



**TOWN CLERK'S REPORT
SPECIAL TOWN MEETING**

Monday, the Fourth Day of November 2013

The Special Town Meeting of the Town of Foxborough convened at 7:34 PM in the auditorium of the Foxborough Senior High School, 120 South Street, Foxborough, Massachusetts with Town Moderator Francis J. Spillane presiding. Vice Chairman of the Advisory Committee, Tracey L. Metivier, led the Pledge of Allegiance.

The assemblage recognized the presence of Representative Fred "Jay" Barrows. Assistant Town Clerk, Pamela J. Riccio, read the Warrant and Return.

There were two hundred forty-six (246) registered voters recorded as present [a quorum being one hundred (100) registered voters].

ARTICLE 1: MOVED, that the Town vote to raise and appropriate or transfer from available funds amounts requested to amend Article 4 of the May 14, 2013, FY 2014 Annual Budget in order to fund the expenses associated with: 1) Norfolk County

Agricultural High School supplemental assessment; 2) New Town Manager salary – half year: 3) Health & Medicare Insurance expenses associated with the New Town Manager – half year, as follows:

<u>Item #</u>	<u>Dept #</u>	<u>Department</u>	<u>Budget</u>	<u>Adjust</u>	<u>Revised FY '14 Budget</u>	<u>Funding Source</u>
1	State	County Tax Assessment Assmnt.	131,442	28,000	159,442	State Aid
2	123	Administration – Salaries	276,098	84,808	360,906	State Aid
3	915	Health/Life Ins. – Expenses	6,049,507	8,046	6,057,553	State Aid

Item# 2 was held at 7:46 PM

ITEMS NOT HELD (#1 AND #3)

ADOPTED

239 Affirmative 0 Negative 7:48 PM

ITEM #2 MOTION TO AMEND

Motion to Amend Item #2 to read:

190 Affirmative 24 Negative 8:00 PM

<u>Item #</u>	<u>Dept #</u>	<u>Department</u>	<u>Budget</u>	<u>Adjust</u>	<u>Revised FY '14 Budget</u>	<u>Funding Source</u>
2	123	Administration – Salaries	276,098	77,000	353,098	State Aid

ITEM #2 AS AMENDED

ADOPTED

201 Affirmative 10 Negative 8:02 PM

ARTICLE 2: 1. MOVED, that the Town vote to fund a retroactive pay adjustment, approved by the Board of Selectmen for the Acting Town Manager for the last pay week of FY '13; and to raise and appropriate one thousand one hundred twenty-six dollars and forty cents \$1,126.40 from available state aid funds to meet said appropriation, and to fund four FY 2013 unpaid bills totaling twenty-two thousand four hundred fifty dollars \$22,450 from CDM Smith Inc. related to post- closure landfill monitoring

services; and to fund said bills from the FY 2014 Public Works expense budget.

ADOPTED 220 Aff. 0 Neg. 8:04 PM

ARTICLE 3: MOVED, NO ACTION BE TAKEN ON ARTICLE# 3. (DPW Administrative Offices)

ADOPTED 212 Aff. 0 Neg. 8:06 PM

ARTICLE 4: MOVED, that the Town vote to transfer from the Capital Stabilization fund five hundred and fifty thousand dollars (\$550,000) to pay the cost of hiring engineers and architects, and/or consultants for the purpose of preparing design plans and specifications, to include contract/bid documents and estimates of probable site work, demolition and construction relating thereto of the building known as Town Hall, located at 40 South St., Foxborough, MA.

2/3rds Required

MOTION TO AMEND by deleting “five hundred and fifty thousand dollars (\$550,000)” and inserting “three hundred and fifty thousand dollars (\$350,000)”

MOTION TO AMEND

NOT ADOPTED 129 Aff. 163 Neg. 9:26 PM

MAIN MOTION

NOT ADOPTED HAND COUNT 117 Aff. 116 Neg. 9:29 PM

RECONSIDERATION FAILED

34 Aff. 160 Neg. 9:29 PM

ARTICLE 5: MOVED, that the Town vote to adopt a sewer service area as defined on a map entitled Town of Foxborough Sewer Service Area, dated October 3, 2013, and to authorize the Town of

		R-15	R-40	GB	NB	HB	GI	LI	S-1
G.15	Innovative Residential Development	PB	PB	N	N	N	N	N	N

Amend Section 11 by inserting in the proper alphabetical order:

Innovative Residential Development: Alternative land development techniques that encourage higher quality development, create improved living environments, preserve unique site features, and provide services more efficiently.

Amend the Zoning By-Laws by inserting Section 8.5 as follows:

Foxborough Water and Sewer Commissioners to adopt rules and regulations for amending the Sewer Service Area annually by vote of Town Meeting.

ADOPTED

119 Aff. 3 Neg. 9:39 PM

ARTICLE 6: MOVED, that the Town vote to support the Four Hundred Thousand Dollar (\$400,000) Payson Recreation Project, of which up to Two Hundred Thirty Two Thousand Dollars (\$232,000) may be reimbursed by the PARC grant program, for the purpose of renovating, for recreation purposes, a certain property together with buildings thereon, known as the Payson Road recreation area consisting of 43.5 acres, more or less, as shown on a plan entitled “Plan of Land in Foxborough, MA prepared by the Bay Colony Group” that said land shall be used for public recreation as provided by Massachusetts statute and dedicated pursuant to Massachusetts General Laws Chapter 45 section 3, to be managed and controlled by the Town of Foxborough and the Selectmen be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Foxborough.

ADOPTED

153 Aff. 0 Neg. 9:44 PM

ARTICLE 7: MOVED, that the Town vote to amend Table 3-1 of the Foxborough Zoning By-Laws by inserting the following:

8.5 INNOVATIVE RESIDENTIAL DEVELOPMENT

8.5.1 Purpose. The purpose of this Section 8.5 is to:

1. Encourage the protection and preservation of significant rural and natural areas, including agricultural resources, open space, water bodies and supplies, wetlands and other natural resources, and historical and archeological resources;

2. Provide site-sensitive alternatives for orderly land development and use;
3. Allow innovation in the design of residential development and increased responsiveness to site conditions;
4. Enhance public safety by increasing access alternatives;
5. To facilitate the construction and maintenance of streets, utilities and public service facilities in an economical and efficient manner; and
6. Provide a mechanism to evaluate, consider, and approve alternate land design techniques.
 - c. Preservation of land features, such as existing trees, stone walls and other amenities;
 - d. Compatibility with abutting lots;
 - e. Convenience for the homeowners, the public, and public safety providers.

4. Construction standards, widths, turnarounds, maintenance agreements, and easements shall be submitted with the application.

5. The Planning Board may require the Police Department and Fire Department review the proposed shared driveway. A fire hydrant may be required.

6. The street numbers for both dwellings must be clearly displayed in the vicinity of the shared driveway.

8.5.1 Innovative Residential Development includes land development techniques, site access, and dimensional requirements that vary from those otherwise required. Innovative Residential Development includes shared driveways and extended dead-end roads. The Planning Board may adopt rules and regulations to implement this Section.

8.5.2 **Shared driveways.** A single driveway may be constructed to serve two lots.

1. A shared driveway provides vehicular access from a public way to the lots.
2. The applicant shall demonstrate that each lot otherwise has legal and functional access and it is possible to construct a driveway on each lot.
3. The applicant shall demonstrate that the shared driveway addresses one or more of the following:
 - a. Vehicular safety issues;
 - b. Sight distance improvement;

8.5.3 **Extended dead-end roads.** An extended dead-end road is one which exceeds the maximum length allowed in the Subdivision Rules and Regulations.

1. Water lines may not dead end. If they can only be looped within the road right of way, the loops shall be separated to the maximum extent possible.

2. Utilization of low impact development tools, enhanced stormwater techniques, and other innovative land use development techniques are encouraged.

3. The applicant shall demonstrate that the extended dead-end road addresses one or more of the following:

- a. Vehicular safety issues, either elimination of a second curb cut at an unsafe location, elimination of a

second curb cut with minimal sight distance, elimination of a road with grades approaching the maximum allowed, elimination of a outset intersection to an existing road, or other factor;

- b. Preservation of land features, such as existing trees, stone walls and other amenities;
- c. Protection of natural, agricultural, historic, or other resources;
- d. Compatibility with abutting lots and land use patterns;
- e. Substantially reduced maintenance costs for the Town;
- f. Convenience for the homeowners, the public, and public safety providers.

- 4. Construction standards, widths, maintenance agreements, easements, and other documentation shall be submitted with the Application for a Special Permit.

8.5.4 **Approval Criteria.** The Planning Board may grant a Special Permit if it determines that the proposal achieves greater flexibility and creativity in the design of residential development, promotes the preservation of community character and natural resources, is

compatible with the existing neighborhood, reduces impact on natural resources and roadways, will not have a detrimental impact on the neighborhood or abutting properties, facilitates the efficient delivery of services and complies with the requirements of this Section.

8.5.5 **Conditions.**

- 1. The Planning Board may impose conditions as a part of any approval. When appropriate, the conditions may include off-site improvements to address conditions which are likely to be affected by the proposed development, such as but not limited to the installation of sidewalks, installations of hydrants, replacement or repair of stone walls, planting of street trees, and improvements to existing roads.
- 2. The Planning Board shall require a performance guarantee to secure the proper completion of all infrastructure as well as the fulfillment of any conditions of approval.

2/3rds Required

ADOPTED

121 Aff. 10 Neg.

9:48 PM 9:48 PM

Approved by the A.G. December 9, 2013. REC

The Special Town Meeting was adjourned at 9:48 PM.

A True Record Attest:

Robert E. Cutler, Jr., Town Clerk
