

Amend Chapter 275 of the Code of the Town of Foxborough, Massachusetts, as follows:

1. Additional Uses Permitted in the S-1 District

- (a) Amend Section 3.1.6., Table 3-1 Table of Uses, by deleting the letter “N” for the following use in the S-1 District and replacing it with the letter “Y”:

Brew pub (Use Item C.11.)

- (b) Amend Section 3.1.6., Table 3-1 Table of Uses, by deleting the letter “N” for Use Item C.3. in the S-1 District, replacing it with the letter “Y” and revising the definition of such use item to read as follows:

Mercantile/Retail uses, except restaurants with seating

- (c) Amend Section 3.1.6., Table 3-1 Table of Uses, Item D.7., Self-storage mini warehouse, rail storage or switching yards, by deleting the words “rail storage or switching yards,” and by deleting the letter “N” for such use in the S-1 District and replacing it with the letter “Y.”

2. Use Changes (Special Permit to Allowed by Right)

Amend Section 3.1.6., Table 3-1 Table of Uses, by deleting the letters “PB” for the following uses in the S-1 District and replacing them with the letter “Y”:

Research and development facilities (Use Item D.2.)

Hotels, motels but not including group homes or halfway houses (Use Item G.2.)

3. Outdoor/Indoor Recreational Uses

- (a) Amend Section 3.1.6., Table 3-1 Table of Uses, Use Item J.6., by deleting that item’s definition of Outdoor/Indoor recreational uses and replacing it with the following:

6. Outdoor/Indoor recreational uses, including golf driving ranges, miniature golf courses, batting cages, fields, buildings and facilities for recreational and athletic activities, and go-carts and bumper boats (except that go-carts and bumper boats that are powered by any type of fossil fuel are prohibited in the Water Resource Protection District), but not including amusement parks and water parks.

- (b) Amend Section 3.1.6., Table 3-1 Table of Uses, by deleting the letters “PB” for Outdoor/Indoor recreational uses in the S-1 District and replacing them with the letter “Y.”

4. Athletic Fields and Athletic Facilities

- (a) Amend Section 3.1.6. Table 3-1 Table of Uses, by (i) adding the following new use item to Use Group J. Recreational Use, and (ii) including the letters “PB” for such use item under the R-40 District, the letter “Y” for such use item under the S-1 District, and the letter “N” for such use item under each of the other districts in such table:
 - 8. Outdoor athletic fields and athletic facilities that are privately owned, including buildings and structures that are accessory thereto.
- (b) Amend Section 3.1.7. Notes to Table of Use Regulations, by adding the following new Note thereto:
 - 6. Access to any outdoor athletic field or athletic facility that is situated in the R-40 Residential and Agricultural District, whether in its entirety or in part, shall be provided only from an accepted way through a nonresidential district. This restriction shall not apply to any emergency access required by public safety officials of the Town of Foxborough.

5. Temporary Parking

- (a) Amend Section 6.1.3. by adding the following new provision:
 - 3. A special permit granted by the Planning Board to allow temporary parking in the S-1 District with respect to events at Gillette Stadium shall be valid for a period of three years from the date on which issued, after which period such special permit shall be of no further force or effect unless renewed by the Planning Board by the grant of a new special permit that shall be valid for a period of three years. The Planning Board shall have the authority upon notice and following a hearing to modify, suspend or revoke any special permit that it has granted in the event of any of the following:
 - a. Any change to the number of spaces, parking layout, or access to and egress from a parking lot authorized by a special permit.
 - b. A determination by the Building Commissioner or any public safety official of the Town of Foxborough that the operation of a temporary parking lot is hazardous to the safety of the public, or is in violation of these bylaws, any provision of applicable law or any of the conditions to a special permit that have been imposed by the Planning Board.
- (b) Amend Section 6.1.3. by deleting the last sentence of that section and replacing it with The following:

Except as specifically provided in Section 6.1.3.3., a special permit shall not be valid for a period that is greater than one year from the date on which it has been granted.

6. Shared Parking

Amend Section 6.1.2. by adding the following new provisions:

4. Required off-street parking spaces for two or more uses (other than residential or multifamily uses) that are under common or affiliated ownership may be provided in a shared parking facility pursuant to a special permit granted by the Planning Board. Any such shared parking facility may be accessed by a shared driveway, and may be provided in a shared multi-level parking structure that complies with the dimensional and other zoning requirements that are set forth in these bylaws. The following requirements shall apply to a request for approval of any such shared parking facility:
 - a. Documentary evidence shall be submitted to the Planning Board to demonstrate that the shared parking facility provides a sufficient number of parking spaces for each use involved.
 - b. The shared parking shall be counted in determining whether a use complies with the parking requirements that are set forth for such use in Table 6-1.
 - c. An approved shared parking facility shall remain shared until such time, if any, as (i) the Building Commissioner determines that each of the uses involved must independently comply with the parking requirements that are set forth for that use in Table 6-1 and any other applicable requirements of these bylaws, or (ii) the Planning Board modifies, suspends or revokes the special permit authorizing the shared parking facility.
 - d. Not more than 50% of the parking spaces required by these bylaws for a use may be used together with another use to satisfy the minimum off-street parking requirements that are set forth in Table 6-1 for uses that are not normally open, used or in operation during similar hours.
 - e. The terms and conditions of a special permit authorizing a shared parking facility shall run with the land and shall be binding upon the successors, assigns and transferees of each person whose use is sharing such facility.

The Planning Board in granting a special permit for any such shared parking facility may waive strict compliance with the setback, landscape, buffer and other applicable requirements set forth in these bylaws where it determines that such action is in the public interest and is not inconsistent with the purpose of these bylaws.

5. Two or more uses (other than residential or multifamily uses) that are not under common or affiliated ownership may by lease or other contract and pursuant to a special permit granted by the Planning Board enter into a shared parking arrangement, provided that each such use either complies with the parking requirements that are set forth for such use in Table 6-1 or is granted a special permit by the Planning Board for reserved parking in accordance with Section 6.1.7. The following requirements shall apply to a request for approval of any such shared parking arrangement:

- a. Documentary evidence, including any such applicable lease or other contract, shall be submitted to the Planning Board to demonstrate that the shared parking arrangement provides a sufficient number of parking spaces for each use involved, and that the shared parking arrangement either complies with the parking requirements that are set forth for such use in Table 6-1 or complies with the requirements for reserved parking in accordance with Section 6.1.7.
- b. Any lease or other contract providing for a shared parking arrangement may be binding in accordance with its terms and conditions upon the successor and assign of any party thereto.
- c. An approved shared parking arrangement shall remain shared until such time, if any, as (i) such arrangement is terminated in accordance with the terms and conditions of the applicable lease or other contract, (ii) such arrangement is terminated by any or all of the parties thereto in accordance with the terms and conditions of the applicable lease or other contract (in which event documentary evidence of such termination is submitted to the Planning Board), or (iii) the Planning Board modifies, suspends or revokes the special permit authorizing the shared parking arrangement, including a modification, suspension or revocation based on a determination by the Planning Board in accordance with Section 6.1.7.7.

7. Reserved Parking

- (a) Amend Section 6.1. Off-street parking and loading requirements. by adding the following new section thereto:

6.1.7 Reserved parking. The off-street parking requirements set forth in Table 6-1 may be satisfied by the issuance of a special permit from the Planning Board that authorizes the applicant to designate an area as undeveloped open space that is reserved for future parking needs. A request for reserved parking may be made in conjunction with an application for site plan review or as part of a required special permit application for a specified land use. The following requirements shall apply to a request for reserved parking:

1. The number of parking spaces that is required by these bylaws may be reduced by not more than fifty percent.
2. The applicant shall submit documentary evidence that for a period of not less than one year its use justifies a lesser number of parking spaces than the number of spaces that is required by these bylaws.
3. An area shall be reserved for future parking that is sufficient to accommodate the difference between the number of parking spaces that are required by these bylaws and the lesser number of such spaces that are requested.
4. The area that is reserved for future parking shall be marked "Reserved Parking Area" on the site plan that is submitted to and approved by the Planning Board.

5. The “Reserved Parking Area” may consist of natural vegetation, a newly-landscaped area, or a combination of both, as may be required by the Planning Board. No mechanical equipment, building or other structure may be maintained in such area.
6. The area that comprises the “Reserved Parking Area” shall not be counted toward determining compliance with any minimum open space requirements that may be required by these bylaws.
7. The “Reserved Parking Area” shall remain as undeveloped open space until such time, if any, that the Planning Board by modification of the special permit approves the applicant’s request to use such area or any part of such area for parking purposes, or approves a request of the Building Commissioner that additional parking spaces be provided.

- (b) Amend current Sections 6.1.7., 6.1.8., 6.1.9. and 6.1.10. by renumbering such sections as Sections 6.1.8, 6.1.9., 6.1.10. and 6.1.11., respectively.

8. Research and Development Use

- (a) Amend Section 11 by adding the following new definition:

RESEARCH AND DEVELOPMENT

Research, experimentation and testing activities that are conducted by a business establishment, college or university, laboratory or research facility for the development of new products, ideas, procedures and services, or the improvement of existing products, ideas, procedures and services, predominantly in the fields of biotechnology, pharmaceuticals, medical equipment, communication and information technology, electronics, computer hardware and/or their substantial equivalents. Such term does not include activities that are characterized as Biosafety Level 4 (BSL-4) by the National Institutes of Health. Activities that constitute research and development may include the construction or development of mock-ups and prototypes, but do not include the manufacture of finished products except as may be incidental to the principal purposes of such activities.

- (b) Amend Note 5 to Section 3.1.7. Notes to Table of Use Regulations, by adding the following sentence to such note:

Research and development activities that involve radioactive materials, high-intensity electromagnetic radiation, or chemical or biological processes in a manner that constitutes a present or potential threat or danger to public health, safety or welfare or to the environment when improperly stored, treated, transported, discharged, disposed of, used or otherwise managed, are prohibited in all districts.

Bulk and Dimensional Proposals

1. Retail Restrictions

- (a) Amend Section 3.1.7. Notes to Table of Use Regulations by adding the following new note thereto:

7. The total gross floor area of mercantile or retail uses and retail establishments in the S-1 District, except for restaurants with seating, shall not exceed 75% of the gross square footage of the buildings or structures in which any such use is situated, provided that the Planning Board may grant a special permit to increase the gross floor area that is used for such purposes to more than 75% of the gross square footage of any such buildings or structures.

- (b) Amend the first sentence of Section 9.1.3. to read as follows:

The total gross floor area of mercantile or retail uses and retail establishments, except restaurants with seating, shall not exceed 75% of the gross square footage of the buildings or structures located on a lot in which any such use is situated, provided that the Planning Board may grant a special permit to increase the gross floor area that is used for such purposes to more than 75% of the gross square footage of any such buildings or structures.

- (c) Amend Section 9.5.4.3. to read as follows:

Mercantile or retail uses and retail establishments, provided that (i) the total gross floor area used for mercantile or retail uses shall not exceed 75% of the gross square footage of the buildings or structures located on a lot in which any such use is situated, and (ii) the Planning Board may grant a special permit to increase the gross floor area that is used for mercantile or retail uses to more than 75% of the gross square footage of any such buildings or structures, and (iii) for the purpose of this provision any such use within a stadium or associated directly with and accessory to a stadium shall not be subject to the total gross floor area restriction.

2. Building Height

- (a) Amend the Building Height provisions in Table 4-2 that are applicable to the S-1 District by (i) deleting 3.0 under the heading Stories and replacing it with N/A, and (ii) deleting 40 under the heading Feet and replacing it with 70.

- (b) Amend Note 4 of Section 4.1.3. Notes to Table 4-2, to read as follows:

Height requirements for structures in any nonresidential district can be increased pursuant to Section 4.4.2. of these bylaws.

(c) Amend Section 4.4.2 to read as follows:

Special permit. Upon the granting of a special permit pursuant to the requirements that are set forth in Section 10.4., any principal structure in any nonresidential district may be constructed to a height in excess of that specified in Table 4-2 but that shall not exceed 60 feet or more than four stories, provided that a structure in the S-1 District may be constructed to a height in excess of 70 feet but not greater than 150 feet if such structure is located more than 200 feet from any property line that abuts a residential district.

(d) Amend Sections 9.5.7.2. and 9.5.7.3. to read as follows:

9.5.7.2. The building height of any structure shall not exceed 70 feet, provided that the Planning Board may grant a special permit pursuant to the requirements of Section 9.5.7.5. to authorize any such structure to be constructed to a height in excess of 70 feet but not greater than 150 feet.

9.5.7.3. The building height of any structure, other than a stadium, that is located less than 200 feet from any property line that abuts a residential district shall not exceed 70 feet, provided that the Planning Board may grant a special permit pursuant to the requirements of Section 9.5.7.5. to authorize any such structure to be constructed to a height in excess of 70 feet but not greater than 100 feet.

3. Yard and Frontage

(a) Amend Table 4-2, Dimensional Regulations for Uses in Nonresidential Districts, by changing the following dimensional regulations for uses in the S-1 District:

Front Yard – from 75 feet to 50 feet

Side Yard – from 75 feet to 25 feet

(b) Amend Section 4.1.3. Notes to Table 4-2 to add the following note:

10. The Planning Board may grant a special permit to reduce the front yard, side yard and rear yard dimensional requirements for any use in the S-1 District.

(c) Amend Section 6.4.8.5. to read as follows:

5. There shall be a landscaped buffer strip comprising a minimum of 25 feet of the front yard and 10 feet of the side yard for all uses in the Special Use (S-1) District. Insofar as there may be inconsistencies with other sections, these restrictions shall apply in the S-1 District in all cases.

(d) Amend Note 6 of Section 4.1.3. Notes to Table 4-2, by adding the following sentence to such note:

The Planning Board may grant a special permit in accordance with the provisions of Section 9.1.4. to reduce to not less than 100 feet the frontage for any lot in the S-1 District.

(e) Amend Section 9.1.2. to read as follows:

Dimensional requirements

1. The Planning Board may grant a special permit to allow lots with not less than 100 feet of frontage.
2. There shall be a landscaped buffer strip comprising a minimum of 25 feet of the front yard and 10 feet of the side yard for all uses. Under no circumstances shall parking be allowed within these required buffer zones. These requirements may not be waived.
3. Parking is allowed in the front yard, provided that there is compliance with the applicable building setback and buffer strip requirements. Parking in the side and rear yards is preferred.

4. Minimum Lot Size

(a) Amend Note 5 of Section 4.1.3. Notes to Table 4-2, to read as follows:

5. Minimum lot size within the S-1 District is 80,000 square feet. The Planning Board may grant a special permit to authorize a lot that is not less than 40,000 square feet in area, provided that access to any such lot is from Route 1 or is shared with access to an adjacent lot, regardless whether such access is through or across the legal frontage of the lot for which such special permit has been granted.

(b) Amend the first sentence of Section 4.3.1. to read as follows:

Except as provided in Section 4.1.3. Notes to Table 4-2, Note 5, access to all lots shall only be through or across its legal frontage.

5. Contiguous Lots

Amend Section 4.2. by adding the following new section:

- 4.2.9. Lots. Adjacent or contiguous lots that are under common or affiliated ownership (whether the ownership in such lot or lots is fee simple or leasehold) shall be deemed a single lot for purposes of the dimensional requirements of these bylaws.

6. Planned Developments

- (a) Amend Section 3.1.6., Table 3-1 Table of Use Regulations, by deleting Use Group, K.1., Planned Development in its entirety, replacing such Use Group with the word “None” and replacing the letters “PB” in the S-1 District with the letter “N.”
- (b) Amend Section 9.1.1.2. by deleting the reference to “(PD)” in such section.
- (c) Delete Sections 9.1.7. and 9.1.8.