

**TOWN CLERK'S REPORT**  
**SPECIAL TOWN MEETING**

Monday, the Fifth Day of December 2016

The Special Town Meeting of the Town of Foxborough convened at 7:34 PM in the auditorium of the Foxborough Senior High School, 120 South Street, Foxborough, Massachusetts with Town Moderator Francis J. Spillane presiding. Vice Chairman of the Advisory Committee, Bernard G. Dumont, led the Pledge of Allegiance. Dominick Amico, a Foxborough High School student, played the national anthem on his trumpet and Frank

Spillane recognized special guest, Representative Jay Barrows.

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

There were one hundred sixty-four (164) registered voters recorded as present [a quorum being one hundred (100) registered voters].

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**ARTICLE 1:** MOVED, that the Town vote to replace the "Plan of the Foxborough Center Overlay District (FCOD)" map prepared by the Metropolitan Area Planning Council dated May 29, 2013 as found in Appendix C of Chapter 275 of the Town of Foxborough Code ("Foxborough Zoning Bylaw") with a new corrected map with the same date and title, but with the word "CORRECTED" found in the upper right hand corner of the map.

*2/3<sup>rd</sup>s vote required*

**ADOPTED** 125 Aff. 0 Neg. 7:42 PM  
*Approved by the AG January 27, 2017. REC*

**ARTICLE 2:** MOVED, that the Town vote to amend Section 6.1.2 Subsection 2 of Chapter 275 of the Town of Foxborough Code ("Foxborough Zoning Bylaw") by changing the table reference found in the last sentence of the subsection from "Table 6-2" to "Table 6-1".

*2/3<sup>rd</sup>s vote required*

**ADOPTED** 119 Aff. 0 Neg. 7:44 PM  
*Approved by the AG January 27, 2017. REC*

**ARTICLE 3:** MOVED, that the Town vote to amend Section 10.5.7 of Chapter 275 of the Town of Foxborough Code ("Foxborough Zoning Bylaw") by deleting subsection 3 and replacing with the following:

The hearing shall be opened no later than twenty-one (21) days after the receipt of a

complete application. The Planning Board shall render a decision and file such with the Town Clerk within thirty (30) days of the closing of the hearing. At the request of the applicant, these time periods may be extended.

*2/3<sup>rd</sup>s vote required*

**ADOPTED** 136 Aff. 0 Neg. 7:49 PM  
*Approved by the AG January 27, 2017. REC*

**ARTICLE 4:** MOVED, that the Town vote to amend Section 11.1 of Chapter 275 of the Town of Foxborough Code ("Foxborough Zoning Bylaw") by deleting the existing definition of Commercial Campground and replacing with the following:

Commercial Campground: A facility located on a lot that is not less than 75 acres in area and that is used by transient campers in a unit that is a portable structure, shelter or vehicle designed and intended for occupancy by persons engaged in camping activities or such recreational and non-recreational vehicle activities that are common to a campground or recreational vehicle park. The facility may include accessory uses that are intended for the use and convenience of the users of the campground and that customarily are accessory to the operation of a commercial campground, such as recreation fields and halls, swimming and shower facilities, convenience stores, food services, and spas. The facility also may include

buildings that are owned by the owner(s) of the campground and that are used for functions and events such as weddings, family reunions, and business and educational conferences, whether used by the facility's campers or by non-camping patrons. No such facility shall include mobile homes.

*2/3<sup>rd</sup>s vote required*

**ADOPTED** 132 Aff. 4 Neg. 8:14 PM  
*Approved by the AG January 27, 2017. REC*

**ARTICLE 5:** MOVED, that the Town vote to amend Section 7.1.4 and 7.1.5 of Chapter 275 of the Town of Foxborough Code ("Foxborough Zoning Bylaw") by deleting these sections and replacing with the following:

7.1.4 Public Hearing. Upon the receipt of an application, the Board of Selectmen shall post a notice for a public hearing pursuant to Section 10.5.7, Subsection 2. Copies of the application shall be transmitted to the Building Commissioner, Planning Board, Conservation Commission and the Board of Health while one copy is retained by the Board of Selectmen. The Board of Selectmen shall open a public hearing within thirty (30) from the receipt of an application.

7.1.5 Permit Required. No sale, lease or occupancy agreement shall be concluded prior to the Board of Selectmen issuing a permit or until thirty (30) days have elapsed from the close of the public hearing.

*2/3<sup>rd</sup>s vote required*

**ADOPTED** 153 Aff. 0 Neg. 8:17 PM  
*Approved by the AG January 27, 2017. REC*

**ARTICLE 6:** MOVED, that the Town vote to authorize the Board of Selectmen to petition the legislative delegation to file legislation authorizing the Division of Capital Asset Management and Maintenance to release use restrictions on a parcel of land on the site of the former Foxboro State Hospital Campus, as follows: A 4.53+/- acre parcel to be subdivided, comprised of all of Lot E-2 and a portion of Lot J shown on the Foxborough State Hospital Approval Not Required Subdivision Plan, dated December 10, 1998 and prepared by Rizzo Associates, Inc.

**ADOPTED** 90 Aff. 47 Neg. 8:37 PM

**MOTION TO RECONSIDER** 71 Aff. 38 Neg. 8:59 PM  
**HAND COUNT**

**MOTION AFTER RECONSIDERATION**  
**NOT ADOPTED** 42 Aff. 65 Neg. 9:08 PM  
**HAND COUNT**

**ARTICLE 7:** MOVED, that the Town vote to extend the boundaries of the Chestnut-Payson Overlay District (CPOD) to include 4.53+/- acres of additional land shown as shown on a plan entitled "Revised Chestnut-Payson Overlay District (CPOD) Plan in Foxborough, MA" dated October, 2002, revised September 2016, and prepared by Bay Colony Group, Inc.

*2/3<sup>rd</sup>s vote required*

**NOT ADOPTED** 80 Aff. 60 Neg. 8:55 PM  
**HAND COUNT**

**ARTICLE 8:** MOVED, that the Town vote to transfer from Free Cash the sum of Two Hundred Eighty Thousand Dollars (\$280,000.00) into the Stabilization fund for reserve balance purposes.

**ADOPTED** 120 Aff. 0 Neg. 9:15 PM

**ARTICLE 9:** MOVED, that the Town vote to transfer from the 120 Spring Street capital project account, Sixteen Thousand Five Hundred Dollars (\$16,500) to amend Article 5 of the May 12, 2014, FY 2015 Annual Capital Budget, as amended in the motion under Article 11 of the May 11, 2015 Annual

Town Meeting, in order to address other Town owned building needs; as follows:

<u>Item #</u>	<u>Dept #</u>	<u>Department / Project</u>	<u>Budget</u>	<u>Adjust</u>	<u>Revised FY '15 Budget</u>	<u>Revised Dept. &amp; Purpose</u>
1)	171	Conservation 120 Spring Street	16,500	0	16,500	Dept. 192 Central Maintenance Town Owned Property Repairs or Demolition

**ADOPTED** 116 Affirmative 0 Negative 9:20 PM

**ARTICLE 10:** MOVED, that the Town vote to accept Section 9A of Chapter 200A of the Massachusetts General Laws regarding the "Disposition of abandoned funds by city or town".

**ARTICLE 11:** MOVED that the Town vote to rescind the borrowing authorization for the balance unissued for the Articles of prior Town Meetings as follows:

**ADOPTED** 117 Aff. 0 Neg. 9:21 PM

<u>Meeting Vote Date</u>	<u>Article #</u>	<u>Town Purpose</u>	<u>Amount Authorized</u>	<u>Amount Rescinded On 5/14/2012</u>	<u>Amount Issued</u>	<u>Balance Unissued</u>
5/10/2010	7	Oak St Water Treatment Plant	7,000,000	382,602	5,800,000	817,398
5/14/1990	10	Land Acquisition	250,000	----	180,000	70,000

**ADOPTED** 115 Affirmative 0 Negative 9:23 PM

**ARTICLE 12:** MOVED that the Town vote to amend the Code of the Town of Foxborough Chapter 88-Building Demolition, Section 88-2, Definitions – Significant Building by deleting the words “over 50 years old” and replacing it with the words “over 75 years old” and amend Section 88-3 – Procedures, subsection A, by deleting the words “over 50 years old” and replacing it with the words “over 75 years old” and amend subsection B, by adding the language after the first sentence to read “The Commission shall be allowed to tour the building, if necessary, to inform the preliminary recommendation.”

preparing design plans and specifications, to include contract/bid documents, preliminary site testing and estimates of probable site work and construction relating thereto for the creation of a Phase I Sanitary Sewer System that will serve a portion of the Foxborough Downtown Area; specifically including portions of parcels & properties located on Rockhill St, School St, Market St, and Centennial Drive in Foxborough, MA.

**ADOPTED** 113 Aff. 1 Neg. 9:34 PM

**ADOPTED** 120 Aff. 0 Neg. 9:26 PM  
*Approved by the AG January 27, 2017. REC*

**ARTICLE 14:** MOVED, that the Town vote to transfer from Ambulance Receipts Five Hundred Sixty-Five Thousand Dollars (\$565,000.00) to amend and fund Article 5 of the May 9, 2016 Annual Town Meeting, FY 2017 Annual Capital Budget, in order to fund the replacement cost of Fire Engine #24.

**ARTICLE 13:** MOVED, that the Town vote to transfer from Free Cash Fifty Thousand Dollars (\$50,000.00) to pay the cost of hiring an architect, and/or engineers/consultants for the purpose of

<u>Dept.#</u>	<u>Department</u>	<u>Budget</u>	<u>Adjust</u>	<u>REVISED FY'17 Budget</u>	<u>Funding Source</u>
220	Fire: Capital	337,103	565,000	902,103	Ambulance Receipts

**ADOPTED**                      119 Affirmative                      0 Negative                      9:37 PM

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The Special Town Meeting was adjourned at 9:37 PM.

A True Record Attest:

Robert E. Cutler, Jr., Town Clerk

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