Foxborough Planning Board

Rules and Regulations

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Adopted June 13, 2013
Revised July 24, 2014

Kevin Weinfeld, Chair
William Grieder, Vice-Chair
Gordon Greene, Clerk
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John Rhoads
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Article I: Administration and Procedures

1. PURPOSE

The purpose of these rules is to establish procedures for the conduct of meetings and public hearings held by the Foxborough Planning Board. They further lay out requirements for applications before the Board.

2. AUTHORITY

These regulations are issued under the authority of MGL Ch. 40A s. 5 and s. 13, MGL Ch. 41 s. 81Q, MGL Ch. 40 s. 15C, the Foxborough General By-Laws, and the Foxborough Zoning By-Laws.

3. COMPOSITION AND ORGANIZATION

The Board shall reorganize annually after Town elections. The Board shall elect a Chairperson, Vice Chair, and Clerk.

- The Chair shall preside at all meetings of the Board, maintaining order in the meeting room, recognizing speakers, presiding over the discussion of agenda items, and calling for votes. The Chair shall speak on behalf of the Board at Town Meeting and as otherwise required.
- The Vice Chair shall fulfill the responsibilities of the Chair in the event of an absence.
- The Clerk shall sign meeting minutes and other official documents, ensuring that documents appropriately dated and signed by all Board members at the time of their signature.

The Board may include an Alternate as provided by the General By-Laws of the Town of Foxborough.

4. MEETINGS

All meetings of the Foxborough Planning Board shall comply with the Open Meeting Law.

Board meetings are generally the 2nd and 4th Thursday of the month and additional meetings may be scheduled to accommodate work-load and special events. The Board shall establish and post its meeting schedule on a quarterly basis.

Requests for appointments with the Board shall be directed to the Board Secretary by 12:00 P.M. on the Friday preceding any regularly scheduled meeting. Except for the busiest times of the year, appointments will usually be made for the next Board meeting.

The agenda shall be kept, coordinated, planned, and scheduled by the Board Secretary subject to Board approval. The agenda shall be posted in accordance with the Open Meeting Law.

5. COMMUNICATIONS WITH THE BOARD

After the filing of any application, all communications from the applicant or their agents shall be in writing and addressed to the Planning Board Chair, Town of Foxborough, 40 South

Street, Foxborough, Massachusetts 02035, with a copy to the Clerk of the Board at the same address.

Delivery of communications to the Board via electronic mail (e-mail) is strongly encouraged. It is recommended that correspondence be in Microsoft Word format, and attached to e-mail and delivered to Planning Board's Secretary. If possible, conversion of applications, plans, and large documents to "pdf format" via Adobe Acrobat software is also requested prior to submission to the Board. In the discretion of the Chairman, communications to or from the Board may be posted to the Board's web site in those cases in which there is an interest by the general public.

6. PRE-APPLICATION INPUT (PRELIMINARY REVIEW)

The Planning Board encourages applicants to meet with them for preliminary, informal discussions before projects are designed and submitted for approval. The Board may provide guidance regarding the application process, information on developments adjacent or proximate to the proposed site, and general thoughts concerning the development proposal. Any Board comments are non-binding and based solely on information available at that time.

7. SITE VISITS

A "site visit" is defined as a visit by the Board to a location which is the subject of an application before the Board. The visit shall be in the company of the owner, applicant or their agent when it involves visiting areas which are not customarily available for public inspection. The purpose of a site visit is to verify site conditions. No formal motions shall be made nor votes taken at a "site visit."

"Site visits" shall be posted in the same manner as a Board meeting. When feasible, "site visits" should include an invitation for interested parties to attend.

8. BOARD VOTES

For administrative items (such as approval of the minutes), a majority of Board members present including the Alternate shall constitute approval.

The Board's Chair may request that some actions, such as consideration of critical or controversial matters or adopting policies, be taken with the full Board in attendance.

9. COORDINATION OF PERMITS FROM THE PLANNING BOARD

The Planning Board reviews site plans, downtown design, and scenic road improvements, approves subdivisions pursuant to the Planning Board's Subdivision Rules and Regulations, and issues Special Permits. To the extent practicable, applications shall be combined to facilitate processing, minimize permitting time, and better serve the applicant and the public. Meetings with the Board staff and/or pre-application input from the Board can develop a scope and timeline for a combined or integrated application.

10. RELATIONSHIP OF PLANNING BOARD REGULATIONS

Construction standards and specifications for site plan and/or special permit applications shall utilize the Planning Board's Subdivision Rules and Regulations to the extent practicable.

11. PLANNING BOARD HEARINGS

The Chair shall preside over Public Hearings. The process at a minimum shall include:

- Opening the Public Hearing by the Chair
- Reading of the Notice by the Clerk
- Presentation of the Development proposal by the applicant and team
- Questions and comments from the Board
- Questions and comments from the public
- Opportunity for the applicant and team to address issues identified
- Close Hearing by the Chair
- Call for a vote

The Chair may establish time limits for presentation, comments, and questions.

Public Hearings sometimes cannot be completed in a single session. The Chair may continue Public Hearings to a date and time specified. The Chair may require an additional published notice (cost to be paid by the applicant) and additional notification of abutters. In the event an Extension of time in which the Board must Act is required, the applicant shall make such request in writing with the Board Secretary.

12. INPUT FROM OTHER BOARDS

The Board values the expertise and thoughts of the members of other Town Boards and often refers applications before the Board to other Boards for comments and recommendations.

For large and complicated projects, the Board's staff may convene a "department heads" meeting to discuss the application and coordinate comments from other Town boards and departments. The applicant shall be notified of a department heads meeting and invited to attend.

13. FORM OF BOARD DECISION

The Planning Board Staff may develop templates, models, and checklists to assist the Board in rendering decisions. Applicants may request copies of any such templates, models, and checklists.

At a minimum the Board's decision shall include:

- All dates in which the application was heard
- All members of the Board who were present
- The names of the applicant and any representatives (including engineers, attorneys, and others) making presentations or comments to the Board
- A summary of the discussion sufficient to support denial or explain conditions of approval
- The decision of the Board relative to the proposed development
- If approved, conditions of approval
- Quantum of the vote

14. PLANNER AUTHORIZATION

The Board may vote to authorize the Planner to make certificates on their behalf and shall file a copy of such vote with the Town Clerk.

15. ADOPTION AND AMENDMENT

These Rules and Regulations shall be adopted following a majority vote of the board at a public meeting. These Rules and Regulations may be amended from time to time.

Article II: Special Permit Rules and Regulations

TOWN OF FOXBOROUGH
PLANNING BOARD
SPECIAL PERMIT RULES & REGULATIONS

A. APPLICABILITY

Section 10.4 of the Foxborough Zoning By-Laws (the "By-Laws") designates the Planning Board as Special Permit Granting Authority (SPGA). The Board is authorized to grant Special Permits for uses identified in the Table of Use (Section 3.0). Special Permits are not granted as a right but are a privilege to be granted only in special circumstances.

Detailed requirements for the uses allowed by Special Permit appear in the applicable Sections of the By-Laws. In addition to these criteria, the Planning Board must find that the use in question meets the following general requirements prior to a Special Permit being granted:

1. The use is in harmony with the general purpose and intent of the By-Laws.
2. The use is socially and economically desirable.
3. The use would satisfy an existing need, and
4. The advantages of the proposal outweigh the detrimental factors.

Specific conditions, safeguards and limitations on time and use may be set to each Special Permit granted in order to protect adjacent neighborhoods and the environment. The granting of a Special Permit does not relieve the applicant of the obligation to obtain or conform to any and all necessary federal, state or local permits or regulations for such a use.

All applications shall comply with the requirements of these Special Permit Rules and Regulations. Questions can be directed to the Town Planner at (508) 543-1250 during regular business hours.

B. APPLICATION PROCEDURES

The attached application form, a site plan and any additional information must be filed with the Town Clerk. After filing with the Town Clerk, twelve (12) copies of the application, plans, accompanying information and fees must then be submitted to the Board at the Office of the Town Planner.

Pursuant to Massachusetts General Laws (MGL), Chapter 40A, Section 9, the Board will hold a public hearing within 65 days after the filing of the petition. A copy of the application package will be provided to each Town Department for review and comment. It is the responsibility of the applicant to contact the Planning Office to obtain copies of any written responses prior to the public hearing.

1. The hearing will be formally closed upon the receipt of all information the Board deems necessary from which it can reach a decision.

2. The Board will render its decision within 90 days from the date of the close of the public hearing. A written decision will be filed with the Town Clerk, a duplicate original of which will be sent to the applicant. Abutters will be notified pursuant to MGL, Ch. 40A, S.9.
3. These time limits may be extended by written agreement between the petitioner and the Board.

C. SUBMITTAL REQUIREMENTS & FEES

The attached application form shall be completed in its entirety and submitted with the required plans and information as required by these regulations and the applicable Section of the By-Law. Use additional sheets if necessary to complete the form and attach them to the application. All submittals shall comply with the following:

1. All plans, except those for applications pursuant to Section 8.1 of the By-Laws, shall be prepared and stamped by a Registered Professional Engineer/Land Surveyor.
   a. All plans shall comply with the criteria set forth in Section 10.5 Site Plan Review of the By-Laws. All subdivision plans shall comply with the criteria set forth in Articles 3 and 5 of the Foxborough Subdivision Regulations.
2. A list of any previously issued or denied special permits, variances, special use permits or easements, and date of such decision shall be attached.
3. A certified list of abutters within 300 feet of the parcel pursuant to MGL, Chapter 40A, Section 11 shall be submitted. These abutters (with applicable parcel numbers) shall be noted on a reduced assessor's map(s) which shall also illustrate the parcel under consideration.
4. An administrative fee, in accordance with the Fee Schedule, payable to the "Town of Foxborough" shall accompany each application. The applicant shall pay the cost of any legal advertisements. These fees shall be paid prior to any decision by the Board.
   a. Applications for Open Space Residential Developments (Section 8.3) and Residential Compounds (Section 8.2) shall employ the fee schedule for the submittal of a definitive subdivision plan.
   b. The applicant shall send a notice of Public Hearing provided by the Planning Board to all abutters timed so that the notice is received at least seven days before the hearing. The applicant shall provide proof of mailing by submitting to the Planning Board office at least one day prior to the Public Hearing either the Certificate of Mailing showing the date the envelopes containing abutter notices were accepted at the Post Office or receipts for Certified Mail®, return receipt requested.
5. If applicable, all plans shall clearly mark the area of the parcel which lies within Water Resource Protection Overlay District (WRPOD). Plans filed pursuant to Section 9.4 shall include a detailed discussion of how the proposed use complies with the requirements and intent of this Section and the 1997 DEP Stormwater Management Guidelines. A description of how the land is to be altered and the proposed use of the property is also required.

D. PLANNING BOARD ACTION

1. A vote of at least four of the five members of the Board who have been present during the public hearing (and all continuances) is necessary for a Special Permit to be granted.
2. The Board reserves the right to require an Environmental Impact Statement pursuant to Section 10.6 of the By-Laws. The Report can be comprehensive or "issue specific" to address concerns identified during the public hearing process. In such cases, the applicant shall be required to submit a review fee into a "special account" as authorized by Chapter 44, Section 53F.
3. The applicant may also be required to post a performance guarantee to secure the completion of the approved site improvements. Reductions are granted upon written request by the petitioner and a favorable site inspection by the Planning Board or its designee
4. A decision shall be filed with the Town Clerk within 15 days from the date of the close of the public hearing per Section 10.5.6 of the By-Laws.
5. Special Permits shall lapse one year from the date of the filing of such with the Town Clerk unless an appeal has been filed and denied or substantial use or construction has commenced per Massachusetts General Laws, Chapter 40A, Section 9.
6. Changes to an approved site plan shall be considered on a case by case basis by the Board. A new public hearing shall be held at the discretion of the Board.
7. Any and all appeals shall be pursuant to MGL, Chapter 40A, Section 17.

E. PROJECT COMPLETION

Upon completion of the project, "as-built" plans shall be submitted to the Board – two prints and in disk format as noted below. Subdivision "as-built" plans shall comply with the requirements found in Appendix "E" of the subdivision regulations. After approval of the plans, a request for the release of any performance guarantee may be submitted.

1. The information required shall also be submitted on a 3.5" floppy disk or CD-ROM in an AutoCAD.DXF compatible or AutoCAD.DWG file. All digital data shall conform to the following guidelines:
    - The coordinate system shall be Massachusetts State Plane coordinates using the new North American Datum of 1983 (NAD83) and the newer North American Vertical Datum of 1988 (NAVD). Whenever possible, the plan submittals shall be "tied into" real world State Plane coordinates using the datums specified above. To demonstrate this tie down, all features should be stored in Massachusetts State Plane Coordinate System and the plan location and coordinate values of at least two points should be included in the submitted CADD file.
    - In addition, the CADD file should use the layering scheme listed in Table E-1 on the following page. This layering system will ensure that all plans are submitted to the town in a consistent format."

FOXBOROUGH PLANNING BOARD
SPECIAL PERMIT APPLICATION

The undersigned hereby applies for a Special Permit under Section _____of the <u>Foxborough Zoning By-Laws</u>.

1. **Applicant**: _____
   Address: _____
   Phone #: _____
   Email: _____
   Signature of Applicant: _____

2. **Owner of Record:** _____
   _____
   _____
   Signature of Owner: _____

3. **Location of Parcel(s) or Structure:** _____
   _____
   Assessors Map & Parcel #_____ **Zoning District** _____

4. **Dimensional Information of the Parcel:**
   Frontage: _____ **Square Feet:** _____
   Existing Lot Coverage: _____ **Proposed Lot Coverage:** _____
   Zoning Status of the Parcel or Structure: _____
   Proposed Building Size: _____ **Proposed Building Height:** _____

5. **Present Use of Structure or Parcel:** _____
   _____
   Proposed Use of Structure or Parcel: _____
   _____

6. **Explain how the request fulfills the Special Permit criteria (use separate sheet)**.
7. **Explain the special conditions or characteristics (if any) which apply to this request (use separate sheet)**.

<u>Town Collector's Release</u>

The owner of the property for which the Special Permit is being requested is in good standing with respect to any taxes, fees, assessments, betterments or other municipal charges.

_____ _____
Treasurer's Office Representative **Date**

<u>Town Clerk Receipt</u>

This application has been received and recorded with the Town Clerk.

_____ _____
Town Clerk's Office **Date**

Article III: Site Plan Rules and Regulations

TOWN OF FOXBOROUGH
PLANNING BOARD
SITE PLAN REVIEW RULES AND REGULATIONS

A. APPLICABILITY

All those uses and activities detailed in Section 10.5 Site Plan of the Foxborough Zoning By-Laws (the By-Laws) shall require the filing of the attached Site Plan Application Form and a Site Plan. The information contained herein is designed to provide applicants with a clear understanding of the filing and plan requirements. The Town Planner should be contacted in all situations at (508) 543-1250, Facsimile (508) 543-6278 to ensure compliance.

The Planning Board is responsible for acting on complete site plan review applications. Uses where the granting of a Special Permit is required shall not require the submission of an application for Site Plan Review. Planned Developments within the Special Use (S-1) zoning district require a Special Permit and Site Plan Review are not applicable. For additions of less than 1,000 square feet to an existing building, a written request may be made to the Board to waive some or all of the Site Plan Review requirements.

B. PROCEDURES

The attached Site Plan Application Form shall be completed, signed and filed along with the information and plans as detailed in Sections 10.5 of the By-Laws. The provisions of Section 9.5 shall apply to those proposed uses within the Route One EDA. One complete application package (including all attachments) shall be filed with the Town Clerk. After filing with the Town Clerk, twelve (12) copies of the application package shall be submitted to the Planning Office in the care of the Town Planner.

The applicant shall send a notice of Public Hearing provided by the Planning Board to all abutters timed so that the notice is received at least seven days before the hearing. The applicant shall provide proof of mailing by submitting to the Planning Board office at least one day prior to the Public Hearing either the Certificate of Mailing showing the date the envelopes containing abutter notices were accepted at the Post Office or receipts for Certified Mail®, return receipt requested.

A public hearing will be held within 21 days of the receipt of the application. Prior to this hearing, the application package will be provided to all municipal departments (and an outside consultant, if necessary) for review and comment. It is the responsibility of the applicant to obtain a copy of all comments from the Planning Office prior to the public hearing. The petitioner or a representative is required to attend the hearing, present the proposal, and respond to concerns and comments from town departments and the general public.

The public hearing will be closed when the Board determines that it has received all of the information and comments necessary to make an informed decision on the application.

C. SUBMITTAL REQUIREMENTS & FEES

All site plans shall be stamped by a certified Professional Engineer (P.E.) and Land Surveyor and shall comply with the criteria found in Section 9.01, Paragraphs C & D of the By-Laws. For those uses within the Route One EDA, the criteria found in Sections 9.5.6 and 9.5.7 of the By-Laws shall also apply.

1. All applications shall be accompanied by a certified list of abutters within 100 feet of the property. These abutters (with applicable parcel numbers) shall be noted on a reduced assessor's map(s) which shall also illustrate the parcel under consideration.
2. An administrative fee, in accordance with the Fee Schedule, payable to the "Town of Foxborough" shall accompany each application. The applicant shall pay the cost of any legal advertisements. These fees shall be paid prior to any decision by the Board.

D. PLANNING BOARD ACTION

The Board reserves the right to require an Environmental Impact Statement pursuant to Section 10.6 of the By-Laws. The provisions of Sections 9.5.6, 9.5.7, 9.5.8 and 9.5.9 shall apply to those proposed uses within the Route One EDA. The Report can be issued specific to address concerns identified during the public hearing process. In such cases, the applicant shall be required to make payable an inspection fee into a "special account" as authorized by Massachusetts General Laws, Chapter 44, Section 53F.

If the site plan(s) comply with all of the applicable sections of the By-Laws, Site Plan Approval shall be granted. A majority vote of a quorum of the Planning Board is necessary for action to be taken. A decision shall be filed with the Town Clerk within 15 days from the date of the close of the public hearing per Section 10.5.7 is valid for two (2) years from the date of the filing of the decision. Appeals shall be made in accordance to MGL Ch.40A Section 17.

The Board may determine that site inspections are necessary to assure compliance with the Site Plan Approval. These shall be performed by the Board or its designee. The applicant may also be required to post a performance guarantee to secure the completion of the approved site improvements. Reductions are granted upon written request by the petitioner and a favorable site inspection by the Planning Board or its designee

Changes to an approved site plan are allowed pursuant to Section 10.5.9 of the By-Laws.

E. CONSTRUCTION INSPECTION FEES

The applicant, prior to a building permit being issued, shall pay a construction inspection fee. This fee shall be based on one percent (1%) of the site costs to construct the approved site plan. This is not the Building Permit fee therefore costs for the construction of buildings shall not be included in this estimate.

An estimate of the construction costs shall be submitted by the applicant to the Planning Board for review and approval. The construction costs shall be based on the latest edition from Means Cost Data.

a. The Planning Board may waive the inspection fee for municipal/government construction projects.

b. The Planning Board may waive or reduce inspection fees if other municipal departments are providing inspectional services for elements of the site plan that were reviewed by the Board.
c. Significant site changes or unique characteristics of the site construction, that require additional inspection time shall be assessed, by the Planning Board an additional fee to offset the higher cost of these inspections.

F. PROJECT COMPLETION

Upon completion of the project, "As-built" plans shall be submitted to the Board – two prints and in disk format as noted below. After approval of the plans, a request for the final release of a performance guarantee may be submitted.

1. The information required shall also be submitted on a CD-ROM in an AutoCAD.DXF compatible or AutoCAD.DWG file. All digital data shall conform to the following guidelines:
   - The coordinate system shall be Massachusetts State Plane coordinates using the new North American Datum of 1983 (NAD83) and the newer North American Vertical Datum of 1988 (NAVD). Whenever possible, the plan submittals shall be "tied into" real world State Plane coordinates using the datum specified above. To demonstrate this tie down, all features should be stored in Massachusetts State Plane Coordinate System and the plan location and coordinate values of at least two points should be included in the submitted CADD file.
   - In addition, the CADD file should use the layering scheme listed in Table E-1 on the following page. This layering system will ensure that all plans are submitted to the town in a consistent format."

FOXBOROUGH PLANNING BOARD
SITE PLAN REVIEW APPLICATION FORM

- **Name of Applicant(s): _____ Phone # _____**
  Mailing Address: _____
  _____
  Email Address: _____
- **Signature of Applicant: _____**
- **Owner(s) of Property: _____**
  _____
  _____
- **Signature of Property Owner: _____**
- **Name of Engineer: _____**
  Address: _____
  _____

Massachusetts Registration #: _____

1. **Location by street address, (if any), and/or parcel and map number (which can be obtained from the Assessor's Office) for the property/building under consideration:**
   _____
   Parcel _____, Map _____, Acreage of Parcel _____
2. **Zoning District of Parcel: _____**
   Is the parcel in the Water Resource Protection District? _____
3. **Present use of property: _____**
   _____
4. **Proposed use of property: _____**
   _____
5. **Proposed square footage of building(s): _____**
6. **If a Special Permit, Special Use Permit, Variance or Site Plan relative to the subject property has been previously acted upon, please state the type & date and attach a copy:**
   _____

It is recommended that the applicant review Section 10.5 & 9.5 of the Foxborough Zoning By-Laws and meet with the Town Planner before completing this application.

Article IV: Accessory Apartment Rules and Regulations

EXPLANATION

Accessory Apartments are often called "in-law units" or occasionally "granny flats." In Foxborough, they are a second dwelling unit in a single-family dwelling that is occupied by a family member of the owner. They are allowed by right or by making an application for a building permit in the R-15 Residential zoning district and in homes in the GB General Business zoning district. In the R-40 Residential and NB Neighborhood Business zoning districts, you must obtain a Special Permit from the Planning Board before you can apply for a building permit for an accessory apartment.

You should refer to Section 8.1 (Accessory Apartments) and sections 10.3 and 10.4 (Planning Board and Special Permits) of the Foxborough Zoning By-Laws. These are available on-line or from the Planning Board or Building Departments.

The Planning Board recognizes that some of the applicants for an accessory apartment are doing so for financial reasons and has intentionally designed the submission requirements and process so a homeowner can complete all the steps themselves. You should not have to retain an engineer or attorney, but may wish to consult such professionals to understand some of more technical requirements for this application.

SUMMARY OF APPLICATION PROCESS

It is strongly advised that you meet with Planning Board staff to have a preliminary, informal discussion of your proposal before you prepare and submit your application. You may also find the Building Commissioner to be helpful to talk to at the preliminary stage of thinking about an accessory apartment so that you can understand the extent of the safety and other code issues related to having a second dwelling unit in your home. If you are near wetlands or think you're near wetlands, you should talk to the Conservation agent. Lastly, you should meet with either the Board of Health or the Water and Sewer Commission to determine the wastewater impacts of what you're planning to do. If you have a plot plan or other site layout of your lot and floor plans (existing and proposed), be sure and bring them with you.

Finally, your next-door neighbors, the people behind you and across the street, and all of their next door neighbors will receive a notice that you have applied for an accessory apartment permit. You may want to discuss your proposal with them or send them a note before you apply. The neighbors will have an opportunity to speak at the hearing and because the accessory apartment bylaw deals with maintaining the appearance and character of a single family dwelling, the Board appreciates the input from your neighbors, especially those who have come to support you. These steps should be done before you apply for the Special Permit.

SUBMITTING AN APPLICATION

You should obtain the following to submit with your application:

- A list of abutters from the Assessors Office
- A "signoff" from the Treasurer's office that all taxes and other charges have been paid.
- The required fee

You should prepare and submit the following documents:

- A plot plan of your lot, showing parking areas and spaces, driveway locations, and landscaping and screening, and if applicable, the location of the septic tank and leaching field. (This can be a scaled sketch on a "mortgage" plot plan or other scalable dimensioned plan that you have. All setbacks or distances from the lot lines to the dwelling should be clearly shown and you should make sure that you meet the minimums in Table 4-1 of the Zoning By-Laws. This plan can be on 8 ½ by 11 inch or 11 by 17 inch paper.)
- If exterior changes or an addition is proposed, elevations of all sides of the house. Photographs of the existing home are also helpful and you may wish to submit them as well.
- Floor plans of principal residence and proposed accessory apartment with the size of the accessory apartment noted in square feet. (These floor plans can be on 8 ½ by 11 inch or 11 by 17 inch paper as well.)
- Completed Special Permit application form.
- A written statement how your proposed accessory apartment complies with the standards in section 8.1.2 of the Zoning By-Laws. In your discussion relative to Standard 1, you should specify the relationship and name(s) of the family member who will be living in the accessory apartment.
- Proof that the abutters were notified as required in the Planning Board Special Permit Regulations.

WRITTEN STATEMENT

This is where you make the case for your accessory apartment. You want to tell the Planning Board how you comply with the By-Law.

Standard 1. Explain who are creating the accessory apartment for and what their relationship is to the owner. (Note that the owner could occupy the smaller of the living units if that meets your family's needs.) If there is an addition to be constructed, state how you are in compliance with the setback requirements for both the existing home and any addition (see Section 4.0 of these By-Laws) <u>or</u> if you have received a variance from the Board of Appeals for a lesser setback, attach a copy of the variance to your application.

Standard 2. Explain how the proposed external changes or additions will blend into the architectural and physical style of the existing structure through common materials, color, and design. Further explain how the accessory apartment shares a common living area separation (wall or floor) with the principal unit and how there is direct access between the units.

Standard 3. On the plans, show the net floor area of the apartment and in your statement say that your proposed apartment does not exceed eight hundred fifty (850) square feet because it is XXX square feet in area.

Standard 4. Show on the plans that there is adequate parking for the two additional vehicles required for the accessory apartment. In your written statement, explain how many parking spaces there are in total and where they are located (in a garage, off the driveway, in the back yard, etc.). Further state that you understand that the Planning Board reserves the right to require screening for proposed parking.

Standard 5. State that you understand that the Planning Board reserves the right to require screening and landscaping for any addition(s).

Standard 6. State that you will adhere to all necessary state and local permits and requirements.

Standard 7. State that the utilities (electricity, gas, sewer, septic, etc.) serving the additional unit shall not be separated from the primary home.

Standards 8 and 9 only apply to homes within the Water Resource Protection Overlay District (WRPOD).

Standard 8 applies to conforming lots or structures within the WRPOD. Show that the design sewage flow does not exceed the design sewage flow requirements established by Section 9.4 for the Zone II and Zone III of the WRPOD and explain in your written statement.

Standard 9 applies to pre-existing non-conforming lots or structures located in Zone II or Zone III of the WRPOD. State whether you have increased the number of bedrooms on the property and submit information showing that the existing septic system has passed a Title 5 inspection, or state the system will be upgraded as approved by the Board of Health.

Before the Public Hearing is held, you must have:

- Written approval of your existing septic system or requirements for updating/enlarging from the Board of Health

--- or ---

- Written approval from the Board of Water and Sewer Commissioners if you are connected to public sewer.

FILING, HEARING, AND DECISION SCHEDULE

The application form, the plans, and any additional information must be filed with the Town Clerk. Take two copies of the "submission packet" (see Checklist) and have them both "stamped." Keep a "stamped" copy to make twelve (12) copies of the application, plans, and accompanying information and submit with the required fees and one copy of the list of abutters to the Planning Board office.

The Planning Board must hold the Public Hearing on your application within sixty five (65) days of the date of filing a complete application.

Before the Planning Board can open the Public Hearing, the Notice of Public Hearing must be published in the Foxboro Reporter once in each of two (2) successive weeks, the first publication not less than fourteen (14) days before the day of the hearing. The Planning Board will write the Notice and transmit it to the newspaper and you will be responsible for paying the actual cost of the ad. The Planning Board will request comments from various Town boards and officials.

At least a week before the Public Hearing, send notices provided by the Planning Board to all abutters. At least a day before the Hearing, submit to the Planning Board office proof of mailing (either a Certificate of Mailing showing the date the envelopes containing abutter notices were accepted at the Post Office or receipts for Certified Mail®, return receipt requested).

The Public Hearing is not always finished the first night and can be continued to a later date. **The Planning Board's policy is to not begin the Public Hearing process until a written report from either the Board of Health or the Board of Sewer and Water Commissioners has been submitted to the Planning Board with the details and requirements for septic systems or sewerage, as appropriate.**

After the Planning Board has received information from Town boards and officials, all the required plans and statements, any other information they believe is necessary to fully evaluation your proposal, and any comments from abutters, they will close the Public Hearing. After the hearing is closed, they vote. They must determine that the standards in section 8.1 are met and that:

1. The use is in harmony with the general purpose and intent of the Zoning By-Laws.
2. The use is socially and economically desirable.
3. The use would satisfy an existing need, and
4. The advantages of the proposal outweigh the detrimental factors.

If the application is approved, there will typically be conditions attached to the approval, including the restriction that the relative named in the application is the only authorized occupant of the accessory apartment.

By law, the Planning Board must file its decision on the application with the Town Clerk within ninety (90) days of the date of the **close** of the public hearing. In practice, the decision is usually filed within a week of the close of the Public Hearing and the Board's vote. After it is filed, there is a period of twenty (20) days from the date of filing of the decision with the Town Clerk during which the decision may be appealed.

After the appeal period has expired, ask the Town Clerk if any notice of appeal has been filed with that office. If not, in order to make your Special Permit effective, you must file a certified copy of the decision with the Registry of Deeds in Dedham. You may file ("record") the decision in person at the Registry, or you may call the Registry for instructions on mailing the decision and fee for recording. Return a copy of the recorded permit to the Planning Board, 40 South Street, Foxborough, MA. Note: you must still apply for a building permit to construct the permitted apartment. The Building Commissioner will also require a copy of the recorded permit with the recording information when you apply for a building permit.

Please note that this document is intended only to assist you as a guide. You should refer to the Zoning By-Laws and ask the Planning Board staff for more information regarding the requirements and criteria.

TIMING	ACTIVITY
Meet with Board staff to understand bylaw and schedule	Preliminary meetings with: Planning Board Staff Building Commissioner Board of Health or Board of Water and Sewer Commissioners Your neighbors Optional meetings: Conservation Commission, experts, others
During Town Clerk office hours	File TWO copies of application with Town Clerk, make copies for Planning Board Application
During Planning Board office hours	Submit application, fee, and other information to Planning Board
Must advertise twice, the first ad must be not less than 14 days prior to Hearing. State law requires Public Hearing to commence within 65 days within submission although Planning Board will usually hear at first available meeting.	Planning Board schedules Public Hearing and advertisements
Once you have the Public Hearing date, make sure you can get your letter from the BOH or W+S before the Public Hearing day. Send abutters notification of Public Hearing.	Before Public Hearing, get written report, requirements, and recommendations from Board of Health or Board of Water and Sewer Commissioners. Send abutters notification of Public Hearing.
During regular Planning Board meeting	Planning Board opens Public Hearing
By state law, must close within 90 days unless extension agreed to. Planning Board usually resolves by second session of the Hearing (2-4weeks after first).	Planning Board closes Public Hearing
Must notify within 14 days of vote; Planning Board usually files within a week.	Planning Board files Decision with Town Clerk
Must wait 20 days to allow for an appeal.	Return to Town Clerk after 20 days. If no one appeals, record Planning Board decision in Dedham
	Provide copies of recordation to Planning Board and Building Commissioner
	Apply for building permit

Checklist:

For your application:

_____ A list of abutters from the Assessors Office (1 copy)
_____ A "signoff" from the Treasurer's office that all taxes and other charges have been paid (on bottom of application form)
_____ Required fee
_____ Completed Special Permit application form (1 copy)
_____ Plot plan -- 8 ½ by 11 inch or 11 by 17 inch (12 copies)
_____ Elevations of all sides of the house (if any exterior changes are proposed, 12 copies)
_____ Photographs of elevations (optional, 12 copies)
_____ Samples or tearsheets of siding, roofing, and other exterior materials (optional, at least 1 copy)
_____ Floor plans with the size of the accessory apartment noted in square feet (12 copies)
_____ A written statement relative to standards in section 8.1.2 of the Zoning By-Laws, including the name(s) and relationship of the family member who will be living in the accessory apartment (12 copies)
_____ Any other information that you feel explains your request (12 copies)

Before the Public Hearing is held submit to the Planning Board:

_____ Proof that the abutters were notified as required in the Planning Board Special Permit Rules & Regulations.
_____ Written approval or requirements from the Board of Health

--- or ---

_____ Written approval or requirements from the Board of Water and Sewer Commissioners

Be sure to keep a copy of all application materials for your records.

FAQ

Why do I have to go through all this?

The purposes of zoning in Foxborough include encouraging "the most appropriate use of land throughout the town." Ensuring that accessory apartments fit the character of the town's single family zoning district or the character of the Neighborhood Business district uses the land most appropriately in those districts and preserves the property values and neighborhood character.

Bottom line: Please be assured that the Planning Board wants to make the process as transparent and as painless as possible while ensuring that the character and quality of your neighborhood is not diminished.

What impact does an accessory apartment have on my assessment?

You should check with the Assessors Office, but your property valuation would increase if you add square feet to your home and amenities to your home. It will continue to be valued as a single family home.

What happens after my mother goes to a nursing home, my kid finally leaves home, etc.

If you have another family member who could reside there, you would apply to the Planning Board to amend the Special Permit. Otherwise the accessory apartment needs to be removed. At a minimum, this means the stove is removed. Sometimes, the Planning Board's conditions may impact what you need to do – if they vote language something like "[T]he kitchen facilities of the accessory apartment shall be removed when the accessory apartment is no longer needed unless the Planning Board determines the facilities (as altered or modified) are incidental and subordinate as an accessory use to a single-family dwelling", then you need to return to the Planning Board and discuss your options. (This may mean that the stove and full-size refrigerator is removed.)

Article V: Fees and Consultant Review

1. **MUNICIPAL PROJECTS**

   Fees shall not be waived except upon the majority vote of the Board upon determining the waiver is in the public interest. Facilities owned and operated by the Town of Foxborough for the benefit of the residents of the Town of Foxborough on land owned by the Town of Foxborough shall usually be exempted from paying application fees, although costs incurred by the Board such as postage, advertising, peer review, and inspection fees shall be reimbursed to the Board.

2. **FAILURE TO PAY**

   Payment of fees, including all peer review fees, application fees, filing fees, and other fees are submission requirements for all Planning Board permits. Failure to pay any or all fees will result in the application being deemed incomplete and result in denial of the application.

   Post-approval fees, such as inspection fees, lot release fees, and others must be paid upon request for action or upon instruction from the Board. Forms will not be signed and released until fees have been received.

3. **CONSULTANT REVIEW FEES**

   a. **Applicability.** The Planning Board, at its sole discretion, may determine that a proposed project's size, scale, complexity, potential impact or use of the land warrants the use of outside consultants (such as engineers, planners, lawyers, hydro geologists, or others). Such consultants shall be selected and retained by the Planning Board and shall assist the Planning Board, with analysis, comments, and recommendations prior to action by the Planning Board in plan review, impact analysis, inspection or other technical or legal assistance necessary to ensure compliance with all relevant laws and regulations. Such assistance may include, but shall not be limited to, analyzing an application, providing legal counsel for decisions and covenants, and monitoring or inspecting a project or site during construction or post-construction for compliance with the Board's decisions or regulations

   b. Most Planning Board applications require review by outside consultants. After receipt of a complete application package, a copy of the submitted materials will be transmitted to the Board's consultant for review. In some circumstances, more than one consultant will be utilized. The applicant is responsible for the total cost of review by all consultants selected by the Planning Board.

   c. **Submittal.** Consultant Review Fees shall be submitted upon receipt of notice of estimated consultant review cost (based upon a fee schedule of estimated consultant costs) for deposit in an account established pursuant to M.G.L. c. 44, s. 53G. Any application filed without this fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full.

   d. **Monitoring and Inspection Phase.** As a condition of approval of a Definitive Plan or a Special Permit, the Planning Board may require additional Consultant Review Fees to inspect, monitor, and oversee the implementation of the approved project.

e. **Handling of Consultant Review Fees.** The Consultant Review Fee is to be deposited into a special escrow account as set forth in G.L. c. 44, s. 53G. Excess consultant review fees, including any accumulated interest, shall be returned to the applicant, or the applicant's documented successor in interest, at the conclusion of the review process as determined by the Planning Board.

f. **Selection and Appeal.** The Planning Board shall competitively select consultants for a period not to exceed three years. As provided in M.G.L. Chapter 44, § 53G, an applicant may administratively appeal the selection of the consultant to the Board of Selectmen, on grounds that the proposed consultant selected has a conflict of interest or that the proposed consultant does not possess the minimum required qualifications of an educational degree or three (3) or more years of practice in, or closely related to, the field at issue. Such an appeal may be initiated by the applicant filing notice with the Town Clerk within seven (7) calendar days of notice of the selection. The consultant selection made by the Planning Board shall stand if one (1) month passes without decision by the Board of Selectmen on said appeal. The required time limits for action upon an application by the Planning Board shall be extended by duration of the administrative appeal. This appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this section.

g. **Remedy.** Review fees associated with the review of a submission shall be paid prior to the close of the Public Hearing. Failure of an applicant to pay the consultant review fee determined by the Planning Board may be grounds for disapproval.

Article VI: Fee Schedule

FY2015 Fee Schedule

Application Fees	**Fee**
Special Permits:	
Accessory Apartment	$300
Multi-Family Dwellings	$1,000 per developed acre, $1000 minimum
Non-Residential Uses	$1,000 per developed acre, $1000 minimum
Findings: Water Resource Protection	$300
Existing Use Expansions	$300
Permit Renewals	$400
Advertising	Cost of ads
Extension of Permit	$300
Site Plan Review:	
Non-Residential Uses	$1,000 per developed acre, $1000 minimum
Change of Use (no new construction)	$300
Advertising	Cost of ads
Site Plan Review Waiver Request	$300
Site Plan Modification	$300
Bond Estimate	$500
Bond Reduction	$300
Extension of Permit	$300
Subdivisions:	
ANR Plan/Form A	$300 plus $200 per new lot
Preliminary Subdivision Plans	$1,500 plus $400 per lot
Definitive Subdivision Plans (no preliminary plans filed)	$3,500 plus $800 per lot
Definitive Subdivision Plans (preliminary plans filed)	$1,500 plus $400 per lot
Definitive Subdivision Plans Modification	$300 plus $200 per lot
Rescission of an Approved Definitive Plan	$300
Frontage Waivers	$750 plus $400 per lot
Advertising	Cost of ads

Application Fee	Fee
Subdivisions (continued):	
Lot Releases	$300 plus $100 per lot
Bond Estimate	$500
Bond Reduction	$300
Street Acceptance Inspection	$200 per lot
Extension of Permit	$300
Scenic Roads:	
Application fee (if separate from any other Planning Board permit)	$300
Advertising	Cost of ads
Inspection Fees	
Site Inspection Fees	1% of site costs, minimum $1000
Subdivision Inspection Fees	$8 per lf of roadway, minimum $2000
Missed appointment fee	1 hour minimum, charged directly to developer, not site inspection fee account
Additional inspections	Hourly fee, charged directly to developer, not site inspection fee account

Notes:

1. Fees shall not be waived except upon the majority vote of the Board upon determining the waiver is in the public interest. Facilities owned and operated by the Town of Foxborough for the benefit of the residents of the Town of Foxborough on land owned by the Town of Foxborough shall usually be exempted from paying application fees, although costs incurred by the Board such as postage, advertising, peer review, and inspection fees shall be reimbursed to the Board.
2. Fees are non-refundable
3. All fees must be paid in full prior to any decision by the Board
4. All fees are payable to the Town of Foxborough
5. When reviewing an application for, any modification to, or any inspections of a Special Permit or a subdivision, the Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project, because of a project's potential impacts, or because the Town lacks the necessary expertise to perform the work. The Board may require that applicants pay a project review fee(s) in addition to the fees indicated in this schedule consisting of the reasonable costs incurred by the Board for the employment of outside consultants.
6. Fees are calculated based on the nearest full acre or other measurement. For example, a site plan with 5.5 acres of developed area would calculate the fee based on 6 acres.