

2017 SPECIAL TOWN MEETING WARRANT

Middlesex ss:

To either of the Constables of the Town of Sherborn in said county GREETINGS;

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of Sherborn qualified to vote in the Special Town Meeting to meet in the Auditorium at PINE HILL SCHOOL in SHERBORN, MASSACHUSETTS on Wednesday, December 6, 2017 at 7:00PM to act on the following ARTICLES:

ARTICLE 1. To see if the Town will vote to amend the Section 5.6.5 of the Zoning Bylaw by deleting the language shown in strikethrough type and adding the bold underlined language as shown below, and renumbering the subsequent sections accordingly:

5.6 Residence EA District – Multi-dwelling Projects *(Added 1979, Amended 2008)*

5.6.1 Purposes

The purposes of the Residence EA District are to provide for the demonstrated elderly and affordable housing needs of the Town by making provision for appropriately located, specially designed and reasonably priced housing for occupancy by elderly persons who otherwise would not have such housing opportunities within the Town; to allow greater flexibility in land use planning for the development of tracts of land in terms of density, preservation of open spaces, utilization of natural features, provision of municipal services and provision of a variety of housing types; to ensure that site development plans will be presented to the Town Meeting in connection with a proposal to rezone a tract of land to Residence EA District; and to enable the Planning Board to require adherence to such site development plans in the granting of a special permit as hereinafter described.

5.6.2 Land Use and Dimensional Requirements

In the absence of a special permit for multi-dwelling project granted as hereinafter described, land uses and dimensional controls in the Residence EA District shall be the same as those for the district for which the land was zoned before the rezoning. Multi-dwelling projects which have received such special permits must conform with the dimensional requirements set forth in Section 5.6.5. The Planning Board may impose conditions limiting the uses allowed in a multi-dwelling project pursuant to Section 5.6.6.g.

5.6.3 Town Meeting Presentation - Preliminary Development Plan

Every proposal for the rezoning of land to a Residence EA District classification must be presented to a Town Meeting for a two-thirds vote in accordance with Chapter 40A of the General Laws. The initial proposal submitted to the Board of Selectmen for inclusion in the Town Warrant need only include a description of the land proposed for rezoning and a brief description of the proposed project, but every proposal must include a Preliminary Development Plan when it is presented at the Planning Board public hearing required by said Chapter 40A prior to the Town Meeting, and later, as the plan may be amended after

such public hearing, at the Town Meeting. In addition to the requirements imposed by the rules and regulations of the Sherborn Planning Board, adopted pursuant to said Chapter 40A, the Preliminary Development Plan shall show in a general manner but drawn to scale, the boundaries and topography of the parcel; the wetlands, ponds, streams, or waterways within or adjacent to the land; the proposed location, bulk, types, architectural character and typical floor plans for all buildings or structures; the proposed locations, design and dimensions of all streets, walks, parking and other paved areas; the proposed grading plan, drainage plan, and location of major utilities, wells and septic systems; and the proposed open space. The Preliminary Development Plan shall also include, either on the plans or in other documentary form, the name and address of the record owner, the proposed dwelling unit density, the total floor area, proposed rents or sale prices, and any other information concerning the purposes and nature of the proposed project which the proponent believes will assist the Planning Board and Town voters in their deliberation. The Planning Board, in its report to the Town Meeting, required by law, shall include its opinion on whether or not the proponent has prepared and presented sufficient data to give reasonable assurance that the development will conform to the Preliminary Development Plan with respect to the location, layout and design of proposed buildings, drives and streets, to the density, type and design of floor plans and dwelling units, and to any other material which the proponent has submitted with his proposal. At least two weeks before the Town Meeting, one complete copy of all material to be presented to the Town Meeting shall be filed with the Town Clerk for public inspection.

5.6.4 Special Permit Application - Final Development Plan

The Planning Board shall be the special permit granting authority for multi-dwelling projects within a Residence District and all relevant requirements set forth in Section 6.2.3 and 6.2.5 with respect to special permits before the Board of Appeals shall apply to the Planning Board herein.

The applicant shall file his application for a special permit with the Planning Board and forthwith with the Town Clerk. Such application shall be accompanied by a Final Development Plan which indicates full compliance with the requirements set forth in Section 5.6.5 below, and which includes at a minimum, the following plans and supporting materials:

a) Survey

A survey plan of the land by a registered land surveyor showing all metes and bounds, prominent natural or man-made features, existing buildings or structures, tree lines, topography in 2 foot contours in the portion developed with buildings and 10 foot contours elsewhere, the location of land in the Flood Plain District, if any, all adjoining existing streets and all abutting owners.

b) Site Development Plan

A plan or plans showing soil culture, proposed grading plans, drainage plans, the location of buildings and other improvements, the landscaping plan, open space designation, the

utilities distribution plan, and the dimensions, materials and types of construction of all streets, roads, parking, walkways and walls.

c) Architectural Plans

Preliminary plan or plans showing building locations, typical floor plans, elevations, sections, important exterior details of the buildings and general massing.

d) Statistics

A tabulation of the proposed buildings by building type, size (showing number of rooms by use, and total floor area), ground coverage, dwelling units per building, and dwelling units per acre. There shall also be a summary of the percentages of the site covered by buildings, covered by paved areas and designated for open space.

e) Developer Information A legal description of the development entity with documented financial information sufficient to establish the developer's capability to complete all aspects of the project; documentation indicating a firm commitment from a recognized financial institution for construction financing and, where appropriate, permanent mortgage financing; the approximate schedule of rents, leases or sale prices; and where publicly financed, subsidized or otherwise publicly assisted units are involved, written evidence of the receipt of such approvals and/or commitments as may be required.

All application, plans and supporting materials for such special permits shall be submitted to the Board of Health and the Conservation Commission by the Planning Board for their review and written recommendations. Either such board or commission shall make such recommendations as it deems appropriate and shall send copies thereof to the Planning Board and to the applicant. The Failure of either such board to make recommendations to the Planning Board within 35 days from the receipt thereof shall be deemed to be lack of opposition thereto. Such a submission by the Planning Board and such recommendations by the Board of Health and the Conservation Commission shall in no way relieve the applicant of any obligations he may have to obtain permits or other approvals independently from those boards.

5.6.5 Special Permit Requirements *(Amended 2008)*

The Planning Board must hold a public hearing within 65 days after the filing of the application with the Planning Board. In addition to the specific requirements set forth below, the Planning Board may consider the probable impact of the proposed development upon Town services and facilities, the compatibility of the project with the surrounding area and the consistency of the proposed development with the Town's long range planning objectives. In order to approve a proposed multi-dwelling project and grant a special permit therefore, the Planning Board must find that all of the following requirements are met:

a) Lot Size

Only lots 6 acres or larger may be rezoned for Residence EA District use for multi-dwelling projects.

b) Lot Location

~~No special permit shall be granted for any land which is more than one mile by public way from the intersection of Main and Washington Streets unless at least 25% of such property is within the Business G or Business P districts as shown on the Zoning Map of Sherborn. Locations should be readily accessible to shopping, transportation, and other public facilities and services used by the elderly.~~

e**b**) Building Occupancy (*Amended 2015.*)

Multi-dwelling developments in Residence EA Districts shall be designated either "age-restricted" or "affordable" **as one of the following categories:**

(i) Age-Restricted. If designated "age-restricted", occupancy shall be limited to families at least one member of which is 55 years of age or older;

(ii) Affordable. If designated "affordable", a minimum of 25% of the units within the entire development shall be restricted to occupancy by persons eligible for Low or Moderate Income Housing as defined in 760 Code of Massachusetts Regulations (CMR) 56 (as the same may be amended from time to time). (*Amended 2015.*)

(iii) Affordable Age-Restricted. If designated "affordable age-restricted", all units shall be limited to families at least one member of which is 55 years of age or older, and a minimum of 10% of the units within the entire development shall be restricted to occupancy by persons eligible for Low or Moderate Income Housing as defined in 760 CMR 56 (as the same may be amended from time to time).

d**c**) Density

No more than 4 dwelling units per acre shall be permitted on any one lot approved for multidwelling use. There shall be no more than 8 dwelling units in any one building and not more than three bedrooms in any one dwelling unit. The minimum distance between buildings shall be determined by the Planning Board as part of the Special Permit process. In the case of multistory buildings containing single level dwelling units (flats) which require an elevator to comply with ADA and handicapped access requirements, the Planning Board may waive the 8 unit maximum for each building if they find the building is otherwise harmonious and appropriate for the particular location and consistent with the architectural traditions of the Town.

e**d**) Special Needs Design

Building and site layout shall be specially designed for the needs of the elderly with particular attention to appropriate floor plans, safe and convenient ingress and egress from buildings, and parking, walks and ramps which meet current standards for the handicapped. Where possible, special facilities for meeting and communal social activities shall be provided.

fe) Architectural Design

The architectural scheme shall be harmonious within the project with respect to choice of materials, colors, style, detailing and massing, but rigidity and monotony are to be avoided by use of variations in building size, height, location, and rooflines and the judicious arrangement of landscaping elements and site features. The project shall also be harmonious with the surrounding buildings and insofar as is appropriate for the particular location, consistent with the architectural traditions of the Town.

gf) Landscaping

All improvements shall be placed so as to leave undisturbed, as far as possible, the special environmental and historical features of the site including especially woodlands, wetlands, ponds, streams, waterways, marshes, hill tops, ravines, biological habitats of special interest, views of unusual importance, continuous green belts, existing trails and bridle paths and historical monuments. The required setback buffer shall consist of natural woodlands wherever possible. Otherwise, indigenous trees and shrubs and other elements such as walls and earth berms shall be used to create effective screening. The applicant must submit a landscaping plan prepared by a registered architect or landscape architect which will be reviewed by the Planning Board for aesthetic effect.

hg) Open Space

At least 25 percent of the total area of all lots within a contiguous Residence EA district, shall, except as provided below, remain unbuilt upon and set aside for conservation, outdoor recreation or park purposes or buffer areas. Such open land shall be in addition to required front, side and rear, setback areas except in cases where the total open space including such, setback areas, but excluding any land within 30 feet of a dwelling unit, exceeds 50% of the total lot area. The required open space may be in one or more parcels of a size and shape appropriate for the intended use and may be conveyed either to and accepted by the Town or its Conservation Commission, to a legal association comprised of the homeowners within each such lot, or to a non-profit organization the principal purpose of which is the conservation of open space. Such open land shall be included in the total lot area for the purpose of computing the dwelling unit density of the lot. The future ownership of such open land, which may differ from parcel to parcel, shall be specified by the Planning Board as a condition of the special permit, but when such open land is conveyed to persons other than the Town of Sherborn, the Town shall be granted an easement over such land sufficient to insure its perpetual use as conservation, recreation or park land or buffer area. (Amended 2015).

ih) Utilities

All electrical, gas, telephone, water distribution and other utility and service lines shall be placed underground in accordance with the regulations of the respective utility companies and the rules and regulations of the Sherborn Planning Board adopted pursuant to Chapter

40A. Adequate methods shall be provided on the site for waste disposal and for surface and subsurface drainage in accordance with the Regulations of the Health Department.

ji) Lighting

Lighting of parking and walkways shall be designed to provide sufficient uniform illumination with a low glare factor. The mounting heights shall be as appropriate for the architectural character and scale of the buildings, but all lights must be arranged and shielded to prevent direct glare from the light source onto any street or adjacent property.

5.6.6 Planning Board Approval

The Planning Board may grant a special permit for a multi-dwelling project based on a determination that the proposed development will be consistent with the development as approved by the Town Meeting, consistent with the requirements set forth in Section 5.6.5 and consistent with the general purposes of the Residence EA District, subject to the following standards:

a) The special permit shall incorporate by reference the Preliminary Development Plan presented to the Town Meeting. The Planning Board may, in its discretion, permit deviations from the Preliminary Development Plan presented to the Town Meeting, provided, however, that the Board shall not permit any increase in the dwelling unit density, nor shall it permit an increase greater than 10% in the total floor area. The Planning Board shall not authorize any non-residential use other than shown in the Preliminary Development Plan presented to the Town Meeting.

b) The Planning Board may require dwelling unit density to be less than that shown on the Preliminary Development Plan presented to the Town Meeting, if the Board determines that proper land use planning so requires, but in such event, the Board shall file with its decision the basis for its determination, including, among other factors, soil conditions, drainage, traffic or other neighborhood conditions brought to the Board's attention, and the provisions of the usable open space.

c) The Planning Board may permit the construction and use of facilities such as a community center or recreation center for the use of the elderly residents and their guests if the Board determines that the inclusion of such facilities would be appropriate to the site and to the project as designed.

d) In granting a special permit, the Planning Board shall impose as a condition thereof that the installation of services and construction of interior drives within the development shall comply with the requirements of the rules and regulations of the Sherborn Planning Board adopted pursuant to Chapter 40A and may impose such additional conditions and safeguards as public safety, welfare and convenience may require.

e) The Planning Board, upon application by the developer and after hearing, may amend a special permit previously granted, but only in accordance with the standards hereinbefore set out.

f) Subsequent to a special permit granted by the Planning Board under the provisions of this section, minor revisions may be made from time to time in accordance with applicable laws, by-laws and regulations, but the development under such special permit shall otherwise be in accordance with the submission accompanying the developer's application for a special permit, except as modified by the decision of the Planning Board of any such revision. If the Board determines such revisions not to be minor it shall order a public hearing.

g) The Planning Board may impose such conditions on the permit which limit or otherwise vary the allow ability of uses listed in Section 3.2 for Residence EA Districts where in its judgment such uses would be inappropriate in a multi-dwelling project context.

5.6.7 Planning Board Denial *(Amended 1980)*

The Planning Board may deny an application for a special permit hereunder and base its denial upon the failure of the proposal to meet the requirements established in Section 5.6.5 hereof, a finding that the development would not be consistent with the purposes of the Residence EA District including, but not limited to, the absence of a demonstrated need for such housing or a finding that the proposed development does not substantially conform to the Preliminary Development Plan as approved by the Town Meeting in connection with the rezoning of the land. Failure to so issue and file a decision within said 90 days shall be deemed a grant of the permit in accordance with Chapter 40A of the General Laws.

5.6.8 Additional Requirements *(Added 2008)*

In addition to the foregoing, Low and Moderate Income Units shall meet the following additional requirements:

a) Such housing must be either Subsidized Housing units as defined in Chapter 40B of the General Laws of the Commonwealth or Local Initiative Units as defined in 760 CMR 45.03 (as the same may be amended from time to time), or affordable housing operated on the basis of substantial similarity with the goals and policies of Local Initiative Program as defined in 760 CMR 45.00.

b) For Local Initiative Units, the following shall apply:

- i) the units are to be "Low and Moderate Income Units" as defined in 760 CMR 45.02 (as the same may be amended from time to time);
- ii) the project is not developed with, or is not proposed to be developed with, a comprehensive permit within the meaning of Chapter 40B, Sections 20-23 of the General Laws:

- iii) the project is subject to Use Restrictions which, as a result of the Special Permit provided by this Section, are a condition for the granting of the Special Permit: Use Restriction shall mean a contract, deed restriction, condition of Special Permit provided by this Section 5.6 or other legal instrument as may be required by the Special Permit Granting Authority and as may be approved by the Department of Housing and Community Development (which Agency has been established pursuant to Chapters 23B and 6A of the General Laws of the Commonwealth), which Use Restriction restricts occupancy of Low and Moderate Income Units to persons with qualified incomes for a determinate period of time.
- iv) the period of such Use Restrictions is as long as the unit is occupied, but in no event less than five years; and
- v) the owner/developer of the units agrees to be subject to equal housing opportunity guidelines established by the Department of Housing and Community Development.
- vi) After issuance of any Special Permit pursuant to this Section 5.6, the Board of Selectmen shall make application to the Department of Community Affairs for certification that the unit so permitted is a "Local Initiative Unit" to count towards the Town's statutory obligations under Chapter 40B of the General Laws of the Commonwealth, all in accordance with the application procedures set forth in 760 CMR 45.00 ("Local Initiative Program").

5.6.9 Procedural Requirements

For Special Permits (Added 1980) The Planning Board, as the special permit granting authority for multidwelling projects within a Residence EA District, shall hear and decide an application for a special permit or any extension, modification or renewal thereof, in full compliance with the time limitations and all other procedural requirements specified in Chapter 40A of the General Laws and Section 6 of this By-Law.

or any amendment approved at Town Meeting, or to take such other action related thereto. (*Planning Board*).

ARTICLE 2. To see if the Town will vote to (i) grant Preliminary Development Plan Approval pursuant to Section 5.6.3 of the Zoning By-law to permit the development of newly constructed over-55 affordable age restricted housing, as detailed in the Preliminary Development Plan presented at Town Meeting or any amendment approved at Town Meeting, and (ii) approve the rezoning of the land that is the subject of such Preliminary Development Plan, which is located on Coolidge Street and more particularly described in the legal property descriptions and map on file with the Town Clerk, and to amend the Zoning Map established under Article 9 of the Zoning By-law accordingly or to take such other action relative thereto. (*Planning Board*).

ARTICLE 3. To see if the Town will vote to raise and appropriate or transfer from available funds, or borrow pursuant to any applicable statute, a sum of money, and if so, what sum, for the purpose of purchasing or leasing a new command vehicle designed specifically for emergency response, incident command, and incident scene support for the Fire Chief, and to determine if any amount borrowed under this article shall be contingent upon the passage of a ballot question exempting the amounts required to pay for the bonds from the provisions of Proposition 2½, or take any action related thereto. (*Board of Selectmen*)

ARTICLE 4. To see if the town will vote to petition the General Court to enact the following special act for the town of Sherborn:

A act providing for recall elections in the town of Sherborn

Section 1. Any holder of an elective office in the town of Sherborn may be recalled and removed from that office by registered voters of the town as herein provided in this act. Any 200 qualified voters of the town may file with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds of recall. If, within 3 days of this submission, the affidavit is found by the town clerk to be sufficient and valid, and, if on that date the officer whose recall is sought has at least 6 months remaining of the term for which elected, the town clerk shall made available to the first 5 voters filing the affidavit a sufficient number of copies of petition blanks demanding the recall, copies of which shall be kept available. The blank petitions shall be issued by the town clerk with the clerk's signature and official seal attached to the petitions; they shall be dated and addressed to the Board of Selectmen, contain the names of the 5 persons first named on the affidavit, the number of blanks issued, the name of the person sought to be recalled, the grounds of the recall as stated in the affidavit, and demand the election of a successor to the office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned and filed with the town clerk within 21 days after the certification of the affidavit. The petition before being returned and filed shall be signed by at least 10 percent of the voters registered for the last regular town election. To every signature shall be added the place of residence of the signer, giving street name and number. The town clerk shall, within 72 hours after receipt, submit the petition to the Registrars of voters of the Town of Sherborn, and the Registrars shall, within 14 days after submission of the petitions to the Registrars, certified on it the number of signatures that are names of registered voters in the town.

Section 2. If the petition shall be found and certified by the Registrars to be sufficient, they shall submit it with their certificate to the Selectmen without delay. The Selectmen shall, within 14 days after submission of the certificate to them by the Registrars, give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within 5 days after receipt of this notice, order an election to be held on a Tuesday fixed by then not less than 60 or more than 90 days after the date of the Registrars certification that a sufficient petition has been filed, but if any of the town election is to occur within 100 days after the data certification the selectmen shall postpone the holding of the recall election to the date of that other election. If a vacancy occurs in

the office after a recall election has been awarded the election shall nevertheless proceed as provided in this section.

Section 3. Any officer sought to be recalled may be a candidate to succeed himself, and, unless the officer requests otherwise in writing, the town clerk shall place the officer's name on the official ballots without nomination. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the election shall be in accordance with the law relating to elections, unless otherwise provided in this act.

Section 4. The incumbent officer shall continue to perform the duties of the office until the recall election. If then reelected, the incumbent shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in Section 6. If not reelected in the recall election, the incumbent shall be considered removed upon the qualification of a successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of election, the incumbent shall be considered removed and the office vacant.

Section 5. Recall election ballots shall first submit the question:

For the recall of (name of officer)

Against the recall of (name of officer)

And then the heading "Candidates" and the direction "Vote for One", followed by a listing of names of candidates nominated for the office. If a majority of the votes cast upon the question of recall is in the affirmative, ballots for the candidates shall then be counted. The candidate receiving the highest number of votes shall be declared elected if at least 30 per cent of those entitled to vote shall have voted.

Section 6. No recall petition may be filed against an officer within two months after that officer takes office. In the case of an officer subjected to a recall election and not recalled by that election, a subsequent recall petition shall not be filed against the officer until at least six months after the date of the previous recall election.

Section 7. No person who has been recalled from an office or who has resigned from office while recall procedures were pending against that person shall be appointed to any town office within two years after the removal by recall or resignation. Resignation at any time after a recall affidavit has been certified by the Board of Registrars as being valid shall be considered to be while recall proceedings were pending.

Section 8. This act shall take effect upon its passage.

or take any action relative thereto. (*George Shea and 118 others*)

ARTICLE 5. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for a Special Act providing that legislation be adopted in the form set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the Bill, unless the Board of Selectmen approve amendments to the Bill before enactment by the General Court; and provided further that the Board of Selectmen be authorized to approve amendments which shall be within the scope of the general public objectives of the petition:

"An Act providing for recall elections in the Town of Sherborn

Section 1. Any holder of an elective office in the Town of Sherborn may be recalled and removed from that office by registered voters of the town as herein provided in this Act.

Any 300 qualified voters of the town may file with the Town Clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds of recall. Valid grounds for recall are:

- (a) Conviction of a felony criminal offense while in current office;
- (b) Violation of General Laws chapter 268A; or
- (c) Attendance at less than thirty per cent of the meetings of the board or committee which the official is sought to be recalled from during the previous six months without a validated medical condition preventing participation.

If, within three days of this submission, the affidavit is found by the Town Clerk to be sufficient and valid, including the statement of the grounds for recall, and, if on that date the officer whose recall is sought has at least six months remaining of the term for which elected, the Town Clerk shall make available to the first five voters filing the affidavit a sufficient number of copies of petition blanks demanding the recall, copies of which shall be kept available.

In the case of a recall petition filed against the Town Clerk, the affidavit shall be filed with the Board of Selectmen. If, within seven days of this submission, the affidavit is found by the Board of Selectmen to be sufficient and valid, including the statement of the grounds for recall, and, if on that date the Town Clerk has at least six months remaining of the term for which elected, the Board of Selectmen shall make available to the first five voters filing the affidavit a sufficient number of copies of petition blanks demanding the recall, copies of which shall be kept available.

The blank petitions shall be issued by the Town Clerk, or an Assistant Town Clerk for recall petitions filed against the Town Clerk, with the Clerk's signature, or the signature of the Assistant Town Clerk for recall petitions against the Town Clerk, and official seal attached to the petitions; they shall be dated and addressed to the Board of Selectmen, contain the names of the five persons first named on the affidavit, the number of blanks issued, the name of the person sought to be recalled, the grounds of the recall as stated in the affidavit, and demand the election of a successor to the office. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. The recall petition shall be returned and filed with the Town Clerk's office within twenty-one days after the certification of the affidavit. The petition before being returned and filed shall be signed by at least fifteen percent of the voters registered for the last regular town election. To every signature shall be added the place of residence of the signer, giving street name and number. The Town Clerk or Assistant Town Clerk shall, within seventy-two hours after receipt, submit the petition to the Registrars of voters of the Town of Sherborn, and the Registrars shall, within fourteen days after submission of the petitions to the Registrars, certify on it the number of signatures that are names of registered voters of the town.

Section 2. If the petition shall be found and certified by the Registrars to be sufficient, they shall submit it with their certificate to the Board of Selectmen without delay. The Board of Selectmen shall, within fourteen days after submission of the certificate to it by the Registrars, give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days after the receipt of this

notice, order an election to be held on a Tuesday fixed by the Board not less than sixty-four or more than ninety days after the date of the Registrars certification that a sufficient petition has been filed, but if any of the Town election is to occur within one hundred days after the date of certification the Board of Selectmen shall postpone the holding of the recall election to the date of that other election. If a vacancy occurs in the office after a recall election has been awarded the election shall nevertheless proceed as provided in this section.

Section 3. Any officer sought to be recalled may be a candidate to succeed himself, and, unless the officer requests otherwise in writing, the Town Clerk shall place the officer's name on the official ballots without nomination. The nomination of other candidates, the publication of the warrant for the recall election and the conduct of the election shall be in accordance with the law relating to elections, unless otherwise provided in this Act.

Section 4. The incumbent officer shall continue to perform the duties of the office until the recall election. If then not recalled, or if recalled, elected by receiving the highest number of votes, the incumbent shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in Section 6. If recalled and not elected in the recall election, the incumbent shall be considered removed upon the qualification of a successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of election, the incumbent shall be considered removed and the office vacant.

Section 5. Ballots used in a recall election shall contain the following propositions in the order indicated:

*For the recall of (name of officer) *Against the recall of (name of officer)

Under the propositions shall appear the word "*Candidates*" and the direction "*Vote for One*" and beneath this the names of the candidates. If a majority of the votes cast upon the question of recall is in the affirmative, the officer shall be recalled if at least thirty per cent of those entitled to vote shall have voted, and ballots for the candidates shall then be counted. The candidate receiving the highest number of votes shall be declared elected. If a majority of votes on the question of recall is in the negative, the ballots for candidates need not be counted.

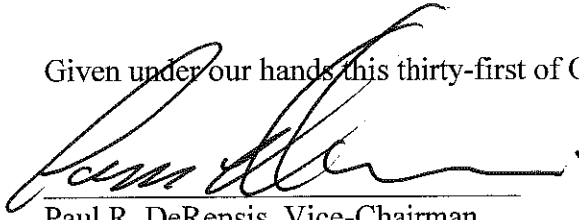
Section 6. No recall petition may be filed against an officer within two months after that officer takes office. In the case of an officer subjected to a recall election and not recalled by that election, a subsequent recall petition shall not be filed against the officer until at least six months after the date of the previous recall election.

Section 8. This Act shall take effect upon its passage."

or take any other action relative thereto. (*Board of Selectmen*)

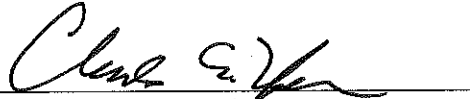
Sherborn Board of Selectmen

Given under our hands this thirty-first of October, 2017.



Paul R. DeRensis, Vice-Chairman

Selectmen



Charles E. Yon, Clerk

of



Sean E. Killeen, Clerk

Sherborn