

TOWN CLERK'S REPORT
ANNUAL TOWN MEETING
Monday, the Twelfth Day of May 2014

The Annual Town Meeting of the Town of Foxborough convened at 7:42 PM in the auditorium of the Foxborough Senior High School, 120 South Street, Foxborough, Massachusetts with Town Moderator Francis J. Spillane presiding. Pastor William Dudley of the Union Church of South Foxborough delivered the invocation. Tracey Metivier of the Advisory Committee led the Pledge of Allegiance. Meghan Fitton, a Foxborough High School student who will be attending the University of North Texas in the fall, sang the National Anthem.

The assemblage recognized the presence of Representative Fred "Jay" Barrows, welcomed Foxborough's new Town Manager William G. Keegan, Jr., and Town Clerk Robert E. Cutler, Jr., read the Warrant and Return.

There were one hundred ninety-five (195) registered voters recorded as present [a quorum being one hundred (100) registered voters].

ARTICLE 1: The election of Town Officials was held on Monday, May fifth 2014. The results of the following positions were announced at the John J. Ahern Middle School by Kathleen M. Brady, Town Warden: one Selectmen for three years; one Assessor for three years, one School Committee Member for three years; one Water & Sewer Commissioner for three years; one Board of Health member for three years; two Boyden Library Trustees for three years; two Planning Board members for three years; and one Housing Authority member for five years.

ARTICLE 2: Town Clerk Robert E. Cutler, Jr., presented the 235th Annual Report of the Town Officers of Foxborough, Massachusetts together with the report of the School Department and Town Accountant/Finance Director for the year ending December 31, 2013.

ARTICLE 3: Moved to hear the report of any committee and act thereon, and to choose any committee that may be wanted, and to see if the town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute such sums of money deemed necessary for expenses of any committee chosen under this article. No reports were given.

ARTICLE 4: MOVED, that the Town vote the compensation for elected officials and to raise and appropriate or transfer from available funds, the sums of money herein specified and requested by the Board of Selectmen for the operation of various town boards, officers, commissions and departments of the town during the Fiscal Year 2015, beginning July 1, 2014 and ending June 30, 2015 for the purposes herein mentioned and to meet said appropriations as follows:

	AMOUNT
Taxation, State Aid & Local Receipts	55,823,916.00
Free Cash	700,864.00
Ambulance Receipts	595,589.00
Library Gift Funds	20,000.00
Recreation Revolving	13,465.00
Water Receipts	4,048,022.00
Sewer Receipts	1,181,570.00
	62,383,426.00

ITEMS NOT HELD ADOPTED

159 Affirmative

0 Negative

8:15 PM

HELD ITEMS ADOPTED AS FOLLOWS:

Line Item #210- Police Salaries 158 Affirmative 0 Negative 8:18 PM
Line Item #915- Group Health/Life Insurance 155 Affirmative 0 Negative 8:21 PM

FUNDING SOURCES ADOPTED 142 Affirmative 0 Negative 8:24 PM

GENERAL GOVERNMENT:

	<u>FY15</u>	<u>Funding Source(s)</u>
122 SELECTMEN Expenses	11,400	Taxation, State Aid & Local Receipts
123 ADMINISTRATION Salaries	293,951	Taxation, State Aid & Local Receipts
Expenses	62,100	Taxation, State Aid & Local Receipts
	<hr/> 356,051	
125 AUDIT TOWN FINANCIAL RECORDS Annual Financial	39,500	Taxation, State Aid & Local Receipts
127 HUMAN RESOURCES Salaries	116,991	Taxation, State Aid & Local Receipts
Expenses	22,700	Taxation, State Aid & Local Receipts
	<hr/> 139,691	
130 FINANCE Salaries	770,986	Taxation, State Aid & Local Receipts
Expenses	221,184	Taxation, State Aid & Local Receipts:
	<hr/> 992,170	173,184; Ambulance Receipts: 48,000;
141 ADVISORY COMMITTEE Expenses	2,500	Taxation, State Aid & Local Receipts
142 RESERVE FUND (<i>Appropriated for Transfer, Not Expended.</i>)	75,000	Taxation, State Aid & Local Receipts
151 LEGAL	150,000	Taxation, State Aid & Local Receipts
156 GIS Department Expenses	14,044	Taxation, State Aid & Local Receipts
161 TOWN CLERK Compensation	78,966	Taxation, State Aid & Local Receipts

Salaries	47,082	Taxation, State Aid & Local Receipts
Expenses	10,425	Taxation, State Aid & Local Receipts
	<u>136,473</u>	
162 ELECTION & REGISTRATION		
Salaries	40,681	Taxation, State Aid & Local Receipts
Expenses	15,175	Taxation, State Aid & Local Receipts
	<u>55,856</u>	
171 CONSERVATION COMMISSION		
Salaries	58,712	Taxation, State Aid & Local Receipts
Expenses	3,280	Taxation, State Aid & Local Receipts
	<u>61,992</u>	
175 PLANNING BOARD		
Salaries	149,379	Taxation, State Aid & Local Receipts
Expenses	47,950	Taxation, State Aid & Local Receipts
	<u>197,329</u>	
176 APPEALS BOARD		
Expenses	2,900	Taxation, State Aid & Local Receipts
192 MUNICIPAL BUILDING		
Salaries	27,501	Taxation, State Aid & Local Receipts
Expenses	86,500	Taxation, State Aid & Local Receipts
	<u>114,001</u>	
195 TOWN BUILDINGS		
Expenses	25,000	Taxation, State Aid & Local Receipts
TOTAL GENERAL GOVERNMENT	<u>2,373,907</u>	
PUBLIC SAFETY:		
210 POLICE		
Salaries	3,343,287	Taxation, State Aid & Local Receipts
Expenses	304,990	Taxation, State Aid & Local Receipts
Capital Outlay	75,000	Taxation, State Aid & Local Receipts
	<u>3,723,277</u>	
220 FIRE		
Salaries	2,587,820	Taxation: 2,090,231; Ambulance: 497,589

Expenses	294,725	Taxation: 244,725; Ambulance 50,000
Capital Outlay	35,500	Taxation, State Aid & Local Receipts
	<u>2,918,045</u>	
230 CENTRAL DISPATCH & SERVICES		
Salaries	465,990	Taxation, State Aid & Local Receipts
Expenses	16,550	Taxation, State Aid & Local Receipts
	<u>482,540</u>	
235 JOINT PUBLIC SAFETY BUILDING		
Salaries	58,728	Taxation, State Aid & Local Receipts
Expenses	188,001	Taxation, State Aid & Local Receipts
Capital Outlay	5,600	Taxation, State Aid & Local Receipts
	<u>252,329</u>	
241 INSPECTION		
Salaries	286,446	Taxation, State Aid & Local Receipts
Expenses	11,880	Taxation, State Aid & Local Receipts
Capital Outlay		
	<u>298,326</u>	
292 ANIMAL CONTROL		
Salaries	48,854	Taxation, State Aid & Local Receipts
Expenses	8,980	Taxation, State Aid & Local Receipts
	<u>57,834</u>	
TOTAL PUBLIC SAFETY	<u>7,732,351</u>	
EDUCATION:		
300 FOXBOROUGH PUBLIC SCHOOLS		
Salaries & Expenses	30,508,585	Taxation, State Aid & Local Receipts
	<u>30,508,585</u>	
390 SOUTHEASTERN REGIONAL		
	246,995	Taxation, State Aid & Local Receipts
TOTAL EDUCATION	<u>30,755,580</u>	
PUBLIC WORKS:		
410 PUBLIC WORKS		
Salaries	1,203,468	Taxation, State Aid & Local

		Receipts
Expenses	426,740	Taxation, State Aid & Local Receipts
Capital Outlay	21,500	Taxation, State Aid & Local Receipts
	<u>1,651,708</u>	
411 SOLID WASTE (LANDFILL)		
Salaries	2,300	Taxation, State Aid & Local Receipts
Expenses	35,900	Taxation, State Aid & Local Receipts
	<u>38,200</u>	
412 SOLID WASTE (COLLECTION)		
Expenses	38,450	Taxation, State Aid & Local Receipts
423 SNOW & ICE		
Salaries	33,500	Taxation, State Aid & Local Receipts
Expenses	170,800	Taxation, State Aid & Local Receipts
Capital Outlay	11,000	Taxation, State Aid & Local Receipts
	<u>215,300</u>	
424 STREET LIGHTING	135,000	Taxation, State Aid & Local Receipts
430 SOLID WASTE ENTERPRISE (LANDFILL)		
Salaries	0	
Expenses	<u>0</u>	
	0	
NOTE: Costs for Solid Waste Operation contained in other budgets:		
123/125/192 Admin. & 130/156 Finance/GIS	0	
410 Public Works	0	
911/913/915/945 Insurance	<u>0</u>	
	0	
433 SOLID WASTE ENTERPRISE (COLLECTION)	0	
450 WATER ENTERPRISE		
Salaries	1,127,523	Water Receipts
Expenses	1,252,660	Water Receipts
Debt Service	1,113,113	Water Receipts
Capital Outlay	<u>0</u>	
	3,493,296	

NOTE: Costs for Water Operation contained in other budgets:	
123/124/125/192 Admin. & 130/156 Finance/GIS	81,184 Water Receipts

760 Debt Service	2,000 Water Receipts
911/913/915 Fringe Benefits	376,342 Water Receipts
945 Insurance	95,200 Water Receipts
	<u>554,726</u>

460 SEWER ENTERPRISE

Salaries	138,894 Sewer Receipts
Expenses	854,750 Sewer Receipts
Debt Service	93,885 Sewer Receipts
	<u>1,087,529</u>

NOTE: Costs for Sewer Operation contained in other budgets:	
123/125/192 Admin. & 130/156 Finance/GIS	27,243 Sewer Receipts
911/913/915 Fringe Benefits	57,528 Sewer Receipts
945 Insurance	9,270 Sewer Receipts
	<u>94,041</u>

TOTAL PUBLIC WORKS 6,659,483

HUMAN SERVICES:

510 BOARD OF HEALTH

Salaries	182,397 Taxation, State Aid & Local Receipts
Expenses	7,750 Taxation, State Aid & Local Receipts
	<u>190,147</u>

520 HEALTH AGENCIES

Expenses	37,068 Taxation, State Aid & Local Receipts
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541 COUNCIL ON AGING/HUMAN SERVICES

Salaries	330,629 Taxation, State Aid & Local Receipts
Expenses	44,863 Taxation, State Aid & Local Receipts
Capital Outlay	6,000 Taxation, State Aid & Local Receipts
	<u>381,492</u>

543 VETERANS

Salaries	70,742 Taxation, State Aid & Local Receipts
Expenses	129,425 Taxation, State Aid & Local Receipts
	<u>200,167</u>

TOTAL HUMAN SERVICES 808,874

CULTURE & RECREATION:

610 LIBRARY

Salaries	736,597 Tction, State Aid & Local Rcts:
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	716,597	
	and Library Gift Funds: 20,000	
Expenses	300,050	Taxation, State Aid & Local Receipts
Capital Outlay	3,000	Taxation, State Aid & Local Receipts
	<u>1,039,647</u>	
630 RECREATION		
Salaries	42,108	Taxation, State Aid & Local Receipts
Expenses	34,135	Taxation, State Aid & Local Receipts
Capital Outlay	11,090	Taxation, State Aid & Local Receipts
	<u>87,333</u>	
691 HISTORICAL COMMISSION		
Expenses	29,925	Taxation, State Aid & Local Receipts
Capital Outlay	<u>0</u>	
	29,925	
TOTAL CULTURE & RECREATION	1,156,905	
DEBT SERVICE:		
710 DEBT - PRINCIPAL	2,105,000	Taxation, State Aid & Local Receipts
751 DEBT - INTEREST	926,654	Taxation, State Aid & Local Receipts
760 DEBT - ISSUANCE & EXPENSES	25,000	Taxation, State Aid & Local Receipts
	<u>3,056,654</u>	
TOTAL DEBT SERVICE	3,056,654	
INSURANCE & OTHER:		
911 PENSIONS/RETIREMENT	3,028,356	Taxation, State Aid & Local Receipts:
913 WORKERS COMPENSATION	220,000	Taxation, State Aid & Local Receipts
914 UNEMPLOYMENT COMPENSATION	100,000	Taxation, State Aid & Local Receipts
915 GROUP HEALTH/LIFE INSURANCE	6,035,316	Taxation, State Aid & Local Receipts: 5,320,987; Free Cash: 700,864; and Recreation Revolving: 13,465
945 GENERAL INSURANCE	456,000	Taxation, State Aid & Local Receipts
	<u>9,839,672</u>	
TOTAL INSURANCE & OTHER	9,839,672	

TOTAL ALL OPERATING BUDGETS 62,383,426

ARTICLE 5: MOVED, that the Town vote to adopt the recommendations of the Capital Improvement Planning (CIP) Committee and to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute the sums requested

for the purposes herein mentioned as listed in Appendix A in order to implement the CIP budget request for Town Departments for FY 2015 as follows:

DEPARTMENT	AdComm Recommend	Recommended Funding Sources
Information Systems	71,150	Free Cash
Conservation	16,500	Free Cash
Municipal Building	250,000	Free Cash
Fire	294,804	Ambulance Receipts
Central Dispatch	47,500	Free Cash
Animal Control	32,334	Free Cash
Public Schools	565,688	Free Cash
Highway	335,000	Free Cash
Highway (Chapter 90)	618,215	Chapter 90 State Allocation
Highway (Roads)	879,782	\$610,782 Free Cash, & \$269,000 from Meals Tax Receipts
Historical Commission	350,000	\$175,000 Free Cash, & \$175,000 Grant Funded
Water Enterprise	2,025,000	\$1,025,000 Water Receipts, & \$1,000,000 from prior year capital appropriations for Building Improvements & Paint Water Storage Tanks accounts
Sewer Enterprise	100,000	\$50,000 Sewer Receipts, & \$50,000 from Retained Earnings
	<u>5,585,973</u>	

Funding Summary:

Free Cash	2,103,954
Ambulance Receipts	294,804
Historical Commission Grant	175,000
Chapter 90	618,215
Meals Tax Receipts	269,000
Borrowing	-
Water Receipts	1,025,000
Water Enterprise Prior Year CIP Appropriatio	1,000,000
Sewer Receipts	50,000
Sewer Retained Earnings	50,000
Total	<u>5,585,973</u>

ITEMS NOT HELD ADOPTED 146 Affirmative 0 Negative 8:27 PM

MOTION TO AMEND Moved, that the Town vote to decrease the amount to raise and appropriate, transfer from available funds, or borrow pursuant to applicable statute for the Capital Improvement Planning Budget for Department Municipal Building from \$250,000 to \$0.00, for expenditures within the Fiscal Year July 1, 2014 through June 30, 2015.

MOTION TO AMEND ADOPTED 143 Affirmative 0 Negative 8:29 PM

FUNDING SOURCES:

Free Cash	1,853,954
Ambulance Receipts	294,804
Historical Commission Grant	175,000
Chapter 90	618,215
Meals Tax Receipts	269,000
Borrowing	-
Water Receipts	1,025,000
Water Enterprise Prior Year CIP Appropriation	1,000,000
Sewer Receipts	50,000
Sewer Retained Earnings	50,000
Total	<u>5,335,973</u>

FUNDING SOURCES ADOPTED: 139 Affirmative 0 Negative 8:30 PM

ARTICLE 6: MOVED, that the Town vote to raise and appropriate One Hundred Thirty-Eight Thousand Five Hundred Fifty-Nine dollars (\$138,559) to supplement the wage and salary amounts voted under Article 4 of the Warrant in accordance with the terms and conditions of a document entitled "Revised Consolidated Personnel By-Law 2015", a copy of which is on file with the Town Clerk; and to determine whether to meet said appropriation by a transfer from Free Cash in the amount of One Hundred Nineteen Thousand Seven Hundred Twenty-Eight dollars (\$119,728) and Sixteen Thousand Eighty dollars (\$16,080) from Water Receipts, and Two Thousand Seven Hundred Fifty-One dollars (2,751) from Sewer Receipts.

ADOPTED 141 Aff. 0 Neg. 8:32 PM

ARTICLE 7: MOVED, that the Town vote to raise and appropriate or transfer from available funds One Hundred Twelve Thousand Two Hundred Thirty dollars (\$112,230) to fund the cost items for Fiscal Year 2014 and Fiscal Year 2015 in a collective bargaining contract between the Town of Foxborough (represented by the Board of Selectmen) and Foxborough Permanent Firefighters Association, Local 2252, in accordance with Chapter 150E of the General Laws of the Commonwealth; and to determine whether to meet said FY 2014 appropriation by a transfer from Free Cash in the amount of Forty Thousand Thirty-Nine dollars (\$40,039) and to meet said FY 2015 appropriation by a transfer from Free Cash in the amount of Forty-Three Thousand Three Hundred Ninety-One dollars

(\$43,391) and a transfer of Twenty-Eight Thousand Eight Hundred dollars (\$28,800) from Ambulance Receipts.

ADOPTED 138 Aff. 0 Neg. 8:38 PM

ARTICLE 8: MOVED, that the Town vote no action be taken on the subject matter of Article 8 (Dispatcher Contract).

ADOPTED 135 Aff. 0 Neg. 8:39 PM

ARTICLE 9: MOVED, that the Town vote to raise and appropriate or transfer from available funds Sixty-Five Thousand Eight Hundred Eighty-Six dollars (\$65,886) to fund the cost items for Fiscal Year 2014 and Fiscal Year 2015 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; and to determine whether to meet said FY 2014 appropriation by a transfer from Free Cash in the amount of Eighteen Thousand Two Hundred Seventy-Eight dollars (\$18,278) and Thirteen Thousand Five Hundred and One dollars (\$13,501) from Water Receipts and One Thousand Fifty-Five dollars (\$1,055) from Sewer Receipts, and to meet said FY 2015 appropriation by a transfer from Free Cash in the amount of Eighteen Thousand Three Hundred Eight-Nine dollars (\$18,389) and Thirteen Thousand Five Hundred Ninety-Nine dollars

(\$13,599) from Water Receipts and One Thousand Sixty-Four dollars (\$1,064) from Sewer Receipts.

ADOPTED 138 Aff. 0 Neg. 8:42 PM

ARTICLE 10: MOVED, that the Town vote to raise and appropriate or transfer Forty-Four Thousand Seven Hundred Sixty-Seven dollars (\$44,767) to fund the cost items for Fiscal Year 2014 and Fiscal Year 2015 in a collective bargaining contract between the Town of Foxborough (represented by the Board of Selectmen) and the Boyden Library Employees Association, MLSA, MFT, AFT, AFL-CIO, in accordance with Chapter 150E of the General Laws of the Commonwealth; and to determine whether to meet said FY 2014 appropriation by a transfer from Free Cash in the amount of Fourteen Thousand Four Hundred Eighty-Seven dollars (\$14,487), and to meet said FY 2015 appropriation by a transfer from Free Cash in the amount of Thirty Thousand Two Hundred Eighty dollars (\$30,280).

ADOPTED 145 Aff. 0 Neg. 8:45 PM

ARTICLE 11: MOVED, that the Town vote no action be taken on the subject matter of Article# 11 (Middle Managers, Department Heads, & Clerical Employees Contract).

ADOPTED 144 Aff. 0 Neg. 8:46 PM

ARTICLE 12: MOVED, that the Town vote to raise and appropriate or transfer from available funds amounts requested to amend Article 4 of the May 13, 2013, FY 2014 Annual Operating Budget in order to fund the expenses associated with: 1) Inspections department part-time inspector salaries that are projected to be beyond budget due to increased development activity, requiring a one-time adjustment to the salary budget 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)	241	Inspection: Salaries	286,335	80,000	366,335	\$50,000 from Dept. 914: Unemployment Expense Budget and \$30,000 from Dept. 913: Workers Compensation Expense Budget

ADOPTED 141 Affirmative 0 Negative 8:49 PM

ARTICLE 13: MOVED, that the Town vote to fund one FY 2013 unpaid bill totaling one hundred forty-eight dollars (\$148) from Sturdy Memorial Hospital related to routine medical tests; and to fund \$74 of said bill from the FY 2014 Public Works Expense budget and \$74 from the Water Enterprise Expense budget.

4/5ths required

ADOPTED 137 Aff. 0 Neg. 8:50 PM

ARTICLE 14: MOVED, that the Town vote to see what revolving funds the Town may authorize and reauthorize pursuant to Massachusetts General Laws Chapter 44, Section 53E 1/2 for the Fiscal Year 2015, beginning July 1, 2014.

<u>Revolving Fund #</u>	<u>Name of Revolving Fund</u>	<u>Spending Authority</u>	<u>Revenue Sources</u>	<u>Use of Funds</u>	<u>FY '15 Spending Limit</u>
1	Recreation Revolving Fund	Board of Recreation	Funds from Program Participation	Recreation Department Programs	\$190,000
2	Police and Fire Apparatus Utilization	Town Manager	Vehicle apparatus rental fees collected from	Repair, replacement or purchase of	\$60,000

	Revolving Fund		vendors hiring Police and/or Fire details requiring the use of Police and/or Fire vehicles	equipment for Fire and Police vehicles	
3	Highway Department Revolving Fund	Town Manager	Fee for services and various Town department payments	Highway department labor and/or materials costs	\$40,000
4	Conservation Rental Property Revolving Fund	Conservation Commission	Annual property rental income in excess of \$18,000	Repair and maintenance of Conservation Rental Properties	\$24,000

ADOPTED

143 Affirmative

0 Negative

8:53 PM

ARTICLE 15: MOVED, that the Town vote to raise and appropriate or transfer from available funds the sum of Six Hundred Sixty-Four Thousand and Sixty-Nine Dollars (\$664,069) into the Other Post-Employment Benefits (OPEB) Liability Trust fund to be used towards the unfunded actuarial liability of health care and other post-employment benefits for Town of Foxborough retirees. \$600,000 to be funded from Meals Tax receipts and \$51,256 from Water Enterprise receipts and \$12,813 from Sewer Enterprise receipts.

ADOPTED 136 Aff. 0 Neg. 8:56 PM

ARTICLE 16: MOVED, that the Town vote to authorize the Town Manager to expend any funds received or to be received from the State and/or County for the construction, reconstruction, improvements or other highway related activities.

ADOPTED 139 Aff. 0 Neg. 8:58 PM

ARTICLE 17: MOVED, that the Town vote to amend the Revised Consolidated Personnel By-Laws as follows;

Article I – Application & Definitions

Change # 27 as follows:

Replace Town Administrator with Town Manager or Town Manager’s designee.

Article IV – Reduction in Force

F – Keep the first sentence and replace the remaining sentences with:

However, under COBRA, the employee is entitled to choose continuation of coverage under the group policy. COBRA coverage can last from 18 to 36 months, depending on various factors. If you were involuntarily terminated on or after September 1, 2008 or had your hours reduced on or after September 1, 2008 and then were involuntarily terminated after March 2, 2010 and you are not eligible for other health coverage (such as a spouse's health plan or Medicare), then you may be eligible for a 65 percent reduction of your COBRA premium for up to fifteen months. Further information and forms can be obtained from the Town’s Treasurer’s office.

ADOPTED 132 Aff. 0 Neg. 8:59 PM

ARTICLE 18: MOVED, that the Town vote to amend Section 19 of Article V of the Town of Foxborough General By-Laws by replacing the existing language in its entirety and replace with new language to read;

Section 19 – Senior Tax Program By-Law

Purpose: The Senior Tax Program allowing the Town of Foxborough the opportunity to utilize the knowledge and skills of its senior residents in exchange for credit toward the residents’ tax bill.

The purposes of this program are to enhance municipal services and alleviate senior residents' tax burden. A qualified resident will be paid \$10 per hour toward a maximum gross credit of \$1,000 per household during the fiscal year.

Eligibility:

1. Foxborough residents who have reached age 60 and over; and
2. Pay real estate taxes to the Town of Foxborough on their primary residence; and
3. Can produce a copy of a current real estate tax bill.

Job Development: The Foxborough Senior Tax Program is a jobs program. Qualified seniors will be hired to work for town departments, including the schools. The Council on Aging and Human Services ("COA"/"HS") will work with the departments and applicants to develop specific jobs, conduct interviews, and place qualified people. Each department will be contacted and asked to review their service procedures and requirements to determine whether they may benefit from the assistance of a senior resident.

The Subcommittee of the Senior Tax Program, the Town Manager, and the Board of Selectmen will approve the specific criterion and guidelines.

Job Placement/Selection: Applicants will be referred to departments based on their skills and the needs of the departments. Jobs will be offered based on qualifications and availability.

Earnings: \$10¹ per hour for all jobs. A maximum gross amount of \$1,000, less required federal withholdings, per tax year to be applied as a rebate to each resident's Town of Foxborough property tax.

Application Procedure:

1. A review to determine eligibility and an application form
2. An initial interview with COA/HS staff
3. A referral by COA/HS staff to the department

Foxborough Senior Tax Program Guidelines

1. Applicants must meet all eligibility requirements
2. Applications must be filled out completely

3. A copy of the applicant's most recent field card requested from Assessor's Office by COA/HS must accompany application.

4. Referrals by the COA/HS must be made based on the applicant's skills, preferences and the needs/availability of jobs in the departments

5. Placement by COA/HS must be decided based on the match of the applicant's skills with the interest of the various departments.

6. Each applicant will have a maximum of two interviews. Applicants have the right to refuse placements or to defer placement pending the possibility of other opportunities. However, there is no guarantee other positions will become available.

7. Prior to the applicant beginning their job placement, COA/HS Office will work with applicant to ensure the required employee forms (I9, W4, OBRA, policy documents) and a new hire personal action form is complete and forwarded to Human Resources.

8. Human Resources will verify that all required paperwork is complete and send final sign off to COA/HS. Applicant will be added as a Town employee.

9. Once a person is placed, that person will be responsible to the appropriate department head. The department head will assign all duties and evaluate job performance.

10. All qualified applicants must be treated equally regarding their opportunity for referrals, interviews, and placement, regardless of their race, age, religion, national origin and gender.

11. Applicants shall submit all hours worked in a calendar year to the COA/HS office by NOVEMBER 1ST in order to receive credit on 3rd and 4th quarter tax bills. COA/HS shall submit hours worked via the Town's payroll process.

12. The Town Financial Director's Office will process the appropriate transactions to issue credit that is the NET of the earned amount less federal tax, Medicare, and OBRA withholdings.

13. Participants must have their own transportation.

14. Applicants must be CORI-checked.

15. The COA/HS office shall keep organized files for each participant and shall maintain a record for each participant which includes the number of hours of service and the total amount by which the real property tax has been reduced. A copy of such record shall be provided (1) to the assessor so that the tax bill may reflect the reduced rate, and (2) to the taxpayer prior to the issuance of the actual tax bill.

¹ Disapproved by the Attorney General

16. To protect the privacy rights of applicants and the fairness of the program, information regarding any particular job referrals, job interviews or job placements shall only be released officially through the COA/HS office.

ADOPTED 129 Aff. 6 Neg. 9:01 PM
Approved by the A.G. August 21, 2014 but the A.G. disapproved the rate of \$10.00 per hour, the full text of which is on file with the Town Clerk. REC

ARTICLE 19: MOVED, that the Town vote to authorize the Board of Selectmen, on behalf of the Town, to petition the General Court for a special act to release the deed restrictions on portions of Lot H-1, portions of Lot H-2, and a portion of Lot E-2 as shown on a plan entitled Approval Not Required Subdivision Plan prepared by Rizzo Associates Inc. dated December 10, 1998, a copy of which is on file with the Town Clerk, to allow the Board of Selectmen to sell by auction, dispose, or convey said premises for appropriate redevelopment.

ADOPTED 142 Aff. 0 Neg. 9:03 PM

ARTICLE 20: MOVED, that the Town vote that the easement areas on the parcels of land described below, which are currently held under the care, custody, management and control of the Board of Selectmen for use for municipal purposes, are no longer needed for public use, and the same may be transferred to the care, custody, management and control of the Board of Selectmen for use for general municipal purposes, namely granting Massachusetts Electric Company certain rights and easements for the construction, maintenance and operation of electric transmission lines over, across and upon certain parcels of land, in a strip of land 30 feet in width, owned by the Town of Foxborough, commencing at land now or formerly of Timothy F. Lynch and extending to land now or formerly of the S. S. Wilbur Heirs, crossing the intervening Elm Street and the intervening state highway known as Interstate 95, identified as Assessor Map 107 Parcel 2786, Assessor Map 107 Parcel 3151, Assessor Map 122 Parcel 3472 and Assessor Map 122 Parcel 3473, said strip of land shown on a plan entitled "Union Light and Power Company PRELIMINARY SURVEY FOR HIGH TENSION LINE Foxboro to Mansfield", dated November 1914, sheets No. 2 and 3 of 6 sheets, which were filed in the Norfolk

Registry of Deeds as Plan No. 3729 and No. 3730 in Plan Book 77.

2/3rds required

ADOPTED 136 Aff. 0 Neg. 9:07 PM

ARTICLE 21: MOVED, that the Town vote:

1) to authorize the Town Manager to negotiate and, subject to the approval of the Board of Selectmen, enter into a lease or license agreement to enable the lessee or licensee to design, develop, install, operate and maintain a photovoltaic solar energy system on certain Town-owned properties, as authorized by and pursuant to MGL chapter 164, Section 137, said Town-owned properties being (i) a parcel of land commonly known as the "former landfill" located on East Belcher Road and identified on Assessor Map 108 as Lot 3174, on Map 94 as Lot 2848 and on Map 108 as Lot 2847; and (ii) a parcel of land commonly known as the "former town filter beds and compost site" located on Elm Street across from the DPW garage site and identified on Assessor Map 107 as Lot 2786;

2) to authorize the Town Manager to negotiate and, subject to the approval of the Board of Selectmen, enter into an agreement pursuant to and in accordance with the provisions of MGL chapter 59, Section 38H, to provide for payments in lieu of property taxes (a PILOT Agreement) with the owner of the photovoltaic solar energy system to be installed on said Town-owned properties, as described herein.

ADOPTED 131 Aff. 0 Neg. 9:10 PM

ARTICLE 22: MOVED, that the Town vote to amend General By-Law Article II, Town Officials, Section 4 – Appointed Officials, by adding a new appointed committee at the end of that Section 4 as follows:

There shall be a CHILD SAFETY COMMITTEE appointed by the Board of Selectmen, as follows:

Section 1. Eligibility, Appointment, and Tenure

There shall be a **Child Safety Committee** consisting of seven (7) volunteers. At or immediately after each

annual meeting, the Board of Selectmen shall appoint eligible volunteers to the committee from the following sectors. The initial appointments shall be:

One member from the Foxborough Public Schools who shall serve for an initial term of three years;

One member from the Foxborough Board of Recreation who shall serve for an initial term of three years;

One member from the Foxborough Public Safety who shall serve for an initial term of three years;

One member from a Foxborough Religious Institution who shall serve for an initial term of two years;

One member from the Foxborough Council on Aging and Human Services who shall serve for an initial term of two years;

One member from a Related Private Educational or Social Institution who shall serve for an initial term of one year; and

One member At Large who shall serve for an initial term of one year;

Thereafter, each member shall be appointed for a three-year term.

In addition, the Board of Selectmen shall, at the same time, make any appointment necessary to fill the unexpired term of any vacated position in the committee. Any member may be reappointed after one term has elapsed since the expiration of their most recent term.

Section 2. Powers and Duties

The members of the Committee shall serve without compensation. They shall meet to elect officers, appoint sub-committees, and adopt rules as soon as practicable following each annual town meeting. If any member is absent from five consecutive meetings, the Committee may vote that his/her position is vacated.

The goal and objectives of the Child Safety Committee are to raise awareness of the prevalence

and circumstances in which children are being sexually abused and promote simple and effective ways for the public to be aware of risk factors and educate to reduce the opportunity of abuse in the Town of Foxborough. Every day adults come in contact with children of all ages and groups in Foxborough. The Foxborough Child Safety Committee will provide guidance when adults are interacting with children on town property.

To attain these goals and objectives, the Committee shall gather information provided by the many public and private groups, agencies and institutions that disseminate relative information to the prevention of sexual abuse to children. The Committee shall work with Foxborough's Boards, Committees and Departments and participate and/or direct meetings and informational sessions towards accomplishing the published goals and objectives. The Committee shall act as liaison to public and private groups that use town property related to children's activities.

With these Powers and Duties, the Child Safety Committee will work to provide:

1. a code of conduct
2. training of individuals (town employees and volunteers) and organizations
3. protocol for reporting incidents
4. a yearly curriculum to be dispensed for training to organizations including but not limited to private schools, churches and youth leagues
5. a written progress report with recommendations to the Board of Selectmen by October 1st each year

The Committee shall not adopt any rules, regulations or protocols hereunder that conflict with any relevant state or federal statutes and regulations.

Motion to Amend to read:

Move to amend Article 22 to strike the term CHILD SAFETY COMMITTEE in the title and within the context of the article, and replace this term referring to the new committee as Foxborough's CHILD SEXUAL ABUSE AWARENESS COMMITTEE.

To be clear, the vote to amend our General By-Law as referenced in Article 22 to contain a committee, appointed by the Board of Selectmen consisting of 7

volunteers will be called our CHILD SEXUAL ABUSE AWARENESS COMMITTEE.

MOTION TO AMEND 139 Aff. 2 Neg. 9:22 PM

MAIN MOTION AS AMENDED

ADOPTED 146 Aff. 0 Neg. 9:22 PM
Approved by the A.G. August 21, 2014 with cautions of which the full text is on file with the Town Clerk. REC

ARTICLE 23: MOVED, that the Town vote to accept Chapter 40, Section 22G: - Funds received from fines for handicap parking violations; deposits in accounts; expenditures.

Section 22G. Foxborough which has accepted the provisions of section 8J is hereby authorized to allocate all funds received from fines assessed for violations of handicap parking in Foxborough to the Foxborough Commission on Disability.

Funds so received shall be deposited by the town treasurer in a separate account and shall be used solely for the benefit of persons with disabilities. Said account shall be established by the town treasurer and shall be kept separate and apart from all other monies. Expenditures from said account, including accrued interest, if any, shall be made upon the recommendation of the Foxborough Commission on Disability in accordance with the accepted procedures of the town of Foxborough for the disbursement of funds, including the approval of the town manager or the board of selectmen. The town accountant shall submit annually a report of said account to the town manager and board of selectmen for review and a copy of said report shall be forwarded to the bureau of accounts.

ADOPTED 139 Aff. 0 Neg. 9:26 PM

ARTICLE 24: MOVED, that the Town vote to adopt the following paragraph from M.G.L. Chapter 41 s. 81U:

In any town which accepts the provisions of this paragraph, the proceeds of any such bond or deposit shall be made available to the town for expenditure to

meet the cost and expenses of the municipality in completing the work as specified in the approved plan. If such proceeds do not exceed one hundred thousand dollars, the expenditure may be made without specific appropriation under section fifty-three of chapter forty-four; provided, however, that such expenditure is approved by the board of selectmen. The provisions of this paragraph shall not apply to cities or to towns having town councils.

ADOPTED 135 Aff. 0 Neg. 9:29 PM

ARTICLE 25: MOVED, that the Town vote to amend General By-Law Article V, Section 6 – Stadium Regulations, by adding a new subsection 6.9 – Fines for Violations to read:

For each concert performance the Building Commissioner or his designee shall determine the exact time the concert concludes. The Building Commissioner or his designee shall identify himself to the management of the licensee and advise the management of the time he or she considers applicable to the performance. In the event that a performance continues past the license time, the Building Commissioner or his designee shall further determine in minutes by how much the concert has concluded beyond the licensed time. Such information shall be submitted to the licensing authority only for those concerts that have continued after the specified licensed time. In the event of a violation of these rules and regulations for a performance, which runs over the licensed time period, the Selectmen may assess fines against the licensee in accordance with the following fine structure and schedule. Such fines may be assessed only after providing the licensee with an opportunity for a show cause hearing preceded by written notice mailed or delivered to the licensee not less than ten (10) days prior to the hearing date.

The authority to assess fines hereunder shall not be construed to limit the authority of the Selectmen to modify, suspend, or revoke the license in accordance with the provisions Section 6 - Stadium Regulations and M.G.L. Chapter 140, Section 183A.

Overtime:

Time Past Licensed Performance Ending Time	Fines
Less than 5 minutes	up to 0.10 per attendee
Less than 15 minutes	up to 0.25 per attendee
Less than 30 minutes	up to 0.50 per attendee
Less than 45 minutes	up to 0.75 per attendee
Less than 1 hour	up to \$1.25 per attendee
Over 1 hour	up to \$1.75 per attendee ¹

¹ Disapproved by the Attorney General

The stadium shall make available to the Board of Selectmen attendance figures/records for each performance which continues past the required end time. Attendance records must be forwarded to the Selectmen within a reasonable time not to exceed seven days after the notice from the Town. These figures must be taken and certified as accurate directly from ticket sales and shall include all ticket sales for the performance including complimentary and or promotional tickets.

ADOPTED 128 Aff. 6 Neg. 9:34 PM
A.G. disapproved fee schedule December 1, 2014 the full text of which is on file with the Town Clerk. REC

ARTICLE 26: MOVED, that the Town vote to amend Section 11 of the Town of Foxborough General By-Laws by adding to section B:

Bentwood Street
Carpenter Street
Chestnut Street
Cross Street
Maple Avenue
Sherman Street
S. Cross Street
West Street from South Street west to the Wrentham town line

Amend Section 11.D by adding 4. The Planning Board may adopt rules and regulations for carrying out its duties under this By-Law.

Amend Section 11.E.3 by adding the following at the end of the section: Trees shall be replaced on a caliper-inch-per-caliper-inch basis (combined area of the replacement trees measured four feet above ground level to equal total area of the caliper of the removed original tree trunk as measured four feet above ground level) at locations specified by the Tree Warden.

Amend Section 11 by adding section G as follows:
G. Enforcement; violations and penalties.

1. Failure to file with the Planning Board for permission to cut or remove trees or for destruction of any portion of a stone wall within any designated scenic road shall require an immediate filing as detailed above, and the applicant shall be required to restore features. This restoration shall consist of

replacing the stone wall as necessary and replacing the trees cut on a caliper-inch-per-caliper-inch basis (combined area of the replacement trees measured four feet above ground level to equal total area of the original tree trunk as measured at the stump) at locations specified by the Tree Warden.

2. Failure to comply with a duly issued decision of the Planning Board shall be subject to restoration as detailed above and other remedial measures that the Planning Board deems necessary. Any decision not exercised within two years of the filing of the planning board's decision shall be void and shall require a new filing.

3. The Building Commissioner, the Tree Warden, or other tree official authorized by the Town Manager shall have the authority to enforce the provisions of this article.

4. Any violation of this article, MGL c. 40, § 15C (Scenic Roads) or a Planning Board decision issued under this article or MGL c. 40, § 15C may be subject to noncriminal disposition. Violations shall be subject to a fine of \$300, each day to be considered a separate offense.

MOTION TO AMEND

Motion to Amend to read:

Moved, to Amend Article 26 by removing Carpenter Street.

MOTION TO AMEND

ADOPTED 96 Aff. 21 Neg. 9:50 PM

MAIN MOTION AS AMENDED

NOT ADOPTED 26 Aff. 87 Neg. 9:53 PM

ARTICLE 27: MOVED, that the Town vote no action be taken on the subject matter of Article# 27. (Amend General By-Laws)

ADOPTED 128 Aff. 0 Neg. 9:54 PM

ARTICLE 28: MOVED, that the Town vote to accept the renumbering and revision of the various bylaws of the Town from their original numbering or their numbering in the General By-Laws, as amended through May 13, 2013, to the numbering or codification, arrangement, sequence and captions and the comprehensive revisions to the rest of the

General By-Laws as set forth in the Final Draft of the Code of the Town of Foxborough, dated February 2014, a copy of which is on file with the Town Clerk said codification having been done under the direction of the Board of Selectmen and Town Attorney, and said Code being a compilation and comprehensive revision of the present by-laws of the Town. All by-laws of a general and permanent nature, as amended, heretofore in force and not included in the Code shall be repealed, except that such repeal shall not affect any suit or proceeding pending as the result of an existing law, and such repeal shall not apply to or affect any by-law, order or article heretofore adopted accepting or adopting the provisions of any statute of the Commonwealth. These by-laws shall be referred to as the "Code of the Town of Foxborough, Massachusetts".

ADOPTED 122 Aff. 0 Neg. 10:00 PM
Approved by the A.G. August 21, 2014. REC

ARTICLE 29: MOVED, that the Town vote to accept the renumbering and revision of the Zoning By-Law of the Town from its original numbering, as amended through May 13, 2013, to the numbering or

		R-15	R-40	GB	NB	HB	GI	LI	S-1
D.12	Registered Marijuana Dispensary	N	N	N	N	N	N	N	PB

And to amend the Foxborough Zoning By-Laws by inserting the following as Section 7.5:

7.5 REGISTERED MARIJUANA DISPENSARIES

- 7.5.1 Purpose.** The purpose of this Section 7.5 is to:
1. Provide for the establishment of Registered Marijuana Dispensaries in appropriate places and under strict conditions in accordance with the passage of Initiative Petition 11-11 (Question #3 on the November, 2012 state ballot).
 2. Minimize the adverse impacts of Registered Marijuana Dispensaries on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said Dispensaries.
 3. Regulate the siting, design, placement, security, safety, monitoring, modification, and removal of Registered Marijuana Dispensaries.

codification, arrangement, sequence and captions and the comprehensive revisions to the text of the Zoning By-Law as set forth in the Final Draft of the Code of the Town of Foxborough, dated February 2014, a copy of which is on file with the Town Clerk said codification of the Zoning By-Law having been done under the direction of the Planning Board, and being a compilation and comprehensive revision of the present Zoning By-Law, including amendments thereto. All Zoning By-Laws, as amended, heretofore in force, shall be repealed, except that such repeal shall not affect any suit or proceeding pending as the result of an existing law. The Zoning By-Law shall be codified as Chapter 275 of the "Code of the Town of Foxborough, Massachusetts".

2/3rds required
ADOPTED 137 Aff. 0 Neg. 10:03 PM
Approved by the A.G. August 21, 2014. REC

ARTICLE 30: MOVED, that the Town vote to amend Table 3-1 of the Foxborough Zoning By-Laws by inserting a new use category as follows:

7.5.2 Applicability.

1. The commercial cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of Marijuana for Medical Use is prohibited unless permitted as a Registered Marijuana Dispensary under this Section.
2. No Registered Marijuana Dispensary shall be established except in compliance with the provisions of this Section.
3. Nothing in this By-Law shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.

7.5.3 General Requirements for all Registered Marijuana Dispensaries.

1. Marijuana or Marihuana, Marijuana-Infused Product (MIP), Registered Marijuana Treatment Dispensary (including definition of registered marijuana dispensary), Registration Card, and Production Area are defined in 105 CMR 725.000.
2. All Registered Marijuana Dispensaries shall be contained within a building or structure.

3. No Registered Marijuana Dispensary shall have a gross floor area of less than 2,500 square feet or in excess of 20,000 square feet.

4. The hours of operation of Registered Marijuana Dispensaries shall be set by the Planning Board, but in no event shall said Facilities be open and/or operating between the hours of 8:00 PM and 8:00 AM.

5. No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Medical Marijuana Dispensary.

6. No Registered Marijuana Dispensary shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.

7. Signage shall comply with the Town of Foxborough Sign By-Law and 105 CMR 725.000. Signs shall only contain the name of the Dispensary, the address, hours, contact information for the permit holder, and the following language: "Registration card issued by the MA Department of Public Health required." All text shall be a minimum of two inches in height. Signage shall not include the marijuana leaf icon or other imagery that would detract from the professional and medical nature of the Dispensary.

8. Registered Marijuana Dispensaries shall provide the Police Department and Building Commissioner with the names, phone numbers and email addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment.

7.5.4 Special Permit Requirements.

1. A Registered Marijuana Dispensary shall only be allowed by special permit from the Planning Board.

2. A special permit for a Registered Marijuana Dispensary shall be limited to one or more of the following uses that shall be prescribed by the Special Permit Granting Authority:

a. Cultivation of Marijuana for Medical Use (horticulture).

b. Processing and packaging of Marijuana for Medical Use, including Marijuana, Marijuana-Infused Products (MIP), and other products.

c. Retail sale or distribution of Marijuana for Medical Use to Qualifying Patients.

3. Site Plan Review by the Planning Board is required.

4. In addition to the application requirements set forth in these By-Laws, a special permit application for a Registered Marijuana Dispensary shall include the following:

a. The name and address of each owner of the Dispensary;

b. Copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the Dispensary;

c. of the Applicant's right to use the site for the Dispensary, such as a deed or lease;

d. If the Applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals;

e. A written report from the Foxborough Police Department detailing minimum security measures for The Dispensary.

f. Proposed security measures for the Medical Marijuana Dispensary meeting or exceeding the requirements of the Police Department, including lighting, fencing, police details, guards, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft.

7.5.5 Findings. The Planning Board shall not issue a special permit for a Registered Marijuana Dispensary unless it finds that the Dispensary meets the criteria listed in Section 10.4.2 and that:

1. The Dispensary is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest.

2. The Dispensary is not within one thousand feet (1000') of any school serving persons under 21 years of age, a church or other religious facility, or a public park located within Foxborough or any abutting community.

3. The Dispensary demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations:

7.5.6 Conditions of Approval.

1. A special permit granted under this Section shall have a term limited to the duration of the applicant's ownership of the premises as a Registered

Marijuana Dispensary.

2. The Board shall require the applicant to post a bond at the time of construction to cover costs for the removal of the Registered Marijuana Dispensary in the event the Town must remove the Dispensary. The value of the bond shall be based upon the ability to completely remove all the items noted in 7.5.3 and 7.5.4 and properly clean the Dispensary at prevailing wages.

3. Each Registered Marijuana Dispensary permitted under this By-Law shall as a condition of its special permit file an annual report to the Planning Board, Board of Health, and the Town Clerk no later than January 31st, providing a copy of all current applicable state licenses for the Dispensary and/or its owners and demonstrate continued compliance with the conditions of the Special Permit. The Planning Board may require such report to be made at a meeting.

4. Registered Marijuana Dispensaries shall provide the Police Department and Building Commissioner the contact information required in 7.5.3.8 each year, no later than January 31st.

5. Registered Marijuana Dispensaries shall meet with Police Department annually to review security provisions and submit any revisions to the Police Department and Building Commissioner no later than January 31st.

6. The Planning Board may impose other conditions as they deem necessary.

7.5.7 Abandonment or Discontinuance of Use.

1. A Special Permit shall lapse if not exercised within one year of issuance.

2. A Registered Marijuana Dispensary shall be required to remove all material, plants equipment and other paraphernalia:

a. prior to surrendering its state issued licenses or permits; or

b. within six months of ceasing operations; whichever comes first.

2/3rds Required

ADOPTED 129 Aff. 3 Neg. 10:07 PM

Approved by the A.G. August 21, 2014. REC

ARTICLE 31: MOVED, that the Town vote to amend the Foxborough Zoning By-Laws, Table 4-1, to insert a column entitled "MAXIMUM LOT COVERAGE" to the right of MINIMUM LOT WIDTH and insert 40% for all R-15 & Two family categories and 25% for all R-40 and NB categories. Add 4.1.2.5 to read as follows: Maximum lot coverage may be modified by the provisions of special district regulations.

2/3rds required

NOT ADOPTED 16 Aff. 110 Neg. 10:14 PM

ARTICLE 32: MOVED, that the Town vote to amend the Foxborough Zoning By-Laws, Table 3-1 TABLE OF USES Section L. 15. Drive-Through Facility to read:

	R-15	R-40	GB	NB	HB	GI	LI	S-1
L.15. Drive-Through Facility	N	N	N	N	PB	N	N	PB

Motion to Amend to read:

MOVED, that the Town vote to amend the Foxborough Zoning By-Laws, Table 3-1 TABLE OF USES Section L. 15. Drive-Through Facility to read:

	R-15	R-40	GB	NB	HB	GI	LI	S-1
L.15. Drive-Through Facility	N	N	N	PB	PB	PB	PB	PB

2/3rds required

MOTION TO AMEND ADOPTED: 102 Affirmative 1 Negative 10:18 PM

MOTION AS AMENDED

ARTICLE 33: MOVED, that the Town vote to amend the Foxborough Zoning By-Laws as follows:

Amend Table 3-1 TABLE OF USES to delete existing use category B.1. and insert the following:

1. All land and buildings used for the storage, manufacture, processing or bottling of non-

	R-15	R-40	GB	NB	HB	GI	LI	S-1
C.11 Brew Pub	N	N	PB	PB	N	N	N	N

Amend Section 11 of the Foxborough Zoning By-Laws by inserting the following in the appropriate alphabetical order:

Brew Pub: Restaurant licensed by the United States Department of Alcohol, Tobacco and Firearms and the Commonwealth of Massachusetts under the farmer's brewers statutes to produce and sell beer and ale at the location and whose primary business is the sale and preparation of food to be consumed on the premises, but which also produces beer and ale on the premises, of which not more than 20% of the production capacity may be sold wholesale to other establishments.

Mixed Use: A tract of land or building or structure developed for two or more different uses including residential, Retail, business, service, or office, assembly uses, and institutions.

Amend Section 9.2.2 by adding Howard Avenue, Rockhill Street, and Shaw Place in appropriate alphabetical order and after Granite Street add the phrase "(Main Street to Union Street)"

Amend Section 9.2.4 by striking the existing section and inserting the following:

9.2.4 Applicability. Review by the Design Review Board is required for exterior activities within the Design Review District when Site Plan Review or a Special Permit is required or when the Building Commissioner determines that the proposed exterior activities are sufficiently extensive to materially affect the character of surrounding area.

Amend Section 9.2.6 striking sections 1 and 2 and replacing with the following:

combustible materials, beverages, and low hazard wares that do not ordinarily burn rapidly and which are not High Hazard Uses.

Amend Table 3-1 of the Foxborough Zoning By-Laws by inserting a new use category as follows:

1. Upon receipt of an application, the Design Review Board shall, within twenty-one (21) days, submit any written findings, comments, conditions, and recommendations to the applicant, Building Commissioner, and referring board. Failure of the Design Review Board to report within the twenty-one (21) day period shall be deemed a lack of opposition thereto.

2. The referring board shall incorporate the Design Review Board's report in its decision. Should the referring board deviate from the Design Review Board's report, the reasons shall be specifically cited in their decision.

Amend the Zoning By-Laws by inserting a new Section 9.7 entitled Foxborough Center Overlay District (FCOD)

9.7 FOXBOROUGH CENTER OVERLAY DISTRICT (FCOD)

9.7.1 Vision and Purpose. Foxborough Center is recognized as the heart of the town. Anchored by the Common, the Center is a walkable, mixed-use area that fulfills many of the community's governmental, spiritual, service, residential, and social needs. The purpose of this Overlay is to:

1. Promote development or redevelopment of a mix of non-residential and residential uses in downtown Foxborough

2. Encourage a mix of uses on a lot or in a building that are appropriate to the needs of the

community and the scale of surrounding neighborhoods

3. Promote an active pedestrian environment and innovative approaches to parking
4. Provide opportunities for housing, employment and/or shopping in close proximity to residents, municipal facilities and other services
5. Maintain a consistently high level of design quality throughout the district
6. Preserve the historic character of the Center and promote compatible development

9.7.2 Overlay District. The Foxborough Center Overlay District (FCOD) is established as an overlay district encompassing the area more particularly delineated on the plan entitled "Foxborough Center Overlay District (FCOD) Plan in Foxborough, MA" prepared by Metropolitan Area Planning Council, dated May 29, 2013. This map shall be considered as superimposed over other districts established by these By-Laws. The map as it may be amended from time-to-time, is on file with the office of the Town Clerk and with the Building Commissioner, and together with any explanatory material thereon, is hereby incorporated in and made part of these By-Laws.

9.7.3 Relationship to Existing Zoning and Other Regulations. The FCOD by-law shall not restrict the rights of any owner who elects to utilize the existing underlying zoning district regulations to develop or redevelop land. If an owner elects to utilize the FCOD to develop or redevelop land, the project shall conform to all applicable requirements of this by-law, including any regulations or guidelines that may be adopted to support this by-law.

In the FCOD, all requirements of the underlying district(s) shall remain in effect except where these regulations supersede or provide an alternative to such requirements.

If the provisions of this by-law are in conflict with any other section of the Foxborough Zoning By-law, the regulations of the FCOD shall govern.

9.7.4 Pre-Application Process

Prior to submitting a building application for a project within the FCOD, the applicant shall contact the Town Planner to arrange a Pre-Application meeting to review the project. The Town Planner will coordinate, if applicable, further pre-application meetings with the Planning Board and/or a joint administrative meeting. The purpose of the pre-application process is to answer questions and concerns in order to streamline the review process for applicants.

9.7.5 Use Provisions.

1. Permitted Uses. The following uses are Permitted Uses, allowed by-right for any project developed within the FCOD. The projects are subject to any Performance Standards, Section 6.5; Site Plan Review requirements pursuant to Section 10.5 and Design Review pursuant to Section 9.2.

C. Mercantile/Retail

1. Retail establishment
2. Restaurant
3. Mercantile/retail uses, except restaurants with seating which use more than twenty-five (25) percent of the gross area of a building

D. Business, Service, or Office

1. All land and buildings which are used for the transaction of business, for the rendering of professional or tradesman services or for the other services that involve stocks of goods, wares, or merchandise in limited quantities for use incidental to business office uses or similar purposes, except for other uses specified in this Use
3. Laundry or dry cleaning facilities—drop off only, no on-premises facilities
5. Funeral Establishments

E. Assembly

1. Theatres
4. Museums, with or without an auditorium in which persons assemble for amusement, entertainment or recreation, and incidental motion picture, dramatic or educational presentations, lectures or similar purposes
5. Use of land or structures for religious purposes
8. Use of land or structures for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or

by a religious sect or denomination, or by a nonprofit educational corporation

9. Child care center

G. Residential

Mixed Use: up to 3 dwelling units in a mixed use project; over 3 dwelling units by special permit from the Planning Board

5. Two (2) family dwelling

6. Single family dwellings

11. Accessory Apartment

13. Bed and Breakfast

H. Agricultural Uses

1. Use of land for the primary purpose of agriculture, horticulture, floriculture or viticulture on a parcel of more than five acres in area.

I. Public and Quasi-Public Facilities

2. Essential services

3. Municipal facilities and structures necessary to the service of the Town, excluding storage yards, power plants, water, filter plants, sewage treatment plants and refuse facilities.

7. Municipal Recreation Facility

L. Accessory Uses

3. Residential accessory uses and structures. Gross area of residential storage structures shall not exceed

A.3. Motor Vehicle Fuel Facility (BA)

B.4. Temporary Parking Lots (PB)

D.2. Research and Development (PB)

D.8. Truck Terminal/public warehouse (PB)

D.9. Automobile Storage or auction facility (PB)

F.1. Hospitals, sanitariums, orphanages (BA)

G.3. Dormitories (BA)

I.4. Telecommunications (BA)

J.7. Wellness and Recreation Center (PB)

L.1. Accessory Storage of Waste Materials (BA)

L.12. Keeping of Livestock on less than 2 acres (BA)

L.15. Drive-Through Facility (PB)

400 square feet or 1.5 stories; the gross area of temporary wayside stands shall not exceed 400 sq. ft.

4. Residential garages which do not exceed one and a half stories in height and a "footprint" not to exceed one and a half stories in height and a "footprint" not to exceed 625 square feet.

7. Accessory uses to multifamily dwellings which are located within the principal building and are limited to eating establishments, personal service establishments; retail sales establishments selling convenience merchandise

10. Home occupation

11. Home occupation, non-intensive

2. Uses Not Permitted in the FCOD. For developments proposed to utilize the optional Overlay, the following uses permitted within the underlying zoning district(s) are not permitted.

C.6. Commercial Storage Garages/motor vehicle repair shops

D.3. Laundry and Dry Cleaning (Commercial facility)

L.2. Seasonal Worker Housing as Accessory Use

L-13. Keeping of Livestock on 2+acres

M-3. Excess Parking Spaces

The following Uses, authorized by grant of a special permit in the underlying zoning district(s), are Not Permitted in any development utilizing the Overlay.

3. Uses Allowed by Special Permit.

The following uses may be authorized by grant of a special permit from either the Planning Board or the Board of Appeals, as noted below.

- Mixed Use Project with more than 3 dwelling units (Planning Board)
- C.11 Brew Pub (Planning Board)

E.2 Night clubs, dance halls

(Planning Board)

L.9 Nonresidential accessory uses and structures which do not exceed 15% of the gross area of the principal building or buildings (Board of Appeals)

9.7.6 Dimensional Requirements. The following Dimensional Requirements shall apply in the FCOD:

Table 9-2 DIMENSIONAL REGULATIONS FOR FOXBOROUGH CENTER OVERLAY DISTRICT (FCOD)										
USE	AREA (sq.ft.)	FRONTAGE (ft)	YARDS (ft)			BUILDING HEIGHT		MAXIMUM LOT COVERAGE	MINIMUM LOT WIDTH (ft)	
			Front	Side	Rear	Stories	Feet		Distance from Street	Width
All		20	10	10	10	3.5	40	85%	0	0

9.7.7 Notes to Dimensional Regulation Table

1. The Planning Board, by grant of a Special Permit, may vary any of the above dimensional requirements. Consistent with Section 4.4.2, any principal structure may not exceed sixty (60) feet, nor more than four 4 stories in height in the FCOD.
2. When any yard (front, side, rear) of a multi-family or non-residential structure abuts a single or two-

family home, Site Plan Review will include specific review of all proposed landscaping in order to provide a year-round visual buffer between uses.

9.7.8 Parking.

Parking Requirements: Within the FCOD, the following parking requirements apply. Parking shall not be allowed within the front or side yard dimensional setbacks.

Use	Minimum Parking Spaces:	Maximum Parking Spaces
Studio/1 Bedroom	1 per unit	1 per unit
All other residential units	1.5 per unit	2 per unit
Retail business and service establishments	1 space for each 300 s.f. of gross floor area on the first floor of a building, and one space for each 500 square feet of gross floor area thereafter for all floors used businesses, excluding basement storage area	1 space for each 250 s.f. of gross floor area on the first floor of a building, and one space for each 400 square feet of gross floor area thereafter for all floors used for office, retail or service businesses, excluding

		basement storage area
Mixed uses	See Section 6.1.5 Notes to Table 6.1 Off Street Parking Requirements	Spaces required will be the sum of the requirements of the various individual uses
All other uses		SEE Table 6.1

9.7.9 Notes on Parking Requirements:

1. Section 6.1.6 Reduction in off-street parking applies in the FCOD, with the modification that within the FCOD, no percentage is specified.
2. Section 6.1.2(2) Relation to Use applies for all uses in the FCOD.

9.7.10 Shared On-Site Parking for Mixed Use Development

1. Non-competing Uses. In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demands for noncompeting uses. Up to 50% of the requirements for the predominant use may be waived by the Planning Board if the applicant can demonstrate that the peak demands for two uses do not overlap.
2. Competing Uses. In mixed-use developments, applicants may propose a reduction in parking requirements where peak demands do overlap. In these cases, the Planning Board may reduce the parking requirements of the predominant use by up to 30%.

9.7.11 Criteria for Review: Projects developed utilizing the Foxborough Center Overlay District are subject to the review provisions of the Foxborough Zoning By-Law Section 6.5 Performance Standards; Section 105 Site Plan Review and Section 9.2 Design Review Overlay District.

In addition, the Planning Board shall ensure that the following criteria are met during any special permit or site plan review:

1. Context: To ensure development that is in harmony (or contextual) with Foxborough Center, the Standards of the Design Review Overlay District (Section 9.2.5) for proportions, roof design, scale of structure, facades, etc. should be addressed. Proposed development should be consistent with the Town Master Plan.

2. Entrances

- a. For visibility and accessibility, all primary commercial building entrances shall be visible from the right-of-way and the sidewalk, and shall have an entrance directly accessible from the sidewalk.
- b. Where parking is located to the rear of a building, any rear entrance is to be visible and accessible from the parking lot. Directional signage to the building entrance(s) shall be installed. All entrances are to have sufficient illumination at night time.

3. External Materials and Appearance

- a. External building treatments shall relate to and be in harmony with surrounding structures.
- b. Predominant wall materials shall have the appearance of wood, brick or stone.
- c. Except for minor trim, the building shall avoid the appearance of reflective materials such as porcelain enamel or sheet metal. Window panes shall be non-reflective.
- d. Ground floor commercial building facades facing streets, shall contain transparent windows encompassing a minimum of 35 percent of the facade surface.

4. Vehicle and Bicycle Parking

- a. Parking areas shall be located behind or beside buildings wherever possible.
- b. Bicycle parking shall be provided for all new developments.
- c. Any property owner required to have bicycle parking may elect to establish a shared bicycle

parking facility with any other property owner within the same block to meet these requirements.

5. Sustainable Building Design: It is desirable that new buildings incorporate green building techniques (such as those developed by the U.S. Green Building Council) to the maximum extent feasible.

6. Historic Structures, as designated by the Foxborough Historic Commission.

a. Wherever possible, existing historic structures on the site shall be preserved and renovated for use as part of the development.

b. Any alteration of or addition to an existing historic structure shall employ materials, colors and textures as well as massing, size, scale and architectural features that are compatible with the original structure. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved. Awnings and canopies shall be compatible with the architectural style of the building.

2/3rds Required

ADOPTED 114 Aff. 3 Neg. 10:29 PM
Approved by the A.G. August 21, 2014. REC

ARTICLE 34: MOVED, that the Town vote to amend the Foxborough Zoning By-Laws to delete the existing Section 5.4 and insert the following new Section 5.4:

5.4 NONCONFORMING SINGLE AND TWO-FAMILY RESIDENTIAL STRUCTURES

Nonconforming single and two-family residential structures may be reconstructed, extended or altered as of right upon a determination by the Building Commissioner that such reconstruction, extension or alteration does not increase the nonconforming nature of the structure, and does not increase the habitable floor area of the structure by more than twenty-five (25%) percent.

5.4.1 No Increase in Nonconforming Nature

The reconstruction, extension or alteration of a structure that is described in each of the following circumstances shall not be deemed to increase the nonconforming nature of a structure:

1. **Insufficient Areas.** Reconstruction, extension or alteration of a structure that is located on a lot with insufficient lot area, but that complies with all current dimensional requirements for front, side and rear yards, building coverage, and building height.

2. **Insufficient Frontage.** Reconstruction, extension or alteration of a structure that is located on a lot with insufficient frontage, but that complies with all current dimensional requirements for front, side and rear yards, building coverage, and building height.

3. **Yard Encroachment.** Reconstruction, extension or alteration of a structure that does not further encroach upon one or more nonconforming front, side or rear yards, but that complies with current dimensional requirements for building coverage and building height.

5.4.2 Increase in Nonconforming Nature or Increase in Habitable Floor Area by Twenty-Five (25%) or More.

In the event that the Building Commissioner determines that the reconstruction, extension or alteration increases the nonconforming nature of the structure, or in the event that such reconstruction, extension or alteration increases the habitable floor area of the structure by twenty-five (25%) percent or more, a Special Permit granted by the Board of Appeals shall be required to allow such reconstruction, extension or alteration. A Special Permit may be granted by the Board of Appeals only if there is a finding by the Board of Appeals that the reconstruction, extension or alteration shall not be substantially more detrimental to the neighborhood in which the structure is located than the existing nonconforming structure.

2/3rds Required

ADOPTED 111 Aff. 7 Neg. 10:32 PM
Approved by the A.G. August 21, 2014. REC

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

A True Record Attest:

Robert E. Cutler, Jr., Town Clerk
