

TOWN CLERK'S REPORT
ANNUAL TOWN MEETING
Monday, the Eighth Day of May 2017

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. Rev. Bill Dudley of Union Church delivered the invocation. Bernard Dumont of the Advisory Committee led the Pledge of Allegiance and Carly Rayburg, a Foxborough High School senior sang the National Anthem.

Town Clerk Robert E. Cutler, Jr., read the Warrant and Return.

There were three hundred forty-two (342) registered voters recorded as present [a quorum being one hundred (100) registered voters].

ARTICLE 1: Town Clerk, Robert E. Cutler, Jr. reported on the election of Town Officials which was held on Monday, May 1, 2017. The results of the following positions were announced at the John J. Ahern Middle School by Kathleen M. Brady, Town Warden: one Selectman for three years; one Assessor for three years; one School Committee Member for three years; one Water & Sewer Commissioner for three years; one Board of Health member for three years; two Boyden Library Trustees for three years; one Boyden Library Trustee for two years; two Planning Board members for three years.

Question 1:

“Shall the Town prohibit the operation of all types of marijuana establishments as defined in G.L. c. 94G, §1, including marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other type of licensed marijuana-related businesses, within the Town of Foxborough?”

Yes: 681

No: 415

ARTICLE 2: Town Clerk Robert E. Cutler, Jr., presented the 238th 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, 2016.

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; or take any other action related thereto. Also, Bob Boette, Chairman of the Conservation Commission, reported on the Open Space/Recreation Plan survey.

ARTICLE 4: MOVED, that the Town vote the compensation for elected officials and to raise and appropriate, transfer from available funds, the sums of money herein specified and requested for the operation of various Town boards, officers, commissions and departments of the Town during the Fiscal Year 2018, beginning July 1, 2017 and ending June 30, 2018 as follows:

Taxation, State Aid & Local Receipts	64,034,554
Free Cash	722,889
Ambulance Receipts	949,081
Recreation Revolving	11,700
Water Receipts	5,937,647
Sewer Receipts	1,495,189
TOTAL	<u>73,151,060</u>

ADOPTED

281 Affirmative

7 Negative

8:09 PM

GENERAL GOVERNMENT:

	FY18	Funding Source(s)
122 SELECTMEN		
Expenses	31,400	Taxation, State Aid & Local Receipts
123 ADMINISTRATION		
Salaries	486,939	Taxation, State Aid & Local Receipts
Expenses	<u>85,578</u>	Taxation, State Aid & Local Receipts
	572,517	
125 AUDIT TOWN FINANCIAL RECORDS		
Annual Financial	40,500	Taxation, State Aid & Local Receipts
130 FINANCE		
Salaries	961,772	Taxation, State Aid & Local Receipts
Expenses	<u>225,655</u>	Taxation, State Aid & Local Receipts:
	1,187,427	150,655; Ambulance Receipts: 75,000;
141 ADVISORY COMMITTEE		
Salaries	2,159	Taxation, State Aid & Local Receipts
Expenses	<u>341</u>	Taxation, State Aid & Local Receipts
	2,500	
142 RESERVE FUND (<i>Appropriated for Transfer, Not Expended.</i>)	75,000	Taxation, State Aid & Local Receipts
151 LEGAL	174,000	Taxation, State Aid & Local Receipts
156 GIS Department		
Expenses	15,700	Taxation, State Aid & Local Receipts
161 TOWN CLERK		
Compensation	87,568	Taxation, State Aid & Local Receipts
Salaries	51,525	Taxation, State Aid & Local Receipts
Expenses	13,200	Taxation, State Aid & Local Receipts
Capital Outlay	<u>3,000</u>	Taxation, State Aid & Local Receipts
	155,293	

162	ELECTION & REGISTRATION		
	Salaries	58,124	Taxation, State Aid & Local Receipts
	Expenses	16,475	Taxation, State Aid & Local Receipts
	Capital Outlay	<u>7,500</u>	Taxation, State Aid & Local Receipts
		82,099	
171	CONSERVATION COMMISSION		
	Salaries	75,163	Taxation, State Aid & Local Receipts
	Expenses	<u>3,775</u>	Taxation, State Aid & Local Receipts
		78,938	
175	PLANNING BOARD		
	Salaries	170,460	Taxation, State Aid & Local Receipts
	Expenses	<u>46,700</u>	Taxation, State Aid & Local Receipts
		217,160	
176	APPEALS BOARD		
	Expenses	2,900	Taxation, State Aid & Local Receipts
192	MUNICIPAL BUILDINGS		
	Salaries	94,404	Taxation, State Aid & Local Receipts
	Expenses	421,514	Taxation, State Aid & Local Receipts
	Capital Outlay	<u>1,450</u>	Taxation, State Aid & Local Receipts
		517,368	
195	TOWN BUILDINGS (<i>Sewer</i>)		
	Expenses	26,500	Taxation, State Aid & Local Receipts
	TOTAL GENERAL GOVERNMENT	3,179,302	
PUBLIC SAFETY:			
210	POLICE		
	Salaries	3,613,806	Taxation, State Aid & Local Receipts
	Expenses	362,889	Taxation, State Aid & Local Receipts
	Capital Outlay	<u>94,750</u>	Taxation, State Aid & Local Receipts
		4,071,445	
220	FIRE		
	Salaries	3,054,932	Taxation: 2,280,851; Ambulance: 774,081
	Expenses	314,185	Taxation: 214,185; Ambulance 100,000
	Capital Outlay	<u>32,000</u>	Taxation, State Aid & Local Receipts
		3,401,117	
230	CENTRAL DISPATCH & SERVICES		
	Salaries	610,751	Taxation, State Aid & Local Receipts

	Expenses	25,400	Taxation, State Aid & Local Receipts
	Capital Outlay	-	
		<u>636,151</u>	
235	JOINT PUBLIC SAFETY BUILDING		
	Salaries	62,052	Taxation, State Aid & Local Receipts
	Expenses	9,200	Taxation, State Aid & Local Receipts
	Capital Outlay	-	
		<u>71,252</u>	
241	INSPECTION		
	Salaries	415,294	Taxation, State Aid & Local Receipts
	Expenses	8,880	Taxation, State Aid & Local Receipts
		<u>424,174</u>	
292	ANIMAL CONTROL		
	Salaries	52,600	Taxation, State Aid & Local Receipts
	Expenses	6,873	Taxation, State Aid & Local Receipts
		<u>59,473</u>	
	TOTAL PUBLIC SAFETY	8,663,612	
EDUCATION:			
300	FOXBOROUGH PUBLIC SCHOOLS		
	Salaries & Expenses	34,089,604	Taxation, State Aid & Local Receipts
		<u>34,089,604</u>	
390	SOUTHEASTERN REGIONAL	395,764	Taxation, State Aid & Local Receipts
	TOTAL EDUCATION	34,485,368	
PUBLIC WORKS:			
410	PUBLIC WORKS		
	Salaries	1,376,082	Taxation, State Aid & Local Receipts
	Expenses	414,238	Taxation, State Aid & Local Receipts
	Capital Outlay	6,500	Taxation, State Aid & Local Receipts
		<u>1,796,820</u>	
423	SNOW & ICE		
	Salaries	33,500	Taxation, State Aid & Local Receipts
	Expenses	170,800	Taxation, State Aid & Local Receipts
	Capital Outlay	11,000	Taxation, State Aid & Local Receipts
		<u>215,300</u>	

424	STREET LIGHTING	100,000	Taxation, State Aid & Local Receipts
430	SOLID WASTE (LANDFILL)		
	Salaries	2,300	Taxation, State Aid & Local Receipts
	Expenses	<u>3,200</u>	Taxation, State Aid & Local Receipts
		5,500	
433	SOLID WASTE (COLLECTION)	38,450	Taxation, State Aid & Local Receipts
450	WATER ENTERPRISE		
	Salaries	1,506,987	Water Receipts
	Expenses	1,653,820	Water Receipts
	Debt Service	<u>2,042,906</u>	Water Receipts
		5,203,713	

NOTE: Costs for Water Operation contained in other budgets:

123/127/125/192 Admin. & 130/156 Finance/GIS	130,601	Water Receipts
760 Debt Service	2,000	Water Receipts
911/913/915 Fringe Benefits	538,872	Water Receipts
945 Insurance	99,461	Water Receipts
General Fund Share DPW Bldg Credit	-37,000	
	<u>733,934</u>	

460	SEWER ENTERPRISE		
	Salaries	151,808	Sewer Receipts
	Expenses	1,157,544	Sewer Receipts
	Debt Service	<u>70,597</u>	Sewer Receipts
		1,379,949	

NOTE: Costs for Sewer Operation contained in other budgets:

123/127/192 Admin. & 130/156 Finance/GIS	31,435	Sewer Receipts
911/913/915 Fringe Benefits	72,616	Sewer Receipts
945 Insurance	11,189	Sewer Receipts
	<u>115,240</u>	

TOTAL PUBLIC WORKS 8,739,732

HUMAN SERVICES:

510	BOARD OF HEALTH		
	Salaries	222,542	Taxation, State Aid & Local Receipts
	Expenses	<u>7,750</u>	Taxation, State Aid & Local Receipts

		230,292	
520	HEALTH AGENCIES		
	Expenses	38,739	Taxation, State Aid & Local Receipts
541	COUNCIL ON AGING/HUMAN SERVICES		
	Salaries	397,665	Taxation, State Aid & Local Receipts
	Expenses	31,100	Taxation, State Aid & Local Receipts
	Capital Outlay	-	
		<u>428,765</u>	
543	VETERANS		
	Salaries	120,859	Taxation, State Aid & Local Receipts
	Expenses	221,150	Taxation, State Aid & Local Receipts
		<u>342,009</u>	
	TOTAL HUMAN SERVICES	1,039,805	
	CULTURE & RECREATION:		
610	LIBRARY		
	Salaries	795,993	Taxation, State Aid & Local Receipts
	Expenses	240,850	Taxation, State Aid & Local Receipts
	Capital Outlay	3,000	Taxation, State Aid & Local Receipts
		<u>1,039,843</u>	
630	RECREATION		
	Salaries	83,288	Taxation, State Aid & Local Receipts
		<u>83,288</u>	
691	HISTORICAL COMMISSION		
	Expenses	14,175	Taxation, State Aid & Local Receipts
	TOTAL CULTURE & RECREATION	1,137,306	
	DEBT SERVICE:		
710	DEBT - PRINCIPAL	2,290,000	Taxation, State Aid & Local Receipts
751	DEBT - INTEREST	795,622	Taxation, State Aid & Local Receipts
760	DEBT - ISSUANCE & EXPENSES	25,000	Taxation, State Aid & Local Receipts
	TOTAL DEBT SERVICE	<u>3,110,622</u>	
	INSURANCE & OTHER:		
911	PENSIONS/RETIREMENT	4,011,736	Taxation, State Aid & Local Receipts:

913	WORKERS COMPENSATION	254,100	Taxation, State Aid & Local Receipts
914	UNEMPLOYMENT COMPENSATION	85,000	Taxation, State Aid & Local Receipts
915	GROUP HEALTH/LIFE INSURANCE	7,893,518	Taxation, State Aid & Local Receipts: 7,158,929; Free Cash: 722,889; and Recreation Revolving: 11,700
945	GENERAL INSURANCE	550,959	Taxation, State Aid & Local Receipts
	TOTAL INSURANCE & OTHER	12,795,313	

TOTAL ALL OPERATING BUDGETS 73,151,060

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 2018 as follows:

DEPARTMENT	FY 17 Appropriated	CIP FY 18			Recommended Funding Sources
		CIP Committee Recommend	Selectmen Recommend	AdComm Recommend	
Information Systems	100,000	145,000	145,000	145,000	Free Cash
Municipal Buildings	-	32,000	32,000	32,000	Free Cash
Police	308,109	284,000	284,000	284,000	\$250,000 Free Cash, & \$34,000 Apparatus Revolving
Fire	337,103	-	-	-	
Inspection	30,000	-	-	-	
Public Schools	553,000	463,000	463,000	463,000	Free Cash
Highway	693,000	215,900	215,900	215,900	Free Cash
Highway (Chapter 90)	619,904	645,397	645,397	645,397	Chapter 90 State Allocation
Highway (Roads)	217,058	340,402	340,402	340,402	\$270,000 from Meals Tax Receipts, & \$70,402 Free Cash
Water Enterprise	553,106	495,000	495,000	495,000	Water Receipts
Sewer Enterprise	-	932,200	932,200	932,200	\$80,000 Sewer Receipts, \$227,200 Sewer Retained Earnings, \$125,000 Sewer Encumbrance & \$500,000 Free Cash
	<u>3,411,280</u>	<u>3,552,899</u>	<u>3,552,899</u>	<u>3,552,899</u>	
Funding Summary:					
				1,676,302	Free Cash
				34,000	Apparatus Revolving
				645,397	Chapter 90
				270,000	Meals Tax Receipts
				495,000	Water Receipts
				80,000	Sewer Receipts
				227,200	Sewer Retained Earnings
				125,000	Sewer Encumbrance
				<u>3,552,899</u>	<u>Total</u>

ADOPTED 290 Affirmative 0 Negative 8:17 PM

ARTICLE 6: MOVED, that the Town vote to transfer from free cash Twenty Seven Thousand Seven Hundred and Eighty-Four dollars (\$27,784) to supplement the wage and salary amounts voted under Article 4 of the Warrant and in accordance with the "FY 2018 Non-Union Managerial and Seasonal Pay Plans", a copy of which is on file with the Town Clerk; and to determine whether to meet said appropriation by a transfer from Free Cash in the amount of Twenty Six Thousand and Thirty-Three dollars (\$26,033) and One Thousand Four Hundred Fifty-Nine dollars (\$1,459) from Water Receipts, and Two Hundred Ninety-Two dollars (\$292) from Sewer Receipts.

ADOPTED 287 Affirmative 4 Negative 8:19 PM

ARTICLE 7: MOVED, that the Town vote to raise and appropriate or transfer from available funds amounts requested to amend Articles 4 & 5 of the May 9, 2016, FY 2017 Annual Operating and Capital Budgets in order to fund, or reduce the funding of expenses associated with: 1) Increase Inspection Department Salaries as a result of changing the Plumbing and Electrical Inspectors compensation from fee based to salaried employees; 2) Fire Department Portable Radio Capital Item received a grant allowing for this budget to be reduced; as follows:

<u>Item #</u>	<u>Dept #</u>	<u>Department</u>	<u>Budget</u>	<u>Adjust</u>	<u>Revised FY '17 Budget</u>	<u>Funding Source</u>
1)	241	Inspection Salaries	301,167	56,400	357,567	Local Receipts
2)	220	Fire Capital	337,103	-100,000	237,103	Return to Ambulance Receipts

ADOPTED 284 Affirmative 0 Negative 8:23 PM

ARTICLE 8: MOVED, that the Town vote to increase the current income and estate value qualifications, allow annual social security indexed increases to said income and estate thresholds, and lower the qualifying age to the limits allowed by Chapter 59 Section 5 Clause 41C of the Massachusetts General Laws regarding how to qualify for the real estate tax exemption allowed under said Clause 41C, in order to allow more seniors to qualify for this real estate tax exemption of \$1,000 (One-Thousand dollars).

ADOPTED 260 Affirmative 0 Negative 8:25 PM

ARTICLE 9: MOVED, that the Town vote to increase the current income qualifications to the limits allowed by Chapter 59 Section 5 Clause 41A of the Massachusetts General Laws regarding how to qualify for a real estate tax deferral allowed under said Clause 41A, and to lower the annual interest rate applied to tax deferrals from 8% to 4%, in order to allow more seniors to qualify for a real estate tax deferral.

ADOPTED 240 Affirmative 2 Negative 8:28 PM

ARTICLE 10: MOVED, that the Town vote to amend Sections 241.6, 241.8 and 241.10 of Chapter 241 Article 2 of the Town of Foxborough Code (“Senior Tax Program”) by deleting the \$1,000 amounts and replacing with \$1,500 and inserting the underlined sections; as follows:

Section 241.6 Purpose

A qualified resident will be paid toward a maximum gross credit of \$1,500 ~~\$1,000~~ per household during the fiscal year.

Section 241.8 Job development.

A.
The Foxborough Senior Tax Program is a jobs program. Qualified seniors, or their designee if the senior is physically unable to perform the job, will be hired to work for Town departments, including the schools.

Section 241.10 Earnings

A.
A maximum gross amount of \$1,500 ~~\$1,000~~, less required federal withholdings, per tax year to be applied as a rebate to each resident's Town of Foxborough property tax.

B.
125 hours worked will earn the gross credit of \$1,500.

ADOPTED 240 Affirmative 0 Negative 8:31 PM

ARTICLE 11: MOVED, to vote to amend the General By-laws of the Town by adding a new section, Department Revolving Funds, as set forth below, to establish and authorize revolving funds for use by certain Town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44 § 53E ½; as follows:

CHAPTER 20 FINANCES

ARTICLE IX - DEPARTMENT REVOLVING FUNDS

§20-29 Purpose:

This By-law establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E ½.

§20-30 Expenditure Limitations:

A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

- a. Fringe benefits of employees whose salaries or wages are paid from the fund shall also be paid from the fund.
- b. No liability shall be incurred in excess of the available balance of the fund.
- c. The total amount spent during a fiscal year shall not exceed the amount authorized by Town Meeting on or before July 1 of that fiscal year, or an increased amount of that authorization that is later approved during the fiscal year by the Board of Selectmen and Advisory Committee.

§20-31 Interest:

Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.

§20-32 Procedures and Reports:

Except as provided in General Laws Chapter 44, § 53E ½ and this by-law, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of Town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Town Accountant/Finance Director shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the Town Accountant/Finance Director provides the department, board, committee, agency or officer on appropriations made for its use.

§20-33 Authorized Revolving Funds:

The Table establishes:

- A. Each revolving fund authorized for use by a town department, board, committee, agency, or officer,
- B. The department or agency head, board, committee or officer authorized to spend from each fund,
- C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant/Finance Director,
- D. The expenses of the program or activity for which each fund may be used,
- E. Any restrictions or conditions on expenditures from each fund,
- F. The fiscal years each fund shall operate under this by-law.

<u>A</u> <i>Revolving Fund</i>	<u>B</u> <i>Department, Board, Committee, Agency or Officer Authorized to Spend from Fund</i>	<u>C</u> <i>Fees, Charges or Other Receipts Credited to Fund</i>	<u>D</u> <i>Program or Activity Expenses Payable from Fund</i>	<u>E</u> <i>Restrictions or Conditions on Expenses Payable from Fund</i>	<u>F</u> <i>Fiscal Years</i>
Recreation Revolving Fund	Board of Recreation	Funds from program participation and field and building rentals	Expenses related to further operations of Recreation Department programs and services	Salary or wages of full time Recreation Director shall be paid by annual General Fund budget appropriation	Fiscal Year 2018 and subsequent years
Police and Fire Apparatus Utilization Revolving Fund	Police and Fire Departments	Vehicle apparatus rental fees collected from those 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	Police and Fire department receipts and expenditures shall be accounted for separately and may only be credited or expensed to their respective departments	Fiscal Year 2018 and subsequent years
Highway Department Revolving Fund	Highway Department	Fee for services and various Town department payments for services	Fee for services and various Town department payments for services		Fiscal Year 2018 and subsequent years
Council on Aging Senior Trips & Programs Fund	Council on Aging Department	Funds from program participation	Council On Aging Department program related expenses	Council on Aging salaries or wages cannot be paid from this fund	Fiscal Year 2018 and subsequent years

ADOPTED

231 Affirmative

1 Negative

8:33 PM

ARTICLE 12: Moved, that the Town vote to authorize annual spending limits for the Town's Revolving Funds pursuant to Massachusetts General Laws Chapter 44, Section 53E ½ for the Fiscal Year 2018, beginning July 1, 2017; as follows:

<i>Name of Revolving Fund</i>	<i>FY 2018 Spending Limit</i>
Recreation Revolving Fund	\$350,000
Police and Fire Apparatus Utilization Revolving Fund	\$100,000
Highway Department Revolving Fund	\$40,000
Council on Aging Senior Trips & Programs Fund	\$60,000

ADOPTED 224 Affirmative 0 Negative 8:35 PM

ARTICLE 13: Moved, that the Town vote to reaccept Chapter 32B Section 20 of the Massachusetts General Laws regarding the “Governance of local other post-employment benefit (OPEB) funds”.

ADOPTED 212 Affirmative 0 Negative 8:37 PM

ARTICLE 14: MOVED, that the Town vote to raise and appropriate or transfer from available funds the sum of Eight Hundred Sixty-Four Thousand and Sixty-Nine Dollars (\$864,069) 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. \$800,000 to be funded from Meals Tax receipts and \$51,256 from Water Enterprise receipts and \$12,813 from Sewer Enterprise receipts.

ADOPTED 219 Affirmative 0 Negative 8:40 PM

ARTICLE 15: MOVED, that the Town vote to transfer from free cash the sum of Five Hundred Thirty-Two Thousand Dollars (\$532,000) into the Capital Stabilization fund for future capital project purposes.

ADOPTED 212 Affirmative 1 Negative 8:42 PM

ARTICLE 16: 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 212 Affirmative 0 Negative 8:43 PM

ARTICLE 17: MOVED, that the Town vote to reaccept Chapter 40 Section 57 of the Massachusetts General Laws regarding the “Local licenses and permits; denial, revocation or suspension for failure to pay municipal taxes or charges”.

ADOPTED 206 Affirmative 0 Negative 8:45 PM

ARTICLE 18: MOVED, to see if the Town will vote to accept 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>	<u>Estimated Capacity</u>
46 Green Street	170	4285	260
0 Railroad Ave	79	2244	200
16 Railroad Ave	79	2245	300
0 Railroad Ave	79	2246	400
121 Main Street	54	1483	25,000
16-20 Chestnut Street	54	818-1	
28 Chestnut Street	54	10818	
34 Chestnut Street	54	6058	
2 Dexter Road #5-1	54	81801	
4 Dexter Road #5-2	54	81802	
6 Dexter Road #5-3	54	81803	
8 Dexter Road #5-4	54	81804	
10 Dexter Road #5-5	54	81805	
11 Dexter Road #7-11	54	81837	
12 Dexter Road #10-12	54	81828	
13 Dexter Road #7-13	54	81838	
14 Dexter Road #10-14	54	81829	
15 Dexter Road #7-15	54	81839	
16 Dexter Road #10-16	54	81830	
18 Dexter Road #12-18	54	81831	
20 Dexter Road #12-20	54	81832	

22 Dexter Road #12-22	54	81833
24 Dexter Road #14-24	54	81834
26 Dexter Road #14-26	54	81835
28 Dexter Road #14-28	54	81836
29 Dexter Road	54	81840
31 Dexter Road #13-31	54	81841
33 Dexter Road #13-33	54	81842
35 Dexter Road #15-35	54	81843
37 Dexter Road #15-37	54	81844
1 Capone Road #1-1	54	81818
2 Capone Road #2-2	54	81806
3 Capone Road #1-3	54	81817
4 Capone Road #2-4	54	81807
5 Capone Road #1-5	54	81816
6 Capone Road #2-6	54	81808
7 Capone Road #1-7	54	81815
8 Capone Road #2-8	54	81809
9 Capone Road #1-9	54	81814
10 Capone Road #2-10	54	81810
11 Capone Road #3-11	54	81811
12 Capone Road #4-12	54	81819
13 Capone Road #3-13	54	81812
14 Capone Road #4-14	54	81820
15 Capone Road #3-15	54	81813
16 Capone Road #4-16	54	81821

18 Capone Road #6-18	54	81822	
20 Capone Road #6-20	54	81823	
22 Capone Road #6-22	54	81824	
24 Capone Road #8-24	54	81825	
26 Capone Road #8-26	54	81826	
28 Capone Road #8-28	54	81827	
30-34 Capone Road/19-21 Dexter Road	54	818-4	
3 Rockhill Street	78	2180	200
0 Rockhill Street	78	2180-1	200
9 Rockhill Street	78	2186	200
11 Rockhill Street	78	2187	200
12 Rockhill Street	78	2194	200
16 Rockhill Street	78	2195	200
14 Rockhill Street	78	2199	200
18 Rockhill Street	78	2594	200
34 School Street	79	223	650
28 School Street	79	228	200
15-17 Market Street	79	229	400
1 School Street	79	2219	200
22 Market Street	79	2221	200
21 Market Street	79	2222	200
0 Rockhill Street	79	2224	200
0 School Street	79	2225	200
16 School Street	79	2231	200

22 School Street	79	2232	200
0 School Street	79	2233	200
6-8 Centennial Street	79	2363	200
20 Market Street	79	2364	200
14 Market Street	79	2365	200
10 Market Street	79	2366	200
21 Centennial Street	91	2595	200
20 Centennial Street	91	2608	200
18 Centennial Street	92	2609	200
16 Centennial Street	92	2610	200
14 Centennial Street	92	2611	200
4 Market Street	92	2612	400
19 Centennial Street	92	2724	200
17 Centennial Street	92	2725	200
11 Centennial Street	92	2726	200

ADOPTED 209 Affirmative 0 Negative 8:52 PM

ARTICLE 19: MOVED, to see if the Town will vote to adopt a new Stormwater Management Bylaw to be codified in the Code of the Town of Foxborough in Chapter 275 as a General Bylaw, to read as follows:

Town of Foxborough, MA
STORMWATER MANAGEMENT

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ARTICLE I – GENERAL PROVISIONS

Section 1. Purpose

- A. The purpose of this Stormwater Management Bylaw (Bylaw) is to protect the health, safety, general welfare, and environment by regulating illicit connections and discharges to the storm drain system and controlling the adverse effects of construction site stormwater runoff and post-construction runoff. Stormwater runoff is potentially a major cause of:
- (1) Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands, groundwater and drinking water supplies;
 - (2) Contamination of drinking water supplies;
 - (3) Contamination of downstream coastal areas;
 - (4) Alteration or destruction of aquatic and wildlife habitat;
 - (5) Overloading or clogging of municipal stormwater management systems; and
 - (6) Flooding.

B. The objectives of this Bylaw are:

- (1) Protect water resources;
- (2) Comply with state and federal statutes and regulations relating to stormwater discharges including total maximum daily load requirements;
- (3) To prevent pollutants from entering the Town's municipal separate storm sewer system (MS4) and reduce or eliminate pollutants entering the Town's MS4 from existing uses;
- (4) To prohibit illicit connections and unauthorized discharges to the MS4 and require their removal;
- (5) To establish minimum construction and post construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
- (6) To establish provisions for the long-term responsibility for, and maintenance of, structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and
- (7) To establish the Town of Foxborough's legal authority to ensure compliance with the provisions of this Bylaw through inspection, monitoring, and enforcement.

Section 2. Definitions

Definitions applicable to this Bylaw are as follows:

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

APPLICANT: Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government to the extent permitted by law requesting a Land Disturbance Permit for proposed land-disturbance activity.

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CERTIFICATE OF COMPLETION (COC): A document issued by the Planning Board after all construction activities have been completed, which states that all conditions of an issued Land Disturbance Permit have been met and that a project has been completed in compliance with the conditions set forth in the SWMP.

CONSTRUCTION AND WASTE MATERIALS: Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

CLEARING: Any activity that removes the vegetative surface cover.

DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

DISTURBANCE OF LAND: Any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material.

EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENTATION CONTROL PLAN: A document containing a narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff and erosion and sedimentation during pre-construction and construction related land disturbance activities.

GROUNDWATER: Water beneath the surface of the ground.

GRUBBING: The act of clearing land surface by digging up roots and stumps.

ILLICIT CONNECTION: A surface or subsurface drain or conveyance which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water, and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this Bylaw.

ILLICIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Article 2 Section 2-D. The term does not include a discharge in compliance with an NPDES stormwater discharge permit or resulting from fire-fighting activities exempted pursuant to Article 2 Section 2-D of the Stormwater Management Bylaw.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water from infiltrating the underlying soil. "Impervious surface" includes without limitation roads, paved parking lots, sidewalks, and rooftops.

IMPOUNDMENT: A stormwater pond created by either constructing an embankment or excavating a pit which retains a permanent pool of water.

INFILTRATION: The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

LAND-DISTURBING ACTIVITY: Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

LAND USE OF HIGHER POTENTIAL POLLUTANT LOAD (LUHPPL): Land uses or activities with higher potential pollutant loadings, as defined in the Massachusetts Stormwater Management Standards (see Standard 5 of the Mass DEP Stormwater Handbook, as amended).

MASSACHUSETTS ENDANGERED SPECIES ACT (MESA): G.L. c. 131A and its implementing regulations 321 CMR 10.00 which prohibit the “taking” of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS: The Standards issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by State regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, § 26-53. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity and quality of runoff from a site.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Foxborough.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT: A permit issued by United States Environmental Protection Agency or jointly with the Commonwealth of Massachusetts that authorizes the discharge of pollutants to waters of the United States.

NEW DEVELOPMENT: Any construction activities or land alteration resulting in total earth disturbances equal to or greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) on an area that has not previously been developed to include impervious cover.

NONSTORMWATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of stormwater.

OPERATION AND MAINTENANCE PLAN: A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

OUTFALL: The point at which stormwater flows out from a point source into waters of the Commonwealth.

OWNER: A person with a legal or equitable interest in property.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

PRE-CONSTRUCTION: All activity in preparation for construction.

POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include without limitation:

- A. Paints, varnishes, and solvents;
- B. Oil and other automotive fluids;
- C. Nonhazardous liquid and solid wastes and yard wastes;
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinance, accumulations and floatables;
- E. Pesticides, herbicides, and fertilizers;
- F. Hazardous materials and wastes; sewage, fecal coliform and pathogens;
- G. Dissolved and particulate metals;
- H. Animal wastes;
- I. Rock; sand; salt; soils;
- J. Construction wastes and residues; and
- K. Noxious or offensive matter of any kind.

PROCESS WASTEWATER: Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

RECHARGE: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

REDEVELOPMENT: Any construction, land alteration, or improvement of impervious surfaces resulting in total earth disturbances equal to or greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) that does not meet the definition of new development (see above).

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION: The process or act of deposition of sediment.

SITE: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

SOIL: Any earth, sand, rock, gravel, or similar material.

STABILIZATION: The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

STORMWATER AUTHORITY: Town of Foxborough Planning Board or its authorized agent(s).

STORMWATER: Runoff from precipitation or snow melt and surface water runoff and drainage.

STORMWATER MANAGEMENT PLAN (SWMP): A plan required as part of the application for a Land Disturbance Permit.

TOXIC OR HAZARDOUS MATERIAL OR WASTE: Any material which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as "toxic" or "hazardous" under MGL c. 21C and c. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

TSS: Total Suspended Solids.

WASTEWATER: Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product.

WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

WETLANDS: Tidal and non-tidal areas characterized by the presence of hydrophytic (water dependent or tolerant) plant communities and evidence of hydrology (e.g., hydric soils) generally located between terrestrial (land-based) and aquatic (water) environments.

Section 3. Authority

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the home rule statutes, the regulations of the Federal Clean Water Act found at 40 CFR 122.34, and Chapter 1, Article 1, § 1-1 of the Code of the Town of Foxborough, Massachusetts.

Section 4. Responsibility for administration

- A. The Stormwater Authority shall administer, implement and enforce this Bylaw. Any powers granted to or duties imposed upon the Stormwater Authority may be delegated in writing by Stormwater Authority to its employees or agents.

Section 5. Waivers

- A. Following a public hearing on a waiver request, the Stormwater Authority may waive strict compliance with any requirement of this Bylaw or the rules and regulations promulgated hereunder, where:
 - (1) such action is allowed by federal, state and local statutes and/or regulations; and
 - (2) is in the public interest; and
 - (3) is not inconsistent with the purpose and intent of this bylaw.
- B. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the Bylaw does not further the purposes or objective of this Bylaw.

- C. All waiver requests shall be discussed and voted on at the public hearing for the project.
- D. If in the Stormwater Authority's opinion, additional time or information is required for review of a waiver request, the Stormwater Authority may continue a hearing to a certain date announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

Section 6. Compliance with EPAs General Permit for MS4s in Massachusetts

This Bylaw shall be implemented in accordance with the requirements of EPAs most recent General Permit for MS4s in Massachusetts relating to illicit connections and discharges, construction site runoff, and post-construction stormwater management. The Stormwater Authority shall include these requirements in any Regulations that it issues. The Stormwater Authority may establish additional requirements by Regulation to the further the purposes and objectives of this Bylaw so long as they are not less stringent than those in the MS4 General Permit for Massachusetts.

Section 7. Regulations

The Stormwater Authority may adopt, and periodically amend, regulations, rules and/or written guidance relating to the terms, conditions, definitions, enforcement, fees, procedures and administration of this Stormwater Bylaw by majority vote after conducting a public hearing to receive comments. Such hearing shall be advertised in a newspaper of general local circulation, at least fourteen (14) days prior to the hearing date. Failure of the Stormwater Authority to issue such rules, or regulations, or a legal declaration of their invalidity by a court, shall not act to suspend or invalidate the effect of this Bylaw.

Such regulations, rules or guidance may include without limitation, provisions for the establishment of one or more categories of administrative review approvals for specific types or sizes of projects. Administrative review applications that meet all the standard requirements may be issued by one or more agents designated in writing by the Stormwater Authority, without the requirement for a public hearing as detailed in Article III of this Bylaw. Administrative review approval shall comply with all other provisions of this Bylaw.

Section 8. Severability

The provisions of this Bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.

ARTICLE II – DISCHARGES TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

Section 1. Applicability

Article II of this Bylaw shall apply to all water entering the municipally owned storm drainage system or going, directly or indirectly, into a watercourse, or into the waters of the Commonwealth, that is generated on any developed or undeveloped lands except as explicitly exempted in this Bylaw or where the Stormwater Authority has issued a waiver in accordance with Article I Section 5.

Section 2. Prohibited Activities; Exemptions.

- A. Illicit Discharges. No person shall dump, discharge, spill, cause or allow to be discharged any pollutant or nonstormwater discharge into the municipal separate storm sewer system (MS4), onto an impervious surface directly connected to the MS4, or, directly or indirectly, into a watercourse, or into the waters of the Commonwealth.
- B. Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- C. Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written consent from the Stormwater Authority.
- D. Exemptions.
 - (1) Discharge or flow resulting from fire-fighting activities.
 - (2) The following nonstormwater discharges or flows are exempt from the prohibition of nonstormwater provided that the source is not a significant contributor of a pollutant to the municipal storm drain system or, directly or indirectly, into a watercourse, or into the waters of the Commonwealth:
 - (a) Waterline flushing;
 - (b) Flow from potable water sources.
 - (c) Springs;
 - (d) Natural flow from riparian habitats and wetlands;
 - (e) Diverted stream flow;
 - (f) Rising groundwater;
 - (g) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater (e.g. sump pump), provided that where a pump intake exists inside a structure, the operator seeks a permit from the Stormwater Authority prior to discharge and thereafter discharges in accordance with the requirements of the permit and applicable laws and regulations to be issued by the Stormwater Authority;
 - (h) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air-conditioning condensation;
 - (i) Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
 - (j) Discharge from street sweeping;
 - (k) Dye testing, provided verbal notification is given to the Stormwater Authority prior to the time of the test;

- (l) Nonstormwater discharge permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
- (m) Discharge for which advanced written approval has been received from the Stormwater Authority as necessary to protect public health, safety, welfare or the environment.

Section 3. Additional Prohibited Pollutants

- A. **Pet Waste:** Dog feces are a major component of stormwater pollution; it shall be the duty of each person who owns, possesses, or controls a dog to remove and properly dispose of any feces left by the dog on any public or private property neither owned nor occupied by said person. It is prohibited to dispose of dog feces in any public or private storm drain, catch basin, wetland, or water body or on any paved or impervious surface. However, this provision shall not be applicable to a person using a service dog or other service animal registered as such. Persons walking dogs must carry with them a device designed to dispose of dog feces including, but not limited to, a plastic bag or “pooper scooper.” For specific requirements and penalties for violations see Code of the Town of Foxborough, Chapter 78, § 78-2.
- B. **Pavement Sealers:** Coal tar based driveway and pavement sealers have been identified as a primary source of poly-aromatic hydrocarbons affecting streams in developed areas. Poly-aromatic hydrocarbons are classified by the US Environmental Protection Agency as a probable human carcinogen and are highly toxic to aquatic life. Asphalt-based driveway and pavement sealers contain low concentrations of poly-aromatic hydrocarbons. Therefore, application of coal tar based driveway and pavement sealers is prohibited for all paved areas directly connected to the MS4.

Section 4. Emergency Suspension of Storm Drainage System Access

The Stormwater Authority may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Stormwater Authority may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

Section 5. Notification of Spills

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the Municipal Fire and Police Departments. In the event of a release of nonhazardous material, the reporting person shall notify the authorized enforcement agency no later than the next business day. The reporting person shall provide to the Stormwater Authority written confirmation of all telephone, facsimile or in-person notifications within three (3) business days thereafter. If the discharge of prohibited materials is from a commercial or

industrial facility, the facility owner or operator of the facility shall retain on site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

Section 6. Enforcement

The Stormwater Authority or its authorized agent shall enforce this Bylaw, and any associated regulations, orders, violation notices, and enforcement orders and may pursue all civil and criminal remedies for such violations.

- A. Civil Relief. If a person violates the provisions of this Bylaw, or any associated regulations, permit, notice, or order issued thereunder, the Stormwater Authority may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- B. Orders.
 - (1) The Stormwater Authority or its authorized agent may issue a written order to enforce the provisions of this Bylaw or any regulations thereunder, which may include:
 - (a) Elimination of illicit connections or discharges to the MS4;
 - (b) Performance of monitoring, analyses, and reporting;
 - (c) That unlawful discharges, practices, or operations shall cease and desist;
 - (d) That measures shall be taken to minimize the discharge of pollutants until such time as the illicit connection shall be eliminated; and
 - (e) Remediation of contamination in connection therewith.
 - (2) If the Stormwater Authority determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and expenses thereof shall be charged to the violator.
 - (3) Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Stormwater Authority within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Stormwater Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in MGL c. 59, § 57 after the thirty-first (31st) day at which the costs first become due.
- C. Criminal Penalty. Any person who violates any provision of this Bylaw, regulation, order or permit issued thereunder shall be punished by a fine of not more than three hundred dollars

(\$300). Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

- D. Noncriminal Disposition. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the noncriminal disposition procedure set forth in MGL c. 40, § 21D and Chapter 1, Article II, § 1-5 of the Code of the Town of Foxborough, in which case the agent of the Stormwater Authority shall be the enforcing person. The penalty for the first violation shall be a warning. The penalty for the second violation shall be one hundred dollars (\$100). The penalty for the third and subsequent violations shall be three hundred dollars (\$300). Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- E. Entry to Perform Duties under this Bylaw. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Stormwater Authority, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this Bylaw and Regulations and may make or cause to be made such examinations, surveys or sampling as the Stormwater Authority deems reasonably necessary.
- F. Appeals. The decisions or orders of the Stormwater Authority shall be final. Further relief shall be to a court of competent jurisdiction.
- G. Remedies Not Exclusive. The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law.

Section 7. Transitional Provisions

Residential property owners shall have sixty (60) days from the effective date of this Bylaw to comply with its provisions provided good cause is shown for the failure to comply with the Bylaw during that period.

ARTICLE III – STORMWATER MANAGEMENT AND LAND DISTURBANCE

Section 1. Applicability

- A. Article III of this bylaw shall apply to all activities that result in disturbance of one acre (43,560 square feet) of land or more that drains to the municipal separate storm sewer system (MS4). Except as authorized by the Stormwater Authority in a Land Disturbance Permit or as otherwise provided in the Stormwater Regulations, no person shall perform any activity that results in disturbance of one acre (43,560 square feet) of land or more. Normal maintenance and improvement of land in agricultural or aquacultural use, as defined by the Wetlands Protection Act regulation 310 CMR 10.04, are exempt. In addition, as authorized in the Phase II Small MS4 General Permit for Massachusetts, stormwater discharges resulting from the above activities that are subject to jurisdiction under the Wetlands Protection Act or require other permits from the Planning Board and demonstrate compliance with the Massachusetts Stormwater Management Standards as reflected in an Order of Conditions issued by the Conservation Commission or permitted by the Planning Board, are exempt from compliance with these regulations. Any activity proposed or undertaken outside the areas specified in this bylaw is not subject to regulation and does not require the filing of a Land Disturbance Permit, unless and until that activity actually alters an area subject to protection under the bylaw. In the event that the Stormwater Authority determines that such activity has in fact altered an area subject to protection under the bylaw, it may require the filing of a Land Disturbance Permit and/or issuance of an Enforcement Order and

shall impose such conditions on the activity or any portion thereof as it deems necessary to contribute to the protection of the interests identified in Article I, Section I. Exemptions:

- (1) Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling conducted in such a way as not to cause a nuisance;
- (2) Construction of fencing that will not substantially alter existing terrain or drainage patterns;
- (3) Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns or result in discharge of sediment to the MS4;
- (4) Normal maintenance and improvement of land in agricultural or aquacultural use; and
- (5) Disturbance or redevelopment of land that is subject to jurisdiction under the Wetlands Protection Act (M.G.L. Ch. 131, § 40), Foxborough Wetlands Protection Bylaw (Chapter 267) or requires other permits from the Planning Board and demonstrates compliance with the Massachusetts Stormwater Management Standards and the Town of Foxborough Stormwater Management Regulations as reflected in a valid Order of Conditions issued by the Conservation Commission or permitted by the Planning Board.

Permit procedures and requirements are outlined in the Town of Foxborough Stormwater Regulations (Regulations).

Any person that fails to follow the requirements of a Land Disturbance Permit and the related Erosion and Sedimentation Control Plan, and Operations and Maintenance Plan issued under the Regulations shall be in violation of the Code of the Town of Foxborough.

Section 2. Approval and/or Permit

An applicant seeking an approval and/or permit shall file an appropriate application with the Stormwater Authority in a form and containing information as specified in this Bylaw and in regulations adopted by the Stormwater Authority. Approval or permit must be obtained prior to the commencement of land disturbing or redevelopment activity based on thresholds described in the Regulations.

The Stormwater Authority shall hold a public hearing within thirty (30) days of the receipt of a complete application and shall take final action within thirty (30) days from the time of the close of the hearing unless such time is extended by agreement between the applicant and the Stormwater Authority. Notice of the public hearing shall be given by publication and posting and by first-class mailings to abutters at least seven (7) days prior to the hearing. The Stormwater Authority shall make the application available for inspection by the public during business hours at the office of the Town of Foxborough Planning Board.

Section 3. Entry

Entry to perform duties under this Bylaw. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Stormwater Authority, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this Bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Stormwater Authority deems reasonably necessary.

Section 4. Inspection and Site Supervision

The Stormwater Authority or its designated agent shall make inspections as outlined in the Regulations to verify and document compliance with the Land Disturbance Permit.

Section 5. Surety

The Stormwater Authority may require the applicant to post before the start of land disturbance or construction activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by the Stormwater Authority and be in an amount deemed sufficient by the Stormwater Authority to ensure that the work will be completed in accordance with the permit. If the project is phased, the Stormwater Authority may release part of the bond as each phase is completed in compliance with the permit.

Section 6. Final Reports

Land Disturbance Permit: Upon completion of the work, the applicant shall submit a report (including certified as-built construction plans) from a Professional Engineer (PE), or Professional Land Surveyor (PLS), certifying that all erosion and sedimentation control devices, and approved changes or modifications, have been completed in accordance with the conditions of the approved Erosion and Sediment Control Plan and Stormwater Management Plan. Any discrepancies shall be noted in the cover letter.

Section 7. Enforcement

- A. Civil Relief. If a person violates the provisions of this Bylaw, or any associated regulations, permit, notice, or order issued thereunder, the Stormwater Authority may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- B. Orders. If the Stormwater Authority determines that a person's failure to follow the requirements of a Land Disturbance Permit and the related Erosion and Sedimentation Control Plan, or Operations and Maintenance Plan is creating an adverse impact to a water resource, or if the Stormwater Authority determines that an activity not otherwise required to obtain a Land Disturbance Permit is causing an adverse impact to a water resource, then the Authority may issue a written Order to the person to remediate the adverse impact, which may include:
 - (1) A requirement to cease and desist from the land-disturbing activity until there is compliance with the Bylaw and provisions of the Land Disturbance Permit
 - (2) Maintenance, installation or performance of additional erosion and sediment control measures;
 - (3) Monitoring, analyses, and reporting; and
 - (4) Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.
- C. If the Stormwater Authority determines that abatement or remediation of pollutants is required, the Order shall set forth a deadline for completion of the abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs.

The violator or property owner may file a written protest objecting to the amount or basis of costs with the Stormwater Authority within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Stormwater Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the cost shall become a special assessment against the property owner of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Chapter 59, s 57 after the thirtieth (30) day at which the costs first become due.

- D. Criminal and Civil Penalties. Any person who violates any provision of this Bylaw, valid regulation, or the terms or conditions in any permit or order prescribed or issued there under, shall be subject to a fine not to exceed three hundred dollars (\$300) for each day such violation occurs or continues or subject to a civil penalty, which may be assessed in an action brought on behalf of the Town in any court of competent jurisdiction.
- E. Appeals. The decisions or orders of the Stormwater Authority shall be final. Further relief shall be to a court of competent jurisdiction.
- F. Remedies Not Exclusive. The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

ADOPTED 189 Affirmative 0 Negative 9:03 PM

ARTICLE 20: MOVED, to see if the Town will vote to accept a Winter Parking Ban Bylaw to be codified in the Code of the Town of Foxborough as a General Bylaw, to read as follows:

The Town Manager, or its designees, may declare a Winter Parking Ban on all ways within the town during the period beginning November 1 through April 30 for the purposes of snow and ice removal.

No motor vehicle shall be parked on any way within the town during the Winter Parking Ban

Motor Vehicle Removal: The Chief of Police and/or the Director of Public Works or their designee may remove or cause to be removed any motor vehicle parked in violation of the Winter Parking Ban

Owner Responsible for Charges: The owner or operator of a motor vehicle which is removed pursuant to this by-law shall be subject to an additional fine and shall be fully responsible for all charges and expenses incurred for removal and storage of such motor vehicle.

Penalty for Violation of this Bylaw: In addition to any other legal remedies that may be available, Whoever violates any provision of this by-law, the violation of which is subject to specific penalty, may be penalized by non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D as amended in accordance with the penalty and fine schedule established in the Town of Foxborough Code.

ADOPTED 178 Affirmative 10 Negative 9:08 PM

ARTICLE 21: MOVED, to see if the Town will vote to accept a Snow Removal Bylaw to be codified in the Code of the Town of Foxborough as a General Bylaw, to read as follows:

1. Introduction

The Town of Foxborough believes that it is in the best interest of the residents for the Town to

assume basic responsibility for control of snow and ice on the Town streets. Reasonable ice and snow control is necessary for routine travel and emergency services. The Town will provide such control in a safe and cost effective manner, keeping in mind safety, budget, personnel and environmental concerns. The Town will use Town employees, equipment and/or private contractors to provide this service.

2. Procedures

The Director of Public Works will decide when to begin snow or ice control operations. The criteria for that decision are:

- a. Snow accumulation of 2 inches or more.
- b. Drifting of snow that causes problems for travel.
- c. Ice conditions that seriously affect travel.

3. Method of snow removal

Snow will be plowed in a manner so as to minimize any traffic obstructions. Snow will be plowed from inside out except where it is windrowed and these areas are specified in item #4. In times of extreme snowfall, streets will not always be able to be completely cleared of snow.

4. Snow Removal and Schedule

The Director of Public Works will determine when snow will be removed by truck from the area. Such snow removal will occur in areas where there is no room on the street for snow storage and in areas where accumulated piles of snow create a hazardous condition. Snow removal operations will not commence until other operations have been completed. Snow removal operations may be delayed depending on weather conditions and personnel availability. The snow will be removed and hauled to a snow storage area within Foxborough. The snow storage area will be located as to minimize environmental problems.

The Town has classified Town streets based on the importance and the welfare of the community. These are streets of the Town that provide access for emergency fire, police and medical services.

The second priority streets are those streets providing access to schools and commercial businesses. The third priority streets are low volume residential streets. The fourth priority areas are Town parking lots.

A snow emergency may be declared any time during the year at the discretion of the Town Manager when two or more inches of snow or ice have covered or drifted over a street.

5. Work Schedule for Snow Plow Operators

Snowplow operators are emergency personnel. Operators will take a fifteen (15) minute break every two (2) hours and a half hour meal break after four (4) hours.

Weather Conditions Snow and ice control operations will be conducted only when weather conditions do not endanger the safety of Town employees and equipment. Factors that may delay snow and ice control operations include, severe cold, significant winds and limited visibility.

6. Use of Salt, Sand and Other Chemicals

The Town will use salt, sand and other chemicals when there is hazardous ice or slippery conditions. The Town is concerned about the effect of such chemicals on the environment and will limit its use for that reason.

7. Sidewalks

The Common and School Routes will be maintained throughout and after storms. If schedules allow, additional sidewalks may be cleared in the days following a storm. Some sidewalks are not able to be cleared due to width restrictions and obstacles including but not limited to telephone poles, fire hydrants and stonewalls.

8. Parking Lots, Entrances, and Driveways

Responsibility for private parking lots, entrances to lots and driveways shall rest with the individual property owners. This includes the clearing of additional snow that may accumulate once the Town plows have gone by.

Town snow plowing crews will be responsible for plowing the Municipal parking lots including the Schools.

9. Placement of Snow on Public Property or Obstructing Views

In accordance with the provisions of the Town code and state law it is unlawful for any person to place snow or ice upon public property, including public streets. Furthermore, cleared snow shall be piled and accumulated in a manner, which does not block visibility of drivers on public streets or cause other hazardous conditions. The Director of Public Works shall have the authority to notify property owners who violate this section, and shall require them to remedy the situation.

10. Property Damage

The Town recognizes that on occasion private property is damaged during snow and ice control operations. Where this happens it shall be the policy of the Town to handle damages in the following manner:

1. Mailboxes. Where mailboxes are placed adjacent to the street, it shall be the policy of the Town that snow shall be plowed as close as practicable to the curb to allow for passage of traffic and mail delivery. It shall be the responsibility of the property owner to keep piled snow away from mailboxes so mail can be delivered.

Where damage to mailboxes occurs, the homeowner will assume responsibility for repair.

2. Grass & Lawn Repair.:
 - a. The property owner shall be responsible to repair lawn damage due to plow equipment including both street and sidewalk plows.
3. Curbs. Concrete curbs will not be replaced unless the curb back is broken.
4. Driveway Aprons. The Town will not repair damage caused to driveway aprons of fillets where mountable curb is in place, unless authorized by either the Director of Public Works or the Town Manager.

11. Snow & Ice Emergencies

1. In order to facilitate the safe and orderly snow clearing operations, the Town Manger may declare a snow or ice emergency based on existing or expected weather conditions.
2. During a snow or ice emergency all parking on Town roads is prohibited.
3. Vehicles parked on Town roadways in violation of the ban may be ticketed and/or towed at the owner's expense.
4. When possible, advance notice will be sent out through various media electronic means, including posting on the Town's website: www.foxboroughma.gov

12. Annual Review of Snow Removal Policy and Procedures

The Town Manager and Director of Public Works shall annually review and present changes if necessary to Board of Selectmen for adoption by resolution the Town’s Snow Removal Policy and Operational Guidelines at its first regular meeting in October.

ADOPTED 139 Affirmative 40 Negative 9:24 PM

ARTICLE 22: MOVED, to see if the Town will vote to amend Note 4 to Table 4-2, Section 4.1.3. of Chapter 275 of the Code of the Town of Foxborough, Massachusetts, by deleting the existing sentence and replacing it with the following;

- 4. Height requirements ~~may~~ can be increased pursuant to Section 4.4.2 of these By-Laws.

2/3rds Required

Approved by the A.G. August 14, 2017. REC

ADOPTED 159 Affirmative 2 Negative 9:26 PM

ARTICLE 23: MOVED, to see if the Town will vote to accept as a public way Lincoln Hill Way located within the “Lincoln Hill Estates” subdivision, which has been constructed pursuant to the Planning Board Subdivision Control Regulations as follows:

Lincoln Hill Way – from its intersection with Oak Street generally westerly approximately 650 feet more or less to its terminus at a cul-de-sac.

ADOPTED 120 Affirmative 0 Negative 9:27 PM

ARTICLE 24: MOVED, to see if the Town will vote to adopt the following Bylaw under Section 162 of the current Bylaws relative to the prohibition of marijuana establishments in the Town and, to the extent such further action is required as a matter of law, to authorize the Board of Selectmen to place a ballot question on the next special or regular Town election warrant to ratify/ accept the adoption of said Bylaw:

162-7 Commercial/ Recreational Marijuana Establishments Forbidden

“The operation of any commercial or recreational marijuana establishment, as defined in G.L. c. 94G, § 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business within the Town is prohibited. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012.”

ADOPTED 142 Affirmative 22 Negative 9:50 PM

The Annual Town Meeting was adjourned at 9:51 PM.

A True Record Attest:

Robert E. Cutler, Jr., Town Clerk
