a lot or other area of land associated with and adjacent to a building or group of buildings in relation to which it serves to provide light and air, for scenic, recreational or similar purposes. Such space shall be available for use by the occupants of the building(s) with which it is associated, and to the general public as appropriate with respect to the location of the open space on the lot and the nature of the use. Open space shall include parks, plazas, playgrounds, lawns, landscaped areas, decorative plantings and pedestrian ways. Streets, parking lots, driveways, service roads, loading areas, and areas normally inaccessible to pedestrian circulation shall not be counted in determining required open space.

- a. Maximum project coverage:
 - Business District D 30%, excluding freestanding parking decks not within the footprint of any occupied building for BUSINESS DISTRICT D DEVELOPMENT or for lots not within a BUSINESS DISTRICT D DEVELOPMENT.

b. Maximum lot coverage:

Business District A:	25% for single-family and two-family dwellings 60% for all other uses
Business District B:	25% for residential uses 20% for all other uses
Business District C:	25% for single-family and two-family dwellings. 35% for multifamily residential uses 50% for all other uses
Business District D:	30% excluding freestanding parking decks not within the footprint of any occupied building for a BUSINESS DISTRICT D DEVELOPMENT or for lots not within a BUSINESS DISTRICT D DEVELOPMENT. N/A for lots within a BUSINESS DISTRICT D DEVELOPMENT.
Professional District A:	N/A
Professional District B:	20%

c. Minimum landscaped open space coverage, including natural vegetation areas:

Business District A:	20%
Business District B:	N/A
Business District C:	30%
Business District D:	35% for a BUSINESS DISTRICT D DEVELOPMENT or for a lot not within a BUSINESS DISTRICT D DEVELOPMENT. N/A for lots within a BUSINESS DISTRICT D DEVELOPMENT.
Professional District A:	N/A
Professional District B:	30%

d. Lot coverage and open space variations may be allowed by special permit from the Board of Appeals in Business Districts A and C: Maximum lot coverage may be increased to not more than 85% of total lot area, and minimum landscaped open space coverage may be reduced to not less than 15% of total lot area by special permit from the special permit granting authority. Under this special permit, increased lot coverage shall include

buildings and impervious surfaces. In granting a special permit for increased lot coverage or decreased landscaped open space coverage, the special permit granting authority shall determine that the special permit includes the provision of amenities or facilities that provide for the public benefit or convenience. Typical site improvements may be determined to be public benefits or convenience when in compliance with the following:

- (1) When street plantings are provided along the entire street frontage for nonresidential uses, except at drives, and except where neither a street setback nor a buffer zone is required. The required plantings should generally be located between the street and the build-to line generally be located between the street and the build-to line.
- (2) When curb cuts are consolidated either on a single lot or between abutting lots resulting in better traffic circulation and safety.
- (3) When landscaping exceeding the minimum parking lot standards is provided. Trees and soil plots shall be so located as to provide visual relief and wind interruption within the parking area, and to assure safe patterns for internal circulation.
- (4) When drainage techniques are used in order to promote improved stormwater drainage, such as porous pavement instead of traditional paving materials. Also, landscaped areas may be below grade in order to allow for stormwater retention and infiltration.
- (5) When enhanced screening of dumpsters, refuse areas, and loading bays is provided for adjacent streets and properties. Plantings should be supplemented by an opaque fence or wall at least six feet tall.
- (6) When a septic system is installed that provides enhanced treatment capability or where the lot is encumbered by easements that facilitate provision of a shared septic system with enhanced treatment capability.
- (7) When the building and facade design are compatible with the promotion of architectural elements as described in the Post Office Square Design Guidelines.
- (8) When a landscaped area, or small park, preferably including public seating, is located in the front yard setback.

REPLACE SUBSECTION 2466

Delete Subsection "2466. Building location" in its entirety and insert the following:

2466. Building location. In Business Districts A and C, single-family and two-family dwellings shall have a maximum yard setback of 20 feet from the property line. Other uses shall have a maximum front yard setback of 10 feet from the property line. In Business District A, any required front setback may only be used for landscaping, public seating, circulation, signage and drives, consistent with the Post Office Square Design Guidelines. The Planning Board,

during site plan review, or the Board of Appeals, during special permit review, may increase the front yard setback if this is necessary to provide public area for pedestrian circulation and seating, and to ensure that criteria for site design as identified in the Design Guidelines for the Town Center Business District are achieved.

a. Minimum front setback from street side line:

Business District B:	10 feet
Business District D:	10 feet from the side line of Route I-95 and 50 feet from Old Post Road 100 feet from all other streets
Professional District A:	N/A
Professional District B:	40 feet

b. Minimum setback from side or rear lot lines:

Business Districts A, B and C:	20 feet from lot lines in any Residence District and 10 feet from all other lot lines.
Business District D:	100 feet from lots not within Business District D (setbacks from Route I-95 are considered as front setbacks as set forth above) and N/A from lots within Business District D.
Professional Districts:	20 feet from lot lines in any Residence District and 10 feet from all other lot lines District.

c. In Business Districts A, C, and D and in the Professional District, minimum separation between buildings on the same lot is 10 feet, except no separation is required where two buildings are separated by a fire wall meeting the requirements of the Massachusetts State Building Code. In those districts, no separation is required where two buildings are separated by a fire wall and there is a multi-year development agreement between the two property owners and the building offers aesthetic value and architectural interest.

REPLACE SUBSECTION 2467

Delete Subsection “2467. Maximum building height” in its entirety and insert the following:

2467. Maximum building height.

- a. Building height shall be as defined in the Massachusetts Building Code. When height is expressed in stories and feet, the specified number of stories is allowed up to the maximum number of specified feet.
- b. Residential uses in Business Districts and the Professional District shall not exceed three

stories or 40 feet.

- c. All other uses, including mixed-use buildings (with or without a residential component), shall not exceed the following limits:
 - (1) Professional Districts: three stories or 40 feet;
 - (2) Business Districts A and C: three stories or 45 feet. Accessories and architectural features extending above the roofline may not exceed a height of 50 feet;
 - (3) Business District B: four stories or 60 feet;
 - (4) Business District D:
 - (i) For hotels and residential buildings located within 350 feet of the west property line at Route I-95, six stories (excluding mezzanines as defined in the Massachusetts Building Code) or 90 feet; and further provided that the height of each story is limited to 15 feet.
 - (ii) For all other uses, four stories (excluding mezzanines as defined in the Massachusetts Building Code) or 60 feet; and further provided that the height of each story is limited to 24 feet for retail and theater use, to 16 feet for office use, and to 13 feet for all other uses.

REPLACE SUBSECTION 2468

Delete Subsection "2468. Additional requirements for Business District D" in its entirety and insert the following:

2468. Additional requirements for Business District D.
- a. Maximum permitted Floor Area Ratio (FAR): 0.033 for a BUSINESS DISTRICT D DEVELOPMENT or for a lot not within a BUSINESS DISTRICT D DEVELOPMENT. A FAR limit is not applicable for lots within a BUSINESS DISTRICT D DEVELOPMENT.
 - b. The maximum permitted gross floor area for residential use shall not exceed 250,000 square feet for a BUSINESS DISTRICT D DEVELOPMENT or for a lot not within a BUSINESS DISTRICT D DEVELOPMENT and the maximum permitted gross floor area for residential, community service and commercial uses combined shall not exceed 750,000 square feet for a BUSINESS DISTRICT D DEVELOPMENT or for a lot not within a BUSINESS DISTRICT D DEVELOPMENT.
 - c. In Business District D, there shall be a "no-cut" line extending 50 feet from South Walpole Street. Existing trees shall be supplemented by in-planting with evergreen trees and shrubs to create a dense vegetative screen. A six-foot-high unfinished cedar board fence shall be placed approximately 40 feet off the street line to provide supplemental screening when considered appropriate by the Board of Appeals pursuant to Subsection 6320.

REVISE SUBSECTION 3111

Revise “3111. Number of parking spaces required” by replacing paragraph “a.” Delete said paragraph which reads in part “a. Parking in excess of the minimum standards set forth within this Subsection 3111 shall be at the discretion of the Board of Appeals during its review of a site plan or special permit application, or the Planning Board during its review of a site plan application in Business District A. The minimum number of parking spaces required shall be as follows: (1) For religious and public educational institutions: one parking space per 600 square feet of gross floor area...(9) In Business District A, for any place of public assembly that utilizes seasonal outdoor seating, the additional seasonal outdoor space shall be exempt from parking requirements.” and insert the following:

a. Parking in excess of the minimum standards set forth within this Subsection 3111 shall be at the discretion of the Board of Appeals during its review of a site plan or special permit application, or the Planning Board during its review of a site plan application in Business District A. The minimum number of parking spaces required shall be as follows:

- (1) For religious and public educational institutions: one parking space per 600 square feet of gross floor area.
- (2) For other places of public assembly, such as for meetings, entertainment, recreation, adult education, service of food or beverages: one parking space per five fixed seats or 10 lineal feet of bench; or where no seats or benches are provided, one parking space per 20 square feet of floor area open to the public assembly.
- (3) For bowling alleys: two parking spaces per bowling alley.
- (4) In Business District D:

Hotel	1 parking space per room or suite
Business and Professional Office	4 parking spaces per 1,000 square feet of gross floor area.
Residential	1.65 parking spaces per dwelling unit provided that the Zoning Board of Appeals may reduce the number of required parking spaces based upon finding that shared parking is available.
- (5) For all other permitted nonresidential uses in Business District A: three parking spaces per 1,000 square feet of gross leasable area on the ground floor and 1 1/2 parking spaces per 1,000 square feet of such area on any additional floor.
- (6) For all other permitted nonresidential uses in Business Districts B, C and D and the Professional Districts: five parking spaces per 1,000 square feet of gross leasable area on the ground floor and three parking spaces per 1,000 square feet of such area on any additional floor.

- (7) For assisted-living residences in Professional District B: two parking spaces for every three units.
- (8) For residential uses excluding residential use in Business District D, there shall be one parking space per dwelling unit.
- (9) In Business District A, for any place of public assembly that utilizes seasonal outdoor seating, the additional seasonal outdoor space shall be exempt from parking requirements.

REVISE SUBSECTION 3112

Revise “3112. Location of parking” by adding a new paragraph “b” following paragraph “a” thereof and redesignating paragraphs “b” and “c” as paragraphs “c” and “d” respectively as follows:

- b. The provisions of paragraph a. notwithstanding, parking for a lot within Business District D that is not located within a BUSINESS DISTRICT D DEVELOPMENT shall be provided on the lot. Parking for a lot within Business District D that is located within a BUSINESS DISTRICT D DEVELOPMENT may be provided throughout the BUSINESS DISTRICT D DEVELOPMENT.

REPLACE SUBSECTION 4531

Delete Subsection “4531. Prohibited uses and activities” in its entirety and insert the following:

4531. Prohibited uses and activities. Within the Water Resources Protection Districts, the following uses and activities are specifically prohibited:
- a. Sanitary landfill or other disposal of solid waste;
 - b. Motor vehicle salvage operations and junkyards;
 - c. Municipal sewage treatment facilities (publicly owned treatment works), not including sewer lines, force mains, pump stations and other accessory sewer system equipment used to transport sewage;
 - d. Sewage treatment plants, except as follows:
 - (1) In Business District D and in the Wastewater Overlay District, 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 Subsection 2329 and provided that the wastewater treatment plant does not accept industrial wastewater as defined in 310 CMR 15.004(5) or wastewater from a Health Care Center, hospice, or renal dialysis facility unless the Massachusetts Department of Environmental Protection or the Sharon Board of Health determines that the that the wastewater's constituents are substantially similar to sanitary sewage (310 CMR 15.002) 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 Subsection 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.
- e. Commercial car washes;
 - f. Outdoor storage of road salt or other deicing chemicals;
 - g. Any underground fuel storage or other storage tanks or collection pits, including any tanks or collection pits partially below mean ground elevation;
 - h. Dumping of snow from outside the district;
 - i. Commercial dry cleaning establishments;
 - j. Commercial self-service laundries, unless connected to public sewerage;
 - k. Commercial service and repair of airplanes, boats and motor vehicles, including body shops;
 - l. Storage and/or sale of petroleum or other refined petroleum products, except within a building which it will heat or except in quantities reasonably associated with normal household use;
 - m. Commercial plating, finishing or polishing of metals;
 - n. Chemical and bacteriological laboratories;
 - o. Storage of herbicides, pesticides or fertilizer, other than in amounts normally associated with household or agricultural uses;
 - p. The following activities if done commercially: cabinet or furniture making, painting, wood preserving, furniture stripping and refinishing, photographic processing and printing;
 - q. Electronic circuit assembly;
 - r. Hotels or motels, except that hotels located in Business District D and hotels and motels located in any district that are connected to public sewerage are not prohibited;
 - s. The removal of any earth, rock, soils, humus or mineral substance except as to the extent permitted by Chapter 141, Earth Removal, of the Town's General Bylaws.

REVISE SUBSECTION 5110

Revise Subsection “5110. Terms defined” by inserting a new definition “BUSINESS DISTRICT D DEVELOPMENT (BDDD)” following the definition of the term “BEDROOM” as follows:

BUSINESS DISTRICT D DEVELOPMENT (BDDD) — A project comprised of one or more contiguous lots of land within the Business District D with provisions as may be required for permanent easements running with the land, a master deed and condominium, or other mechanism acceptable to the Zoning Board of Appeals sufficient to ensure vital access and utility service to each lot.

MOTION TO AMEND: By removing the first “0.” In Section 2468 a. so that the Section 2468 a. reads; Maximum permitted floor area ratio (FAR): 0.33, and the remaining portion of the section be unchanged. **CARRIED.**

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

SEE ADDENDUM FOR VOTED ARTICLE 2

ARTICLE 3.

MOTION: That the Town raise and appropriate, transfer from available funds or borrow the sum of \$12,900,000.00 as follows:

<u>From:</u>	<u>Article:</u>	<u>Amount:</u>
Bond Premium (from 2017 May borrowing)		\$ 244,829.52
Unexpended Town Capital Projects:		
32002220-621401	5/13 ATM 10H Fire - Bldg Reno.	\$ 32,124.25
32002220-621501	5/14 ATM 10F Fire Bldg Reno	\$ 50,000.00
32004400-621602	5/15 ATM #6C Town Hall ADA	\$ 14,731.25
32002220-621600	5/15 ATM 6H Fire - Dept Equip.	\$ 29.86
32002210-621203	5/11 ATM ART 14F Police - Dept Equip.	\$ 6,926.60
Public Safety Building Project Surplus		\$ 750,000.00
Borrowing		\$10,800,000.00
FY17 Free Cash		\$ 1,001,358.52
	Total:	\$12,900,000.00

The purpose of the above funding is for the demolition of the existing Town Hall and Fire Station at 90 South Main Street, and the construction of a new Town Hall building at the location of the to-be demolished Fire Station at 90 South Main Street, including the original equipping, furnishing and any other costs incidental thereto, of the new Town Hall, such funds shall be expended under the direction of the Sharon Standing Building Committee; and to determine whether this appropriation shall be raised by borrowing or otherwise.

Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

MOTION TO AMEND: To substitute the following: That the Town raise and appropriate, transfer from available funds or borrow the sum of \$9,628,000.00 as follows:

<u>From:</u>	<u>Article:</u>	<u>Amount:</u>
Bond Premium (from 2017 May borrowing)		\$ 244,829.52
Unexpended Town Capital Projects:		
32002220-621401	5/13 ATM 10H Fire - Bldg Reno.	\$ 32,124.25
32002220-621501	5/14 ATM 10F Fire Bldg Reno	\$ 50,000.00
32004400-621602	5/15 ATM #6C Town Hall ADA	\$ 14,731.25
32002220-621600	5/15 ATM 6H Fire - Dept Equip.	\$ 29.86
32002210-621203	5/11 ATM ART 14F Police - Dept Equip.	\$ 6,926.60
Public Safety Building Project Surplus		\$ 750,000.00
Borrowing		\$ 7,528,000.00
FY17 Free Cash		\$ 1,001,358.52
	Total:	\$ 9,628,000.00

The purpose of the above funding is for renovation of the existing Town Hall as per option 2 of the BKA Architects report dated September 13, 2017 with the following changes; Do not demolish the old Fire Station; Prepare secure storage “lockers” for each Department in the bay area of the old Fire Station; Minimally modify the old Fire Station by replacing the garage doors facing South Main Street and wall off non utility area; Utilize the lower level of the Town Hall for offices and/or meeting rooms; Utilize the existing equipment to the maximum extent possible. Such funds shall be expended under the direction of the Sharon Standing Building Committee; and to determine whether this appropriation shall be raised by borrowing or otherwise.

Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. **NOT CARRIED.**

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

VOTED: That the Town raise and appropriate, transfer from available funds or borrow the sum of \$12,900,000.00 as follows:

<u>From:</u>	<u>Article:</u>	<u>Amount:</u>
Bond Premium (from 2017 May borrowing)		\$ 244,829.52
Unexpended Town Capital Projects:		
32002220-621401	5/13 ATM 10H Fire - Bldg Reno.	\$ 32,124.25
32002220-621501	5/14 ATM 10F Fire Bldg Reno	\$ 50,000.00
32004400-621602	5/15 ATM #6C Town Hall ADA	\$ 14,731.25
32002220-621600	5/15 ATM 6H Fire - Dept Equip.	\$ 29.86
32002210-621203	5/11 ATM ART 14F Police - Dept Equip.	\$ 6,926.60
Public Safety Building Project Surplus		\$ 750,000.00
Borrowing		\$10,800,000.00
FY17 Free Cash		\$ 1,001,358.52
	Total:	\$12,900,000.00

The purpose of the above funding is for the demolition of the existing Town Hall and Fire Station at 90 South Main Street, and the construction of a new Town Hall building at the location of the to-be demolished Fire Station at 90 South Main Street, including the original equipping, furnishing and any other costs incidental thereto, of the new Town Hall, such funds shall be expended under the direction of the Sharon Standing Building Committee; and to determine whether this appropriation shall be raised by borrowing or otherwise.

Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. **A STANDING VOTE. VOTES IN THE AFFIRMATIVE 227; VOTES IN THE NEGATIVE 84. 2/3 VOTE DECLARED BY MODERATOR.**

THE MEETING ADJOURNED AT 11:18 P.M.

Attendance: 993

**SPECIAL TOWN MEETING
MAY 6, 2017**

The Special Town meeting of November 6, 2017 was adjourned at 11:18 P.M. to reconvene at the Sharon High School, Arthur E. Collins Auditorium on Pond Street on Tuesday, November 7, 2017 at 7:00 P.M. then and there to act on all unfinished business in the November 6, 2017 Special Town Meeting Warrant.

Attest:

Marlene B. Chused
Sharon Town Clerk

NOVEMBER 7, 2017

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

Tilden M. Kaufman
Constable
Sharon, Massachusetts

**ADJOURNED SPECIAL TOWN MEETING
NOVEMBER 7, 2017**

ARTICLE 4.

MOTION: That the Town amend the Zoning By-laws of the Town of Sharon exactly as printed on pages 28 – 30 of the Warrant for this Special Town Meeting, except for the deletion of the words “or take any other action relative thereto.”

That the Town vote to amend the Town’s Zoning Bylaws by adding the following new section:

“Section 3700. TEMPORARY MORATORIA.” and further to amend the Table of Contents to add Section 3700. “Temporary Moratoria” and the ensuing parts as proposed herein.

“Section 3700 . Temporary Moratorium on the Retail Sale and Distribution of Recreational Marijuana

3710. Purpose: By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes. The law provides that it is effective on December 15, 2016 and the Cannabis Control Commission is required to issue regulations regarding implementation by March 15, 2018.

Currently under the Zoning Bylaw, Recreational Marijuana Establishments and Marijuana Retailers are not a permitted use in the Town and any regulations promulgated by the State Cannabis Control Commission are expected to provide guidance to the Town in regulating Recreational Marijuana Establishments and Marijuana Retailers. Further, the state law clarifying the ballot measure establishes a process for the town to either ban or restrict the issuance of licenses for such facilities.

The regulation of Recreational Marijuana Establishments and Marijuana Retailers raise novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and Marijuana Retailers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments and Marijuana Retailers and other uses related to the regulation of recreational marijuana. The Town intends to adopt a

temporary moratorium on the use of land and structures in the Town for Marijuana Retailers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to adopt provisions of the Zoning Bylaw in a manner consistent with sound land use planning goals and objectives. The temporary moratorium is not intended to be a comprehensive moratorium on all recreational marijuana activities but rather a temporary prohibition only on recreational marijuana retail sales.

3720. Definitions

"Manufacture", to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

"Marijuana accessories", equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

"Marijuana cultivator", an entity licensed to cultivate process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

"Marijuana establishment", a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

"Marijuana product manufacturer", an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

"Marijuana products", products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

"Marijuana testing facility", an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

"Marijuana retailer", an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

3730. Temporary Moratorium.

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for

Marijuana Retailers. The moratorium shall be in effect through June 30, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments and Marijuana Retailers and related uses, determine whether the town shall restrict any, or all, licenses for Recreational Marijuana Establishments and Marijuana Retailers, determine whether the town will prohibit on-site consumption at Recreational Marijuana Establishments and Marijuana Retailers and shall consider adopting new provisions of the Zoning Bylaw to address the impact and operation of Recreational Marijuana Establishments and Marijuana Retailers and related uses.

3740. Severability. The provisions of this Section 3700 of the Zoning Bylaw are severable. If any provision, paragraph, sentence, or clause of this Section 3700 or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Section 3700.

MOTION TO AMEND: By replacing the date in Section 3730 “June 30, 2017” with the date “December 31, 2017” **NOT CARRIED. A STANDING VOTE. VOTES IN THE AFFIRMATIVE 79; VOTES IN THE NEGATIVE 80. 2/3 VOTE DECLARED BY MODERATOR.**

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

VOTED: That the Town vote to amend the Town’s Zoning Bylaws by adding the following new section:

“Section 3700. TEMPORARY MORATORIA.” and further to amend the Table of Contents to add Section 3700. “Temporary Moratoria” and the ensuing parts as proposed herein.

“Section 3700 . Temporary Moratorium on the Retail Sale and Distribution of Recreational Marijuana

3710. Purpose: By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes. The law provides that it is effective on December 15, 2016 and the Cannabis Control Commission is required to issue regulations regarding implementation by March 15, 2018.

Currently under the Zoning Bylaw, Recreational Marijuana Establishments and Marijuana Retailers are not a permitted use in the Town and any regulations promulgated by the State Cannabis Control Commission are expected to provide guidance to the Town in regulating Recreational Marijuana Establishments and Marijuana Retailers. Further, the state law clarifying the ballot measure establishes a process for the town to either ban or restrict the issuance of licenses for such facilities.

The regulation of Recreational Marijuana Establishments and Marijuana Retailers raise novel and complex legal, planning, and public safety issues and the Town needs time to study and

consider the regulation of Recreational Marijuana Establishments and Marijuana Retailers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments and Marijuana Retailers and other uses related to the regulation of recreational marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Marijuana Retailers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to adopt provisions of the Zoning Bylaw in a manner consistent with sound land use planning goals and objectives. The temporary moratorium is not intended to be a comprehensive moratorium on all recreational marijuana activities but rather a temporary prohibition only on recreational marijuana retail sales.

3720. Definitions

"Manufacture", to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

"Marijuana accessories", equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

"Marijuana cultivator", an entity licensed to cultivate process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

"Marijuana establishment", a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

"Marijuana product manufacturer", an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

"Marijuana products", products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

"Marijuana testing facility", an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

"Marijuana retailer", an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

3730. Temporary Moratorium.

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Marijuana Retailers. The moratorium shall be in effect through June 30, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments and Marijuana Retailers and related uses, determine whether the town shall restrict any, or all, licenses for Recreational Marijuana Establishments and Marijuana Retailers, determine whether the town will prohibit on-site consumption at Recreational Marijuana Establishments and Marijuana Retailers and shall consider adopting new provisions of the Zoning Bylaw to address the impact and operation of Recreational Marijuana Establishments and Marijuana Retailers and related uses.

3740. Severability. The provisions of this Section 3700 of the Zoning Bylaw are severable. If any provision, paragraph, sentence, or clause of this Section 3700 or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Section 3700. **2/3 VOTE DECLARED BY MODERATOR**

ARTICLE 5.

VOTED UNANIMOUSLY: That the Town amend the General By-laws of the Town of Sharon exactly as printed on pages 32 – 41 of the Warrant for this Special Town Meeting, except to designate the new section as “Section 210” and for the deletion of the words “or take any other action relative thereto.”

That the Town vote to amend the Town of Sharon General By-laws by adding a new section, as stated below, to establish and authorize revolving funds for use by town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, § 53E½, or take any other action relative thereto.

DEPARTMENT REVOLVING FUNDS

1. Purpose. This by-law establishes and authorizes revolving funds for use by town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.
2. Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

- A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund [except for those employed as school bus drivers].
 - B. No liability shall be incurred in excess of the available balance of the fund.
 - C. The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Board of Selectmen and the Finance Committee.
3. Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.
4. Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E½ and this by-law, the laws, charter provisions, by-laws/ordinance, rules, regulations, policies or procedures that govern the receipt and custody of town/city monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The town accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the town accountant provides the department, board, committee, agency or officer on appropriations made for its use.
5. Authorized Revolving Funds. The Table establishes:
- A. Each revolving fund authorized for use by a town/city department, board, committee, agency or officer;
 - B. The department or agency head, board, committee or officer authorized to spend from each fund;
 - C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant/Finance Director;
 - D. The expenses of the program or activity for which each fund may be used;
 - E. Any restrictions or conditions on expenditures from each fund;
 - F. Any reporting or other requirements that apply to each fund, and
 - G. The fiscal years each fund shall operate under this by-law/ordinance.

A	B	C	D	E	F	G
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/ Reports	Fiscal Years
Cable TV Licensing and Re-licensing Fund	Board of Selectmen	Receipts to be deposited to this fund shall be solely derived from the annual proceeds received by the Town from the cable television licensee under the terms of a Renewal License granted by the Board of Selectmen.	The purpose of this fund is to prepare for future cable licensing or re-licensing, and to defray the costs incurred by the Town in providing public internet access.	Expenditures in the current fiscal year shall not exceed the balance in the fund carried forward from the prior fiscal year plus receipts deposited into the fund during the current fiscal year and in any case shall not exceed twenty thousand (\$20,000.00) dollars.	Any unused balance, subject to subsequent Town Meeting authorization, shall carry forward for the benefit of Sharon cable subscribers to cover any costs incurred at the time of license issuance or renewal.	Fiscal Year 2018 and subsequent years
Library Public-Use Supplies Replacement Fund	Library Director, with the approval of the Library Board of Trustees	Receipts to be deposited in this fund shall be monies collected as a user fee paid by the users of computer printers and/or the recipients of faxes. Such monies represent the replacement cost of the supplies.	The purpose of this fund is to acquire supplies associated with the use of public-use computer printers and faxes such as, but not limited to, paper and ink cartridges.	Expenditures in the current fiscal year shall not exceed the balance in the fund carried forward from the prior fiscal year plus receipts deposited into the fund during the current fiscal year and in any case shall not exceed seven thousand		Fiscal Year 2018 and subsequent years

				(\$7,000.00) dollars.		
Library Materials Replacement Fund	Library Director, with the approval of the Library Board of Trustees	Receipts to be deposited in this fund shall be monies paid by the borrowers of the lost materials. Such monies represent the replacement cost of the material.	The purpose of this fund is to acquire equivalent Public Library materials to replace items lost by those who borrow such materials.	Expenditures in the current fiscal year shall not exceed the balance in the fund carried forward from the prior fiscal year plus receipts deposited into the fund during the current fiscal year and in any case shall not exceed three thousand five hundred (\$3,500.00) dollars.		Fiscal Year 2018 and subsequent years
Street Opening Fund	Superintendent of Public Works, with the approval of the Board of Selectmen	Receipts to be deposited in this fund shall be monies paid by utility companies, contractors and/or the Town Water Division in accordance with the requirements of the Town of Sharon Street Opening Manual.	The purpose of this fund is to defray the cost of making permanent repairs to openings in Town streets by utility companies, contractors, and/or the Town Water Division.	Expenditures in the current fiscal year shall not exceed the balance in the fund carried forward from the prior fiscal year plus receipts deposited into the fund during the current fiscal year and in any case shall not exceed twenty-five		Fiscal Year 2018 and subsequent years

				thousand (\$25,000.00) dollars.		
Recycling Fund	Superintendent of Public Works, with the approval of the Board of Selectmen	Receipts to be deposited to this fund shall be monies derived from the sale of recycled materials including, but not limited to, newspaper, glass, metals and plastics, the sale of leaf bags, and disposal fees for certain special wastes generated by the citizens of Sharon including, but not limited to, batteries, tires, and used motor oil and white goods, and an amount equal to the number of tons of material recycled times the Tipping Fee at the SEMASS facility to be transferred from the Tipping Fee Escrow Fund.	The purpose of this fund is to support the recycling program of the Town of Sharon and to purchase and install shade trees and shrubs to be planted in the public ways of the Town and otherwise as provided for in M.G.L. ch. 87, § 7.	Expenditures in the current fiscal year shall not exceed the balance in the fund carried forward from the prior fiscal year plus receipts deposited into the fund during the current fiscal year and in any case shall not exceed one hundred-fifty thousand (\$150,000.00) dollars.		Fiscal Year 2018 and subsequent years
Community Center Building Maintenance	Superintendent of Public Works, with the approval of the Board of	Receipts to be deposited into the fund shall be monies	The purpose of this fund is to provide and pay for the	Expenditures in the current fiscal year shall not		Fiscal Year 2018 and subsequent years

Fund	Selectmen	collected from users and lessees of the Community Center.	maintenance, repair, improvement, monitoring, and operation of the Community Center.	exceed the balance in the fund carried forward from the prior fiscal year plus receipts deposited into the fund during the current fiscal year and in any case shall not exceed one hundred thousand (\$100,000.00) dollars.		
Parking Lot Fund	Superintendent of Public Works, with the approval of the Board of Selectmen	Receipts to be deposited to this fund shall be solely derived from the receipt of parking fees and charges.	The purpose of this fund is to provide and pay for the maintenance, repair, improvement, monitoring, and operation, including payment for public liability coverage, for municipal parking lots within the Town that are subject to the control of the Board of Selectmen, including, but not limited to, the parking lot located on Pond Street which was accepted at Special Town Meeting on June 21, 1978, by gift of the Sharon Civic Foundation, and/or to	Expenditures in the current fiscal year shall not exceed the balance in the fund carried forward from the prior fiscal year plus receipts deposited into the fund during the current fiscal year and in any case shall not exceed sixty-five thousand (\$65,000.00) dollars.		Fiscal Year 2018 and subsequent years

			purchase or lease additional parking lots, and in general for any traffic control or traffic safety purposes.			
Railroad Parking Fund	Superintendent of Public Works, with the approval of the Board of Selectmen	Receipts to be deposited to this fund shall be solely derived from the receipt of MBTA parking fees and charges.	The purpose of this fund is to provide and pay for the maintenance, repair, improvement, monitoring, and operation, including payment for public liability coverage, for the MBTA parking lot and in general for any traffic control or traffic safety purposes related thereto.	Expenditures in the current fiscal year shall not exceed the balance in the fund carried forward from the prior fiscal year plus receipts deposited into the fund during the current fiscal year and in any case shall not exceed five hundred thousand (\$500,000) dollars.		Fiscal Year 2018 and subsequent years
Recreation Programs Revolving Fund	Recreation Director, with the approval of the Board of Selectmen	Receipts to be deposited into this fund shall be monies collected from users of the Recreation Department programs and facilities.	The purpose of this fund is to support the fee-based Recreation Department programs.	Expenditures in the current fiscal year shall not exceed the balance in the fund carried forward from the prior fiscal year plus receipts deposited into the fund during the		Fiscal Year 2018 and subsequent years

				current fiscal year and in any case shall not exceed three hundred thousand (\$300,000.00) dollars.		
Waterfront Recreation Programs Revolving Fund	Recreation Director, with the approval of the Board of Selectmen		The purpose of this fund is to utilize all program monies associated with Massapoag Lake to be utilized for expenses incurred related to programs occurring on the lake as well as the beaches.	Expenditures in the current fiscal year shall not exceed the balance in the fund carried forward from the prior fiscal year plus receipts deposited into the fund during the current fiscal year and in any case shall not exceed one hundred-fifty thousand (\$150,000.00) dollars.		Fiscal Year 2018 and subsequent years
Conservation Commission Advertising Revolving Fund	Conservation Commission	Receipts to be deposited in this fund shall be monies paid by persons requesting hearings before the Sharon Conservation Commission.	The purpose of this fund shall be to defray the cost of advertising for hearings and meetings before the Sharon Conservation Commission.	Expenditures in the current fiscal year shall not exceed the balance in the fund carried forward from the prior fiscal year plus receipts deposited into the fund during the current fiscal year and in any case shall not exceed		Fiscal Year 2018 and subsequent years

				four thousand (\$4,000.00) dollars.		
Board of Health Fund for Monitoring Compliance with Septic Variance	Board of Health	Receipts to be deposited into this fund shall be monies collected from fees generated from application fees for all new onsite wastewater disposal installations, which require variance from the requirements of Title V or Article 7 and annual fees, assessed to owners of new and existing onsite wastewater disposal installations that require reporting, annual, or more frequent pumping, testing, or other actions by the owner, as required by their variance from Title V or Article 7.	The purpose of this fund is to support the Board of Health's efforts to protect public health through the successful management and oversight of all required reporting and testing requirements placed on onsite wastewater disposal installations that have been and will be approved for installation requiring mandated variances.	Expenditures in the current fiscal year shall not exceed the balance in the fund carried forward from the prior fiscal year plus receipts deposited into the fund during the current fiscal year and in any case shall not exceed twenty thousand (\$20,000.00) dollars.		Fiscal Year 2018 and subsequent years
Health Department Revolving Fund	Board of Health	Receipts to be deposited into this fund shall be monies collected through reimbursements for immunizations.	The purpose of this fund is to support health promotion clinics for Sharon residents including, but not limited to, influenza and pneumococcal	Expenditures in the current fiscal year shall not exceed the balance in the fund carried forward from the prior fiscal year		Fiscal Year 2018 and subsequent years

			vaccination clinics.	plus receipts deposited into the fund during the current fiscal year and in any case shall not exceed forty thousand (\$40,000.00) dollars.		
Council on Aging Program Revolving Fund	Council on Aging Director, with the approval of the Board of Selectmen	Receipts to be deposited into the fund shall be monies collected from programming at the Council on Aging.	The purpose of this fund is to support fee based Council on Aging programs.	Expenditures in the current fiscal year shall not exceed the balance in the fund carried forward from the prior fiscal year plus receipts deposited into the fund during the current fiscal year and in any case shall not exceed twenty-five thousand (\$25,000.00) dollars.		Fiscal Year 2018 and subsequent years

ARTICLE 6.

VOTED UNANIMOUSLY: That the Town reaccept Massachusetts General Law Chapter 32B Section 20 regarding the “Governance of local other post-employment benefit (OPEB) funds,” which makes technical corrections to the prior statute which will make the fund IRS compliant, add new state reporting requirements, clarify investment options, custody and appropriation rules.

ARTICLE 7.

VOTED UNANIMOUSLY: That the Town transfer the care, custody, management and control of such portions of land from the Board of Selectmen, as Road Commissioners, to the Board of Selectmen, for the purpose of granting nonexclusive permanent and/or temporary easement(s) to Crescent Ridge Dairy, Inc., or its assignee(s), and/or others as deemed necessary, as shown in the approximate area of the proposed 8” CLDI sewer crossing Bay Road on the plan entitled "Sewer

Connection Plan, Crescent Ridge Dairy, Inc.," dated May 24, 2017, revised June 13, 2017, as may be further revised, a copy of which is on file with the Town Clerk and the Department of Public Works, as may be necessary for to allow Crescent Ridge Dairy, Inc., to connect its property in Sharon to the Stoughton municipal sewer by crossing Bay Road from Sharon to Stoughton;

and, if necessary, to seek approval for such easement(s) from the Norfolk County Commissioners;

and to authorize the Board of Selectmen to enter into such agreements, execute such documents and take such other actions as may be necessary to accomplish the foregoing.

ARTICLE 8.

VOTED UNANIMOUSLY: That action under 8 be indefinitely postponed. (Borrowing Article – Not needed as Article 3 passed.)

VOTED: To dissolve the November 6, 2017 Special Town Meeting @ 8:19 P.M.

Attendance: 158