

PROPOSED AMENDMENTS TO ZONING BYLAW
Revised through March 8, 2017

1. **Sponsor:** Zoning Enforcement Officer/Building Commissioner.
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 be increased pursuant to Section 4.4.2 of these bylaws.

Existing language, marked up with changes:

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

2. **Sponsor:** Zoning Enforcement Officer/Building Commissioner.
To amend Section 10.5.2. of Chapter 275 of the Code of the Town of Foxborough, Massachusetts, by deleting the existing sentence and replacing it with the following:

10.5.2. The Planning Board shall hear and decide all petitions for site plan review in accordance with the provisions of this section 10.5., provided that uses that are determined by the Building Commissioner to be exempt from zoning regulation or restriction pursuant to G.L. c. 40A, §3, shall be subject to administrative site plan review in accordance with Section 10.5.16. of these bylaws.

10.5.2 Authority. The Planning Board shall hear and decide all petitions for Site Plan Review in accordance with the provisions of this Section 10.5., provided that uses that are determined by the Building Commissioner to be exempt from zoning regulation or restriction pursuant to G.L. c. 40A, §3, shall be subject to administrative site plan review in accordance with Section 10.5.16. of these bylaws.

3. **Sponsor:** Zoning Enforcement Officer/Building Commissioner.
To see if the Town will vote to amend Chapter 275 of the Code of the Town of Foxborough, Massachusetts, by adding a new Section 10.5.16., to read as follows:

10.5.16. Administrative Site Plan Review Purpose. The purpose of administrative site plan review is to ensure that all uses and facilities that are not subject to zoning regulation or restriction pursuant to G.L. c. 40A, §3, are reasonably regulated with regard to bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage.

- 10.5.16.1. Administrative Site Plan Review Applications. Applications for administrative site plan review shall be submitted to the Building Commissioner, and shall include a completed application form, a plan of the subject property on a location map setting forth the boundaries and dimensions of such property and identifying contiguous properties and streets that are within fifty (50) feet of a proposed structure, any easements or rights-of-way, and such other information as the Building Commissioner reasonably may require (which may, at the Building Commissioner's discretion, include the plan requirements that are set forth in Section 10.5.6. of these bylaws). The Building Commissioner may adopt reasonable administrative fees and technical review fees for administrative site plan review, which fees shall be paid together with the submission of applications for administrative site plan review.
- 10.5.16.2. Administrative Site Plan Review Criteria. The Building Commissioner shall consider the following criteria in connection with an administrative site plan review: (a) relationship of the bulk, height of structures, and adequacy of open spaces to the natural landscape, existing buildings and other community assets in the area; (b) compliance with other requirements of these bylaws, including but not limited to, lot coverage, yard sizes, lot areas and setbacks; (c) physical layout of the structures, driveways, utilities and other infrastructure as it relates to the convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic or to adjacent streets, and compliance with requirements for the disabled, minors or the elderly; (d) adequacy of the arrangement of parking and loading areas in relation to the proposed use of the site; and (e) physical lighting of the site, including the methods of exterior lighting for convenience, safety and security within the site, and in consideration of impacts on neighboring properties and excessive light pollution.
- 10.5.16.3. Administrative Site Plan Review Procedure. The Building Commissioner shall review and decide all applications for administrative site plan review in accordance with the provisions of this Section 10.5.16. No public hearing shall be held for an administrative site plan review.
- 10.5.16.4. Administrative Site Plan Review Decision. The Building Commissioner shall approve an application for administrative site plan review if the Building Commissioner determines that the application satisfies the requirements of this Section 10.5.16. and such other provisions of these bylaws as may be applicable thereto.

1. The Building Commissioner may approve an application for administrative site plan review with such reasonable conditions as the Building Commissioner determines necessary to serve the purposes of this Section 10.5.16. The Building Commissioner may require that the approval and the conditions that have been imposed be secured by a performance guarantee in the form of a deposit of money or irrevocable letter of credit in the favor of the Town. Any such performance guarantee shall bear a reasonable relationship to the expected costs of completing the work that is secured.
2. Revisions to an approved administrative site plan shall be submitted in writing to the Building Commissioner and shall be considered thereby in accordance with the provisions of this Section 10.5.16.
3. In the event that an application for administrative site plan review does not conform with the requirements of this Section 10.5.16., the Building Commissioner shall identify the deficiencies in writing and shall deny the application. Submittal of a new application for administrative site plan review shall then be required.
4. Any decision of the Building Commissioner pursuant to this Section 10.5.16. may be appealed to the Board of Appeals in accordance with Section 10.2.2.1. of these bylaws.

10.5.16.5. Administrative Site Plan Performance and Lapse. An applicant for administrative site plan review shall file a building or use permit application within two (2) years of receiving administrative site plan approval. Such approval shall lapse in the event that a building or use permit application is not filed within this time period. Submission of a new application for administrative site plan review shall then be required, provided that the Building Commissioner may grant a one (1) year extension if the applicant files a request for such extension within the original two (2) year period, stating the reason for requesting such extension. Such extension by Building Commissioner shall not be unreasonably denied.

10.5.16.6. Administrative Site Plan Violations. Violation of any condition of the Building Commissioner's administrative site plan approval shall be subject to the enforcement provisions of Section 10.1. of these bylaws.

4. **Sponsor:** Economic Development Committee (Board of Selectmen)
To amend Section 9.4.6 of Chapter 275 of the Code of the Town of Foxborough, Massachusetts, as follows:
- A. amend subsection 3(b) by deleting the following text from the last sentence of the subsection “and for Zone III does not exceed 137.5 gpd/10,000 square feet or 550 gpd/40,000 square feet” so that subsection b will read: “The increased sewer flow for Primary Resource Areas does not exceed 137.5 gpd/10,000 square feet of upland area or 550 gpd/40,000 square feet of upland area.”
 - B. delete subsection 6 in its entirety and replace with the following:
 - 6. Within the WRPOD, land uses on any lot shall not render impervious more than fifteen (15%) or 2,500 square feet, whichever is greater, unless a system for artificial recharge of precipitation is provided that will not result in the degradation of groundwater quality
 - C. amend subsection 11 by ...
 - D. delete subsection 2 in its entirety.
 - E. delete subsection 8 in its entirety.
 - F. Renumber Section 9.4.6 with subsections 1-10.

Ballot question for local election:

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.

Summary

This proposal would prohibit all commercial businesses related to marijuana including marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other type of licensed marijuana-related businesses. This proposal would not prohibit the personal use of marijuana or growing of marijuana at a residence, as permitted by law

€ Yes

€ No

Note: After publication of the hearing notice, the Foxborough Board of Selectmen voted to NOT place moratorium language regarding recreational marijuana on the warrant to avoid confusion.