



## **TOWN OF FOXBOROUGH**

### **Planning Board**

40 South Street

Foxborough, Massachusetts 02035

## **SPECIAL PERMIT RULES & REGULATIONS FOXBOROUGH PLANNING BOARD**

(REVISED 03/15/00)

### **A. APPLICABILITY:**

Section 11.05 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 4.00). 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, Facsimile (508) 543-1235 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 9.10 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 9.01 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. The filing fee shall be made payable to the “Town of Foxborough” and shall be used to meet the Town’s administrative and technical review costs. The advertising fee shall be made payable to the “Foxborough Reporter” in compliance with the following schedule:

<u>Application Type:</u>	<u>Filing Fee</u>	<u>Advertising Fee</u>
Single-Family Conversion	\$250.00	\$75.00
Multi-Family Dwellings	\$500.00 per developed acre/ a minimum of \$500.00	\$75.00
Non-residential Uses	\$500.00 per developed acre/ a minimum of \$500.00	\$75.00
Findings: Water Resource Protection	\$250.00	\$75.00
Existing Use Expansions	\$250.00	\$75.00
Permit Renewals	\$200.00	\$75.00

- a.) Applications for Open Space Residential Developments (Section 9.05) and Residential Compounds (Section 9.06) shall employ the fee schedule for the submittal of a definitive subdivision plan per Section 3.02B.1 of the subdivision regulations.
- b.) For applications which have thirty (30) or more abutters, the applicant shall be required to provide additional compensation for the secretarial time involved in sending out notifications. An invoice shall be provided to the application prior to the public hearing date. Compensation shall be by the hour, at the current rate received by the secretary.
5. If applicable, all plans shall clearly mark the area of the parcel which lies within Water Resource Protection District (WRPD). Plans filed pursuant to Section 9.09 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 9.03 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 9.01E 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 shall be submitted on a Windows97 compatible 3.5” floppy disk or CD in DXF (drawing exchange file) format. The coordinate system of the digital data 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.

It is recommended that all applicants carefully review the By-Laws and meet with the Town Planner prior to the submittal of an application for a Special Permit. The Planner can be contacted at (508) 543-1250, facsimile 543-1235 during regular business hours.

**FOXBOROUGH PLANNING BOARD  
SPECIAL PERMIT APPLICATION**

FILE # \_\_\_\_\_

The undersigned hereby applies for a Special Permit under Section \_\_\_\_\_ of the Foxborough Zoning By-Laws.

1. Applicant: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_

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).

**NOTE:** This application is not considered complete until all related taxes are paid in full and the Town of Foxborough Treasurer's Office has signed below.

\_\_\_\_\_  
Treasurer's Office Representative

\_\_\_\_\_  
Date