

**Petition to the Board of Selectmen to add three Articles to the  
November 5, 2007, Special Town Meeting  
Sharon, Massachusetts**

We, the undersigned registered town voters in Sharon, Massachusetts, believe that the Town acted without sufficient information regarding the repercussions and details of the May 7, 2007 Town Meeting vote to amend the Sharon Zoning by-laws allowing a Senior Living Overlay District. In negotiating the proposed development, the Town's staff did not mitigate adverse impacts to the fullest extent possible. And by allowing this development *as a matter of right*, the by-law fails to utilize normally accepted checks and balances that will ensure that, as plans are developed, adverse impacts will be avoided. We believe it is unwise to approve such a large scale development, which has the potential to change the character of Sharon forever, based only on preliminary plans. The three Articles set forth here should be voted on in the order stated. If Article 1 is passed, there is no need to vote on Articles 2 and 3. If Article 1 fails, then both Articles 2 and 3 should be presented for a vote. In presenting three different alternatives for addressing these concerns, we seek to provide a variety of options that will fit within the Town Meeting's collective vision for the Town of Sharon. Indeed, two of the below-described by-laws still contemplate a substantial development.

We respectfully direct the Board of Selectmen to add the following three (3) Articles to the warrant for the November 5, 2007 fall Town Meeting:

**Summary of Article 1:** This Article would amend the Zoning By-Laws of the Town of Sharon, Massachusetts dated June 2005 as last amended on May 7, 2007 (hereinafter Zoning By-Laws of Sharon ) such that the Senior Living Overlay District Bylaw (Section 4380, et seq), as approved at the 2007 Annual Town Meeting, is eliminated in its entirety, and that the map entitled "The Town of Sharon, Massachusetts - Zoning Map" is amended accordingly.

**Summary of Article 2:** This Article would amend Sections 4380 et seq. of the Zoning By-Laws of Sharon such that the Senior Overlay District is not by right, but rather requires a special permit. At present, the By-law proposes a process known as "site plan review," but, under State law, a presiding zoning board has no power to deny a request for site plan review. Because the Town of Sharon has virtually no rights under site plan review if the *by right* language remains, we propose to amend the by-law to require a special permit for the proposed development. The requirement of a special permit ensures that the presiding Zoning Board of Appeals will have the requisite oversight capabilities as the mere preliminary plans that have been presented to date evolve into more definitive project plans. Requiring a Special Permit for these types of large-scale developments is much more typical throughout the Commonwealth of Massachusetts. It is notable that, while a Special Permit requirement will restore local discretion, this article does not seek to limit the size or scope of the project, as previously negotiated.

**Summary of Article 3:** This Article would amend Subsection 4385 of the Senior Overlay District By-law by reducing some of the dimensional standards in the By-law. The amendments would change this subsection such that there is an average of two (2) bedroom units, instead of two and a quarter (2.25); there are no more than seventy-five (75) beds in the nursing home component of the project, instead of one hundred and fifty (150); that the

**height of the buildings shall not exceed four (4) stories, nor sixty (60) feet, rather than eight stories and 115 feet; that the language regarding the percentage of land allowed for buildings and parking lots is clarified; that there is a fifty (50) foot buffer to all abutting properties with no exemption for roads; and that there is a seventy-five (75) foot yard setback, rather than a fifty (50) foot setback. These proposed amendments will reduce the extreme mass of the development so that neighboring properties and the Town as a whole will not be adversely impacted. However, these amendments have been carefully crafted so that the resulting project may still achieve financial success.**

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Signatory page of Registered Voters Residing in Sharon, MA

Name (printed)

Address

Phone number

Signature

