

**LEGAL NOTICE**  
**TOWN WARRANT**  
**SPECIAL TOWN MEETING**  
Monday, the 4th day of November A.D., 2013

COMMONWEALTH OF MASSACHUSETTS

NORFOLK S.S.

To either of the Constables of the Town of Foxborough:

**Greetings:**

In the name of the Commonwealth of Massachusetts and in accordance with the provisions of the BY-LAWS of said Town, and Amendments thereof, you are hereby required to notify and warn the inhabitants of the Town of Foxborough, qualified to vote at elections and town affairs to assemble in the auditorium of Foxborough High School, on South St. at 7:30 p.m. o'clock in the afternoon on, Monday the 4<sup>th</sup> day of November, 2013 to act on the following articles:

**ARTICLE 1**

**(Budget Adjustments)**

To see if the Town will vote to raise and appropriate or transfer from available funds amounts requested to amend Article 4 of the May 14, 2013, FY 2014 Annual Budget in order to fund the expenses associated with: 1) Norfolk County Agricultural High School supplemental assessment; 2) New Town Manager salary – half year; 3) Health & Medicare Insurance expenses associated with the New Town Manager – half year, as follows:

<u>Item #</u>	<u>Dept #</u>	<u>Department</u>	<u>Budget</u>	<u>Adjust</u>	<u>Revised FY '14 Budget</u>	<u>Funding Source</u>
1	State Assmnt.	County Tax Assessment	131,442	28,000	159,442	State Aid
2	123	Administration – Salaries	276,098	84,808	360,906	State Aid
3	915	Health/Life Ins. – Expenses	6,049,507	8,046	6,057,553	State Aid

or take any other action related thereto.

**Board of Selectmen**

**ARTICLE 2**

**(Unpaid Bills from Prior Year)**

1. To see if the Town will vote to fund a retroactive pay adjustment, approved by the Board of Selectmen for the Acting Town Manager for the last pay week of FY '13; and to raise and appropriate one thousand one hundred twenty-six dollars and forty cents \$1,126.40 from available funds to meet said appropriation; or take any other action related thereto.

2. To see if the Town will vote to fund four FY 2013 unpaid bills totaling twenty-two thousand four hundred fifty dollars \$22,450 from CDM Smith Inc. related to post- closure landfill monitoring services; and to fund said bills from the FY 2014 Public Works expense budget; or take any other action related thereto.

**Board of Selectmen**

**ARTICLE 3**

**(DPW Administrative Offices)**

To see if the Town will vote to transfer from available funds six hundred thousand dollars (\$600,000) for the construction of a modular building and appurtenances to house the Foxborough Department of Public Works administration staff at 70 Elm Street and to initially fund said appropriation with five hundred thirty-six thousand seven hundred ninety-one dollars (\$536,791) from Water Enterprise Retained Earnings and sixty-three thousand two hundred and nine dollars (\$63,209) from Sewer Enterprise Retained Earnings. The General Fund will contribute two hundred thirteen thousand three hundred thirty-five dollars (\$213,335) over a five year period to cover its share of the building cost, associated with the Highway and Tree & Park administrative staff. The General Fund reimbursement to the Water Enterprise fund will be through an annual credit on the allocated General Fund overhead costs to the Water Enterprise fund in the following amounts: sixty-four thousand dollars (\$64,000) in FY 2015; fifty-three thousand dollars (\$53,000) in FY 2016; forty-three thousand dollars (\$43,000) in FY 2017; thirty-two thousand dollars (\$32,000) in FY 2018; and twenty-one thousand three hundred thirty-five dollars (\$21,335) in FY 2019; or take any other action related thereto.

**Board of Water & Sewer Commissioners**

**ARTICLE 4**

**(Town Hall Plans)**

To see if the Town will vote to transfer from available funds five hundred and fifty thousand dollars (\$550,000) to pay the cost of hiring engineers and architects, and/or consultants for the purpose of preparing design plans and specifications, to include contract/bid documents and estimates of probable site work, demolition and construction relating thereto of the building known as Town Hall, located at 40 South St., Foxborough, MA; or take any other action related thereto.

**Board of Selectmen**

**ARTICLE 5**

**(Sewer Service Area)**

To see if the Town will vote to adopt a sewer service area as defined on a map entitled Town of Foxborough Sewer Service Area, dated October 3, 2013, and to authorize the Town of Foxborough Water and Sewer Commissioners to adopt rules and regulations for amending the Sewer Service Area annually by vote of Town Meeting; or take any other action related thereto.

**Board of Water & Sewer Commissioners**

**ARTICLE 6**

**(Grant Reimbursement)**

To see if the Town will vote to support a Four Hundred Thousand Dollar (\$400,000) reimbursable grant, for the purpose of renovating, for recreation purposes, a certain property together with buildings thereon, known as the Payson Road recreation area consisting of 43.5 acres, more or less, as shown on a plan entitled "Plan of Land in Foxborough, MA prepared by the Bay Colony Group" that said land shall be used for public recreation as provided by Massachusetts statute and dedicated pursuant to Massachusetts General Laws Chapter 45 section 3, to be managed and controlled by the Town of Foxborough and the Selectmen be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Foxborough; or take any other action related thereto.

**Planning Board**

**ARTICLE 7**

**(Amend Zoning By-Laws)**

To see if the Town will vote to amend Table 3-1 of the Foxborough Zoning By-Laws by inserting the following:

		R-15	R-40	GB	NB	HB	GI	LI	S-1
G.15	Innovative Residential								
	Development	PB	PB	N	N	N	N	N	N

Amend Section 11 by inserting in the proper alphabetical order:

**Innovative Residential Development:** Alternative land development techniques that encourage higher quality development, create improved living environments, preserve unique site features, and provide services more efficiently.

Amend the Zoning By-Laws by inserting Section 8.5 as follows:

**8.5 INNOVATIVE RESIDENTIAL DEVELOPMENT**

**8.5.1 Purpose.** The purpose of this Section 8.5 is to:

1. Encourage the protection and preservation of significant rural and natural areas, including agricultural resources, open space, water bodies and supplies, wetlands and other natural resources, and historical and archeological resources;

2. Provide site-sensitive alternatives for orderly land development and use;
3. Allow innovation in the design of residential development and increased responsiveness to site conditions;
4. Enhance public safety by increasing access alternatives;
5. To facilitate the construction and maintenance of streets, utilities and public service facilities in an economical and efficient manner; and
6. Provide a mechanism to evaluate, consider, and approve alternate land design techniques.

8.5.1 Innovative Residential Development includes land development techniques, site access, and dimensional requirements that vary from those otherwise required. Innovative Residential Development includes shared driveways and extended dead-end roads. The Planning Board may adopt rules and regulations to implement this Section.

8.5.2 **Shared driveways.** A single driveway may be constructed to serve two lots.

1. A shared driveway provides vehicular access from a public way to the lots.
2. The applicant shall demonstrate that each lot otherwise has legal and functional access and it is possible to construct a driveway on each lot.
3. The applicant shall demonstrate that the shared driveway addresses one or more of the following:
  - a. Vehicular safety issues;
  - b. Sight distance improvement;
  - c. Preservation of land features, such as existing trees, stone walls and other amenities;
  - d. Compatibility with abutting lots;
  - e. Convenience for the homeowners, the public, and public safety providers.
4. Construction standards, widths, turnarounds, maintenance agreements, and easements shall be submitted with the application.
5. The Planning Board may require the Police Department and Fire Department review the proposed shared driveway. A fire hydrant may be required.
6. The street numbers for both dwellings must be clearly displayed in the vicinity of the shared driveway.

8.5.3 **Extended dead-end roads.** An extended dead-end road is one which exceeds the maximum length allowed in the Subdivision Rules and Regulations.

1. Water lines may not dead end. If they can only be looped within the road right of way, the loops shall be separated to the maximum extent possible.
2. Utilization of low impact development tools, enhanced stormwater techniques, and other innovative land use development techniques are encouraged.
3. The applicant shall demonstrate that the extended dead-end road addresses one or more of the following:
  - a. Vehicular safety issues, either elimination of a second curb cut at an unsafe location, elimination of a second curb cut with minimal sight distance, elimination of a road with grades approaching the maximum allowed, elimination of a outset intersection to an existing road, or other factor;
  - b. Preservation of land features, such as existing trees, stone walls and other amenities;
  - c. Protection of natural, agricultural, historic, or other resources;
  - d. Compatibility with abutting lots and land use patterns;
  - e. Substantially reduced maintenance costs for the Town;
  - f. Convenience for the homeowners, the public, and public safety providers.
4. Construction standards, widths, maintenance agreements, easements, and other documentation shall be submitted with the Application for a Special Permit.

8.5.4 **Approval Criteria.** The Planning Board may grant a Special Permit if it determines that the proposal achieves greater flexibility and creativity in the design of residential development, promotes the preservation of community character and natural resources, is compatible with the existing neighborhood, reduces impact on natural resources and roadways, will not have a detrimental impact on the neighborhood or abutting properties, facilitates the efficient delivery of services and complies with the requirements of this Section.

8.5.5 **Conditions.**

1. The Planning Board may impose conditions as a part of any approval. When appropriate, the conditions may include off-site improvements to address conditions which are likely to be affected by the proposed development, such as but not limited to the installation of sidewalks, installations of hydrants, replacement or repair of stone walls, planting of street trees, and improvements to existing roads.
2. The Planning Board shall require a performance guarantee to secure the proper completion of all infrastructure as well as the fulfillment of any conditions of approval; or take any other action related thereto.

**Planning Board**

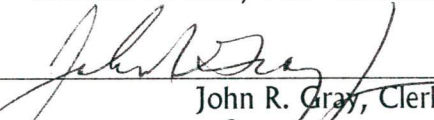
Hereof, fail not, and make due return of this warrant with your doings to the Town Clerk, at the time and place of said meeting.

Given under our hands and the seal of said Town this 17th day of September in the year of our Lord two thousand and thirteen.

**BOARD OF SELECTMEN, TOWN OF FOXBOROUGH**

  
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Mark S. Sullivan, Chairman

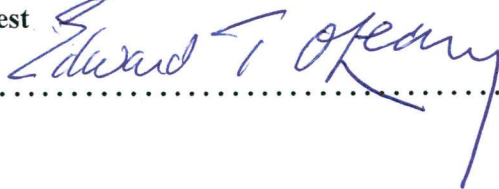
  
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Lorraine A. Brue, Vice Chairman

  
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John R. Gray, Clerk

  
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Virginia M. Coppola

  
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James J. DeVellis

A True Copy  
Attest

  
..... Constable, Town of Foxborough