

**TOWN CLERK'S REPORT**  
**ANNUAL TOWN MEETING**  
**Monday, the 9th Day of May 2022**

The Annual Town meeting of the Town of Foxborough convened at 7:35 PM in the auditorium of the Foxborough Senior High School, 120 South Street, Foxborough, Massachusetts with Town Moderator Francis J. Spillane presiding. The Reverend Christopher Dodge of the Bethany Congregational Church delivered the invocation. The National Anthem was sung by Julie MacLellan a senior at Foxborough High School and Daniel Peterson from the Advisory Committee led the Pledge of Allegiance. Moderator Francis J. Spillane recognized special guest, Representative Jay Barrows.

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

There were one hundred ninety-three (193) 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 2, 2022. The results of the following positions were announced by Town Warden Kathleen Brady at the John J. Ahern Middle School: one Moderator for three years; one Town Clerk for three years; two Selectmen for three years; one Assessor for three years; two School Committee Members 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; and one Planning Board member for three years.

**ARTICLE 2:** 243rd Annual Town 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, 2021 was presented by Town Clerk, Robert E. Cutler, Jr.

**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. No departments requested to provide reports to the town meeting attendees.

**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 2023, beginning July 1, 2022 and ending June 30, 2023 as follows:

| <b>GENERAL GOVERNMENT:</b> |                                     | <b>Advisory<br/>Recommend</b> | <b>Recommended<br/>Funding Source(s)</b>                 |
|----------------------------|-------------------------------------|-------------------------------|--|
| 122                        | SELECTMEN                           |                               |  |
|                            | Expenses                            | 38,518                        | Taxation, State Aid & Local Receipts                     |
| 123                        | ADMINISTRATION                      |                               |  |
|                            | Salaries                            | 547,425                       | Taxation, State Aid & Local Receipts                     |
|                            | Expenses                            | 85,209                        | Taxation, State Aid & Local Receipts                     |
|                            |                                     | <b>632,634</b>                |  |
| 130                        | FINANCE                             |                               |  |
|                            | Salaries                            | 1,101,013                     | Taxation, State Aid & Local Receipts                     |
|                            | Expenses                            | 388,929                       | Taxation, State Aid, Local Receipts & Ambulance Receipts |
|                            |                                     | <b>1,489,942</b>              |  |
| 141                        | ADVISORY COMMITTEE                  |                               |  |
|                            | Salaries                            | 2,150                         | Taxation, State Aid & Local Receipts                     |
|                            | Expenses                            | 350                           | Taxation, State Aid & Local Receipts                     |
|                            |                                     | <b>2,500</b>                  |  |
| 151                        | LEGAL                               | <b>180,090</b>                | Taxation, State Aid & Local Receipts                     |
| 156                        | GIS/IT Department                   |                               |  |
|                            | Expenses                            | 68,976                        | Taxation, State Aid & Local Receipts                     |
| 161                        | TOWN CLERK & ELECTIONS/REGISTRATION |                               |  |
|                            | Salaries                            | 238,357                       | Taxation, State Aid & Local Receipts                     |
|                            | Expenses                            | 38,150                        | Taxation, State Aid & Local Receipts                     |
|                            |                                     | <b>276,507</b>                |  |
| 175                        | LAND USE                            |                               |  |
|                            | Salaries                            | 719,802                       | Taxation, State Aid & Local Receipts                     |
|                            | Expenses                            | 75,104                        | Taxation, State Aid & Local Receipts                     |
|                            |                                     | <b>794,906</b>                |  |
| 192                        | MUNICIPAL BUILDINGS                 |                               |  |
|                            | Salaries                            | 107,706                       | Taxation, State Aid & Local Receipts                     |
|                            | Expenses                            | 669,000                       | Taxation, State Aid & Local Receipts                     |
|                            |                                     | <b>776,706</b>                |  |
|                            | <b>TOTAL GENERAL GOVERNMENT</b>     | <b>4,260,779</b>              |  |

| <b>PUBLIC SAFETY:</b> |                               |                   |                                      |  |
|-----------------------|-------------------------------|-------------------|--------------------------------------|--|
| 210                   | POLICE                        |                   |                                      |  |
|                       | Salaries                      | 4,802,195         | Taxation, State Aid & Local Receipts |  |
|                       | Expenses                      | 416,828           | Taxation, State Aid & Local Receipts |  |
|                       | Capital Outlay                | 166,128           | Taxation, State Aid & Local Receipts |  |
|                       |                               | <b>5,385,151</b>  |                                      |  |
| 220                   | FIRE                          |                   |                                      |  |
|                       | Salaries                      | 4,187,881         | Taxation & Ambulance Receipts        |  |
|                       | Expenses                      | 314,191           | Taxation & Ambulance Receipts        |  |
|                       | Capital Outlay                | 28,000            | Taxation, State Aid & Local Receipts |  |
|                       |                               | <b>4,530,072</b>  |                                      |  |
| 230                   | SEMRECC                       |                   |                                      |  |
|                       | Expenses - SEMRECC ASSESSMENT | <b>310,000</b>    | Taxation, State Aid & Local Receipts |  |
| 235                   | JOINT PUBLIC SAFETY BUILDING  |                   |                                      |  |
|                       |                               | <b>Advisory</b>   | <b>Recommended</b>                   |  |
|                       |                               | <b>Recommend</b>  | <b>Funding Source(s)</b>             |  |
|                       | Salaries                      | 59,530            | Taxation, State Aid & Local Receipts |  |
|                       | Expenses                      | 10,191            | Taxation, State Aid & Local Receipts |  |
|                       | Capital Outlay                | -                 | Taxation, State Aid & Local Receipts |  |
|                       |                               | <b>69,721</b>     |                                      |  |
|                       | <b>TOTAL PUBLIC SAFETY</b>    | <b>10,294,944</b> |                                      |  |
| <b>EDUCATION:</b>     |                               |                   |                                      |  |
| 300                   | FOXBOROUGH PUBLIC SCHOOLS     |                   |                                      |  |
|                       | Salaries & Expenses           | <b>39,581,415</b> | Taxation, State Aid & Local Receipts |  |
| 390                   | SOUTHEASTERN REGIONAL         | <b>865,347</b>    | Taxation, State Aid & Local Receipts |  |
|                       | <b>TOTAL EDUCATION</b>        | <b>40,446,762</b> |                                      |  |

| <b>PUBLIC WORKS:</b>             |   |                   |                                      |
|----------------------------------|---|-------------------|--------------------------------------|
| 410                              | <b>PUBLIC WORKS</b>   |                   |                                      |
|                                  | Salaries  | 1,578,350         | Taxation, State Aid & Local Receipts |
|                                  | Expenses  | 539,950           | Taxation, State Aid & Local Receipts |
|                                  | Capital Outlay  | 30,000            | Taxation, State Aid & Local Receipts |
|                                  |   | <b>2,148,300</b>  |                                      |
| 423                              | <b>SNOW &amp; ICE</b>                                       |                   |                                      |
|                                  | Salaries  | 33,500            | Taxation, State Aid & Local Receipts |
|                                  | Expenses  | 170,800           | Taxation, State Aid & Local Receipts |
|                                  | Capital Outlay  | 13,000            | Taxation, State Aid & Local Receipts |
|                                  |   | <b>217,300</b>    |                                      |
| 424                              | <b>STREET LIGHTING</b>                                      | <b>75,000</b>     | Taxation, State Aid & Local Receipts |
| 430                              | <b>SOLID WASTE (DISPOSAL &amp; COLLECTION)</b>              |                   |                                      |
|                                  | Expenses  | <b>40,050</b>     | Taxation, State Aid & Local Receipts |
| 450                              | <b>WATER ENTERPRISE</b>                                     |                   |                                      |
|                                  | Salaries  | 1,764,894         | Water Receipts & Retained Earnings   |
|                                  | Expenses  | 2,502,686         | Water Receipts & Retained Earnings   |
|                                  | Debt Service  | 3,071,865         | Water Receipts & Retained Earnings   |
|                                  |   | <b>7,339,445</b>  |                                      |
|                                  | NOTE: Costs for Water Operation contained in other budgets: |                   |                                      |
|                                  | 123/125/192 Admin. & 130/156 Finance/GIS                    | 166,997           | Water Receipts & Retained Earnings   |
|                                  | 760 Debt Service  | 2,000             | Water Receipts & Retained Earnings   |
|                                  | 911/913/915 Fringe Benefits                                 | 729,015           | Water Receipts & Retained Earnings   |
|                                  | 945 Insurance   | 116,098           | Water Receipts & Retained Earnings   |
|                                  | General Fund Share DPW Bldg                                 | 49,689            |                                      |
|                                  |   | <b>1,063,798</b>  |                                      |
| 460                              | <b>SEWER ENTERPRISE</b>                                     |                   |                                      |
|                                  | Salaries  | 185,143           | Sewer Receipts & Retained Earnings   |
|                                  | Expenses  | 1,511,850         | Sewer Receipts & Retained Earnings   |
|                                  | Debt Service  | 9,675             | Sewer Receipts & Retained Earnings   |
|                                  |   | <b>1,706,668</b>  |                                      |
|                                  | NOTE: Costs for Sewer Operation contained in other budgets: |                   |                                      |
|                                  | 123/125/192 Admin. & 130/156 Finance/GIS                    | 41,668            | Sewer Receipts & Retained Earnings   |
|                                  | 911/913/915 Fringe Benefits                                 | 94,483            | Sewer Receipts & Retained Earnings   |
|                                  | 945 Insurance   | 13,061            | Sewer Receipts & Retained Earnings   |
|                                  |   | <b>149,212</b>    |                                      |
|                                  | <b>TOTAL PUBLIC WORKS</b>                                   | <b>11,526,763</b> |                                      |
| <b>HUMAN SERVICES:</b>           |   | <b>Advisory</b>   | <b>Recommended</b>                   |
|                                  |   | <b>Recommend</b>  | <b>Funding Source(s)</b>             |
| 510                              | <b>BOARD OF HEALTH</b>                                      |                   |                                      |
|                                  | Salaries  | 263,789           | Taxation, State Aid & Local Receipts |
|                                  | Expenses  | 26,570            | Taxation, State Aid & Local Receipts |
|                                  |   | <b>290,359</b>    |                                      |
| 541                              | <b>COA/HUMAN SERVICES</b>                                   |                   |                                      |
|                                  | Salaries  | 676,312           | Taxation, State Aid & Local Receipts |
|                                  | Expenses  | 286,450           | Taxation, State Aid & Local Receipts |
|                                  |   | <b>962,762</b>    |                                      |
|                                  | <b>TOTAL HUMAN SERVICES</b>                                 | <b>1,253,121</b>  |                                      |
| <b>CULTURE &amp; RECREATION:</b> |   |                   |                                      |
| 610                              | <b>LIBRARY</b>  |                   |                                      |
|                                  | Salaries  | 917,314           | Taxation, State Aid & Local Receipts |
|                                  | Expenses  | 262,300           | Taxation, State Aid & Local Receipts |
|                                  | Capital Outlay  | 3,000             | Taxation, State Aid & Local Receipts |
|                                  | <b>TOTAL CULTURE &amp; RECREATION</b>                       | <b>1,182,614</b>  |                                      |

| <b>DEBT SERVICE:</b>          |   |                   |  |
|-------------------------------|---|-------------------|--|
| 710                           | DEBT - PRINCIPAL  | 2,556,000         | Taxation, Free Cash, State Aid, Overlay Surplus, & Local Receipts        |
| 751                           | DEBT - INTEREST   | 911,054           | Taxation, Free Cash, State Aid, Overlay Surplus, & Local Receipts        |
| 760                           | DEBT - ISSUANCE & EXPENSES  | 25,000            | Taxation, Free Cash, State Aid, Overlay Surplus, & Local Receipts        |
|                               | <b>TOTAL DEBT SERVICE</b>   | <b>3,492,054</b>  |  |
| <b>INSURANCE &amp; OTHER:</b> |   |                   |  |
| 911                           | PENSIONS/RETIREMENT   | 5,871,763         | Taxation, State Aid & Local Receipts                                     |
| 914                           | UNEMPLOYMENT COMPENSATION   | 87,125            | Taxation, State Aid & Local Receipts                                     |
| 915                           | GROUP HEALTH/LIFE INSURANCE   | 9,415,611         | Taxation, State Aid, Local Receipts<br>Free Cash, & Recreation Revolving |
| 945                           | GENERAL INSURANCE   | 837,245           | Taxation, State Aid & Local Receipts                                     |
| 142                           | RESERVE FUND ( <i>Appropriated for Transfer,<br/>Not Expended.</i> )        | 75,000            | Taxation, State Aid & Local Receipts                                     |
| 143                           | SALARY RESERVE FUND ( <i>Appropriated for Transfer,<br/>Not Expended.</i> ) | 275,000           | Free Cash  |
|                               | <b>TOTAL INSURANCE &amp; OTHER</b>  | <b>16,561,744</b> |  |
|                               | <b>TOTAL ALL OPERATING BUDGETS</b>  | <b>89,018,781</b> |  |

**MOVED**, that the Town vote the following sources to be used to fund the Fiscal Year 2023 Budget:

|                                      |                   |
|--------------------------------------|-------------------|
| Taxation, State Aid & Local Receipts | 76,560,968        |
| Ambulance Receipts                   | 1,600,000         |
| Recreation Revolving                 | 11,700            |
| Water Receipts                       | 6,311,923         |
| Water Retained Earnings              | 1,027,522         |
| Sewer Receipts                       | 1,467,734         |
| Sewer Retained Earnings              | 238,934           |
| Overlay Surplus                      | 800,000           |
| General Fund Free Cash               | <u>1,000,000</u>  |
|                                      | <b>89,018,781</b> |

**ADOPTED                    162 AFFIRMATIVE                    2 NEGATIVE                    7:54 P.M.**

**ARTICLE 5: MOVED**, that the Town vote to transfer from available funds and appropriate the sums of money herein specified, from the sources herein specified, for the purposes listed in Schedule A of the Warrant in order to implement the Capital Improvement Planning (CIP) Budget requested for Town Departments for expenditures within the Fiscal Year July 1, 2022 through June 30, 2023, as follows:

| <b>DEPARTMENT</b>                | <b>Amount</b> | <b>Funding Sources</b>          |
|----------------------------------|---------------|---------------------------------|
| <b>Information Systems</b>       | 125,000       | Free Cash                       |
| <b>Town Clerk</b>                | 35,000        | Free Cash                       |
| <b>Fire</b>                      | 207,137       | Ambulance Receipts              |
| <b>Water</b>                     | 275,000       | Water & Sewer Retained Earnings |
| <b>Highway (partial funding)</b> | 50,000        | Water & Sewer Retained Earnings |
| <b>Highway (Roads)</b>           | 10,000        | TNC (supplemental funding)      |
|                                  | 702,137       |                                 |

**Funding Summary:**

|                         |         |
|-------------------------|---------|
| Ambulance               | 207,137 |
| TNC                     | 10,000  |
| Water Retained Earnings | 301,500 |
| Sewer Retained Earnings | 23,500  |
| Free Cash               | 160,000 |
| Total                   | 702,137 |

**ADOPTED                    159 AFFIRMATIVE                    2 NEGATIVE                    8:03 P.M.**

**ARTICLE 6: MOVED**, that the Town vote to establish a Fire Stabilization Fund for purposes of Fire Department equipment and apparatus repair and acquisition and to transfer from Free Cash the sum of One Hundred Thousand (\$100,000) to fund the establishment of said Stabilization Fund pursuant to Massachusetts General Laws, Chapter 40, Section 5B.

**ADOPTED  
UNANIMOUSLY                    165 AFFIRMATIVE                    0 NEGATIVE                    8:04 P.M.**

**ARTICLE 7: 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 2023, beginning July 1, 2022, as follows:

| <i>Name of Revolving Fund</i>                        | <i>FY23 Spending Limit</i> |
|--|----------------------------|
| Public Health  | \$100,000                  |
| IT Technology  | \$100,000                  |
| Recreation Revolving                                 | \$450,000                  |
| Police and Fire Apparatus Utilization Revolving Fund | \$100,000                  |
| Highway Department Revolving Fund                    | \$40,000                   |
| Council on Aging Senior Trips & Programs Fund        | \$250,000                  |
| Council on Aging Human Services                      | \$20,000                   |
| Council on Aging Community Events                    | \$20,000                   |

**ADOPTED  
UNANIMOUSLY                      162 AFFIRMATIVE                      0 AGAINST                      8:05 P.M.**

**ARTICLE 8: MOVED**, that the Town vote to transfer from Free Cash the sum of three thousand dollars (\$3,000.00) for the payment of FY21 tuition reimbursement for a Boyden Library employee.

**ADOPTED  
UNANIMOUSLY                      163 AFFIRMATIVE                      0 AGAINST                      8:07 P.M.**

**ARTICLE 9: MOVED**, that the Town vote to transfer the sum of Nine Hundred Eighty-Five Thousand One Hundred Thirty-Five Dollars (\$985,135) from Meals Tax receipts, the sum of Sixty-Three Thousand One Hundred Fifty-Six Dollars (\$63,156) from Water Enterprise receipts, and the sum Fifteen Thousand Seven Hundred Seventy-Eight Dollars (\$15,778) from Sewer Enterprise Receipts, for a total transfer amount of One Million Sixty-Four Thousand Sixty-Nine Dollars (\$1,064,069), into the Other Post-Employment Benefits (OPEB) Liability Trust fund to be used to reduce and eventually eliminate the unfunded actuarial liability of health care and other post-employment benefits for Town of Foxborough retirees.

**ADOPTED  
UNANIMOUSLY                      159 AFFIRMATIVE                      0 NEGATIVE                      8:08 P.M.**

**ARTICLE 10: MOVED**, that the Town vote to transfer from the Salary Reserve Fund the sum of Sixty Thousand, Five Hundred and Seventy One Dollars (\$60,571), to fund the cost items for a collective bargaining agreement between the Town of Foxborough and Foxborough Permanent Firefighters Association Local 2252, for the contract dated July 1, 2022 to June 30, 2023, in accordance with Chapter 150E of the General Laws of the Commonwealth.

**ADOPTED                    157 AFFIRMATIVE                    2 NEGATIVE                    8:11 P.M.**

**ARTICLE 11: MOVED**, that the Town vote to transfer from the Salary Reserve Fund the sum of Sixteen Thousand, Seven Hundred and Forty Three Dollars (\$16,743) to fund the cost items for a collective bargaining agreement between the Town of Foxborough and the Boyden Library Employee’s Association, MLSA, MFT, AFTMA, AFL-CIO, for the Contract dated July 1, 2022 to June 30, 2023, in accordance with Chapter 150E of the General Laws of the Commonwealth.

**ADOPTED                    161 AFFIRMATIVE                    2 NEGATIVE                    8:14 P.M.**

**ARTICLE 12: MOVED**, that the Town vote to transfer the sum of Forty Three Thousand and Sixty Four Dollars (\$43,064) from the Salary Reserve Fund, the sum of Seven Thousand, Three Hundred and Ninety Dollars (\$7,390) from Water Receipts, and the sum of Six Hundred and Twenty Four Dollars (\$624) from Sewer Receipts, for a total of Fifty One Thousand, and Seventy Eight Dollars (\$51,078), to fund the cost items for a collective bargaining agreement between the Town of Foxborough and the United Steelworkers, Unit “A”, for the Contract dated July 1, 2022 to June 30, 2023, in accordance with Chapter 150E of the General Laws of the Commonwealth.

**ADOPTED                    156 AFFIRMATIVE                    2 NEGATIVE                    8:20 P.M.**

**ARTICLE 13: MOVED**, that the Town vote to transfer the sum of Sixty Five Thousand, One Hundred and Sixty Five Dollars (\$65,165) from the Salary Reserve Fund, the sum of Three Thousand, Seven Hundred and Five Dollars (\$3,705) from Water Receipts, and the sum of Four Hundred and Twelve Dollars (\$412) from Sewer Receipts, for a total of Sixty Nine Thousand, Two Hundred and Eighty Two Dollars (\$69,282) to fund the cost items for a collective bargaining agreement between the Town of Foxborough and the United Steelworkers, Unit “B”, for the Contract dated July 1, 2022 to June 30, 2023, in accordance with Chapter 150E of the General Laws of the Commonwealth.

**ADOPTED                    152 AFFIRMATIVE                    2 NEGATIVE                    8:24 P.M.**



**ARTICLE 14: MOVED**, that the Town vote to transfer from the Salary Reserve Fund the sum of Fifty Seven Thousand, Seven Hundred and Eighty Two Dollars (\$57,782), to fund the cost items for a collective bargaining agreement between the Town of Foxborough and the Foxborough Police, Massachusetts Coalition of Police, Local 379, MCOP, AFL-CIO, for the Contract dated July 1, 2022 to June 30, 2023, in accordance with Chapter 150E of the General Laws of the Commonwealth.

**ADOPTED                    163 AFFIRMATIVE                    1 NEGATIVE                    8:31 P.M.**

**ARTICLE 15: MOVED**, that the Town vote to transfer the sum of Thirty One Thousand, Six Hundred and Seventy Five Dollars (\$31,675) from the Salary Reserve Fund, the sum of Eleven Thousand, One Hundred and Ten Dollars (\$11,110) from Water Receipts, and the sum of Four Thousand Seven Hundred and Fifty Four Dollars (\$4,754) from Sewer Receipts, for a total of Forty Seven Thousand, Five Hundred and Thirty Nine Dollars (\$47,539) to fund the cost items for a collective bargaining agreement between the Town of Foxborough and the Foxborough Highway and Water Employees Union, AFSCME for the Contract dated July 1, 2022 to June 30, 2023, in accordance with Chapter 150E of the General Laws of the Commonwealth.

**ADOPTED                    165 AFFIRMATIVE                    2 NEGATIVE                    8:33 P.M.**

**ARTICLE 16: MOVED**, that the Town vote to approve the petition of Bethany Kenneway, Trustee of the Bernardine Hopkins Family Trust at 28 School Street, Foxborough MA 02035, and to authorize the grant of an easement to the petitioner through Town property at 15 Market Street for the purpose of installing a sewer line to connect the 28 School Street property to the public sewer line on Market Street, upon such terms and conditions as the Board of Selectmen shall deem to be in the Town's interest.

**ADOPTED  
UNANIMOUSLY                    166 AFFIRMATIVE                    0 NEGATIVE                    8:36 P.M.**

**ARTICLE 17: MOVED**, that the Town will vote to raise and appropriate, and/or transfer from available funds the sum of Seventy-Five Thousand Dollars (\$75,000.00) or such necessary amount of money to be expected by the Department of Public Works or its contractors for the purpose of building a length of new sidewalk, where none currently exists, on South Street. With sidewalk to be placed on the south/eastern side of South Street connecting to existing sidewalk at 350 South Street, continuing to the Intersection of South Street with North Grove Street. A distance of about 900 feet or just under 2/10 a mile

**NOT ADOPTED                    30 AFFIRMATIVE                    130 NEGATIVE                    8:52 P.M.**

**ARTICLE 18: MOVED**, that the Town vote a mandate that any proposed Town Warrant Articles proposing changes to residential zoning bylaws or regulations shall be direct mailed to all impacted residential property owners and registered voters residing in such residential premises. Direct mailing(s) would occur no less than 60 day prior to the Town Meeting and include the date, location, and time of the Town Meeting. Content would be limited to the proposed change(s) without pro/con commentary

**HAND COUNT**

**NOT ADOPTED                      58 AFFIRMATIVE                      75 NEGATIVE                      9:03 P.M.**

**ARTICLE 19: MOVED**, No Action.

**ADOPTED**

**UNANIMOUSLY                      130 AFFIRMATIVE                      0 NEGATIVE                      9:08 P.M.**

**ARTICLE 20: MOVED**, that Chapter 184, Door to Door Canvassers and Solicitors of the Code of the Town of Foxborough, Massachusetts, be amended by deleting the current Chapter 184 in its entirety and substituting the following language therefor,

**REVISED Chapter 184**

**Chapter 184 Door to Door Canvassers and Solicitors**

**§184-1: Purpose.**

It is the purpose of this bylaw to regulate persons or organizations engaged in soliciting or canvassing in the Town of Foxborough through the issuance of licenses and imposition of other limitations on such activity for the purpose of protecting the Town’s residents from unwanted solicitation and canvassing, disruption of the peaceful enjoyment of their residences and from crime and fraud, and further, to allow reasonable access to residents in their homes by persons or organizations who wish to engage in lawful commercial solicitation.

**§184-2: Definition of Solicitor or Canvasser; Application.**

For purposes of this bylaw, a solicitor or canvasser is defined as any individual, whether a resident of the Town of Foxborough or not, traveling either by foot, motor vehicle, or any other type of conveyance from place to place, house to house, taking or attempting to take orders for sale of goods, wares, merchandise, foodstuffs, personal property of any nature for immediate or future delivery or for services, of any kind or description, to be furnished or performed immediately or in the future whether or not he or she collects advance payments on such sales.

- A. The provisions of this section shall not apply to officers or employees of the Town, county, state, or federal government, or any subdivision thereof when on official business, or to neighborhood youth and students who solicit for the shoveling of snow or cutting of lawns

or similar services to residents, nor shall it be construed to prevent route salespersons or other persons having established customers to whom they make periodic deliveries from calling upon such customers.

- B. If any solicitor or canvasser is under the age of 18 years and is selling goods or periodicals for a commercial purpose, the provisions of MGL c. 101, § 34, shall apply.
- C. The provisions of this section shall not apply to any person soliciting solely for religious, charitable, civic, or political purposes.
- D. The provisions of this section shall not apply to hawkers and peddlers, which shall be governed by rules and regulations adopted by the Board of Selectmen in accordance with MGL c. 101, § 17.

### **§184-3: License Required.**

It shall be unlawful for any solicitor or canvasser as defined in §184-2 of this bylaw to engage in such activity in the Town of Foxborough without first obtaining a license in compliance with the provisions hereof. Any person engaged in such activity who is not properly licensed under this bylaw shall be ordered to immediately cease and desist all solicitation and canvassing activity in the Town until they obtain a license from the Chief of Police as provided herein.

### **§184-4: License Exemption.**

Nothing in this bylaw shall be construed to impose any license requirement or otherwise restrict or in any way regulate any lawful activity for non-commercial purposes, including but not limited to any activity for religious, charitable, civic, or political purposes, regardless of whether such activity includes acts that would otherwise constitute soliciting.

### **§184-5: Application & Fee.**

- A. Each applicant for a license under this bylaw shall submit to the Chief of Police or his/her designee an application along with a fee of \$50.00 (per individual applicant) payable to the Town of Foxborough to cover the cost of investigating and confirming the facts stated in the application.
- B. Each applicant must complete a sworn application in writing, at least 10 working days prior to the requested starting date for solicitation, on a form provided by the Police Department. Said form shall include the following information:
  - 1. Name, physical description of applicant, and date of birth;
  - 2. Social security number of the applicant;
  - 3. Permanent home address as well as full local address of the applicant;
  - 4. A brief description of the nature of the business and/or goods to be sold;
  - 5. If employed, name and address of employer, including credentials which establish the employment relationship;
  - 6. The length of time for which the license is desired (not to exceed one year);
  - 7. Names of manufacturer, of source of merchandise, proposed method of delivery;

8. Two photographs of the applicant, taken within the past 60 days prior to filing of the application, showing only the head and shoulders of the applicant in a clear and distinguishing manner;
9. A statement as to whether or not the applicant has been convicted of any crime listed in Section Five of the By-law or is a Level 2 or Level 3 Sex Offender required to register with the Massachusetts Sex Offenders Registry Board.

#### **§184-6: Investigation & Issuance of License.**

- A. If after an investigation into the facts contained in the license application the Police Chief is satisfied the applicant is of suitable character, the Police Chief, or his designee, shall grant the required license.
- B. The Police Chief or his designee shall refuse to issue a license to any organization or individual whose license has been revoked for violation of this bylaw within the previous two-year period or who has been convicted of murder/manslaughter, rape, robbery, arson, burglary/breaking and entering, felony assault, or larceny over \$250, as such persons pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of the violent crimes so listed. The Police Chief shall also refuse to grant a license to a person who is a sex offender required to register with the Massachusetts Sex Offenders Registry Board and who is finally classified as Level 2 or Level 3 Sex Offender, as such persons have been found to have a moderate to high risk of re-offense and pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of sex crimes.

#### **§184-7: Identification Card.**

The Police Department, after a review of the information contained in the license application, but in no event more than ten (10) business days after receipt of a fully completed application, shall issue to each successful applicant an identification card which shall contain the words “Licensed Solicitor”, the individual’s picture, identification, and expiration date of the license. Persons engaged in solicitation or canvassing, as defined in this bylaw, must display the registration card while soliciting or canvassing and present the card upon request to any police officer or person solicited.

#### **§184-8: Duty of Police to Enforce.**

It shall be the duty of any police officer of the Town to require any person observed soliciting or canvassing and who is not known by such officer to be duly licensed, to produce his or her solicitor’s license and to enforce the provisions of this bylaw against any person found to be in violation of the same.

#### **§184-9: Lawful Hours to Solicit or Canvass; Notice of No Solicitation.**

A properly licensed solicitor or canvasser may solicit between the hours of 9:00 a.m. and ½ hour after sun set throughout the year at residences where there is no sign posted otherwise limiting

solicitation or the hours of solicitation and/or where the premises address is not listed on the ***“Do Not Solicit List”*** maintained by Town Clerk as provided below. It shall be the duty of every solicitor and canvasser going onto any premises in the Town to first examine whether there is a notice posted stating that no solicitors are welcome. If such notice is present, then the solicitor or canvasser shall immediately and peacefully depart from the premises. Any solicitor or canvasser who has gained entrance to any premises, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

#### **§184-10: Do Not Solicit List.**

- A. Any person or entity who owns or rents property within the Town may register such property on a ***“Do Not Solicit”*** list upon application to the Town Clerk. Registration for the ***“Do Not Solicit List”*** shall be implemented as follows:
  - 1. The ***“Do Not Solicit”*** list shall be maintained by the Town Clerk.
  - 2. The ***“Do Not Solicit”*** list shall consist solely of property addresses and shall include no further identifying information concerning the ownership or occupancy of each property.
  - 3. The Tax Assessor shall notify the Town Clerk of any change in ownership of property within the Town. Upon such notice, the Town Clerk shall remove from the ***“Do Not Solicit”*** list any property that has changed ownership.
- B. The Police Chief shall provide a copy of the ***“Do Not Solicit”*** list to every applicant to whom a license is issued pursuant to this bylaw. Any solicitation regulated by this bylaw at any address appearing on the ***“Do Not Solicit”*** list shall constitute a violation of this bylaw.

#### **§184-11: Records.**

The Chief of Police shall maintain all pertinent records of licenses issued and violations recorded pursuant to this bylaw.

#### **§184-12: Enforcement and Penalties.**

- A. The provisions of this by-law may be enforced by the Board of Selectmen, or any Police Officer of the Town of Foxborough by any available means in law or equity, including but not limited to enforcement by non-criminal disposition pursuant to Section 21D of Chapter 40 of the General Laws and appropriate sections of these Bylaws. Each day on which a violation exists shall be deemed to be a separate offense. The penalty for each violation shall be \$300.00.
- B. Persons who willfully violate this bylaw by continuing to solicit after being informed by a police officer to cease and desist such activity may be arrested without a warrant by a police officer in accordance with the provisions of Massachusetts General Laws Chapter 272, § 59 and shall be subject to a penalty of \$300.00.

- C. Notwithstanding the above licensing procedures, no licensee may enter private property after being forbidden to do so either directly by the person in charge of the property or by a conspicuously posted Notice of “No Trespassing” or “No Soliciting”. Such Trespass violations are controlled by Massachusetts General Laws Chapter 266, § 120, which authorizes the arrest (without a warrant) of a person found committing such a trespass in the presence of a police officer.
- D. Revocation/ Suspension of License: After investigation by a police officer, licenses issued under the provisions of this bylaw may be revoked by the Chief of Police after notice and hearing for any of the causes listed below. A license may be suspended immediately by the Police Chief without notice and a hearing if the public safety or welfare so requires for any of the following causes.
1. Fraud, misrepresentation, or false statement contained in the license application,
  2. Fraud, misrepresentation or false statements made in the course of carrying on the solicitation activity;
  3. Any violation of this bylaw;
  4. Conviction of any crime listed in §184-6.B of this bylaw or classification as a Level 2 or Level 3 Sex Offender;
  5. Conducting the business of soliciting or canvassing in an unlawful manner or in such a manner as to constitute a breach of the peace, or a menace to health, safety, or the general public welfare, and
  6. Engagement in high-pressure tactics, harassment, or a refusal to accept a refusal of solicitation by a property owner/ occupant when such conduct is verified in writing.
- If a license is suspended under the provisions of this section, notice of a hearing shall issue in accordance with the following subsection.
- E. Notice of hearing for revocation or suspension of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be hand delivered to the licensee or forwarded by certified mail to the licensee at his or her last known address at least five days prior to the hearing date.

### **§184-13: Expiration of License.**

All licenses for soliciting or canvassing in the Town are valid only for the particular dates or the time period specified therein, and in no case for longer than one year from the date of issuance.

### **§184-13: Appeals.**

Any person or organization who is denied a license or whose license has been revoked or suspended may appeal said determinations by filing a written notice of appeal with the Board of Selectmen. Such appeal must be filed within five (5) days of delivery of the notice or denial or revocation/ suspension. The Board of Selectmen shall hear the appeal at its next scheduled meeting after the filing of the notice of appeal, subject to applicable meeting notice posting requirements.

### **§184-14: Severance Clause.**

The provisions of this bylaw shall be severable, and if any section, sentence, clause, or phrase of this bylaw shall for any reason be held to be invalid, such invalidity shall not affect the validity of the remaining sections, sentences, clauses and phrases of this bylaw and they shall remain in effect, it being the legislative intent that the remainder of this bylaw shall stand, notwithstanding the invalidity of any part thereof.

**ADOPTED**

**132 AFFIRMATIVE**

**2 NEGATIVE**

**9:10 P.M.**

**ARTICLE 21: MOVED**, that the Town vote to amend the Code of the Town of Foxborough, Massachusetts, by rescinding and deleting Sections 162-7 “Commercial/recreational marijuana establishments prohibited” and by deleting Section 7.5.8. “Commercial/ recreational marijuana establishments forbidden”; and further, that Chapter 275: Zoning of said Code be amended by adding a new Section 7.6., “Marijuana establishments and marijuana retailers”, and by adding a new overlay map to said Chapter 275 as “275 Attachment 6”, as set forth below

**Add: Section 7.6. Marijuana establishments and marijuana retailers**

7.6.1. Purpose. The purpose of Section 7.6. is to permit and regulate marijuana establishments and marijuana retailers, as such terms are defined in Section 7.6. (“Definitions”), in the Town of Foxborough, as follows:

1. To provide for the operation of marijuana establishments and marijuana retailers in appropriate designated locations within the Town under the terms and conditions of this bylaw and in accordance with the provisions of MGL Chapter 94G and any regulations promulgated thereunder;
2. To minimize adverse impacts of marijuana establishments and marijuana retailers on adjacent properties, residential neighborhoods, schools, parks, and other places where children congregate, local historic districts, and other land uses which are incompatible with such operations; and
3. To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of marijuana establishments and marijuana retailers.

7.6.2. Definitions. As used in this Section 7.6. the following terms shall have the respective meanings indicated:

1. Local Approval Authority: The Selectboard of the Town of Foxborough or the authorized designee thereof acting for and on behalf of the Selectboard and subject to its review, which has the legal authority to approve the Host Community Agreement and/or otherwise regulate the operation of a marijuana establishment or marijuana retailer to which a special permit has been issued in accordance with this Section 7.6.
2. Host Community Agreement: An agreement between a marijuana establishment or a marijuana retailer and the Local Approval Authority in accordance with the provisions of MGL Chapter 94G, Section 3(d), that sets forth the conditions under which a marijuana establishment or a marijuana retailer is to operate in the Town, such agreement to include, without limitation, a stipulation of responsibilities and any community impact fee that is to be paid to the Town.
3. Marijuana : All parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or

resin including tetrahydrocannabinol, as defined in MGL Chapter 94G, Section 1; provided, however, that "marijuana " shall not include: (i) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (ii) hemp; or (iii) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

4. Marijuana Establishment: A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, or other type of licensed marijuana-related business, as defined in MGL Chapter 94G, Section 1, but excluding marijuana retailers.
5. Marijuana Retailer: An entity licensed to purchase and deliver adult use/recreational marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

#### 7.6.3. Applicability.

1. The commercial cultivation, production, processing, assembly, packaging, retail or wholesale sale trade, distribution or dispensing of any marijuana, excluding operations of registered medical marijuana dispensaries pursuant to Section 7.5., is prohibited in Foxborough unless such use is permitted as a marijuana establishment or marijuana retailer under this Section 7.6.
2. No marijuana establishment or marijuana retailer shall be established or conduct operations in Foxborough except in compliance with the provisions of this Section 7.6.
3. If any provision of this Section 7.6. or the application of any such provision to any person or circumstance shall be determined to be invalid and unenforceable by a court of competent jurisdiction, the remainder of this Section 7.6. to the extent it can be given effect or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby. To this end, the provisions of this Section 7.6. are severable.

#### 7.6.4. Eligible locations for marijuana establishments and marijuana retailers.

1. Marijuana establishments and marijuana retailers may be allowed by special permit from the Planning Board in the "Marijuana Overlay District, Foxborough, MA" dated May 9, 2022, as the same is set forth in 275 Attachment 6, provided the facility meets the requirements of this Section 7.6.

#### 7.6.5. General requirements and conditions for all marijuana establishments and marijuana retailers.

1. Marijuana establishments and marijuana retailers shall only be allowed by special permit from the Planning Board in accordance with this Section 7.6., Section 10.4. of this bylaw, and MGL Chapter 40A, Section 9.
2. No marijuana establishment or marijuana retailer shall be located within 500 feet of an existing public or private school, library, church or other religious institution, child-care facility, park or playground within the Town or any abutting municipality. Distances shall be measured from the property line of the proposed use or from a line 100 feet from the building in which the use is located, whichever is less.



3. No marijuana establishment or marijuana retailer shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.
  4. All marijuana establishment and marijuana retailer facilities shall be contained within a building or structure unless the special permit expressly authorizes otherwise.
  5. No marijuana retailer facility shall have a gross floor area of less than 2,500 square feet or in excess of 20,000 square feet.
  6. A marijuana retailer facility shall contain restrooms available to its customers.
  7. The hours of operation of a marijuana establishment and a marijuana retailer shall be restricted to those set forth in its Host Community Agreement, and if not set forth in any such Agreement, then by the Local Approval Authority and stated on the face of any license, permit or approval issued thereby. Such hours of operation may not be less restrictive than as established by another local body, but may be more restrictive.
  8. No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a marijuana establishment or marijuana retailer.
  9. Signage of a marijuana establishment or marijuana retailer shall comply with the Town of Foxborough Sign Bylaw and applicable provisions of Massachusetts law. Signs shall only contain the name of the establishment or retailer, its address, hours of operation, and contact information. All such text shall be a minimum of two inches in height.
  10. Marijuana establishments and marijuana retailers shall provide the Foxborough Police Department, Building Commissioner and Planning Board with the names, phone numbers and email addresses of all management staff and key personnel to whom notice of operational issues associated with the establishment or retailer or violations of the special permit issued thereto may be provided.
- 7.6.6. Special permit submission requirements. In addition to the application requirements that are set forth in Section 10.4., the application for a special permit for a marijuana establishment or marijuana retailer shall include the following;

1. A copy of the final, executed Host Community Agreement between the applicant and the Town of Foxborough.
2. A written description of the status of its application to the Cannabis Control Commission relative to the establishment at issue or a copy of such license, as applicable.
3. A list of any waivers of regulations that the applicant seeks to obtain from the Cannabis Control Commission or a copy of any such waivers that the Commission has issued to the applicant, as applicable.
4. Copies of all policies and procedures approved by the Cannabis Control Commission, including, without limitation, the operating and safety procedures of the marijuana establishment or marijuana retailer, or copies of such policies and procedures that the applicant intends to submit to the Cannabis Control Commission, as applicable.

5. Information demonstrating that a marijuana establishment has considered the following factors in its design and operating plan:
  1. Identification of potential energy use reduction opportunities (such as natural lighting and energy efficiency measures), and a plan for implementation of such opportunities;
  2. Consideration of opportunities for renewable energy generation, including, where applicable, submission of building plans showing where energy generators could be placed on the site, and an explanation of why the identified opportunities were not pursued, if applicable;
  3. Strategies to reduce electric demand (such as lighting schedules, active load management, and energy storage); and
  4. Engagement with energy efficiency programs offered pursuant to MGL Chapter 25, Section 21.
6. The following additional application requirements shall apply for marijuana cultivation or growth facilities:
  1. Proposed odor mitigation plan, including floor plans indicating locations of odor mitigation equipment. Best practices for odor mitigation equipment shall be utilized to the maximum extent practicable. Such odor mitigation plan may be subject to peer review by a qualified marijuana odor mitigation consultant.
  2. Proposed noise mitigation plan for mechanical equipment. Best practices for noise mitigation shall be utilized to the maximum extent practicable. The plan must document compliance with Massachusetts Department of Environmental Protection standards for noise. Plan may be subject to peer review by a qualified noise mitigation consultant
7. The quantity and source or sources of all marijuana and marijuana products that will be sold at the proposed marijuana retailer, as applicable.
8. The quantity of marijuana and marijuana products that will be cultivated, processed, manufactured, packaged, transported, tested or studied at the marijuana establishment, as applicable.
9. A written statement confirming that no marijuana or marijuana products will be smoked, burned or consumed on the premises as part of the cultivation, manufacturing, testing or researching operations, as applicable, or a statement explaining how any such uses have been authorized by the Cannabis Control Commission.
10. The names and addresses of each owner of the marijuana establishment or marijuana retailer. In the event that such establishment or retailer is a business organization, the names and address of each owner thereof.
11. In the event that the applicant is a business organization, copies of its articles or certificate of organization, current certificate of legal existence from the Commonwealth of Massachusetts, and most recent annual report.
12. If the applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers or other similar

individuals and entities, and their respective business and residential addresses. In the event that any of the above are business organizations rather than individuals, the applicant must disclose the identity of the owners of or stakeholders in such entities such that such disclosure contains the names and business and residential addresses of such persons.

13. Copies of all licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies, including, without limitation, the Cannabis Control Commission.
14. Evidence that the applicant has site control and the right to use the proposed site as a marijuana establishment or marijuana retailer. Such evidence shall be in the form of a deed, purchase and sale agreement, lease or other legally binding document.
15. In addition to what is otherwise required to be shown on a site plan pursuant to Section 10.5., the applicant shall provide details showing all exterior proposed minimum security measures for the marijuana establishment or marijuana retailer, including, without limitation, lighting, fencing, gates and alarms to ensure the safety of persons and to protect the premises from theft, together with a written confirmation of the adequacy and appropriateness of such security measures from the Foxborough Police Department.
16. Site plans and/or application narratives shall contain sufficient information to permit the Planning Board to evaluate the design and operational standards contained in this Section 7.6., and shall delineate various indoor and outdoor areas of the marijuana establishment or marijuana retailer that serve as public access areas, employee-only access areas, storage, cultivation, preparation, waste disposal, administrative, transportation, loading and parking areas.
17. A narrative describing how the proposed marijuana establishment or marijuana retailer satisfies the special permit criteria of Sections 7.6.7. and 10.4.
18. A certified list all parties in interest entitled to notice of the hearing for the special permit application, derived from the most recent tax list of the Town and certified by the Town of Foxborough Assessor;
19. Any other application requirements that are set forth in the special permit rules and regulations of the Planning Board.

7.6.7. Mandatory findings. The Planning Board shall not issue a special permit for a marijuana establishment or marijuana retailer unless it finds that such establishment or retailer satisfies the criteria of Section 10.4.2. and the following:

1. The facility is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;
2. The applicant has demonstrated how it plans to meet all licensing and permitting requirements of applicable agencies of the Commonwealth of Massachusetts and the Town of Foxborough;
3. The applicant has satisfied all of the conditions and requirements of Section 7.6.5.; and
4. The applicant has executed a Host Community Agreement with the Local Approval Authority.

7.6.8. Annual reporting. Each marijuana establishment or marijuana retailer to which a special permit has been issued in accordance with this Section 7.6. shall as a condition of such special permit file an annual report with the Planning Board not later than January 31st, providing a copy of all current applicable licenses for such establishment or retailer and/or its owners and demonstrating continued compliance with the special permit's conditions. The Planning Board may require such report to be presented at a meeting thereof.

1. Each marijuana establishment or marijuana retailer to which a special permit has been issued in accordance with this Section 7.6. shall provide the Planning Board, the Foxborough Police Department and Building Commissioner updated contact information as required in Sections 7.6.10. and 7.6.12. each year not later than January 31<sup>st</sup>.
2. Each marijuana establishment or marijuana retailer to which a special permit has been issued in accordance with this Section 7.6. shall meet with Foxborough Police Department annually not later than January 31<sup>st</sup> to review security provisions and to submit any revisions thereof to such department and Building Commissioner.

7.6.9. Term/transfer of special permit. A special permit granted under this Section 7.6. shall have a term concurrent with the term of the applicant's ownership or tenancy interest in the premises permitted for use as a marijuana establishment or marijuana retailer, provided that any such special permit (i) may be revoked by the Planning Board in the event that it determines that the Marijuana Establishment or the Marijuana Retailer to which such permit has been granted is not in compliance with the terms and conditions of the permit, the terms and conditions of the applicable Home Community Agreement, or the requirements of applicable law, and (ii) shall be revoked in the event that any license that has been issued to such Marijuana Establishment or Marijuana Retailer has been rescinded, revoked or otherwise been terminated. A special permit that has been issued in accordance with this Section 7.6. may be transferred or assigned only upon the written approval of the Planning Board in the form of an amendment to the special permit.

7.6.10. Removal bond. The Board shall require the applicant to post a bond at the time of construction of the facility in which it is to conduct its business operations to secure costs for the removal of the marijuana establishment or marijuana retailer per Section 7.6.11.2. Documentation of a bond posted with the Cannabis Control Commission may satisfy this requirement, subject to Planning Board approval.

7.6.11. Abandonment or discontinuance of use.

1. A special permit issued hereunder shall lapse if the permitted use is not exercised within one year of permit issuance.
2. A marijuana establishment or marijuana retailer shall be required to remove all material, plants, equipment, and other paraphernalia from the permitted premises within the earlier of the following:
  1. Prior to surrendering its state-issued licenses or permits; or
  2. Within six months of ceasing operations at the premises identified in the special permit that has been issued pursuant to this Section 7.6., regardless of the reason or reasons therefor.

7.6.12. Limitations on marijuana establishments and marijuana retailers.

1. The number of marijuana retailers within the Town shall not exceed the number equal to 20% of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under section 15 of chapter 138

(rounded up to the next whole number), as specified in MGL Chapter 94G, Section 3(a)(2)(ii).

2. Curbside service at marijuana retailers may be authorized as part of the special permit process.

#### 7.6.13 Siting.

1. The Adult Use Marijuana Overlay District is hereby established as an overlay district as shown on the map entitled "Marijuana Overlay District, Foxborough, MA" dated May 9, 2022, on file with the Town Clerk and hereby made a part of this Section 7.6. as 275 Attachment 6. Marijuana establishments and marijuana retailers may be sited within this Overlay District only, subject to all of the provisions of this Section 7.6.

Further,

To see if the Town will vote to amend the Code of the Town of Foxborough, Massachusetts, Chapter 275: Zoning, by adding thereto a new map entitled ""Marijuana Overlay District, Foxborough, MA" dated May 9, 2022, as 275 Attachment 6.

### **HAND COUNT**

**NOT ADOPTED**

**53 AFFIRMATIVE**

**83 NEGATIVE**

**9:49 P.M.**

**ARTICLE 22: MOVED**, that the Town vote to amend the Code of the Town of Foxborough, Massachusetts, Chapter 213 Signs as follows:

Amend Section 213-5.A.(1) Table 1: Permitted Signs as follows: (i) delete the letter N under the column for Sign District 2 for the Billboard line, (ii) replace such letter with the letters SSP, (iii) add footnote 2 to the letters SSP, (iv) change current footnote 2 to footnote 3, and (v) add the following text for footnote 2: "Electronic billboards are permitted in Sign District 2 pursuant to Section 213-6.B.(2)(c) with respect to lots that are specifically described in Section 213-6.B.(2)(c)[1]. Static billboards are not permitted in such sign district."

Delete the last sentence of footnote 2 in Section 213-6.A.(1) Table 2: Sign District 1 Dimensional Requirements, and replace it with the following: "Billboards that are permitted in Sign District 1 may be installed only on lots that have frontage on Washington Street."

Add the following new wording to Section 213-6.B.(2):

"(c) Electronic billboards that comply with the following requirements may be authorized in Sign District 2 by means of a special sign permit:

[1] Such billboards are permitted only on lots that abut Interstate 95 or are on lots with a lot line that is not more than 250 feet from Interstate 95, and that are situated within the Limited Industrial District as the same is shown on the Town of Foxborough Zoning Map as provided in Section 2.3. of the Town of Foxborough Zoning Bylaw.

[2] No billboard may exceed 672 square feet in sign area.

- [3] No billboard may be placed within a 1,500-foot radius of another billboard.
- [4] Such billboards must be set back at least ten feet from the lot line.
- [5] No billboard may be placed within 300 feet of an existing residential unit.
- [6] No billboard may be placed adjacent to or within 1,000 feet of any interchange of Interstate 95 as measured from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way of such highway.”

(50% vote required)

**HAND COUNT**

**NOT ADOPTED**

**37 AFFIRMATIVE**

**70 NEGATIVE**

**10:23 P.M.**

---

The Annual Town Meeting was adjourned at 10:25 P.M.

A True Record Attest:

Robert E. Cutler, Jr., Town Clerk