



TOWN CLERK'S REPORT
ANNUAL TOWN MEETING

Monday, the Thirteenth Day of May 2013

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. Pastor Dan Richter, of the Church of Emmanuel on Central Street, delivered the invocation. Paul Defazio of the Advisory Committee led the Pledge of Allegiance, and Emma Carlton, a Foxborough High School student, sang the National Anthem.

The assemblage recognized the presence of Representative Fred "Jay" Barrows. Town Clerk Robert E. Cutler, Jr., read the Warrant and Return.

There were two hundred thirty-two (232) registered voters recorded as present [a quorum being one hundred (100) registered voters].

ARTICLE 1: The election of Town Officials was held on Tuesday, April thirtieth 2013. The results of the following positions were announced at the John J. Ahern Middle School by Kathleen M. Brady, Town Warden: 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 School Committee for two years; one Water & Sewer Commissioner for three years; one Board of Health member for three years; two Boyden Library Trustees for three years; one Planning Board member for three years; and one Housing Authority member for five years.

ARTICLE 2: Town Clerk, Robert E. Cutler, Jr., presented the 234th Annual Report of the Town Officers of Foxborough, Massachusetts together with the report of the School Department and Town Accountant/Finance Director for the year ending December 31, 2012.

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. No reports were given.

ARTICLE 4: MOVED, that the Town vote the compensation for elected officials and to raise and appropriate the sums of money herein specified and requested by the Board of Selectmen for the various departments for expenditures within the fiscal year July 1, 2013 through June 30, 2014 for the purposes herein mentioned and to meet said appropriations as follows:

	AMOUNT
Taxation, State Aid & Local Receipts	53,344,631.75
Free Cash	683,964.00
Ambulance Receipts	572,682.00
Recreation Revolving	10,098.00
Overlay Surplus	87,000.00
Water Receipts	3,959,082.25
Sewer Receipts	1,121,592.00
Solid Waste Receipts	-
Solid Waste Earnings	49,350.00
	<u>59,828,400.00</u>

GENERAL GOVERNMENT:

	<u>FY14</u>	<u>Funding Source(s)</u>
122 SELECTMEN		
Expenses	10,400	Taxation, State Aid & Local Receipts
123 ADMINISTRATION		
Salaries	270,873	Taxation, State Aid & Local Receipts
Expenses	62,000	Taxation, State Aid & Local Receipts
	<u>332,873</u>	
SOUTHEAST REGIONAL SERVICES		
124 GROUP	0	
AUDIT TOWN FINANCIAL		
125 RECORDS		
Annual Financial	39,500	Taxation, State Aid & Local Receipts
126 PRINT TOWN REPORTS	0	
127 HUMAN RESOURCES		
Salaries	114,255	Taxation, State Aid & Local Receipts
Expenses	24,700	Taxation, State Aid & Local Receipts
	<u>138,955</u>	
130 FINANCE		
Salaries	730,259	Taxation, State Aid & Local Receipts
Expenses	303,122	Taxation, State Aid & Local Receipts:
	<u>1,033,381</u>	195,122; Ambulance Receipts:
		48,000;
		& Overlay Surplus: 60,000
141 ADVISORY COMMITTEE		
Expenses	2,500	Taxation, State Aid & Local Receipts
142 RESERVE FUND (<i>Appropriated for</i>)	75,000	Taxation, State Aid & Local Receipts

	<i>Transfer,</i>		
		<i>Not Expended.)</i>	
151	LEGAL	130,000	Taxation, State Aid & Local Receipts
156	GIS Department Expenses	14,044	Taxation, State Aid & Local Receipts
161	TOWN CLERK		
	Compensation	75,583	Taxation, State Aid & Local Receipts
	Salaries	52,119	Taxation, State Aid & Local Receipts
	Expenses	10,425	Taxation, State Aid & Local Receipts
	Capital Outlay	0	
		<u>138,127</u>	
162	ELECTION & REGISTRATION		
	Salaries	39,987	Taxation, State Aid & Local Receipts
	Expenses	14,875	Taxation, State Aid & Local Receipts
		<u>54,862</u>	
171	CONSERVATION COMMISSION		
	Salaries	56,964	Taxation, State Aid & Local Receipts
	Expenses	3,170	Taxation, State Aid & Local Receipts
		<u>60,134</u>	
175	PLANNING BOARD		
	Salaries	117,305	Taxation, State Aid & Local Receipts
	Expenses	32,283	Taxation, State Aid & Local Receipts
		<u>149,588</u>	
176	APPEALS BOARD		
	Expenses	2,900	Taxation, State Aid & Local Receipts
180	MUNICIPAL COMMITTEES	0	
192	MUNICIPAL BUILDING		
	Salaries	26,607	Taxation, State Aid & Local Receipts
	Expenses	56,500	Taxation, State Aid & Local Receipts
		<u>83,107</u>	
195	TOWN BUILDINGS		
	Expenses	25,000	Taxation, State Aid & Local Receipts
	TOTAL GENERAL GOVERNMENT	<u>2,290,371</u>	
	PUBLIC SAFETY:		
210	POLICE		
	Salaries	2,840,270	Taxation, State Aid & Local Receipts
	Expenses	290,690	Taxation, State Aid & Local Receipts
	Capital Outlay	72,000	Taxation, State Aid & Local Receipts
		<u>3,202,960</u>	
220	FIRE		
	Salaries	2,576,093	Taxation: 2,081,411; Ambulance: 494,682

	Expenses	294,725	Taxation: 264,725; Ambulance
	Capital Outlay	38,800	30,000
		<u>2,909,618</u>	Taxation, State Aid & Local Receipts
230	CENTRAL DISPATCH & SERVICES		
	Salaries	442,572	Taxation, State Aid & Local Receipts
	Expenses	21,050	Taxation, State Aid & Local Receipts
		<u>463,622</u>	
235	JOINT PUBLIC SAFETY BUILDING		
	Salaries	54,780	Taxation, State Aid & Local Receipts
	Expenses	185,301	Taxation, State Aid & Local Receipts
		<u>240,081</u>	
241	INSPECTION		
	Salaries	279,510	Taxation, State Aid & Local Receipts
	Expenses	8,880	Taxation, State Aid & Local Receipts
		<u>288,390</u>	
292	ANIMAL CONTROL		
	Salaries	47,302	Taxation, State Aid & Local Receipts
	Expenses	8,980	Taxation, State Aid & Local Receipts
		<u>56,282</u>	
	TOTAL PUBLIC SAFETY	<u>7,160,952</u>	
EDUCATION:			
300	FOXBOROUGH PUBLIC SCHOOLS		
	Salaries & Expenses	29,408,477	Taxation, State Aid & Local Receipts
		<u>29,408,477</u>	
390	SOUTHEASTERN REGIONAL	228,016	Taxation, State Aid & Local Receipts
	TOTAL EDUCATION	<u>29,636,493</u>	
PUBLIC WORKS:			
410	PUBLIC WORKS		
	Salaries	1,169,533	Taxation, State Aid & Local Receipts
	Expenses	398,713	Taxation, State Aid & Local Receipts
	Capital Outlay	43,500	Taxation, State Aid & Local Receipts
		<u>1,611,746</u>	
423	SNOW & ICE		
	Salaries	33,500	Taxation, State Aid & Local Receipts
	Expenses	170,800	Taxation, State Aid & Local Receipts
	Capital Outlay	9,100	Taxation, State Aid & Local Receipts
		<u>213,400</u>	
424	STREET LIGHTING	130,000	Taxation, State Aid & Local Receipts

425 ENGINEERING 0

SOLID WASTE ENTERPRISE

430 (LANDFILL)

Salaries	2,100	Solid Waste Retained Earnings
Expenses	<u>0</u>	
	2,100	

NOTE: Costs for Solid Waste Operation contained in other budgets:

123/125/192 Admin. & 130/156		
Finance/GIS	0	
410 Public Works	20,000	Solid Waste Retained
911/913/915/945 Insurance	<u>0</u>	Earnings
	20,000	

SOLID WASTE ENTERPRISE

433 (COLLECTION)

27,250 Solid Waste Retained Earnings

450 WATER ENTERPRISE

Salaries	1,067,549	Water Receipts
Expenses	1,157,010	Water Receipts
Debt Service	1,135,084	Water Receipts
Capital Outlay	<u>32,000</u>	Water Receipts
	3,391,643	

NOTE: Costs for Water Operation contained in other budgets:

123/124/125/192 Admin. & 130/156		
Finance/GIS	123,197	Water Receipts
760 Debt Service	2,000	Water Receipts
911/913/915 Fringe Benefits	354,042	Water Receipts
945 Insurance	<u>88,200</u>	Water Receipts
	567,439	

460 SEWER ENTERPRISE

Salaries	145,227	Sewer Receipts
Expenses	787,750	Sewer Receipts
Debt Service	<u>96,889</u>	Sewer Receipts
	1,029,866	

NOTE: Costs for Sewer Operation contained in other budgets:

123/125/192 Admin. & 130/156		
Finance/GIS	29,810	Sewer Receipts
911/913/915 Fringe Benefits	53,432	Sewer Receipts
945 Insurance	<u>8,483</u>	Sewer Receipts
	91,725	

TOTAL PUBLIC WORKS

6,406,005

HUMAN SERVICES:

510	BOARD OF HEALTH		
	Salaries	176,727	Taxation, State Aid & Local Receipts
	Expenses	7,750	Taxation, State Aid & Local Receipts
		<u>184,477</u>	
520	HEALTH AGENCIES		
	Expenses	36,532	Taxation, State Aid & Local Receipts
	COUNCIL ON AGING/HUMAN		
541	SERVICES		
	Salaries	297,685	Taxation, State Aid & Local Receipts
	Expenses	43,413	Taxation, State Aid & Local Receipts
	Capital Outlay	23,100	Taxation, State Aid & Local Receipts
		<u>364,198</u>	
543	VETERANS		
	Salaries	80,001	Taxation, State Aid & Local Receipts
	Expenses	123,159	Taxation, State Aid & Local Receipts
		<u>203,160</u>	
	TOTAL HUMAN SERVICES	<u>788,367</u>	
	CULTURE & RECREATION:		
610	LIBRARY		
	Salaries	720,066	Taxation, State Aid & Local Receipts
	Expenses	276,184	Taxation, State Aid & Local Receipts
	Capital Outlay	3,000	Taxation, State Aid & Local Receipts
		<u>999,250</u>	
630	RECREATION		
	Salaries	40,516	Taxation, State Aid & Local Receipts
	Expenses	34,135	Taxation, State Aid & Local Receipts
		<u>74,651</u>	
691	HISTORICAL COMMISSION		
	Expenses	16,000	Taxation, State Aid & Local Receipts
	Capital Outlay	0	
		<u>16,000</u>	
692	SPECIAL EVENTS	0	
	TOTAL CULTURE & RECREATION	<u>1,089,901</u>	
	DEBT SERVICE:		
710	DEBT - PRINCIPAL	2,116,500	Taxation, State Aid & Local Receipts
751	DEBT - INTEREST	992,985	Taxation, State Aid & Local Receipts
760	DEBT - ISSUANCE & EXPENSES	25,000	Taxation, State Aid & Local Receipts
	TOTAL DEBT SERVICE	<u>3,134,485</u>	

INSURANCE & OTHER:

911 PENSIONS/RETIREMENT	2,595,996	Taxation, State Aid & Local Receipts:
913 WORKERS COMPENSATION	220,000	Taxation, State Aid & Local Receipts
914 UNEMPLOYMENT COMPENSATION	100,000	Taxation, State Aid & Local Receipts
915 GROUP HEALTH/LIFE INSURANCE	5,984,829	Taxation, State Aid & Local Receipts: 5,290,767; Free Cash: 683,964; and Recreation Revolving: 10,098
945 GENERAL INSURANCE	421,000	Taxation, State Aid & Local Receipts
TOTAL INSURANCE & OTHER	<u>9,321,825</u>	

TOTAL ALL OPERATING BUDGETS	<u><u>59,828,400</u></u>
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ADOPTED 158 Affirmative 0 Negative 7:57 PM

ARTICLE 5: MOVED, that the Town vote to adopt the recommendations of the Capital Improvement Planning (CIP) Committee and to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute the sums requested for the purposes herein mentioned as listed in Appendix A in order to implement the CIP budget request for Town Departments for FY 2014 as follows:

Department/Description	CIP FY 14	Funding Sources
Information Systems	300,000	Free Cash
Police	112,000	\$41,600 Free Cash, \$12,000 Police Revolving, \$8,400 Insurance Proceeds, & \$50,000 Overlay Surplus
Fire	43,076	\$34,777 Ambulance Receipts, & \$8,299 from FY'13 SCBA Capital Account
Public Safety Building	48,750	Free Cash
Highway	316,000	Free Cash
Highway (Chapter 90)	600,000	Chapter 90 State Allocation
Highway (Roads)	295,000	Meals Tax Receipts
Council on Aging	51,000	Free Cash
Public Schools	659,750	\$602,250 Free Cash, \$50,000 School Revolving, & \$7,500 from Grants
Water Enterprise	1,222,000	\$622,000 Water Receipts, & \$600,000 from Water Enterprise Retained Earnings
	<u><u>3,647,576</u></u>	

Funding Summary:	
Free Cash	1,359,600
Overlay Surplus	50,000
Ambulance Receipts	34,777
FY '13 SCBA Capital Account	8,299
Police Apparatus Revolving	12,000
Insurance Proceeds	8,400
School Revolving	50,000
School Grants	7,500
Chapter 90	600,000
Meals Tax Receipts	295,000
Water Receipts	622,000
Water Retained Earnings	600,000
Total	3,647,576

ADOPTED 214 Affirmative 0 Negative 8:19 PM

ARTICLE 6: MOVED, that the Town vote to raise and appropriate One Hundred Seventy-Eight Thousand Five Hundred Seventy-Eight Dollars (\$178,578) to supplement the wage and salary amounts voted under Article 4 of the Warrant in accordance with the terms and conditions of a document entitled "Revised Consolidated Personnel By-Law 2014", a copy of which is on file with the Town Clerk; and to meet said appropriation by a transfer from free cash.

ADOPTED 202 Affirmative 0 Negative 8:22 PM

ARTICLE 7: MOVED, that the Town vote that no action be taken on the subject matter of Article 7.

ADOPTED 194 Affirmative 0 Negative 8:23 PM

ARTICLE 8: MOVED, that the Town vote to raise and appropriate, by transfer from Free Cash Two Hundred Forty-Two Thousand Four Hundred Sixty-Five Dollars (\$242,465) necessary to fund the cost items for Fiscal Year 2013 (\$32,508) and Fiscal Year 2014 (\$209,957) in a collective bargaining contract between the Town of Foxborough (represented by the Board of Selectmen) and Foxborough Police Department, Massachusetts Coalition of Police, Local 379, AFL-CIO in accordance with Chapter 150E of the General Laws of the Commonwealth.

ADOPTED 215 Affirmative 4 Negative 8:27 PM

ARTICLE 9: MOVED, that the Town vote that no action be taken on the subject matter of Article 9.

ADOPTED 202 Affirmative 0 Negative 8:28 PM

ARTICLE 10: MOVED, that the Town vote that no action be taken on the subject matter of Article 10.

ADOPTED 198 Affirmative 0 Negative 8:29 PM

ARTICLE 11: MOVED, that the Town vote to raise and appropriate or transfer from available funds amounts requested to amend Article 4 of the May 14, 2012, FY 2013 Annual Operating Budget and Article 5 of the May 14, 2102, FY 2013 Annual Capital Budget in order to fund the expenses associated with: 1) Underfunded Sewer Enterprise Expense budget; and 2) Change the "Free Cash Loan" portion of the Funding Source for the Fire Engine Replacement to "Ambulance Receipts", as follows:

<u>Item #</u>	<u>Dept #</u>	<u>Department</u>	<u>Budget</u>	<u>Adjust</u>	<u>Revised FY '13 Budget</u>	<u>Funding Source</u>
1)	460	Sewer Ent. Expenses	768,655	65,000	833,655	Sewer Retained Earnings
2)	220	Fire Capital: Engine 21	361,000	Change Funding Source	361,000	Ambulance Receipts

ADOPTED 192 Affirmative 0 Negative 8:31 PM

ARTICLE 12: MOVED, that the Town vote to see what revolving funds the Town may authorize and reauthorize pursuant to Massachusetts General Laws Chapter 44, Section 53E ½ for the Fiscal Year 2014, beginning July 1, 2013.

<u>Revolving Fund #</u>	<u>Name of Revolving Fund</u>	<u>Spending Authority</u>	<u>Revenue Sources</u>	<u>Use of Funds</u>	<u>FY '14 Spending Limit</u>
1	Recreation Revolving Fund	Board of Recreation	Funds from Program Participation	Recreation Department Programs	\$170,000
2	Police and Fire Apparatus Utilization Revolving Fund	Town Manager	Vehicle apparatus rental fees collected from vendors hiring Police and/or Fire details requiring the use of Police and/or Fire vehicles	Repair, replacement or purchase of equipment for Fire and Police vehicles	\$55,000
3	Highway Department Revolving Fund	Town Manager	Fee for services and various Town department payments	Highway Department labor and/or materials costs	\$40,000
4	Conservation Rental Property Revolving Fund	Conservation Commission	Annual property rental income in excess of \$18,000	Repair and maintenance of Conservation Rental Properties	\$10,000

ADOPTED 187 Affirmative 0 Negative 8:33 PM

ARTICLE 13: MOVED, that the Town vote to raise and appropriate or transfer from available funds the sum of Five Hundred Sixty-Four Thousand and Sixty-Nine Dollars (\$564,069) of which Five Hundred Thousand (\$500,000) shall be funded from Meals Tax Receipts, Fifty-One Thousand Two Hundred Fifty-Six Dollars (\$51,256) shall be funded from Water Enterprise Receipts, and Twelve Thousand Eight Hundred Thirteen Dollars (\$12,813) shall be funded from Sewer Enterprise Receipts into the Other Post-Employment Benefits (OPEB) Liability Trust fund to be used towards the unfunded actuarial liability of health care and other non-pension post-employment benefits for Town of Foxborough retirees.

ADOPTED 190 Affirmative 0 Negative 8:37 PM

ARTICLE 14: MOVED, that the Town vote to transfer from Free Cash the sum of One Hundred Fifty Thousand Dollars (\$150,000) into the Stabilization fund for reserve balance purposes.

2/3rds Required
ADOPTED 194 Affirmative 0 Negative 8:39 PM

ARTICLE 15: MOVED, that the Town vote to amend the Revised Consolidated Personnel By-Laws as follows;

Preamble

Equal Employment Opportunity Policy – Town of Foxborough statement – delete current statement and replace with statement as written below:

“The Town of Foxborough provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, disability, genetic information, marital status, amnesty, or status as a covered veteran in accordance with applicable federal, state and local laws. Foxborough complies with applicable state and local laws governing non-discrimination in employment in every location in which it has facilities. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

The Town of Foxborough expressly prohibits any form of unlawful employee harassment based on race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability, or veteran status. Improper interference with the ability of Foxborough’s employees to perform their expected job duties is absolutely not tolerated.”

Article II – Employee Benefits, Section H. Family and Medical Leave

Delete paragraph 1 and replace as follows:

“The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to:

- 1.) Twelve workweeks of leave in a 12-month period for;
 - the birth of a child and to care for the newborn child within one year of birth;
 - the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
 - to care for the employee’s spouse, child, or parent who has a serious health condition;

- a serious health condition that makes the employee unable to perform the essential functions of his or her job;
- any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or

2.) Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave)."

ADOPTED 181 Affirmative 0 Negative 8:40 PM

ARTICLE 16: MOVED, that the Town vote to rescind the borrowing authorization for the balance unissued for the Article of a prior Town Meetings as follows:

Town Meeting	Article	Purpose	Amount Authorized	Amount Issued	Balance Unissued
<u>Vote Date</u> 5/11/2009	<u>#</u> 6	<u>Purpose</u> High School Renovation	<u>Amount Authorized</u> 19,887,694	<u>Amount Issued</u> 10,400,000	<u>Balance Unissued</u> 9,487,694

ADOPTED 178 Affirmative 0 Negative 8:42 PM

ARTICLE 17: MOVED, that the Town vote to authorize the Town Manager to expend any funds received or to be received from the State and/or County for the construction, reconstruction, improvements or other highway related activities.

ADOPTED 184 Affirmative 0 Negative 8:43 PM

ARTICLE 18: MOVED, that the Town vote no action be taken on the subject matter of Article 18.

ADOPTED 176 Affirmative 0 Negative 8:44 PM

ARTICLE 19: MOVED, that the Town vote to transfer the sum of Fifty Six Thousand Five Hundred Dollars (\$56,500) from free cash to be expended by the Planning Board to complete the Master Plan for the Town.

ADOPTED 168 Affirmative 2 Negative 8:47 PM

ARTICLE 20: MOVED, that the Town vote to accept the provisions of Massachusetts General Laws c.44 s.55C establishing a Municipal Affordable Housing Trust for a period of time to expire on July 1, 2016.

ADOPTED 160 Affirmative 3 Negative 8:53 PM

ARTICLE 21: MOVED, that the Town vote to amend the Zoning By-Laws section 8.3.4. Dimensional and Design Requirements by striking the words "and dwelling units" following the words "to all lots" in the first sentence of section 8.3.4.1, by changing the heading "Minimum Distance Between Structures (ft.)" to "Minimum Yard" in Table 8-1, and by changing the dimensions Front from 20 to 35 feet and Rear 25 to 30 feet.

2/3rds Required

ADOPTED

158 Affirmative

0 Negative

8:53 PM

Approved by the A.G. May 22, 2013. REC

ARTICLE 22: MOVED, that the Town vote to amend the Zoning By-Laws section 9.3.2.2 Requirements by changing the second "A" in subsection 2. to 9.3.2.1.

2/3rds Required

ADOPTED

152 Affirmative

0 Negative

8:56 PM

Approved by the A.G. May 22, 2013. REC

ARTICLE 23: MOVED, that the Town vote to amend the Zoning By-Laws by making the following change:

To strike the words in Table 4-1 "DIMENSIONAL REGULATIONS FOR RESIDENTIAL USED" and replace with "TABLE 4-1 DIMENSIONAL REGULATIONS FOR USES IN RESIDENTIAL AND NEIGHBORHOOD BUSINESS DISTRICTS".

2/3rds Required

ADOPTED

148 Affirmative

0 Negative

8:57 PM

Approved by the A.G. May 22, 2013. REC

ARTICLE 24: MOVED, that the Town vote to amend the Zoning By-Laws by making the following change;

To strike the words in Table 4-2 "DIMENSIONAL REGULATIONS FOR NONRESIDENTIAL USES" and replace with "DIMENSIONAL REGULATIONS FOR USES IN NONRESIDENTIAL DISTRICTS".

2/3rds Required

ADOPTED

145 Affirmative

0 Negative

8:59 PM

Approved by the A.G. May 22, 2013. REC

ARTICLE 25: MOVED, that the Town vote to amend the Zoning By-laws by making the following change:

To amend Section 3.2.2 subsection 2 to read "The area devoted to the home occupation shall not exceed forty (40) percent of the habitable floor area of the principle residence";

AND

To amend Section 3.2.2. subsection 4 to read "No more than (2) persons in addition to family members residing in the residence may be employed within the principle residence or in an accessory building;

AND

To amend Section 3.2.2 subsection 5 to read "Storage of material or products outside of the principle residence or an accessory building is prohibited;

AND

To amend Section 3.2.2 subsection 6 to read “the making of external structure alterations to the principle residence or accessory building which are not customary in residential buildings is prohibited.

2/3rds Required

ADOPTED 148 Affirmative 0 Negative 9:00 PM
Approved by the A.G. May 22, 2013. REC

ARTICLE 26: MOVED, that the Town vote to amend Section 10.2.2 subsection 3 of the Zoning By-Laws by deleting the words “and that the desirable relief may be granted without substantial hardship, financial or otherwise to the petitioner or appellant”.

2/3rds Required

ADOPTED 142 Affirmative 0 Negative 9:02 PM
Approved by the A.G. May 22, 2013. REC

ARTICLE 27: MOVED, that the Town vote to amend Section 5.3 of the Zoning By-Laws by deleting the existing language in its entirety and replace new language to read;

5.3 NONCONFORMING STRUCTURES THAT ARE NOT SINGLE AND TWO-FAMILY RESIDENTIAL STRUCTURES

The reconstruction, alteration or extension of, or the structural change to, any nonconforming structure that is not a single or two-family residential structure may be authorized by the Board of Appeals in accordance with the following:

5.3.1 A Special Permit is required for the reconstruction, extension, alteration or structural change of or to a nonconforming structure that does not increase an existing nonconformity or that does not create a new nonconformity; or

5.3.2 A Special Permit is required for the reconstruction, extension, alteration or structural change of or to a nonconforming structure that results in the nonconforming structure being used for a substantially different purpose or use that is permitted under these By-Laws, or that results in the nonconforming structure being used for the same purpose or use in a substantially different manner or to a substantially greater extent, provided that such reconstruction, extension, alteration or structural change does not increase an existing nonconformity or does not create a new nonconformity; or

5.3.3 A Special Permit is required for the extension of an exterior wall of a nonconforming structure at or along the same nonconforming distance to the front, side or rear line within a required yard (any such extension not being deemed to constitute an increase in the existing nonconformity or the creation of a new nonconformity for purposes of these By-Laws).

5.3.4 A variance is required in the event that the reconstruction, extension, alteration or structural change of or to a nonconforming structure increases an existing nonconformity or creates a new nonconformity. Notwithstanding the foregoing, the extension of an exterior wall of a nonconforming structure at or along the same nonconforming distance to the front, side or rear line within a required yard shall not be deemed to constitute an

increase in an existing nonconformity or the creation of a new nonconformity for purposes of these By-Laws, and shall not require the issuance of a variance

A Special Permit may be granted by the Board of Appeals pursuant to Section 5.3.1, Section 5.3.2 or Section 5.3.3 only if there is a finding by the Board of Appeals that the reconstruction, extension, alteration or change shall not be substantially more detrimental to the neighborhood in which such structure is located than the existing nonconforming structure. A variance may be granted by the Board of Appeals pursuant to Section 5.3.4 only in accordance with the requirements of Section 10.2.2.3.

2/3rds Required

ADOPTED

142 Affirmative

0 Negative

9:03 PM

Approved by the A.G. May 22, 2013. REC

ARTICLE 28: MOVED, that the Town vote to:

- (a) adopt a Tax Increment Financing (“TIF”) Plan and TIF Agreement pursuant to Massachusetts General Laws Chapter 40, Section 59 and 760 C.M.R. 22.00 between Invensys Systems, Inc. (“Company”) and the Town of Foxborough (“Town”) for property located at 38 Neponset Avenue shown on Assessors' Map 55, Parcel 1550 (the “Neponset Avenue TIF”), and within the proposed Invensys Economic Opportunity Area (“EOA”) which TIF Plan and Agreement provide for real estate tax exemptions over a period of years, not less than five and not to exceed twenty, at the exemption rate schedule set forth therein, substantially in the form on file with the Board of Selectmen and the Town Clerk, subject to approval by the Economic Assistance Coordinating Council of the Commonwealth of Massachusetts (“EACC”);
- (b) adopt a Tax Increment Financing (“TIF”) Plan and TIF Agreement pursuant to Massachusetts General Laws Chapter 40, Section 59 and 760 C.M.R. 22.00 between Invensys Systems, Inc. (“Company”), the property owner, presumed to be Lexington Foxboro I, LLC, a Delaware limited liability company (“Property Owner”) and the Town of Foxborough (“Town”) for property located at 70 Mechanic Street shown on Assessors' Map 67, Parcel 1974 (the “Mechanic Street TIF”) and within the proposed Invensys Economic Opportunity Area (“EOA”), which TIF Plan and Agreement provide for real estate tax exemptions over a period of years, not less than five and not to exceed twenty, at the exemption rate schedule set forth therein, substantially in the form on file with the Board of Selectmen and the Town Clerk, subject to approval by the Economic Assistance Coordinating Council of the Commonwealth of Massachusetts (“EACC”);
- (c) Ratify the acceptance and submission of a Certified Project Application relative to the Neponset Avenue TIF and the Mechanic Street TIF, and authorize the Board of Selectmen to apply to the EACC under the Economic Development Incentive Program for approval and designation of the Invensys Economic Opportunity Area, TIF Zone, TIF Plans, and such certified project, substantially in the form on file with the Board of Selectmen and the Town Clerk; or take any other action relative thereto.
- (d) authorize the Board of Selectmen to execute the Neponset Avenue TIF Agreement and the Mechanic Street TIF Agreement, and approve the submission of to the EACC of the TIF Plans and Agreements and Certified Project application and any necessary documents relating thereto, and to take such other actions necessary or appropriate to implement those documents.

ADOPTED

145 Affirmative

5 Negative

9:13 PM

ARTICLE 29: MOVED, that the Town vote no action on the subject matter of Article 29.
(Grant of Access Easement).

ADOPTED

150 Affirmative

0 Negative

9:14 PM

The Annual Town Meeting was adjourned at 9:15 PM.

A True Record Attest:

Robert E. Cutler, Jr., Town Clerk