



TOWN CLERK'S REPORT
SPECIAL TOWN MEETING
Tuesday, the Eleventh Day of December, 2012

The Special Town Meeting of the Town of Foxborough convened at 7:38 P.M. in the auditorium of the Foxborough Senior High School, 120 South Street, Foxborough, Massachusetts with Mr. Francis J. Spillane, Town Moderator, presiding. Paul DeFazio, Advisory Committee member, led the Pledge of Allegiance. Town Clerk Robert E. Cutler, Jr. read the Warrant and Return.

Four hundred twenty-seven (427) inhabitants qualified to vote in elections and at town affairs were recorded as present.

The assemblage recognized Fred "Jay" Barrows, State Representative in General Court, First Bristol District, who was present at the meeting.

ARTICLE 1: MOVED, to transfer from free cash Forty-Eight Thousand Eight Hundred Fifty-Eight Dollars (\$48,858) to fund the cost items for Fiscal Year 2013 in a collective bargaining contract between the Town of Foxborough (represented by the Board of Selectmen) and the Foxborough Permanent Firefighters Association, Local 2252, in accordance with Chapter 150E of the General Laws of the Commonwealth.

ADOPTED 298 Affirmative 0 Negative 7:44 PM

ARTICLE 2: MOVED, no action. (Police Contract)

ADOPTED 295 Affirmative 0 Negative 7:45 PM

ARTICLE 3: MOVED, to raise and appropriate and transfer from available funds Twenty-Five Thousand Six Hundred Forty-Four Dollars (\$25,644) to fund the cost items for Fiscal Year 2013 in a collective bargaining contract between the Town of Foxborough (represented by the Board of Selectmen) and the Foxborough Highway and Water Employees Union, AFSCME, in accordance with Chapter 150E of the General Laws of the Commonwealth; of which Nine-Thousand Six Hundred Forty-Four Dollars (\$9,644) shall be funded from Water Receipts, One Thousand One-Hundred and Seven Dollars (\$1,107) shall be funded from Sewer Receipts, and Fourteen Thousand Eight Hundred Ninety-Three Dollars (\$14,893) shall be funded from Free Cash.

ADOPTED 296 Affirmative 0 Negative 7:49 PM

ARTICLE 4: MOVED, to fund an unpaid water bill from the Town of Mansfield dated March 17, 2011, that was never originally received; and to raise and appropriate \$12,235.21 from Account #60450200-523010.

ADOPTED 302 Affirmative 0 Negative 7:56 PM

ARTICLE 5: MOVED, no action. (Town Hall Plans)

ADOPTED 294 Affirmative 0 Negative 7:58 PM

ARTICLE 9: MOVED, to accept in its entirety Massachusetts General Law, Chapter 40, section 8J; Disability Commission, powers and duties; members; terms; creating a Disability Commission for the Town of Foxborough.

ADOPTED 67 Affirmative 38 Negative 10:23 PM

ARTICLE 10: MOVED, to transfer from free cash the sum of \$7,500 to pay the cost of hiring engineers, and/or consultants to conduct a Tier I Assessment on a parcel owned by the Town of Foxborough located at 21 Market Street, Map 079, Parcel 000222.

ADOPTED 98 Affirmative 3 Negative 10:27 PM

ARTICLE 11: MOVED, to amend the Zoning By-Laws by striking the words “except as provided for in Section 3.4 of these By-Laws” from the end of section 10.2.2.3. 2/3rds required

ADOPTED 102 Affirmative 0 Negative 10:29 PM
2/3rds vote required
Approved by A.G. January 10, 2013. REC

ARTICLE 12: MOVED, to amend the Zoning By-Laws by making the following change:

To strike the existing section 9.3 FLOOD PLAIN OVERLAY DISTRICT (FPOD) and substitute the following:

9.3 FLOOD PLAIN OVERLAY DISTRICT (FPOD)

9.3.1 Overlay District. The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Foxborough designated as Zone A and AE on the Norfolk County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Norfolk County FIRM that are wholly or partially within the Town of Foxborough are panel numbers 25021C0332E, 25021C0333E, 25021C0334E, 25021C0341E, 25021C0342E, 25021C0343E, 25021C0344E, 25021C0351E, 25021C0353E, 25021C0354E, 25021C0358E, 25021C0361E, 25021C0362E, 25021C0365E, and 25021C0366E dated July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, and Building Commissioner.

9.3.2 Requirements.

1. All building and structures erected in areas prone to flooding, as designated on the Flood Insurance Rate Maps (FIRM) or as further enumerated, shall be constructed and elevated as required by the provisions of the Basic Code.
2. Within Zone A, of FPOD, where the base flood elevation is not provided on the FIRM, the applicant shall produce any existing, reasonable, base flood elevation data and it shall be used to meet the requirements of A above. Base flood elevation data is required for subdivision proposals or other developments greater than fifty (50) lots or five (5) acres, whichever is lesser, within unnumbered A Zones.
3. In the floodway, designated on the Flood Insurance Rate Map, the following provisions shall apply;
 - a. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided by the applicant demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the one hundred (100) year flood.

- b. If Section 9.3.2.3.a, above is satisfied, all new construction and substantial improvements shall comply with all provisions of Sections 9.3.2.1 and 9.3.2.2, above.
- 4. In Zone AE, of the FPOD, along watercourses that have a regulatory floodway designation, encroachments are prohibited in the regulatory floodway which would result in an increase in flood levels within the community during the occurrence of the base flood discharge.
- 5. In Zones A and AE, of the FPOD, along watercourses that have not had a regulatory designation, the best available Federal, State, and local or other floodway data shall be used to prohibit encroachments in the floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- 6. All development in the District, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following: Sections of the Massachusetts State Building Code (780 CMR) which address floodplain areas; Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00); Inland Wetlands Restriction, DEP (currently 310 CMR 13.00); and the Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5)" and Foxborough Conservation Commission Regulations.
- 7. In a riverine situation, the Building Commissioner shall notify the following of any alteration or relocation of a watercourse: adjacent communities, NFIP State Coordinator, Massachusetts Department of Conservation and Recreation, 251 Causeway Street, Suite 600-700, Boston, MA, 02114-2104, and the NFIP Program Specialist, Federal Emergency Management Agency, Region I, 99 High Street, 6th Floor, Boston, MA 02110.
- 8. Subdivision proposals shall be designed to assure that; such proposals minimize flood damage, all public utilities and facilities are located and constructed to minimize or eliminate flood damage, and adequate drainage is provided to reduce exposure to flood hazards. 2/3rds required

ADOPTED 103 Affirmative 0 Negative 10:31 PM
 2/3rds vote required
Approved by A.G. January 10, 2013. REC

ARTICLE 13: MOVED, no action. (MGL C.44 s.55c-Municipal Affordable Housing Trust)

ADOPTED 104 Affirmative 0 Negative 10:33 PM

The Special Town Meeting was adjourned at 10:33 PM.

A True Record Attest:

Robert E. Cutler, Jr., Town Clerk