

TOWN CLERK'S REPORT
ANNUAL TOWN MEETING

Monday, the Eleventh Day of May 2015

The Annual Town Meeting of the Town of Foxborough convened at 7:40 PM in the auditorium of the Foxborough Senior High School, 120 South Street, Foxborough, Massachusetts with Town Moderator Francis J. Spillane presiding. Father Jerry Hogan of St. Mary's Church delivered the invocation. John Chlebek of the Advisory Committee led the Pledge of Allegiance. Hannah Kalcic, a Foxborough High School student sang the National Anthem.

The assemblage recognized the presence of Representative Fred "Jay" Barrows, and Town Clerk Robert E. Cutler, Jr., read the Warrant and Return.

There were one hundred eighty-six (186) 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 fourth 2015. The results of the following positions were announced at the John J. Ahern Middle School by Kathleen M. Brady, Town Warden: two Selectmen for three years; one Assessor for three years, two School Committee Members for three years; one School Committee member for one year; 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; one Housing Authority member for five years; one Housing Authority member for four years.

QUESTION #1

"Shall the town vote to accept the provisions of section nineteen B of chapter forty-one of the General Laws and thereby provide permanent tenure for Robert E. Cutler, Jr., the present incumbent in the office of town clerk?"

Yes- 1157

No- 1157

ARTICLE 2: Town Clerk Robert E. Cutler, Jr., presented the 236th 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, 2014.

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. Planning Board Chairman, Kevin Weinfeld, reported on the progress of the Master Plan.

ARTICLE 4: MOVED, to determine the compensation for elected officials and to raise and appropriate or transfer from available funds, sums of money for the operation of various town boards, officers, commissions and departments of the town during the Fiscal Year 2016, beginning July 1, 2015 and ending June 30, 2016 as follows:

AMOUNT

Taxation, State Aid & Local Receipts	57,863,915.73
Free Cash	853,734.27
Ambulance Receipts	655,525.00
Apparatus Revolving	38,000.00
Recreation Revolving	5,451.00
Overlay Surplus	378,663.00
Water Receipts	4,359,894.11
Sewer Receipts	1,203,496.49
Solid Waste Retained Earnings	15,699.00
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	65,374,378.60

ITEMS NOT HELD ADOPTED 162 Affirmative 1 Negative 8:06 PM

MOTION TO AMEND Moved to amend Article 4 line item 123 Administrative Salaries by 125,000 from 413,197 to 288,197.

MOTION TO AMEND NOT ADOPTED 15 Affirmative 142 Negative 8:21 PM

MOTION TO AMEND Moved to reduce Dept. 410 Public Works Salaries by \$5,100 from \$1,221,059 to \$1,215,959.

MOTION TO AMEND NOT ADOPTED 3 Affirmative 168 Negative 8:33 PM

HELD ITEMS ADOPTED AS FOLLOWS:

Line Item #123- Administration Salaries	135 Affirmative	11 Negative	8:22 PM
Line Item #241- Inspection Salaries	160 Affirmative	0 Negative	8:26 PM
Line Item #410- Public Works Salaries	163 Affirmative	2 Negative	8:34 PM

FUNDING SOURCES ADOPTED 165 Affirmative 2 Negative 8:37 PM

GENERAL GOVERNMENT:

	FY16	Funding Source(s)
122 SELECTMEN		
Expenses	18,386	Taxation, State Aid & Local Receipts
123 ADMINISTRATION		
Salaries	413,197	Taxation, State Aid & Local Receipts
Expenses	87,228	Taxation, State Aid & Local Receipts
	500,425	
125 AUDIT TOWN FINANCIAL RECORDS		
Annual Financial	39,500	Taxation, State Aid & Local Receipts

127	HUMAN RESOURCES		
	Salaries	0	Taxation, State Aid & Local Receipts
	Expenses	0	Taxation, State Aid & Local Receipts
		<u>0</u>	
130	FINANCE		
	Salaries	808,300	Taxation, State Aid & Local Receipts
	Expenses	282,762	Taxation, State Aid & Local Receipts:
		<u>1,091,062</u>	174,762; Ambulance Receipts: 48,000; Overlay Surplus: 60,000
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	178,000	Taxation, State Aid & Local Receipts
156	GIS Department		
	Expenses	16,535	Taxation, State Aid & Local Receipts
161	TOWN CLERK		
	Compensation	81,434	Taxation, State Aid & Local Receipts
	Salaries	48,005	Taxation, State Aid & Local Receipts
	Expenses	11,925	Taxation, State Aid & Local Receipts
	Capital Outlay	2,500	Taxation, State Aid & Local Receipts
		<u>143,864</u>	
162	ELECTION & REGISTRATION		
	Salaries	36,945	Taxation, State Aid & Local Receipts
	Expenses	15,375	Taxation, State Aid & Local Receipts
	Capital Outlay	8,000	Taxation, State Aid & Local Receipts
		<u>60,320</u>	
GENERAL GOVERNMENT			
171	CONSERVATION COMMISSION		
	Salaries	72,010	Taxation, State Aid & Local Receipts
	Expenses	3,280	Taxation, State Aid & Local Receipts
		<u>75,290</u>	
175	PLANNING BOARD		
	Salaries	156,105	Taxation, State Aid & Local Receipts
	Expenses	48,200	Taxation, State Aid & Local Receipts
		<u>204,305</u>	
176	APPEALS BOARD		
	Expenses	2,900	Taxation, State Aid & Local Receipts

192 MUNICIPAL BUILDING

Salaries	103,176	Taxation, State Aid & Local Receipts
Expenses	455,278	Taxation, State Aid & Local Receipts
Capital Outlay	45,000	Taxation, State Aid & Local Receipts
	<u>603,454</u>	

195 TOWN BUILDINGS

Expenses	25,000	Taxation, State Aid & Local Receipts
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TOTAL GENERAL GOVERNMENT 3,036,541

PUBLIC SAFETY:

210 POLICE

Salaries	3,356,898	Taxation, State Aid & Local Receipts
Expenses	317,360	Taxation, State Aid & Local Receipts
Capital Outlay	76,000	Taxation: 38,800; Aparatus Revolving: 38,000
	<u>3,750,258</u>	

220 FIRE

Salaries	2,733,853	Taxation: 2,176,328; Ambulance: 557,525
Expenses	303,567	Taxation: 253,567; Ambulance 50,000
Capital Outlay	32,420	Taxation, State Aid & Local Receipts
	<u>3,069,840</u>	

230 CENTRAL DISPATCH & SERVICES

Salaries	466,426	Taxation, State Aid & Local Receipts
Expenses	17,400	Taxation, State Aid & Local Receipts
Capital Outlay	11,000	Taxation, State Aid & Local Receipts
	<u>494,826</u>	

235 JOINT PUBLIC SAFETY BUILDING

Salaries	60,057	Taxation, State Aid & Local Receipts
Expenses	6,500	Taxation, State Aid & Local Receipts
Capital Outlay	0	Taxation, State Aid & Local Receipts
	<u>66,557</u>	

241 INSPECTION

Salaries	291,696	Taxation, State Aid & Local Receipts
Expenses	8,880	Taxation, State Aid & Local Receipts
	<u>300,576</u>	

292 ANIMAL CONTROL

Salaries	50,388	Taxation, State Aid & Local Receipts
Expenses	<u>8,980</u>	Taxation, State Aid & Local Receipts
	59,368	

TOTAL PUBLIC SAFETY	<u>7,741,425</u>	
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EDUCATION:

300 FOXBOROUGH PUBLIC SCHOOLS		
Salaries & Expenses	<u>31,733,078</u>	Taxation, State Aid & Local Receipts
	31,733,078	

390 SOUTHEASTERN REGIONAL	309,094	Taxation, State Aid & Local Receipts
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TOTAL EDUCATION	<u>32,042,172</u>	
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PUBLIC WORKS:

410 PUBLIC WORKS		
Salaries	1,221,059	Taxation, State Aid & Local Receipts
Expenses	431,110	Taxation, State Aid & Local Receipts
Capital Outlay	<u>43,600</u>	Taxation, State Aid & Local Receipts
	1,695,769	

423 SNOW & ICE		
Salaries	33,500	Taxation, State Aid & Local Receipts
Expenses	170,800	Taxation, State Aid & Local Receipts
Capital Outlay	<u>11,000</u>	Taxation, State Aid & Local Receipts
	215,300	

424 STREET LIGHTING	135,000	Taxation, State Aid & Local Receipts
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430 SOLID WASTE (LANDFILL)		
Salaries	2,300	Taxation, State Aid & Local Receipts
		Taxation: 44,301; Solid Waste Ret.
Expenses	<u>60,000</u>	Erngs:15,699
	62,300	

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 (COLLECTION) 38,450 Taxation, State Aid & Local Receipts

450 WATER ENTERPRISE

Salaries	1,254,900	Water Receipts
Expenses	1,399,660	Water Receipts
Debt Service	1,097,765	Water Receipts
Capital Outlay	20,000	Water Receipts
	<u>3,772,325</u>	

NOTE: Costs for Water Operation contained in other budgets:

123/124/125/192 Admin. & 130/156		
Finance/GIS	63,921	Water Receipts
760 Debt Service	2,000	Water Receipts
911/913/915 Fringe Benefits	428,405	Water Receipts
945 Insurance	93,243	Water Receipts
	<u>587,569</u>	

460 SEWER ENTERPRISE

Salaries	129,888	Sewer Receipts
Expenses	879,050	Sewer Receipts
Debt Service	95,689	Sewer Receipts
	<u>1,104,627</u>	

NOTE: Costs for Sewer Operation contained in other budgets:

123/125/192 Admin. & 130/156		
Finance/GIS	28,257	Sewer Receipts
911/913/915 Fringe Benefits	60,122	Sewer Receipts
945 Insurance	10,490	Sewer Receipts
	<u>98,869</u>	

TOTAL PUBLIC WORKS

7,023,771

HUMAN SERVICES:

510 BOARD OF HEALTH

Salaries	190,797	Taxation, State Aid & Local Receipts
Expenses	7,750	Taxation, State Aid & Local Receipts
	<u>198,547</u>	

520 HEALTH AGENCIES

Expenses	37,614	Taxation, State Aid & Local Receipts
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COUNCIL ON AGING/HUMAN		
541	SERVICES	
	Salaries	339,062 Taxation, State Aid & Local Receipts
	Expenses	30,450 Taxation, State Aid & Local Receipts
	Capital Outlay	0 Taxation, State Aid & Local Receipts
		<u>369,512</u>

543	VETERANS	
	Salaries	72,438 Taxation, State Aid & Local Receipts
	Expenses	208,975 Taxation, State Aid & Local Receipts
		<u>281,413</u>

TOTAL HUMAN SERVICES 887,086

CULTURE & RECREATION:

610	LIBRARY	
	Salaries	787,374 Taxation, State Aid & Local Receipts
	Expenses	234,150 Taxation, State Aid & Local Receipts
	Capital Outlay	3,000 Taxation, State Aid & Local Receipts
		<u>1,024,524</u>

630	RECREATION	
	Salaries	63,345 Taxation, State Aid & Local Receipts
	Expenses	0 Taxation, State Aid & Local Receipts
	Capital Outlay	0 Taxation, State Aid & Local Receipts
		<u>63,345</u>

691	HISTORICAL COMMISSION	
	Expenses	14,175 Taxation, State Aid & Local Receipts

TOTAL CULTURE & RECREATION 1,102,044

DEBT SERVICE:

710	DEBT - PRINCIPAL	2,020,000 Taxation, State Aid & Local Receipts
751	DEBT - INTEREST	859,739 Taxation, State Aid & Local Receipts
760	DEBT - ISSUANCE & EXPENSES	25,000 Taxation, State Aid & Local Receipts

TOTAL DEBT SERVICE 2,904,739

INSURANCE & OTHER:

911 PENSIONS/RETIREMENT	3,318,800	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	6,487,585	Taxation, State Aid & Local Receipts: 5,309,737; Free Cash: 853,734; Overlay Surplus: 318,663; and Recreation Revolving: 5,451
945 GENERAL INSURANCE	510,215	Taxation, State Aid & Local Receipts
TOTAL INSURANCE & OTHER	<u>10,636,600</u>	
TOTAL ALL OPERATING BUDGETS	<u><u>65,374,378</u></u>	

ARTICLE 5: MOVED, to adopt the recommendations of the Capital Improvement Planning (CIP) Committee and to raise and appropriate or transfer from available funds, 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 2016 as follows:

DEPARTMENT	AdComm Recommend	Recommended Funding Sources
Information Systems	155,000	\$50,000 Overlay Surplus \$30,000 Water Receipts, & \$75,000 Free Cash
Police	87,465	\$77,465 Free Cash, & \$10,000 Apparatus Revolving
Fire	312,586	Ambulance Receipts
Inspection	29,000	Free Cash
Public Schools	638,000	Free Cash
Highway	135,000	Free Cash
Highway (Chapter 90)	619,904	Chapter 90 State Allocation
Highway (Roads)	254,000	\$205,450 from Meals Tax Receipts, & \$48,550 Free Cash
Council On Aging/Human Ser	27,500	Free Cash
Water Enterprise	142,000	Water Receipts
	<u>2,400,455</u>	

Funding Summary:

Free Cash	1,030,515
Overlay Surplus	50,000
Ambulance Receipts	312,586
Apparatus Revolving	10,000
Chapter 90	619,904
Meals Tax Receipts	205,450
Water Receipts	172,000
Borrowing	-
Total	<u>2,400,455</u>

ADOPTED

179 Affirmative

0 Negative

8:40 PM

ARTICLE 6: MOVED, to raise and appropriate Nineteen Thousand Five Hundred Fifty-Nine dollars (\$19,559) to supplement the wage and salary amounts voted under Article 4 of the Warrant in accordance with the documents entitled "FY 2016 Non-Union Managerial and Seasonal Pay Plans", a copy of which is on file with the Town Clerk; and to meet said appropriation by a transfer from Free Cash of Nineteen Thousand Five Hundred Fifty-Nine dollars (\$19,559).

ADOPTED 174 Aff. 0 Neg. 8:42 PM

ARTICLE 7: MOVED, to raise and appropriate or transfer from available funds Three Hundred Forty-Five Thousand Five Hundred and Forty dollars (\$345,540) to fund the cost items for Fiscal Year 2015 and Fiscal Year 2016 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 2015 appropriation by a transfer from Free Cash in the amount of Forty-Eight Thousand dollars (\$48,000) and to meet said FY 2016 appropriation by a transfer from Free Cash in the amount of Ninety-Eight Thousand Seven Hundred dollars (\$98,700) and a transfer of One Hundred Ninety-Eight Thousand Eight Hundred and Forty dollars (\$198,840) from Ambulance Receipts.

ADOPTED 167 Aff. 1 Neg. 8:46 PM

ARTICLE 8: MOVED, to raise and appropriate or transfer from available funds Forty-Nine Thousand Eight Hundred dollars (\$49,800) to fund the cost items for Fiscal Year 2015 and Fiscal Year 2016 in a collective bargaining contract between the Town of Foxborough (represented by the Board of Selectmen) and Foxborough Dispatcher Department, Massachusetts Coalition of Police AFL-CIO, Local 440, in accordance with Chapter 150E of the General

Laws of the Commonwealth; and to determine whether to meet said FY 2015 appropriation by a transfer from Free Cash in the amount of Ten Thousand Five Hundred dollars (\$10,500) and to meet said FY 2016 appropriation by a transfer from Free Cash in the amount of Thirty-Nine Thousand Three Hundred dollars (\$39,300).

ADOPTED 169 Aff. 0 Neg. 8:49 PM

ARTICLE 9: MOVED, to vote to raise and appropriate or transfer from available funds Seventy-Seven Thousand Two Hundred Sixty-Two dollars (\$77,262) to fund the cost items for Fiscal Year 2015 and Fiscal Year 2016 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 meet said FY 2015 appropriation by a transfer from Free Cash in the amount of Sixteen Thousand Eight Hundred Thirty-Six dollars (\$16,836) and Eight Thousand Five Hundred Fifty-Seven dollars (\$8,557) from Water Receipts and Nine Hundred Fifty-One dollars (\$951) from Sewer Receipts, and to meet said FY 2016 appropriation by a transfer from Free Cash in the amount of Thirty-One Thousand Nine Hundred Forty-Nine dollars (\$31,949) and Seventeen Thousand Seventy-Two dollars (\$17,072) from Water Receipts and One Thousand Eight Hundred Ninety-Seven dollars (\$1,897) from Sewer Receipts.

ADOPTED 165 Aff. 0 Neg. 8:52 PM

ARTICLE 10: MOVED, to vote to raise and appropriate or transfer from available funds amounts requested to amend Article 4 of the May 12, 2014, FY 2015 Annual Operating Budget in order to fund the expenses associated with: 1) Increased inspections by part-time inspectors associated with higher than planned development activity; and 2) Increased benefits to veterans due to an increased case load as follows:

<u>Item #</u>	<u>Dept #</u>	<u>Department</u>	<u>Budget</u>	<u>Adjust</u>	<u>FY '15 Budget</u>	<u>Funding Source</u>
1)	241	Inspection Salaries	274,872	100,000	374,872	Local Receipts
2)	543	Veterans Expenses	164,844	75,000	239,844	\$35,000 Human Resources Salaries, & \$40,000 Finance Salaries

ADOPTED 171 Aff. 0 Neg. 8:54 PM

ARTICLE 11: MOVED, to vote that the Town reassign available funds to amend Article 5 of the May 12, 2014, FY 2015 Annual Capital Improvement Budget in order to complete the identified projects, or to return funds not currently needed to fund balance: 1) 89 North St. was determined to be not salvageable before any repairs were made and will now be demolished. The 120 Spring St. rental property was

next on Conservation's list to repair; 2) All of the funds voted for the Hill St. Water Tank Rehabilitation are not needed at this time and can be returned to Water Enterprise Fund Balance; 3) Memorial Hall repair estimates are coming in differently than voted in their component parts. Funds are requested to be revoted as an "in total" amount to fund this building's needed repairs, as follows:

<u>Item #</u>	<u>Dept #</u>	<u>Department / Project</u>	<u>Budget</u>	<u>Adjust</u>	<u>Revised FY '15 Budget</u>	<u>Revised Purpose</u>
1)	171	Conservation 89 North Street Rental Property Repairs	16,500	0	16,500	120 Spring Street Rental Property Repairs
2)	450	Water Hill St Water Tank Rehabilitation	1,000,000	-310,000	690,000	Return \$310,000 to Fund Balance
3)	691	Historical Commission Memorial Hall: Roof Replacement; Copper Gutter & PVC Downspout Rplc; Restoration of Civil War Sentry Statue atop cupola; Ceiling Repair; & Restoration of Windows	175,000	0	175,000	Memorial Hall Property Repairs

ADOPTED 168 Aff. 0 Neg. 8:59 PM

ARTICLE 12: MOVED, to vote to fund unpaid fiscal 2014 expense reimbursements to the Veteran's Director totaling One Thousand Eight Hundred Eleven dollars and Twelve cents (\$1,811.12) from the Veteran's FY 2015 expense budget for various cell phone, conference, training, meals and office supplies expenses.

ADOPTED 165 Aff. 0 Neg. 9:01 PM

ARTICLE 13: MOVED, to see what revolving funds the Town may reauthorize pursuant to Massachusetts General Laws Chapter 44, Section 53E ½ for the Fiscal Year 2016, beginning July 1, 2015.

<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 '16 Spending Limit</u>
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1	Recreation Revolving Fund	Board of Recreation	Funds from Program Participation	Recreation Department Programs	\$240,000
2	Police and Fire Apparatus Utilization Revolving Fund	Town Manager	Vehicle apparatus rental fees collected from vendors hiring Police and/or Fire details requiring the use of Police and/or Fire vehicles	Repair, replacement or purchase of equipment for Fire and Police vehicles	\$110,000
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	\$18,000

ADOPTED 163 Aff. 1 Neg. 9:04 PM

ARTICLE 14: MOVED, to see if the Town will vote to raise and appropriate or transfer from available funds the sum of Seven Hundred Sixty-Four Thousand and Sixty-Nine Dollars (\$764,069) 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. \$700,000 to be funded from Meals Tax receipts and \$51,256 from Water Enterprise receipts and \$12,813 from Sewer Enterprise receipts.

ADOPTED 153 Aff. 0 Neg. 9:09 PM

ARTICLE 15: MOVED, to see if the Town will 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 148 Aff. 0 Neg. 9:10 PM

ARTICLE 16: MOVED, NO ACTION BE TAKEN ON ARTICLE# 16 (Stabilization Fund for Southeastern Regional School)

ADOPTED 124 Aff. 0 Neg. 9:11 PM

ARTICLE 17: MOVED, to amend Section 30-2 subsection C of the Revised General By-Laws of the General Code by inserting the following language “or posted electronically on the Town website, as the Selectmen shall deem appropriate” after the phrase “local newspaper”.

- C. The Selectmen shall give notice of the Annual Meeting by directing the constables to post an attested copy of the warrant at the Town office and at each place where the meeting is to be held at least seven days prior to the meeting day. The Selectmen shall give notice of any Special Town Meeting at least 14 days before the meeting and, in addition, shall cause an attested copy of the warrant to be published in a local newspaper or posted electronically on the Town website, as the Selectmen shall deem appropriate, prior to the date of the Town Meeting.

ADOPTED 65 Aff. 38 Neg. 9:19 PM
Approved by the A.G. August 19, 2015. REC

ARTICLE 18: MOVED, to amend Section 8.3 of Chapter 275 of the Town of Foxborough Code ("Foxborough Zoning By-Laws") by deleting the existing section and replacing with the following:

8.3 OPEN SPACE RESIDENTIAL DEVELOPMENT

8.3.1 Purpose. The purpose of this Section 8.3 is:

1. To permit maximum flexibility and creativity in design for the development of single-family subdivisions that will be superior to conventional plans;
2. To promote the most harmonious use of the land's natural features, resources and topography, which will promote the general health and safety of the public;
3. To discourage sprawled development, minimize environmental disruption, and provide a shorter network of streets and utilities which will promote a more efficient distribution of services; and
4. To encourage the permanent preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, water bodies and wetlands, and historical and archaeological resources.

8.3.2 Special Permit Required. Open Space Residential Development may be authorized only by a Special Permit as granted by the Planning Board.

8.3.3 General Requirements.

1. The number of building lots may

not exceed the number of building lots of the tract as permitted by Board of Health and Conservation Commission regulations, existing zoning and a conventional subdivision per the Foxborough Subdivision Regulations ("subdivision regulations").

2. For parcels situated in a Primary Resource Area, the maximum number of building lots allowed in the Special Permit definitive plan filing shall be determined by compiling the total sewage flow allowed for the total upland area within each of the building lots as approved in the conventional, preliminary plan. Minimum lot sizes of 30,000 square feet of upland area shall be required in these areas.
3. For parcels situated in Zone III of the Water Resource Protection Overlay District (WRPOD) the maximum number of building lots allowed in the Special Permit definitive plan filing shall be determined by compiling the total sewage flow allowed within each of the building lots as approved in the conventional, preliminary plan. Minimum lot sizes of 20,000 square feet shall be required in these areas.
4. All lots and structures shall comply within the dimensional requirements of Table 8-1. Whenever possible, the Planning Board will require septic systems and housing units to be located outside of those areas protected by the WRPOD Zone II regulations.

8.3.4 Dimensional and Design Requirements.

Table 8-1 OSRD DIMENSIONAL REGULATIONS

Min. Lot Dimensions	Minimum Yard Dimensions		Minimum Yard (ft.)			Maximum Building Height	
	Square Feet	Feet					
District	Area	Frontage	Front	Side	Rear	Stories	Feet
R-40	20,000	50	35	15	30	2.5	35
Minimum Requirements within Zone II of the WRPOD							
R-40	30,000	50	35	15	30	2.5	35

1. The requirements noted in Table 8-1 shall apply to all lots located within an OSRD. All accessory structures and uses shall comply with the requirements of Section 4 of these By-Laws unless otherwise provided for herein. Within those areas governed by the WRPOD Zone II regulations, the minimum building lot area shall be "upland" as defined in Massachusetts General Laws, Chapter 131. Each dwelling unit shall have sufficient parking for two (2) vehicles.
2. Lots approved at the preliminary plan stage may be located on existing streets in the Special Permit filing and shall comply with the requirements of Table 8-1.
3. Strong emphasis shall be placed upon preserving and integrating the existing topography, natural features (such as rock outcrops, specimen trees and clumps of trees) and man-made features such as stonewalls into the plan.
4. The Planning Board may place limitations on the types and location of accessory structures which may be located within the preserved open space in the development. Existing/proposed screening, distances between the OSRD and existing abutters, and topography shall all be considered. The intent is to minimize impacts on existing abutters. A deed restriction may be required if such limitations are applied.
5. Swimming pools may not be located within thirty (30) feet of a property line of an existing single-family dwelling abutting the OSRD. The Planning Board may increase this distance after considering those items noted in subsection 4, above.

8.3.5 Screening and Buffering. When

determined necessary by the Board, screening and buffering shall comply with the following:

1. Screening/buffering may consist of landscaped berms, evergreen plantings, solid walls or fences complemented by suitable plantings, "no cut" provisions (for existing vegetation), or a combination of these items.
2. The location of the screening/buffering and species type(s) of vegetation shall be noted on the definitive plan. All new plantings shall consist of evergreens and be situated in a manner acceptable to the Planning Board.

8.3.6 Dedicated Open Space.

1. A minimum of forty-five (45%) percent of the parcel shall become dedicated open space pursuant to Massachusetts General Laws, Chapter 40A, Section 9. The Planning Board may reduce this figure to a minimum of thirty five (35%) percent if it determines there are unique circumstances (re: shape of parcel, topography, wetlands, etc.) that would individually or together preclude the construction of the OSRD or that the open space to be provided is of exceptional value to the Townspeople.
2. Uses for open space: The open space may be used for wildlife habitat and conservation and may also be the following additional purposes: historic preservation, outdoor education, passive recreation, aquifer protection, stormwater

management, agriculture, horticulture, forestry, or a combination of these uses, and shall be served by suitable access for such purposes.

3. Dedicated open space may be utilized as natural courses for disposal for storm drainage from impervious surfaces. Other than minor berming (maximum 3-1 slopes which shall blend into the landscape) and riprap at pipe outflows, no significant disruptions of the land [contour changes greater than three (3) feet] for drainage are permitted.
4. Dedicated open space may be in one or more parcels of a size and shape appropriate for its intended use. The parcels shall be laid out to promote convenient access by the homeowners within the OSRD, the general public or both, whatever the case may be. Wherever practical, parcels shall be accessible via upland areas. These items shall be agreed upon by the Planning Board and applicant.
5. Public access to proposed preserved open space, including paths, shall be provided. The plan shall show the location, construction details, and signage for pathways. Paths in OSRDs shall not be utilized for snowmobiles and other motorized travel, but may be used for cross-country skiing, snowshoeing, horseback riding, and other non-motorized modes of travel. If appropriate, skating areas may be designated within preserved open space areas.

8.3.7 Ownership of Dedicated Open Space.

1. As agreed upon by the applicant and the Board, dedicated open space shall either be conveyed to the Town and accepted by it for park or open space, or be conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space, or to be conveyed to a corporation or trust owned or to be owned by the owners of all building lots within the development. If such a corporation or trust is utilized, ownership thereof shall pass with conveyances of the lots or residential units. In any case, where such land is not conveyed to the Town, a restriction enforceable by the Town pursuant to Massachusetts General Laws, Chapter 40A, Section 9, shall be recorded providing that such land shall be kept in an open natural state and not be developed or built upon.
2. If necessary, such restrictions shall further provide for maintenance for the common land in a manner which will ensure its suitability for its function, appearance, cleanliness, and proper maintenance of drainage, utilities, and the like.

8.3.8 Pre-permitting and study plan(s): The applicant is required to meet with the Board to discuss alternatives and conceptual plans before filing an application.

8.3.9 Special Permit Application and Filings. A Special Permit application for an OSRD shall include a definitive subdivision plan with eleven (11) copies. It shall be prepared in accordance with the

Foxborough Subdivision Regulations. In addition, the applicant shall provide the following information:

1. A detailed analysis of the site, including wetlands, soil conditions, areas within the one hundred (100) year flood plain, trees over six (6) inches in diameter in areas identified by the Planning Board, Water Resource Protection Overlay District delineation and natural, and/or man-made features and other items as the Planning Board may request;
2. A description of the proposed design characteristics of the site pursuant to these regulations;
3. Engineering data showing effects of proposed development on both on and off-site water resources (within one hundred (100) feet of the property line) wetlands and natural recharge of the groundwater, yield from abutters' private wells and possible impacts upon the quality of surface and groundwater;
4. A copy of any restrictive covenant(s) for the preserved open space, association rules and regulations and/or other documentation relating to the creation of a Homeowners Association or similar entity.

8.3.10 Application Process. A pre-application meeting and public hearing are required. The intent of such is to allow the Town the opportunity to discuss with the applicant and review each proposal prior to the Special Permit process. After the pre-application review, an applicant may then proceed to the Special Permit process. A pre-

application review will be conducted in accordance with the following procedure:

1. An application, a preliminary set of plans, illustrating a conventional subdivision plan and proposed OSRD shall be filed with the Foxborough Town Clerk and the Planning Board. The application shall be accompanied by eleven (11) copies of the plans and any other supporting materials, which must be prepared and stamped by a professional—civil engineer and landscape architect. This submittal shall comply with Section 3.01 of the Subdivision Regulations.
2. The preliminary subdivision plan shall be used by the Planning Board to determine the maximum number of lots which could be created via a conventional plan. This number will be the maximum allowed in an OSRD definitive subdivision plan submittal.
3. The burden of proof shall be upon the applicant to prove the proposed lot(s) are suitable for building. The Planning Board reserves the right to challenge the status of any lot and not allow such to be included in any definitive plan filing.
4. Formal percolation and depth to groundwater tests shall be conducted for each building lot unless town sewerage is available. The results of these tests shall be submitted with the application. Due to seasonal testing requirements, the Planning Board may accept an application without these certified tests. However, the

applicant would proceed at his or her own risk and no development of a building lot could commence until it has been approved by the Board of Health.

5. A preliminary sketch plan of the proposed OSRD shall be submitted. It shall contain the proposed location of the road(s), lots, drainage, and dedicated open space. General topography (with ten foot contours maximum), major site features and adjacent streets shall also be shown.
6. The Planning Board shall hold a public hearing and act on the preliminary plan within forty-five (45) days after the receipt of the application.
7. The conceptual OSRD shall also be reviewed and discussed during the hearing process. Comments and recommendations shall be incorporated in plans included in any subsequent filings.
8. If the preliminary conventional and conceptual OSRD plans are approved, the Planning Board shall, insofar as practical under the law, allow the submittal of a combined Special Permit and definitive subdivision plan. A combined submission will not be authorized in those cases where either the conventional preliminary plan or proposed OSRD sketch plan is not approved by the Planning Board.

8.3.11 Special Permit Decision.

1. The Planning Board shall conduct a public hearing in accordance with the provisions of these By-Laws.

2. If the Planning Board disagrees with any recommendations of another Town of Foxborough Board, it shall state its reasons therefor in writing.
3. The Planning Board shall consider the Approval Criteria in this Section and other factors to determine if it approves the plan as submitted.
4. The Planning Board may impose conditions as a part of any approval that furthers the purposes of this Section 8.3 and these By-Laws.
5. The Planning Board shall require a performance guarantee to secure the proper completion of all infrastructures as well as the fulfillment of any conditions of approval.

8.3.12 Approval Criteria. The Planning Board may grant a Special Permit under this Section 8.3 only if it finds that:

1. The proposed plan is in harmony with the intent and requirements of this Section and these By-Laws;
2. Open space as required by this bylaw has been provided and generally conforms to the Dedicated Open Space section of this Bylaw;
3. Proposed uses of the Open Space comply with this By-Law;
4. Proposed Open Space will be dedicated in compliance with the Massachusetts General Laws and this By-Law and is suitably protected;

5. Approximate building sites have been identified and are not located closer than 100' to wetlands and waterbodies;
6. Proposed streets have been aligned to provide vehicular access to each house in a reasonable and economical manner. Lots and streets have been located to avoid or minimize adverse impacts on open space areas and to provide views of and access to the open space for the lots;
7. All lots meet the applicable dimensional requirements of this Open Space Residential Development Bylaw and the Zoning Bylaws;
8. Documents creating a Homeowners' Association has been submitted to the Board and approved by Town Counsel;
9. The development will not have a detrimental impact on the neighborhood or abutting properties: and
10. Other factors as determined appropriate by the Board.

8.3.13 Revisions to Approved Special Permits. Subsequent to granting of a Special Permit, the Planning Board may permit the relocation of lot lines or changes to landscaping within the project; provided, that any change in the number of lots, street layout, square footage or composition of dedicated open space or disposition thereof, will require further review and a public hearing.

2/3rds Required

ADOPTED 102 Aff. 14 Neg. 9:33 PM
Approved by the A.G. August 19, 2015. REC

ARTICLE 19: MOVED, to amend Section 9.3.1 of Chapter 275 of the Town of Foxborough Code (“Foxborough Zoning By-Laws”) by deleting the existing section and replacing with the following:

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 Zones 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, 25021C0351E, 25021C0353E, 25021C0354E, 25021C0358E, 25021C0361E, 25021C0362E, 25021C0365E, and 25021C0366E, dated July 17, 2012 and panel numbers 25021C0343F and 25021C0344F, dated July 16, 2015. 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 16, 2015. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, and Building Commissioner.

2/3rds Required

ADOPTED 120 Aff. 0 Neg. 9:35 PM
Approved by the A.G. August 19, 2015. REC

ARTICLE 20: MOVED, to see if the Town will accept as a public way McNamara Way located within the “Fairway Woods” subdivision, which has been constructed pursuant to the Planning Board Subdivision Control Regulations as follows: McNamara Way – from its intersection with North High Street generally westerly approximately 465 feet more or less to its terminus at a cul-de-sac.

ADOPTED 118 Aff. 0 Neg. 9:37 PM

ARTICLE 21: MOVED, to see if the Town will accept as a public way Michelmores Way located within the “Rosewoods Estates” subdivision, which has been constructed pursuant to the Planning Board Subdivision Control Regulations as follows: Michelmores Way – from its intersection with Oak Street generally westerly approximately 925 feet more or less to its terminus at a cul-de-sac.

ADOPTED 120 Aff. 0 Neg. 9:38 PM

ARTICLE 22: MOVED, to see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain taking, or otherwise, upon such terms and conditions as the Selectmen may determine, the fee interest in a parcel of land located on the southerly side of Elm Street behind the Town DPW garage, more particularly shown as Parcel 3473 on Assessor’s Map 122, said parcel being a portion of a 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, copies of which are on file with the Town Clerk, and to authorize the Board of Selectmen to execute such agreements or instruments as may be necessary to complete said acquisition.

2/3rds Required

ADOPTED 119 Aff. 0 Neg. 9:41 PM

ARTICLE 23: MOVED, to see if the Town will vote to allow the following parcels that have so requested to be incorporated in to the Sewer Service Area, and to amend the Sewer Service Area Map with the parcels so designated as follows:

<u>ADDRESS</u>	<u>Map</u>	<u>Lot</u>
22 Morse Street	097	2953
44 Morse Street	111	3250
119 Morse Street	137	3705
131 Morse Street, #9	137	5114
1 Commercial Street	121	1572
213 Central Street	121	1572
The Gables at Foxboro Green Green Street – Lot 1A	176	6626
Green Street – Lot 4A	176	6571
Green Street - Lot 11	176	Unassigned
28 Carpenter Street	106	3082

Each parcel listed above is fronted by Town of Foxborough Sewer.

ADOPTED 117 Aff. 0 Neg. 9:43 PM

ARTICLE 24: MOVED, To see if the Town will vote to authorize the Board of Selectmen to file with the General Court a petition for special legislation to clarify the executive powers of the Town's Water and Sewer Commissioners by amending Chapter 5 of the Acts of 2004, entitled, "An Act Providing for a Selectmen –Town Manager Form of Government in the Town of Foxborough", by revising Section 3, subpart (A) of said Act to read as follows:

Section 3. (A) The executive powers of the town shall be vested in the board of selectmen, in this act referred to as BOS, who shall have all the powers given to boards of selectmen by the General Laws, except for those executive powers granted to the town manager and except for those executive powers granted to the town's board of water and sewer commissioners by Chapter 46 of

the Acts of 1986, provided, however, that all personnel and collective bargaining powers of the water and sewer commissioners shall be vested with the town manager, and provided further, however, that any sale of sewer capacity outside the Town borders shall be subject to the joint approval of the BOS and Water & Sewer Commissioners.

And that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments thereto before enactment by the General Court; the Board of Selectmen being hereby authorized to approve amendments within the scope of the public objectives of said petition.

2/3rds Required

ADOPTED 115 Aff. 2 Neg. 9:49 PM

The Annual Town Meeting was adjourned at 9:50 PM.

A True Record Attest:

Robert E. Cutler, Jr., Town Clerk