

TOWN OF SHARON



2017 SPECIAL TOWN MEETING WARRANT

With Report & Recommendations of the Finance Committee

Monday, November 6, 2017

7:00 P.M.

**Sharon High School
Arthur E. Collins Auditorium
181 Pond Street**

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

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

OPEN WARRANT MEETING

Informal discussion of warrant articles

Monday, October 30, 2017

8:00pm

Town Hearing Room, Sharon Community Center, 219 Massapoag Avenue

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TOWN OF SHARON
2017 SPECIAL TOWN MEETING WARRANT
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WARRANT INTRODUCTION

It is the responsibility of the Finance Committee to make recommendations to the voters on all matters that come before Town Meeting. In May of each year, Annual Town Meeting must adopt a town budget for the upcoming fiscal year that begins July 1 and ends June 30. In the fall, a Special Town Meeting may be convened to consider issues such as zoning by-laws and amendments as well as other timely matters brought before the voters to debate and vote. This Warrant is your guide to the items you may reasonably expect to deliberate and vote on November 6th at this year's Special Town Meeting.

The Special Town Meeting November 6th will consider five Articles which have a long term financial impact on the Town. In anticipation of approaching capital projects, Town leaders have worked to position Town finances to minimize any increase to property taxes:

1. Over the past three years, the Town has refinanced previously issued debt to take advantage of lower interest rates.
2. Cash has been utilized to meet some capital requirements reducing the amount of five year capital borrowing.
3. Annual capital expenditures (including debt service) as a share of the annual budget have been reduced by more than \$550,000 from the expected authorized amount to the current fiscal year budget.
4. One-time special payments to the Town have gone to Free Cash rather than annual operations, improving our overall cash position.
5. The Town has implemented a Stabilization Fund permitting the use of Free Cash for capital expenditures without a reduction in reserve that could negatively impact the bond rating.

Article 1 requests funding for High School Schematic Design needed to address major inadequacies of the current High School, a facility that does not meet Americans with Disabilities Act (ADA) requirements under Federal law and Massachusetts School Building Authority (MSBA) established standards for classroom size and other requirements. The School Committee has been accepted into the Massachusetts School Building Authority (MSBA) process to remediate, repair or replace an inadequate high school. Partnering with the MSBA makes Sharon Schools eligible for up to 40%-45% funding. Schematic Design is required to move to the next step in the MSBA requirements.

Article 3 requests funding for a new Town Hall to replace the current building that does not meet Americans with Disabilities Act (ADA) requirements under Federal law. The infrastructure of the current building is antiquated and there is not sufficient space to adequately accommodate the Town's business activities.

Funding for these capital projects can be accomplished without a debt exclusion override and without an increase in property taxes.

1. Debt service expense for FY2019 would not increase over the current FY2018 debt service budget.

2. Residual funds from prior capital projects would be reappropriated to reduce the total amount to be borrowed.
3. No Stabilization Funds would be used.
4. Although you are being asked to appropriate the full cost of the High School schematic design costs, upon project acceptance by the MSBA, these costs will be reimbursable at 40-45% by MSBA.
5. The combined Town financial reserves (Free Cash and Stabilization Fund) would be approximately 5% of FY2018 expenditures after the funding of these capital projects so that reserves remain within acceptable bond rating limits.

Article 2 is a Zoning By-law change that expands the business uses and changes the design standards of Business District D. There have been considerable changes in commercial development design and use since the 2007 zoning of Business District D. The changes requested by the current developer would permit the building of a mixed use development for the Town of Sharon estimated to generate more than \$2 million in net annual tax revenue.

Article 4 is a Zoning By-law change that would impose a temporary moratorium until June 30, 2018 on the sale and distribution of recreational marijuana in the Town. A temporary moratorium would permit the Town to develop a thoughtful and responsible response to the licensing regulations to be issued by the state in March 2018.

Articles 5, 6 and 8 would align Town regulations with changes in state law. Article 7 is a request from Crescent Ridge Dairy, Inc. for an easement across Bay Road to access sewerage from the MWRA through the Town of Stoughton.

Members of the Town of Sharon Finance Committee have dedicated considerable time to understanding these requests and their implications for the citizens of Sharon. Within this Warrant, you will find a summary of their findings and their recommendations.

THE FINANCE COMMITTEE

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

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

Norfolk, ss.

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

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said town, qualified to vote in elections and in town affairs, to meet at the Sharon High School Auditorium, 181 Pond Street, Sharon, Massachusetts on **Monday, November 6, 2017, at 7:00 P.M.**, then and there to act on the following articles:

Article 1: High School Schematic Funding

Sponsored by: School Committee

To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the Sharon Standing Building Committee for a Feasibility Study of 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 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, for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority. The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town;

Or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:

Approval of this article will appropriate \$1,900,000 on behalf of the School Committee to enable the Sharon Standing Building Committee (SSBC) to engage an Owner's Project Manager (OPM statutorily required) and an Architect (collectively, the Project Team) to prepare a feasibility study, schematic designs and cost estimates for alternative programs to rectify existing

conditions and design a cost effective result that will serve the educational needs at the High School into the future.

In 2013, the district commissioned an existing conditions study by the architectural firm of Symmes Maini & McKee Associates (SMMA) in order to determine future capital needs at SHS. The resulting report highlighted significant concerns. Among them was the fact that few spaces met current educational requirements as established by the Massachusetts School Building Authority (MSBA). There were numerous building deficiencies, outdated systems (plumbing, electrical, etc.) as well as areas that did not (and do not) comply with the Americans with Disabilities Act (ADA).

In the spring of 2016, the district began exploring the likelihood of securing state funding for renovating the existing facility or building a new high school by submitting a Statement of Interest (SOI) to partner with the MSBA. Over eighty school submitted SOI's. In February of 2017, SHS was one of only three high schools to be invited into the MSBA's 2017 Eligibility Period, which is a 270-day timeframe during which the district must secure community support, including the funding sought under this Article, to enter into a Feasibility Study Agreement with the MSBA.

The OPM and the architect will, through an extensive interview process with all stake holders, including the School Committee, the School Administration and the High School principal, department heads and teachers as well as town departments, develop a detailed educational program, generate an initial space summary, document existing conditions, establish design parameters, develop and evaluate alternatives and recommend the most cost effective and educationally preferred solution to MSBA for its consideration. The OPM will submit, on behalf of the School Committee and administration, the preliminary design program and preferred schematic report for approval by the MSBA Board of Directors. If MSBA approves the recommended solution, the project team will further develop the schematic plans and the cost estimate for further MSBA approval. If approved, a Project Scope and Budget Agreement will be generated by the MSBA that documents the project scope, budget, schedule, and MSBA financial participation. Upon issuance of the Project Scope and Budget Agreement, the Town will have 120 days in which to secure Town Meeting approval of the entire cost of the project, approval of which must be validated by a subsequent positive ballot vote (similar to the voting at an election).

The High School consists of a core building constructed in 1958 augmented by renovations in 1962 and 1997 with modular classrooms added in 2009 and 2010. At the time of the 1997 renovation there were 858 students. Today there are 1,088 students in the school and projections are that there may be as high as 1,352 students in 2025. MSBA and the School Committee have agreed to design and plan a facility to accommodate 1,250 students.

The building suffers from the deterioration and obsolescence typical of a fifty nine year old building. The basic infrastructure (heating, cooling, plumbing and electrical systems) is inadequate, prone to failure and often difficult to get repair parts since some of the equipment is so old that the manufacturer has gone out of business.

The building is not ADA (American with Disabilities Act of 1990) compliant. Doorways (including those to restrooms) are too narrow to permit transit of a wheelchair; stairs obviously prevent the use of wheelchairs and are difficult for students with other permanent or temporary disabilities to navigate. The auditorium is a prime example of obstacles that a person with disabilities has to overcome to participate in school functions. Additionally the High School is the primary designated shelter for the Town in case of emergency. While the Town has not yet been cited for non-compliance, there are statutory provisions for significant fines that may be levied against the Town for continuing non-compliance.

MSBA has established standards for classroom size based on the usage of the classroom (lecture, science labs, etc.). Of sixty-seven rooms in the High School only ten meet the criteria (core classroom spaces average 450-500 square feet; current standard is 850-900 square feet). For example, the standard for science labs is 1,400 square feet. Two existing labs meet criteria while nine do not, those averaging 700 square feet. The small room size poses a challenge to teaching students in a manner consistent with current curriculum guidelines. Also, neither the gym, the auditorium, nor the cafeteria meets the guidelines.

In 2017, Sharon High will be reviewed by the New England Association of Schools and Colleges (NEASC) for its accreditation to be renewed (performed on a ten year cycle). The current condition of the High School constitutes a potential obstacle to accreditation since one of the criteria evaluated by the association will be the condition of the building as it relates to the educational process. Some colleges consider the accreditation of the high school in its admission process.

It is anticipated that MSBA will reimburse the Town for over 40% of the cost of the selected project. (MSBA will reimburse the Town 44.68% of the recently replaced roof at Heights Elementary). It is anticipated that the funds being requested under this article will be included as part of the project cost to be reimbursed.

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

THE FINANCE COMMITTEE VOTED 9-0-1 IN FAVOR OF APPROVAL.

Article 2: 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

Sponsored by: Planning Board

To see if the Town will vote to amend the "Town of Sharon, MA, Code, Division 1: Bylaws, Part II: General Legislation, Chapter 275 Zoning" as amended through 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 he 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.
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b. Maximum lot coverage:

Business District A:	25% for single-family and two-family dwellings 60% for all other uses
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Business District B:	25% for residential uses 20% for all other uses
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Business District C:	25% for single-family and two-family dwellings. 35% for multifamily residential uses 50% for all other uses
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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.
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N/A for lots within a BUSINESS DISTRICT D DEVELOPMENT.

Professional District A:	N/A
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Professional District B:	20%
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c. Minimum landscaped open space coverage, including natural vegetation areas:

Business District A:	20%
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Business District B:	N/A
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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
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- | | |
|----------------------------------|---|
| 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.

Or to take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:

Approval of this article would amend Sections 2323-2329, 2460-2469, 3110-3113, 4531 and 5110 of the Town's Zoning By-Law. The amendments relate to the Business D zoning district only. At the 2007 Town Meeting, the Zoning By-laws were amended by creating a new Business District D in the area of certain vacant land off South Main Street across from Shaw's Plaza, which amendment is reflected in these zoning by-law sections. The Business District D by-law provisions envisioned the construction of a "lifestyle" mall in this new zoning district, as portrayed by the owners of the properties who were advocating the zoning change. Many years have gone by, and ownership has changed hands more than once, with no success in commercially developing the property. The current owners of the property no longer believe the "lifestyle" mall concept is economically viable. Development of this property would increase the commercial tax base of the town. The proposed changes to the by-law would essentially make the following changes: up to 225 residential apartment or condominium units could be built in the district; various provisions specifically designed for a "lifestyle" mall are deleted; various new uses, either as of right or with a special permit are added; and certain environmentally friendly provisions are added.

Changes to the lifestyle mall concept: in sections 2327 and 2328 of the zoning by-law, language promoting the lifestyle center concept is deleted. These include provisions requiring minimum spacing between buildings; minimum widths for walkways; requirements that the buildings reflect “New England’s architectural heritage;” requirements that buildings differ from one another with respect to height, paint color, windows, etc.

New permitted uses: Section 2323 under the proposed amendment adds certain uses in Business District D that would be permitted as of right. These include warehouse stores; club and membership stores; certain business services or personal services facilities; certain day-care facilities; and stores serving as drop-off and pick-up locations for cleaning and laundry services (but excluding laundromats and onsite cleaning).

In addition, amended section 2324 permits the construction of residential apartment or condominium units, provided that no less than 12.5 percent of the units are affordable. Preference will be given to applicants for affordable housing who are Sharon residents or persons whose place of employment is in Sharon. Section 2324(d) provides that once certificates of occupancy are issued for 15 housing units, no additional certificates of occupancy will be issued unless a defined percentage of the total units being issued such certificates are affordable. Section 2468 would be amended to provide for the construction of a maximum of 250,000 square feet for residential units (and the maximum gross square footage for residential, commercial and community service combined would be 750,000 square feet). The proposed amendment at section 2462(b) provides for a maximum of 225 residential units that will be made up of up to two bedroom condominium units and studio and one bedroom rental units. The developer will not be permitted to build units that have more than two bedrooms. (See below for discussion of the Development Agreement entered into between the Town and the owner of the land in Business District D).

New uses by special permit: Section 2326 of the zoning by-law defines uses that are permitted by special permit. A number of new uses by special permit are added for Business District D, including: amusement and recreation uses (but excluding racetracks, permanent circus, fair or carnival uses, and gambling uses); drive through for restaurants, banks, and pharmacies; Memory Care Dementia Special Care Unit defined in 105 CMR 150.023; certain licensed or certified health care facilities, provided that no overnight patient beds are provided; certified home health agencies, hospices, physical or speech therapy services, renal dialysis facilities, and temporary nursing agencies; research and development facilities (provided defined wastewater disposal requirements are met); for profit education services; training or conference center; retail postal, delivery or postal box services; and Congregate Housing as authorized by MGL Ch. 121B, s.39 (this is low income housing for qualifying persons over age 60 or disabled).

Environmental enhancements: The article proposes to amend Section 2328 of the zoning by-law by adding certain Green Development provisions, including undertaking commercial best efforts to comply with Leadership in Energy and Environment Design (LEED) principles; to the extent practicable to minimize the development and parking footprint, maximize walkability of the site, use of recyclable materials, landscaping and planting of trees using native species, promotion of water conservation, and minimizing auto traffic among other things. There are also provisions

requiring that blue light emissions be minimized; and a provision for Dark Skies compliant lighting. There are also added requirements for wastewater treatment facilities.

Development Agreement: The Selectman and the owner of the land located in Business District D (the Developer) have entered into a Development Agreement (the “Agreement”). Section 5 of the Agreement provides that 24 of the affordable units must be rental apartment units and that at least 25 percent of the rental units must be affordable. The effect of this is that 100 percent of the units to be built that are rental apartment units, including market rate apartment units, will be deemed affordable under chapter 40B. Section 6 of the Agreement limits the number of residential units to 225; provides that 24 of the first 120 units built to be studio or one-bedroom units; and requires all units to be age designed or age targeted (but not age restricted). Section 6 also provides that no construction of housing units may begin until at least 100,000 square feet of non-residential space is under construction (complete framing) for no fewer than two non-residential tenants.

Section 10 of the Agreement provides that the developer or its successors must pay for certain fiscal impact mitigation to the Town. If there are more than 23 Sharon Public School students residing in the residential units after the construction of the first 120 residential units, the Town will initially be compensated at the rate of \$13,520 (the current average cost per Sharon Public School student) per year for each student above 23 students, such amount to be adjusted annually, if the average cost per student increases. The maximum number will increase proportionately if and when more than 120 residential units are constructed.

Such mitigation payments shall be required for each of the first five years, which need not be consecutive, that the said number of Sharon school students exceeds the trigger amount. If after 10 years, the number of students has not exceeded the maximum amount, the obligation to make mitigation payments is terminated. Also, if there are more than 23 public school students for the first 120 units, the parties are required to negotiate in good faith whether the maximum number of residential units should be fewer than 225 units.

The Agreement also provides that all previous MOU’s in effect shall continue to run with the land; that the Agreement shall be incorporated into the conditions for Site Plan Approval; for payment by the developer of \$100,000 to the Sharon Affordable Housing Trust; for a payment of \$400,000 for water mitigation to the Water Department/Enterprise Fund; a payment of \$250,000 for environmental impact mitigation; a recreation contribution of \$25,000; and a conveyance as a gift of the cranberry bogs to the Town Conservation Commission. A condition of the sale of any portion of the Zone D parcel to a property-tax exempt entity is that the entity must enter into a Payment-in-Lieu-Of-Taxes Agreement with the Town.

If the Town Meeting fails to approve Article 2 or if there is a successful lawsuit challenging the amendments provided for in Article 2, or if the Attorney General’s office fails to approve the Article after its approval by the Town, the Developer has the right to rescind the Agreement.

The rationale between the proposed zoning changes is as follows: there has been no commercial development of the land in Business District D since that district was added to the zoning by-law over 10 years ago. The present owner of the land in that district has represented to the Finance

Committee that development is not feasible under the current version of the by-law. The economics for a successful shopping mall has changed substantially since the original Commercial Zone D was created. There is now competition from on-line marketers such as Amazon. It is not possible to rent to potential commercial tenants under the existing ‘lifestyle’ provisions. Also, to attract tenants and to make the development economically viable, there must be residential units as part of the project (as can be seen in other recently developed mall projects, e.g., Wayland Town Center, Legacy Place in Dedham and University Station in Westwood).

The Finance Committee, through its review, recommends approval of the proposed zoning bylaw amendment. The Finance Committee believes that the envisioned development will bring substantial net tax revenue to the Town, potentially a net amount in the range of \$2,000,000 after deducting impact costs to the Town, that otherwise would be unavailable. The development of the subject parcel will bring amenities that will benefit Town residents. The Development Agreement executed between the Selectmen and the owner of the property includes important affordable housing provisions and fiscal mitigation obligations that protect residents from potential negative impacts.

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

The Planning Board as of the date of this report by the Finance Committee had not yet voted on this Article.

THE FINANCE COMMITTEE VOTED 9-0 IN FAVOR OF APPROVAL, subject, however to possible revision of this vote after the vote by the Planning Board.

The Development Agreement and redlined version of the zoning article is available on the town’s website: www.townofsharon.net

Article 3: Town Hall Project Funding

Sponsored by: Board of Selectmen

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money 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;

or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:

Approval of this article will appropriate \$13.5 million dollars to build a new Town Hall to replace the existing structure.

The May 2, 2016 Annual Town Meeting appropriated \$600,000 to enable the Sharon Standing Building Committee (SSBC) to engage an Owner's Project Manager (statutorily required) and an architect to prepare schematic designs and cost estimates for alternative programs to: 1.) rectify existing conditions and 2.) design a cost effective result that will serve the Town into the future.

I. Rectify existing conditions

The current Town Hall is non-compliant with the regulations of the Massachusetts Architectural Access Board (MAAB) and the Americans with Disabilities Act (ADA). Signed into law by President George H.W. Bush in 1991, the ADA is the landmark civil rights law for persons with disabilities. In the 26 years since ADA became law, the Town has never addressed deficiencies of Sharon Town Offices, choosing to offer alternative locations to provide services to the public upon request. This approach didn't address non-compliance for public employees and was considered a stopgap solution while the Town developed a plan to make physical changes to the building to meet the requirements of the law. More than fifteen years ago, a stair chair lift was installed to partially address the problem; however, the existing chair system is inoperable and because it takes up a significant portion of the stair width, it doesn't meet the code requirement for able individuals to use the stairs. The state agency that monitors compliance with accessibility issues notified the Town to take action to bring the building into compliance. We must develop a plan to finance improvements or face fines of up to \$1,000 per day. Public meetings were moved to the Community Center to avoid a complaint that might trigger a specific deadline and fines for continued non-compliance.

Examples of the physical alterations necessary to make the existing building compliant are: widening every door frame to accommodate individuals in wheelchairs; retrofitting bathrooms to provide accessible toilets and sinks; replacing signage to include Braille to inform visually impaired individuals; adjusting counter heights to accommodate individuals in wheelchairs; and, installing a permanent ramp that allows individuals unable to use stairs to access the first floor of the building and construct an elevator to bring those individuals to the either the basement level or to the second floor. Construction of the ramp will require the removal of a few parking spaces.

The building also suffers from deterioration typical of a 55 year old facility. While some windows have been replaced, the building lacks upgrades to maximize energy efficiency. Tests revealed elevated lead levels in the water fountains that required removal of the units. The floor tiles in the basement storage areas and former meeting room contain asbestos. HVAC is

provided by separate units in offices that are loud, ineffective or inefficient. Some offices, as the result of partitioning to address staff changes over the years, don't have these units and are served by window air conditioners. The information technology department doesn't have a modern server room, requiring increased air conditioning to maintain appropriate climate control. The interior layout is inefficient, meaning circulation space is excessive compared to modern construction and structurally unfeasible to convert. In short, significant capital investment is required to substantially update the existing building if the proposed new facility is not approved.

The building space is also inadequate to provide town services. The existing Sharon Town Offices is 9,356 square feet. The architect's study of the current program revealed a need for an additional 7,200 square feet to support current service levels and to provide enough flexibility to meet anticipated needs for the life the proposed building. Those numbers apply to a new facility, efficiently designed. Of the new space, 1/3 of the square footage would be required as an addition to the existing town offices to meet the elevator and handicapped bathroom facilities. While a shift to electronic storage of records will help alleviate space needs, current vault space is inadequate to support continuing state-mandated retention of hard copies of treasury, assessment and town clerk records. The lobby area of the building doesn't allow convenient customer service or provide sufficient space for early voting that will be required at biennial Federal elections. The basement level with only transom windows is poorly suited for office use or public meetings due to a lack of natural light and moisture from the underground location.

II. Design a cost effective result that will serve the Town into the future.

The architect provided three scenarios to the Board of Selectmen after lengthy discussions with the Town Administrator and with each of the department heads to determine what the current space deficiencies are and to project, as best as possible, their future needs:

1. Make the building ADA compliant. This would include an addition to provide space for an elevator, provide fully accessible toilets on both floors and provide a fully accessible main entrance with an entry lobby as well as some relatively minor space adjustments throughout at an estimated project cost of \$7,374,000. This option would increase the building size to 12,758 square feet.
2. Make the building ADA compliant and add additional office space. This proposed option would increase the square footage to 14,118 at an estimated project cost of \$9,628,000.
3. Build a new Town Hall on the site of the existing fire station. The new facility would have 16,588 square feet of space, be fully ADA compliant, and provide a facility to meet the anticipated space needs for the next 35-50 years. The project cost of a new facility is estimated to be \$13,500,000 (which includes \$600,000 appropriated at a prior Town Meeting).

The proposal for a new building is judged to be the most economically feasible solution to address the accessibility, physical deterioration, and inadequate program space. A new building on the current site allows the Town to utilize the space occupied by the now-abandoned fire

station. Upon demolition of the fire station, construction would begin on town hall, allowing offices to remain in place thus saving the disruption and expense of temporary relocation for the approximate fourteen months of building construction. (The Town does not own any facility capable of housing all the departments forced to vacate during renovation which would result in either the costly rental of such a facility or the disruptive distribution and costly outfitting of the Town Hall departments over several sites.) The site design provides additional parking and creates green space on the corner of South Main Street and East Chestnut Street surrounding the existing monuments and memorial clock. The alternative approaches wastes the use of funds for temporary space and provides 2,300 square feet less program space due to the site limitations of additions using the existing building envelope.

During fiscal 2018, the Town will retire \$10,800,000 of existing debt. As a result, that amount can be added to future debt service obligation without increasing the overall annual debt service cost over the existing debt service cost. The remainder of the cost would be paid for out of reallocations of prior unused borrowings, free cash and unamortized bond premium (see article 8 of this Warrant).

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

THE FINANCE COMMITTEE VOTED 9-0-0 IN FAVOR OF APPROVAL OF OPTION 3.

Article 4: Zoning By-Law Change: Temporary Moratorium on the Sale and Distribution of Recreational Marijuana

Sponsored by: Planning Board

To see if the Town will 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.

Or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:

Approval of this article would put in place a temporary moratorium to expire on June 30, 2018 on the issuance of any permits by the town relative to the establishment of recreational marijuana retail outlets within the town of Sharon.

On November 8, 2016, the voters of the Commonwealth legalized the cultivation, distribution, possession, and use of marijuana by adults over the age of 21 for recreational purposes, with 53.7% of yes votes on ballot Question 4. The measure stipulated that individuals could possess under 10 ounces of marijuana inside their homes and under one ounce in public, also allowing them to grow up to six marijuana plants in their homes. Marijuana legalization took effect on December 15, 2016.

Question 4 set the date for licensing cannabis shops to begin on January 1, 2018. However, state legislators voted to move the date to July 1, 2018. In July 2017, the state legislature passed bill H. 3818, which amended part of the law adopted under Question 4. On July 28, 2017, the Governor signed H. 3318. The law provides two different local control options—one for the 260 municipalities where a majority of voters in those communities approved Question 4 (Sharon

voters approved Question 4 on recreational marijuana) and one for the 91 municipalities where a majority of voters rejected Question 4. For the municipalities that approved the measure, a voter referendum would be required to ban or limit the number of marijuana retail stores. For the municipalities that rejected the measure, the town board of selectmen or city council can vote to ban or limit the number of marijuana retail stores.

Question 4 also created a commission to regulate marijuana in Massachusetts, the Cannabis Control Commission (CCC). The CCC is required to adopt regulations, guidelines and protocols for the issuance of licenses for recreational marijuana establishments by March 15, 2018. The license application process for recreational marijuana businesses is scheduled to open shortly thereafter, on April 1, 2018. The license will be governed by the zoning bylaws or ordinances in effect at the time of application, and municipalities must inform the CCC of any bylaw or ordinance that would make the applicant noncompliant if the license is issued.

Bill H. 3818 allows municipalities to impose a 3% local sales tax on recreational marijuana products. Since sales tax is generated at the point of sale, it is generated by recreational marijuana retail outlets, not growing facilities. In addition, the bill allows municipalities to impose community impact mitigation payments on recreational marijuana businesses. Examples of such mitigation payments include payments to cover the potential need for additional police patrols and equipment, EMS service and drug education in local schools. These payments would be in addition to the 3% sales tax imposed. Data from the states that have previously legalized recreational marijuana (for example, Colorado) shows that the recreational marijuana industry creates substantial revenues, and thus taxes to local communities and states. Preliminary estimates indicate that approving a recreational marijuana outlet would generate annual sales tax income in excess of \$1.2 million to the town of Sharon. Given that the voters of Sharon approved the legalization of recreational marijuana on a state level, and Sharon's limited access to commercial taxes, the Town intends to undertake a comprehensive, responsible planning process over the next six months, involving voters, town officials such as the Police and Fire Chief, Board of Health etc., to evaluate the potential impacts, positive and negative, of licensing recreational marijuana in the Town.

Approving the moratorium would give the Town enough time between now and the spring of 2018 to complete a thoughtful planning process. It would allow the Town to consider regulations, guidelines and protocols for the issuance of licenses for recreational marijuana establishments, which are expected to be issued in March 2018. The moratorium would allow the results of the planning process to be presented to the voters of Sharon in the form of one or more warrant articles at the May 2018 Annual Town Meeting to provide safeguards for the sale of recreational marijuana. We have been advised by the Town's legal counsel that rejecting this moratorium could result in someone successfully applying with the CCC after April 1, 2018 to receive a license to open a recreational marijuana retail establishment in Sharon.

This moratorium has the sole purpose of providing the Town with sufficient amount of time to engage in the planning process and should not be interpreted as an indication of the Town's position on approving or banning recreational marijuana.

One member of Finance Committee expressed concerns regarding the June 30th end date for the moratorium. That member indicated a preference for a December 31st deadline to allow the Town additional time to have a responsible planning process to continue after the Cannabis Control Commission issues regulations.

The Planning Board voted 4-0-0 in favor of approval.

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

THE FINANCE COMMITTEE VOTED 9-0-0 IN FAVOR OF APPROVAL.

Article 5: General By-Law Change: Authorization of Departmental Revolving Funds and Model By-Law

Sponsored by: Board of Selectmen

To see if the Town will 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 (\$7,000.00) dollars.		Fiscal Year 2018 and subsequent years

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 thousand (\$25,000.00) dollars.		Fiscal Year 2018 and subsequent years

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 Fund	Superintendent of Public Works, with the approval of the Board of Selectmen	Receipts to be deposited into the fund shall be monies collected from users and lessees of the Community Center.	The purpose of this fund is to provide and pay for the maintenance, repair, improvement, monitoring, and operation of the Community Center.	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		Fiscal Year 2018 and subsequent years

				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 purchase or lease additional parking lots, and in general for any traffic control or traffic safety purposes.	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

<p>Railroad Parking Fund</p>	<p>Superintendent of Public Works, with the approval of the Board of Selectmen</p>	<p>Receipts to be deposited to this fund shall be solely derived from the receipt of MBTA parking fees and charges.</p>	<p>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.</p>	<p>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.</p>		<p>Fiscal Year 2018 and subsequent years</p>
<p>Recreation Programs Revolving Fund</p>	<p>Recreation Director, with the approval of the Board of Selectmen</p>	<p>Receipts to be deposited into this fund shall be monies collected from users of the Recreation Department programs and facilities.</p>	<p>The purpose of this fund is to support the fee-based Recreation Department programs.</p>	<p>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 hundred thousand (\$300,000.00) dollars.</p>		<p>Fiscal Year 2018 and subsequent years</p>

<p>Waterfront Recreation Programs Revolving Fund</p>	<p>Recreation Director, with the approval of the Board of Selectmen</p>		<p>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.</p>	<p>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.</p>		<p>Fiscal Year 2018 and subsequent years</p>
<p>Conservation Commission Advertising Revolving Fund</p>	<p>Conservation Commission</p>	<p>Receipts to be deposited in this fund shall be monies paid by persons requesting hearings before the Sharon Conservation Commission.</p>	<p>The purpose of this fund shall be to defray the cost of advertising for hearings and meetings before the Sharon Conservation Commission.</p>	<p>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 four thousand (\$4,000.00) dollars.</p>		<p>Fiscal Year 2018 and subsequent years</p>

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 vaccination clinics.	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 forty thousand (\$40,000.00) dollars.		Fiscal Year 2018 and subsequent years

<p>Council on Aging Program Revolving Fund</p>	<p>Council on Aging Director, with the approval of the Board of Selectmen</p>	<p>Receipts to be deposited into the fund shall be monies collected from programming at the Council on Aging.</p>	<p>The purpose of this fund is to support fee based Council on Aging programs.</p>	<p>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.</p>		<p>Fiscal Year 2018 and subsequent years</p>
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FINANCE COMMITTEE RECOMMENDATION:

Approval of this article will amend the Town’s by-laws to add a provision establishing and authorizing revolving funds for town departments.

Historically, the Town has used revolving funds to help manage the fiscal affairs of the Town and these funds have been established and authorized annually at the Town meeting individually. The Town now has an opportunity to streamline the process for establishing and authorizing revolving funds under the Municipal Modernization Act (MMA), which is a multi-section law approved by the legislature and signed by the Governor in August 2016. The MMA amends several sections of the General Laws to update antiquated provisions to streamline municipal government operations.

The article proposes to amend the Town’s bylaws pursuant to G.L. Ch. 44 Sec. 53E1/2 to establish and authorize revolving funds for fee-supported programs and activities and set expenditure limitations. The descriptions and limits are identified in the table that is part of the bylaw. Adoption of the bylaw will allow Town Meeting to adjust existing revolving fund limits using this format at future Annual Town Meetings (similar to the process used to amend the Personnel By-Law at Annual Town Meeting to reflect negotiated salary changes).

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

THE FINANCE COMMITTEE VOTED 12-0-0 IN FAVOR OF APPROVAL.

Article 6: O.P.E.B. Trust Fund Statute Reacceptance

Sponsored by: Board of Selectmen

To see if the Town will vote to 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; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:

Approval of this article will reaccept the provisions of Massachusetts General Laws 32B, section 20 regarding governance of other post-employment benefit (OPEB) trust funds.

Historically, the Town has maintained an OPEB trust fund required to ensure that the town has available funds in managing its other post-employee benefit obligations. As a result of the passage of the MMA discussed in Article 5 above, the Town must now clarify the authorization that established OPEB trust fund to assure compliance with the legal requirements for trusts and with the standards of the Governmental Accounting Standards Board (GASB). Prior to the

Legislature clarifying the statute, OPEB funds were only authorized as a reserve fund or a stabilization fund unless a special act was enacted.

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

THE FINANCE COMMITTEE VOTED 12-0-0 IN FAVOR OF APPROVAL.

Article 7: Easement to Crescent Ridge Dairy, Inc.

Sponsored by: Board of Selectmen

To see if the Town will vote to authorize the Board of Selectmen, as Road Commissioners, to grant 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 the purposes of allowing 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,

or to take any other action relating thereto.

FINANCE COMMITTEE RECOMMENDATION:

Approval of this article would authorize the Board of Selectmen to grant the necessary easements to enable Crescent Ridge Dairy, Inc. to connect its property to the Stoughton municipal sewer main on the Stoughton side of Bay Road at the intersection of Lorraine Drive.

Crescent Ridge Dairy has been unable to consistently meet DEP requirements regarding wastewater discharge and groundwater quality on its existing septic system. An upgraded septic system that would accommodate Crescent Ridge Dairy's current needs is cost prohibitive. Connecting to the municipal sewer system is a more cost effective solution for their wastewater discharge.

Costs associated with connecting to the municipal sewer main will be borne by Crescent Ridge Dairy. Crescent Ridge Dairy will own the sewer connection and be responsible for maintenance costs. There are no costs to the town of Sharon as a result of approval of this article.

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

THE FINANCE COMMITTEE VOTED 9-0-0 IN FAVOR OF APPROVAL.

Article 8: Application of Bond Premium

Sponsored by: Board of Selectmen

To see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied; or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDATION:

Approval of this article will allow the Town to apply the premium funds paid to the Town at the issuance of municipal bonds to reduce the amount borrowed to fund capital projects without needing to specifically request such authority at the approval of each capital request.

Historically, the Town has built specific authorization into capital request funding measures to allow the use of the bond premium to reduce the amount borrowed. As discussed in Article 5 above, the MMA made several revisions to the general laws of Massachusetts to modernize the administration of municipal business. In one such change, the MMA amended Chapter 44, Section 20 to allow towns to apply the premium funds paid to the town at the issuance of municipal bonds to reduce the amount borrowed to fund capital projects. Going forward, the Town can now automatically use future bond premiums to reduce borrowings. However, the premium paid at the May 2017 bond issuance to finance projects approved at the 2016 Annual Town Meeting was \$245,000 which was authorized prior to the passage of the MMA. The Finance Committee proposes to use those funds to reduce the amount to be borrowed to fund the Town Hall project. If Town Meeting approves Article 3, then this article will be passed over as being moot. If the motion to approve the appropriation for the Town Hall in Article 3 fails, voters will be asked to approve this article to apply the premium paid for the issuance of bonds or notes to reduce the amount to be borrowed for future capital projects.

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

THE FINANCE COMMITTEE VOTED 12-0-0 IN FAVOR OF APPROVAL.

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

Given under our hands this 17th day of October, A.D., 2017

BOARD OF SELECTMEN
TOWN OF SHARON

John J. McGrath, Chair

William A. Heitin, Clerk

Walter B. Roach, Jr.

A True Copy: Tilden M. Kaufman, Constable
Sharon, Massachusetts
Dated: October 17, 2017

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