

FALL SPECIAL TOWN MEETING

DECEMBER 3, 2012

Pursuant to the provisions of the warrant of November 9, 2012, the inhabitants of the Town of Sharon qualified to vote in Town affairs met at the Arthur E. Collins Auditorium at 7:00 P.M.

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

The Moderator said that in the absence of any objection he would assume there was unanimous consent to allow the following non-voters to address the meeting: Richard Gelerman, Lisa Whelan, Cindy Doherty, Eric Hooper, Peter O'Cain, Mark Mazur, Norma Simons Fitzgerald, Timothy Farmer, Glenn Brant, Ken Wertz, Greg Meister, Amanda Deni, Michael Viano and John Carroll.

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

VOTED UNANIMOUSLY: That the meeting adjourn at 11:00 P.M. or at the close of the Article then under discussion and to reconvene on Tuesday evening December 4, 2012 at the Arthur E. Collins Auditorium at 7:00 P.M.

ARTICLE 1.

VOTED. That the Town accept the proposed layout of Johnson Drive which is currently a portion of unnamed roadway in Sharon, as shown on a plan entitled, "Layout Plan of Johnson Drive in Sharon, MA, Norfolk County," dated July, 14 2008, prepared by Merrikin Engineering, LLP. Said layout was approved by the Board of Selectmen and duly filed with the Town Clerk.

And further to abandon and discontinue the unused portions of the 1962 town layout of the old High Plain Street and its easements and/or fee interests in the portion of the old High Plain Street, shown as Parcel D, containing approximately 7,628 square feet, and to abandon and discontinue that portion of the 1966 Town Taking shown as Parcel E containing 11,782 square feet, both parcels as shown on a plan entitled "Town of Sharon Abandonment Plan of Land in Walpole & Sharon, MA," dated May 12, 2008, prepared by Merrikin Engineering, LLP (the Abandonment Plan"). Said discontinuance was approved by the Board of Selectmen and duly filed with the Town Clerk.

And further to declare those portions of land shown on the Abandonment Plan as Parcel B containing 7,859 square feet, Parcel D, containing 7,628 square feet and Parcel E, containing 11,782 square feet, as no longer needed for roadway purposes and to transfer their care, custody, management and control from the Board of Selectmen as roadway commissioners, to the Board of Selectmen for general municipal purposes, including lease for more than 30 years and/or sale, and to authorize the Board of Selectmen to execute any such contracts, agreements or instruments and to take any other actions necessary for said purposes. Any disposition of Parcel B shall follow the action by the Norfolk County Commissioners to discontinue Parcel B leaving said title in the Town of Sharon. **2/3 VOTE DECLARED BY MODERATOR.**

ARTICLE 2.

VOTED: That the Town amend Section 2120 of its Zoning By-Law by amending the map entitled "The Zoning Map of Sharon, Massachusetts- Zoning Map" -dated May 7, 2007, as amended November 17, 2008, by changing the zoning district classifications for the following parcels from Rural District 1 to Light Industrial District:

Assessor's Parcel 123-3, containing approximately 0.66 acres of land, known as 2R General Edwards Highway.

Assessor's Parcel 123-3-3, containing approximately 7.44 acres of land, located off Old Post Road.

Assessor's Parcel 76-4, containing approximately
2/3 VOTE DECLARED BY MODERATOR.

ARTICLE 3.

MOVED: That the Town amend The Town of Sharon General By-Laws, Article 12, Sign By-Law, "Section 5.4 Additional Permitted Signs: Business B, Professional, and Light Industrial Districts.", by adding a new Section, "Section 5.4.4 Permanent Free-Standing Signs". The proposed new Section 5.4.4 shall read as follows:

Section 5.4.4 Permanent Free-Standing Signs. Signs are permitted by sign permit, subject to design review and hearing, as provided in Section 3 herein, as follows:

- a) Number: One (1) free-standing pylon sign per lot meeting the minimum area requirements when lot is located west of Route I-95 and is in the Light Industrial District.
- b) Sign Area: Free-standing pylon sign limited to a maximum area of seven hundred twenty (720) square feet'
- c) Height: Free-standing pylon sign limited to a maximum of sixty (60) feet above the adjoining ground plane.
- d) The Board of Appeals shall act as the Sign Committee for all sign applications submitted under this section.

MOTION: TO CALL THE QUESTION. CARRIED.

VOTED: That the Town amend The Town of Sharon General By-Laws, Article 12, Sign By-Law, "Section 5.4 Additional Permitted Signs: Business B, Professional, and Light Industrial Districts.", by adding a new Section, "Section 5.4.4 Permanent Free-Standing Signs". The proposed new Section 5.4.4 shall read as follows:

Section 5.4.4 Permanent Free-Standing Signs. Signs are permitted by sign permit, subject to design review and hearing, as provided in Section 3 herein, as follows:

- a) Number: One (1) free-standing pylon sign per lot meeting the minimum area requirements when lot is located west of Route I-95 and is in the Light Industrial District.
- b) Sign Area: Free-standing pylon sign limited to a maximum area of seven hundred twenty (720) square feet'

- c) Height: Free-standing pylon sign limited to a maximum of sixty (60) feet above the adjoining ground plane.
- d) The Board of Appeals shall act as the Sign Committee for all sign applications submitted under this section.

2/3 VOTE DECLARED BY MODERATOR.

ARTICLE 4.

VOTED UNANIMOUSLY: That the Town appropriate, as recommended by the Community Preservation Committee, the sum of \$315,000 from the Community Preservation Fund Undesignated Balance, to be spent under the direction of the Board of Selectmen, for the rehabilitation of the Sacred Heart property for recreational use, including the demolition of the existing structures, restoration of the property, and planning for recreational reuse of the property, which may include engaging landscape and/or design professionals to solicit community input and to conduct not less than two public forum regarding the appropriate future reuse of the site, including both active or passive recreational use, and to prepare and present a report to the Board of Selectmen on the results of such inquiry.

ARTICLE 5.

VOTED: That the Town raise and appropriate the sum of \$165,000 to the School Committee for the reconstruction and/or repair of the High School track and to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow \$165,000 under Massachusetts General Law Chapter 44, Section 7. **2/3 VOTE DECLARED BY MODERATOR.**

ARTICLE 6.

MOTION: That the Town amend the Zoning By-law, exactly as printed on pages 9 to 11 of the warrant for this Special Town Meeting, except to also amend Section 6332 by adding the Zoning Board of Appeals to the list of reviewing boards and committees so that the amended Section 6332 will read as follows:

6332. Application.

Each application for Site Plan Approval shall be submitted at a meeting of the Planning Board by the current owner of record, or such persons authorized in writing to act on behalf of such owner, accompanied by ten (10) copies of the site plan and ten (10) copies of the elevation plan. For projects which the

Planning Board will review within the extended forty-five (45) day time period, the Board will transmit within five (5) days, one copy each to the Building Inspector, Board of Health, Conservation Commission, Board of Selectmen, Department of Public Works, Fire Department, Police Department, Sign Committee, Zoning **Board of Appeals** and Historic District Commission.

And also except for the deletion of the words "or take any other action relative thereto" appearing on page 11.

To see if the Town will vote to amend the following sections of the Zoning By-Laws to change the Special Permit Granting Authority in Business Districts A and C, where the Planning Board is the Site Plan Approval Authority, so that the process would be simplified for both the Town and Applicants, and recognizing that the Planning Board already is the Special Permit Granting Authority in the Mixed Use Overlay District for Business Districts A, B, and C:

Amend Section 2326 of the Zoning By-Laws to remove the language "from the Board of Appeals" in the subheading and to remove the language "provided that the Board of Appeals finds" and replace it with "provided that the Special Permit Granting Authority finds".

Amend Section 2463.C of the Zoning By-Laws to remove the language "Board of Appeals" and replace it with "Planning Board".

Amend Section 2464 of the Zoning By-Laws to remove the language "during site plan review, or the Board of Appeals during special permit review".

Amend Section 3111.A of the Zoning By-Laws to remove the language "Parking in excess of the minimum standards set forth within this Section 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" and replace it with "Parking in excess of the minimum standards set forth within this Section 3111 shall be at the discretion of the Site Plan Approval Authority or the Special Permit Granting Authority".

Amend Section 3111.C of the Zoning By-Laws to remove the language "Board of Appeals during its review of a special permit

application, or the Planning Board during its review of a site plan application" and replace it with "Planning Board".

Amend Section 3111.D of the Zoning By-Laws to remove the language "Board of Appeals during its review of a special permit application, or the Planning Board during its review of a site plan application" and replace it with "Planning Board".

Amend Section 3111.E of the Zoning By-Laws to remove the language "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," and replace it with "Site Plan Approval Authority or the Special Permit Granting Authority".

Amend Section 3111.F of the Zoning By-Laws to remove the language "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," and replace it with "Site Plan Approval Authority or the Special Permit Granting Authority".

Amend Section 3112 of the Zoning By-Laws to remove the language "created" and replace it with "credited" and remove the language "Board of Appeals" and replace it with "Planning Board" in the second paragraph of that Section; and to remove the language "Board of Appeal" and replace it with "Planning Board" in the third paragraph; and to leave the fourth paragraph intact.

Amend Section 4230 of the Zoning By-Laws to remove the language "Board of Appeals" and replace it with "Special Permit Granting Authority".

Delete Section 4240.A of the Zoning By-Laws in its entirety and replace it with the following new Section 4240.A:

"A. Site plan approval shall be required pursuant to Sections 6320 and 6330. The Planning Board shall be the Site Plan Review Authority and the Special Permit Granting Authority for all developments in Business District A. In addition to the standards for review provided in said Sections, the Planning Board shall also consider suitability and safety of ways for residents to their apartments, parking areas and usable open space; and the compatibility of the proposed non-residential uses with residential uses with respect to safety from fire or other hazards and to protection from noise, litter or other nuisance."

Delete Section 6311 of the Zoning By-Laws in its entirety and replace it with the following:

"Unless specifically designated otherwise, and except in the Business A and C Districts where the Planning Board shall act as the Special Permit Granting Authority (SPGA), the Board of Appeals shall act as the SPGA."

Amend Section 6334 of the Zoning By-Laws to remove the language "Where Special Permits are required, the Planning Board and the Board of Appeals may start their process at the same time. The Planning Board will forward its determination to the Board of Appeals which may incorporate the Planning Board's decision into its decision."

Amend Section 6412 to add a new subsection 6412.c as follows:
"c. Sections 6412.a and 6412.b notwithstanding, the Planning Board shall be the Special Permit Granting Authority in the Business A and C Districts."

Or take any other action relative thereto. **NOT CARRIED.**

ARTICLE 7.

VOTED UNANIMOUSLY: That the Town make the following corrections to improve consistency in the Zoning By-Laws:

Amend Section 2464 of the Zoning By-Laws to remove the language " "Design Guidelines for the Town Center Business District" " and replace it with "Post Office Square Design Guidelines".

Amend Section 4801.b to remove the language "Town's Design Guidelines" and replace it with "Post Office Square Design Guidelines".

Amend Section 4850.b to insert the language "Post Office Square" before the words "Design Guidelines" in both locations.

Amend Section 6330 to remove the language "Design Guidelines for the Town Center Business District" " and replace it with "Post Office Square Design Guidelines".

Amend Section 6333 to correct the reference and remove the language "Section 6322" and replace it with "Section 6326".

Amend Section 6334 to remove the language "Design Guidelines for the Town Center Business District" and replace it with "Post Office Square Design Guidelines".

Amend Section 6335 to remove the language " "Design Guidelines for the Town Center Business District" " and replace it with "Post Office Square Design Guidelines".

Amend Section 6337.b to remove the language "Design Guidelines for the Town Center Business District" and replace it with "Post Office Square Design Guidelines".

ARTICLE 8.

VOTED: That the Town amend the General Bylaws exactly as printed on pages 13 to 18 of this Special Town Meeting warrant, except:

Under the Article 11, Section 2, Table of Fines, Planning Board Regulations (Scenic Roads) paragraph 18, "Amount of Fine" column, strike the words "(per day)"; and

under the Article 11, Section 2, Table of Fines, Police Regulations, paragraph 1.d., change the fine amount for unauthorized parking in disabled space, each offense, to \$200.00; and

to amend Article 10, Police Regulations, Section 31, paragraph F, to increase the fine from fifty dollars per offense to \$200 per offense, in accordance with the vote taken under Article 38 of the May 7, 2001 Annual Town Meeting, and

to delete the words "or take any other action relative thereto."

To amend Article 11, Section 2 by deleting the table of fines in its entirety and replacing it with the following new table of fines:

BY-LAW RULE OR REGULATION	AMOUNT OF FINE	ENFORCING PERSON
1. Police Regulations – Article 10		
a. Sections 1-22; 25-30A	Each offense: \$50	Police Dept. Officer, or in the case of land owned by the Con Com, the Conservation Officer

b. Section 22A	First offense: A warning Second offense: \$50 Third and each subsequent offense: \$100	Police Dept; Prosecuting Officer
c. Section 23 (Keeping of Junk Automobiles, etc.)	Each offense: \$100	Police Dept., Prosecuting Officer, Building Insp.
d. Section 31 (Disabled Parking)	Insufficient designated parking, each offense: \$300 Unauthorized parking in disabled space, each offense: \$50	Police Dept; Prosecuting Officer
e. Section 32 (Public Safety Lanes)	Not exceeding \$15 if paid to Town's Parking Clerk within twenty-one days, \$20 if paid thereafter but before the Parking Clerk reports to the Registrar of Motor Vehicles, and \$35 if paid thereafter	Police Dept; Prosecuting Officer
f. Section 33 (Parades, Shows, etc.)	First offense: \$50 Second offense: \$100 Third and each subsequent offense: \$300	Police Dept.; Prosecuting Officer
2. Board of Health Regulations		
a. Health Regulation Article 22.8.A (Control of Premises – Smoking and Tobacco)	First offense: \$100 Second offense within two years of first offense: \$200 Third and each subsequent offense: \$300	Health Agent or designated representative
b. Health Regulation Article 22.8.B (Sale Without Permit – Smoking and Tobacco)	\$200 per day	Health Agent or designated representative
c. Health Regulation Article 22.8.C (Smoking in a Prohibited Place – Smoking and Tobacco)	\$100 per offense	Health Agent or designated representative

d. Health Regulation Article 22.8.D (Sales to Minors – Smoking and Tobacco)	First offense: \$100 Second offense: \$200 Third and each subsequent offense: \$300	Health Agent or designated representative
e. Health Regulation Article 26 (Pooper Scooper)	First offense: \$25 Second offense: \$50 Third and each subsequent offense within a calendar year: \$100	Health Agent; Animal Control Officer; or Police Dept.
f. Health Regulation Article 12 (Minimum Sanitation Standards for Food Establishments)	First offense: \$100 Second offense: \$200 Third and each subsequent offense: \$300	Health Agent or designated representative
g. Health Regulation Article 2 (Minimum Standards of Fitness for Human Habitation)	First offense: \$100 Second offense: \$200 Third and each subsequent offense: \$300	Health Agent or designated representative
h. Health Regulation Article 27 (Regulation on Waterfowl)	First offense: \$25 Second offense: \$50 Third and each subsequent offense within a calendar year: \$100	Health Agent; Animal Control Officer; Police Dept.; Environmental Police Officers of the Div. of Law Enforcement; Deputy Environmental Police Officers
i. Health Regulation Article 7 (Minimum Requirements for the Subsurface Disposal of Sanitary Sewage)	First offense: \$100 Second offense: \$200 Third and each subsequent offense: \$300	Health Agent or designated representative
3. Article 7 (Second Hand Dealers)	First offense per calendar year: \$100 Second offense per calendar year: \$200 Third and each subsequent offense per calendar year: \$300	Police Dept
4. Article 12 (Sign By-Law)	Each offense (per day): \$50	Building Inspector

5. Article 12A (Earth Removal By-Law)	First offense: \$50 Second offense: \$100 Third and each subsequent offense: \$200	Building Inspector
6. Article 15 (Snow and Ice Removal)	Each offense: \$50	Superintendent of Public Works
7. Articles 16 and 16A (Boating and Personal Watercraft)	Each offense: \$20	Police Dept.; Public Works; Board of Selectmen
8. Article 16B (Alcohol on Lake Massapoag)	First offense: \$50 Second offense: \$100 Third and each subsequent offense: \$300	Police Dept.
9. Article 17 (Dogs)	Violation of Section 6: \$100.00 All other violations: First offense: \$25 Second offense: \$50 Third and each subsequent offense: \$100	Animal Control Officer
10. Article 20 (Fire Code)	Each offense (per day): \$50	Fire Chief
11. Article 21 (Swimming Pools)	Each offense: \$50	Building Inspector
12. Article 23 (Wetlands Protection)	Each offense: \$50	Conservation Officer
13. Article 24 (Water Restrictions)	First offense: \$25 Second offense: \$50 Third offense: \$100 Fourth and each subsequent offense (per day): \$200	Superintendent of Public Works or designated representative
14. Article 26 (Collection, Transportation and Disposal of Solid Waste)	First offense: \$50 Second offense: \$100 Third and each subsequent offense: \$200	Superintendent of Public Works; Building Inspector

15. Article 30 (Fire Alarms)	Violation of Section D.2: \$100 Violation of Section B.2: \$50 False alarm service fee: \$50 for each false alarm more than three within a calendar year	Fire Chief
16. Article 37 (Illicit Discharge)	Each offense (per day): \$100	Board of Selectmen or designated representative
17. Article 40 (Public Safety In-Building Radio Communications)	First offense: \$100 Second offense: \$200 Third and each subsequent offense, or alternatively, loss of Certificate of Occupancy: \$300	Building Inspector
18. Planning Board Regulations (Scenic Roads)	Each offense (per day): \$300	Town Engineer, as agent of the Planning Board and/or the Tree Warden or his or her agent.

To delete Article 9, Conflict of Interest, in its entirety.

To delete Section 8A.D. of Article 10, Police Regulations.

To designate the second paragraph of Section 22 of Article 10, Police Regulations, as its own Section: Section 22A.

To amend Article 12A (Earth Removal), Section 4, paragraph 7(a) to add a provision for abutter notification, so that the new paragraph 7(a) would read as follows:

7. a) Appoint a time and place for a public hearing, notice of which shall be given to the applicant and shall be published in a newspaper of general circulation in the Town at least 14 days before such hearing and by certified mail, postage paid, to abutters within 100 feet of the land in question.

To amend Article 15 (Snow and Ice Removal) by numbering the existing first paragraph as "SECTION 1" and adding a new second paragraph as follows:

SECTION 2. Penalty for violation of this By-law shall be fifty dollars (\$50) for each offense

To amend Article 16A (Regulation of Personal Watercraft), by adding a new Section 5 as follows:

SECTION 5. Penalty for violation of this By-law shall be twenty dollars (\$20) for each offense.

To amend Article 21 (Private Swimming Pools), by adding a new Section 4 as follows:

SECTION 4. Penalty for violation of this By-law shall be fifty dollars (\$50) for each offense.

To amend Article 40, Section 18, by deleting the second paragraph and the penalty chart.

ARTICLE 9.

VOTED UNANIMOUSLY: That the Town pursuant to Article 34A of the General By-laws name the area located on the parcel of land bordering South Main Street, Station Street and South Pleasant Street, the "First Sergeant James A. Keating Memorial Park." Said park area is shown on Assessors Map 101, Parcel 196 and contains approximately one acre of land.

ARTICLE 10.

VOTED: That the Town adopt the following resolution: To call upon the United States Congress to pass and send to the States for ratification an amendment to the Constitution of the United States that would firmly establish two principles:

1) Only human beings, not artificial entities such as corporations, are entitled to the rights and privileges guaranteed by the Constitution of the United States.

2) Election spending is not free speech guaranteed by the First Amendment, and is therefore subject to regulation by federal and state governments.

ARTICLE 11.

MOTION: That the Town adopt the following resolutions:

Section 1. Call upon the Town, Board of Selectmen, Board of Health, School Department and any other relevant committees to consider how they might learn about, publicize, and encourage town residents to get involved, on a voluntary basis, to invite people, committees, and organizations to focus on the issues, risks, and alternatives to mercury amalgam in dentistry during the coming year.

Section 2. To call upon President of the United States to direct the Food and Drug Administration to follow the recommendations of its 2010 Scientific Advisory Panel to restrict amalgam use effective immediately. **NOT CARRIED.**

ARTICLE 12.

MOTION: That the Town amend the General By-laws by adding a new Article 41, entitled "Regulation of the Use of Dental Mercury Amalgam" as follows:

Section 1: All dental practices in the Town of Sharon shall display health and safety warnings, contraindications, and precautions, clearly visible and distributed to all patients, on the use of mercury dental amalgam comparable in wording and graphics to warnings placed by manufacturers on shipping dental amalgam, mercury, and amalgam alloy to dentists as required by the FDA:

- WARNING - CONTAINS MERCURY
- May be harmful if vapors are inhaled
- Do not use in persons with a known mercury allergy
- Do not place the device in direct contact with other types of metals
- Use with adequate ventilation

Section 2: All dental practices in the Town of Sharon shall display a health and safety warning clearly visible and distributed to all patients on the potential risks of repair, replacement, removal and polishing of mercury dental amalgam, with guidelines on questions to ask your dentist.

Section 3. All dental practices in the Town of Sharon shall be required to have patients sign specific informed consent forms, with a copy to the patient and retained by the dentist, before:

- a. Mercury dental amalgam materials may be placed in them
- b. Mercury dental amalgam may be repaired, replaced, removed or polished, and
- c. Mercury dental amalgam is placed, or is left to remain, after any restorative dental work is completed, in direct contact with other types of metals in teeth.

Section 4. The Board of Health shall enforce the provisions of this By-law and shall adopt appropriate policies and procedures to effectuate the purposes of this By-law by July 1, 2013. **NOT CARRIED.**

ARTICLE 13.

MOTION: That the Town vote to request the Town (Board of Selectmen) and the School Department (Sharon Public Schools), when it comes time to re-bid their dental plans, to request quotes on "cost neutral" plans that pay the same percentage toward all dental fillings, whether they are mercury amalgam or alternatives, in all teeth in any part of the mouth; and to offer such a plan to employees in addition to or instead of a non-cost neutral dental plan. **NOT CARRIED.**

ARTICLE 14.

VOTED UNANIMOUSLY: That the Town vote to accept and adopt as a public way each of the following:

1. Cattail Lane: beginning from Station 0+00, thence running southerly, a distance of 607.75 linear feet to station 6+07.75, its terminus.

As laid out by the Selectmen, including any easements and utilities appurtenant thereto, and raise and appropriate the sum of \$400 for the costs associated therewith.

VOTED UNANIMOUSLY: That this Special Town Meeting be dissolved at 10:50 P.M.

Attendance: 225