

TOWN CLERK'S REPORT
ANNUAL TOWN MEETING
Monday, the 14th Day of May 2018

The Annual Town Meeting of the Town of Foxborough convened at 7:40 PM in the auditorium of the Foxborough Senior High School, 120 South Street, Foxborough, Massachusetts with Town Moderator Francis J. Spillane presiding. Reverend Thomas Boisclair of Grace Church delivered the invocation. Susan Dring of the Advisory Committee led the Pledge of Allegiance and Faith Perry, a Foxborough High School senior sang the National Anthem.

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

There were three hundred forty-eight (348) 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 7, 2018. The results of the following positions were announced at the John J. Ahern Middle School by Kathleen M. Brady, Town Warden: two Selectman for three years; one Assessor for three years; two School Committee Member 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; two Planning Board members for three years.

ARTICLE 2: Town Clerk Robert E. Cutler, Jr., presented the 239th 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, 2017.

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, the transfer from available funds or boor 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. Also, Bill Yukna, Chairman of the Permanent Municipal Planning and Building Committee, reported on the Burrell School Project.

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 boards, officers, commissions and departments of the Town during the Fiscal Year 2019, beginning July 1, 2018 and ending June 30, 2019 as follows:

	<u>AMOUNT</u>
Taxation, State Aid & Local Receipts	67,032,152.35
Ambulance Receipts	975,563.00
Recreation Revolving	43,465.00
Water Receipts	6,231,866.66
Sewer Receipts	1,626,729.69
	<u>75,909,776.70</u>

UNHELD ITEMS

Adopted Unanimously

298 Affirmative

0 Negative

8:16 PM

MOTION TO AMEND Moved to lower the Administration Salaries budget by \$15,000 from \$511,108 to \$496,108.

MOTION TO AMEND NOT ADOPTED 68 Affirmative 241 Negative 8:38 PM

HELD ITEMS

Adopted Item #123 - Salaries	248 Affirmative	43 Negative	8:39 PM
Adopted Unanimously Item #192 - Expenses	313 Affirmative	0 Negative	8:45 PM
Adopted Unanimously Item #195 - Expenses	298 Affirmative	0 Negative	8:47 PM
Adopted Unanimously Item #230 - Salaries	294 Affirmative	0 Negative	8:52 PM
Adopted Unanimously Item #230 - Expenses	288 Affirmative	0 Negative	8:54 PM
Adopted Unanimously Item #235 - Salaries	293 Affirmative	0 Negative	8:55 PM
Adopted Unanimously Item #235 - Expenses	239 Affirmative	0 Negative	8:56 PM
Adopted Unanimously Item #410 - Capital Outlay	273 Affirmative	0 Negative	8:58 PM
Adopted Unanimously Item #911 - Pensions/Retirement	284 Affirmative	0 Negative	8:59 PM
Adopted Unanimously Item #915 - Group Health/Life Insurance	293 Affirmative	0 Negative	9:00 PM

FUNDING SOURCES

Adopted Unanimously 289 Affirmative 0 Negative 9:02 PM

ARTICLE 5: MOVED, 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 Schedule A in order to implement the CIP budget request for Town Departments for FY 2019 as follows:

<u>DEPARTMENT</u>	<u>Amount</u>	<u>Funding Sources</u>
Information Systems	100,000	Free Cash
Police	40,088	Free Cash
Fire	409,243	Ambulance Receipts
Public Schools	602,771	\$517,000 Free Cash; \$85,771 Reallocation of funding from Article 7 of 5/09/16 ATM - Burrell Elementary School Renovation Project
Highway	553,300	Free Cash
Highway (Chapter 90)	650,000	Chapter 90 State Allocation
Highway (Roads)	210,000	Meals Tax Receipts
Water Enterprise	607,300	Water Receipts
	<u>3,172,702</u>	

ADOPTED UNANIMOUSLY 283 Affirmative 0 Negative 9:03 PM

ARTICLE 6: MOVED, to transfer from Free Cash, One Million One Hundred Fifty Thousand Dollars (\$1,150,000.00) for the purposes of completing the Sam Berns Community Turf Field Athletic Complex by installing an Eight Lane Track, Grandstand Bleachers and Press Box for fiscal year 2019.

ADOPTED 271 Affirmative 16 Negative 9:23 PM

ARTICLE 7: MOVED, to transfer from Free Cash, Two Hundred Eighty-Seven Thousand Five Hundred and Nineteen dollars (\$287,519.00) to fund the cost and wage items for Fiscal Year 2017 and Fiscal Year 2018, and to supplement the wages and salary amounts voted under Article 4 of the Warrant to fund the cost and wage items for Fiscal Year 2019, in a collective bargaining contract between the Town of Foxborough (represented by the Board of Selectmen) and Foxborough Permanent Firefighters Association, Local 2252, in accordance with Chapter 150E

of the General Laws of the Commonwealth; and to meet said FY 2017 appropriation by a transfer from Free Cash in the amount of Fifty-Seven Thousand Two Hundred and Ninety-Nine Dollars (\$57,299.00); and to meet said FY 2018 appropriation by a transfer from Free Cash in the amount of One Hundred Ten Thousand Eight Hundred and Fifty-Seven Dollars (\$110,857.00); and to meet said FY 2019 appropriation by a transfer from Free Cash in the amount of One Hundred Nineteen Thousand Three Hundred and Sixty-Three Dollars (\$119,363).

ADOPTED 263 Affirmative 1 Negative 9:28 PM

ARTICLE 8: MOVED, to vote to raise and appropriate or transfer from available funds Forty-Seven Thousand Two Hundred and Eighty-Two dollars (\$47,282.00) to supplement the wage and salary amounts voted under Article 4 of the Warrant to fund the cost and wage items for Fiscal Year 2019 in a collective bargaining contract between the Town of Foxborough (represented by the Board of Selectmen) and the Foxborough Highway and Water Employees Union, AFSCME, in accordance with Chapter 150E of the General Laws of the Commonwealth; and to meet said FY 2019 appropriation by a transfer from Free Cash in the amount of Twenty-Nine Thousand Six Hundred and Ninety-Eight Dollars (\$29,698.00) and Fourteen Thousand One Hundred Sixty-Seven Dollars (\$14,167.00) from Water Receipts and Three Thousand Four Hundred Seventeen Dollars (\$3,417.00) from Sewer Receipts.

ADOPTED 268 Affirmative 1 Negative 9:32 PM

ARTICLE 9: MOVED, to vote to transfer from available funds amounts requested to amend Article 4 and Article 14 of the May 8, 2017, FY 2018 Annual Operating Budget and the OPEB Trust funding articles, in order to fund expenses associated with: 1) the Annual Apportionment of Regional Dispatch Expenses; 2) An increase to the FY 2018 annual funding commitment of the OPEB Trust; as follows:

<u>Item #</u>	<u>Dept #</u>	<u>Department</u>	<u>Budget</u>	<u>Adjust</u>	<u>Revised FY '18 Budget</u>	<u>Funding Source</u>
1)	230	Central Dispatch	636,151	53,250	689,401	Free Cash
2)	915	OPEB Trust	864,069	100,000	964,069	Free Cash

ADOPTED UNANIMOUSLY 261 Affirmative 0 Negative 9:41 PM

ARTICLE 10: MOVED to see if the Town will vote to amend Part II entitled "General Legislation" of the Code of the Town of Foxborough, Massachusetts Chapter 275, "Zoning," 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 Group 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 Group D.2.)
- Hotels, motels but not including group homes or halfway houses (Use Group 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.
- (d) Delete Sections 9.1.7. and 9.1.8.

MOTION TO AMEND Moved that Article 10 “Bulk and Dimensional Proposals” Section 2 Building Height letter (d) 9.5.7.2 be amended by deleting the words “but not greater than 150 feet”.

MOTION TO AMEND NOT ADOPTED 12 Affirmative 214 Negative 10:54 PM

2/3rds vote required

ADOPTED 198 Affirmative 24 Negative 10:55 PM

MOTION TO RECONSIDER
NOT ADOPTED 12 Affirmative 203 Against 10:56 PM

Approved by the A.G. June 15, 2018 REC

ARTICLE 11: MOVED to see if the Town will vote to amend Part II entitled “General Legislation” of the Code of the Town of Foxborough, Chapter 275 “Zoning,” as follows:

- 1. To amend Section 9.4.6 by deleting subparagraph “2” in its entirety.
- 2. To amend Section 9.4.6 by deleting the following language from subparagraph “3.b., which states “and for Zone III does not exceed 137.5 gpd/10,000 square feet or 550 gpd/40,000 square feet” so that 3.b. will now read:
 - b. “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.”
- 3. To amend Section 9.4.6 subsection 6 by deleting it in its entirety and replacing it 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.
- 4. To amend Section 9.4.6 by renumbering the subsections 1-11.

2/3rds vote required

ADOPTED 150 Affirmative 2 Negative 11:09 PM
Approved by the A.G. June 15, 2018 REC

ARTICLE 12: MOVED to see if the Town will vote to amend Part II entitled “General Legislation,” of the Foxborough Code, Chapter 275 “Zoning” Section 3.1.7 “Notes to Table of Use Regulations” by adding the following new note:

- 8. Unless otherwise authorized by the special permit granting authority, the architectural design of any accessory structure, and the type and color of the external materials used in its construction, shall be comparable to the principal structure to which it is incidental and subordinate.

2/3rds vote required

ADOPTED 140 Affirmative 6 Negative 11:11 PM

Approved by the A.G. June 15, 2018 REC

ARTICLE 13: MOVED to see if the Town will vote to amend Part II entitled “General Legislation” of the Foxborough Code, Chapter 275 “Zoning,” Section 3.1.6. Table 3-1 Table of Uses , by (i) adding the following new use item to Use Group I. Public and Quasi-Public Facilities, and (ii) including the letters “PB” for such use item under the R-40 District and the letter “N” for such use item under each of the other districts in such table:

- 9. Residential Large-scale ground-mounted solar photovoltaic installation

And amend Section 11 of Chapter 275 of the Town of Foxborough Code (“Zoning”) by adding the following new definition:

Residential Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system located in the Residential and Agricultural District (R-40) on a lot containing not less than 50 Acres that is structurally mounted on the ground and is not roof-mounted, has a minimum nameplate capacity of 2,000 kW DC, and the total acres used for a solar photovoltaic system does not exceed 50% of the total lot acres.

2/3rds vote required

ADOPTED 135 Affirmative 10 Negative 11:19 PM

Approved by the A.G. June 15, 2018 REC

ARTICLE 14 MOVED, to 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 2019, beginning July 1, 2018; as follows:

<i>Name of Revolving Fund</i>	<i>FY 2019 Spending Limit</i>
Recreation Revolving Fund	\$375,000
Police and Fire Apparatus Utilization Revolving Fund	\$100,000
Highway Department Revolving Fund	\$40,000
Council on Aging Senior Trips & Programs Fund	\$60,000

ADOPTED 140 Affirmative 1 Negative 11:22 PM

ARTICLE 15: MOVED, to vote to raise and appropriate or transfer from available funds the sum of Nine Hundred Sixty-Four Thousand and Sixty-Nine Dollars (\$964,069.00) into the Other Post-Employment Benefits (OPEB) Liability Trust fund to be used towards the unfunded actuarial liability of health care and other post-employment benefits for Town of Foxborough retirees. \$900,000 to be funded from Meals Tax receipts and \$51,256 from Water Enterprise receipts and \$12,813 from Sewer Enterprise receipts.

ADOPTED UNANIMOUSLY 138 Affirmative 0 Negative 11:25 PM

ARTICLE 16: MOVED, to vote to transfer from Free Cash the sum of One Million Dollars (\$1,000,000.00) into the Capital Stabilization fund for future capital project purposes.

ADOPTED UNANIMOUSLY 142 Affirmative 0 Negative 11:26 PM

ARTICLE 17: MOVED, to vote to transfer from Free Cash the sum of Three Hundred Thousand Dollars (\$300,000.00) into the Stabilization fund for reserve balance purposes.

ADOPTED 137 Affirmative 0 Negative 11:28 PM

ARTICLE 18: MOVED, to see if the Town will vote to authorize the Board of Selectmen to petition the General Court to adopt legislation authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to the Town of Foxborough according to the following terms and conditions in the following legislation. The Legislature may reasonably vary the form and substance of the requested legislation subject to the approval of the Board of Selectmen who are hereby authorized to approve amendments within the scope of the general public objectives of this petition. In addition, the Board of Selectmen are authorized to pursue the general public objectives of this article through one or more separate petitions of a more limited or specific scope, offered at such time as the Board of Selectmen deem appropriate, to accomplish incrementally the general public objectives of this petition.

AN ACT AUTHORIZING THE COMMISSIONER OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN LAND TO THE TOWN OF FOXBOROUGH FOR FIRE DEPARTMENT USE.

SECTION 1. Notwithstanding sections 32 to 37, inclusive, of Chapter 7C of the General Laws or any general or special law to the contrary, the Commissioner of Capital Asset Management and Maintenance may convey a certain parcel of state-owned land in the Town of Foxborough to the inhabitants of the Town of Foxborough for the purpose of housing a fire sub-station and all appurtenances associated with a fire station. The parcel contains approximately 2.5 acres plus or minus and is located adjacent to 32 Commercial Street and is a part of the parcel as shown on the Town of Foxborough Assessors Map 121, Parcel 3446. The exact boundaries of the parcel shall be determined by the commissioner based upon a survey. The use of the proposed parcel shall be restricted to the construction of a fire department sub-station and all appurtenances associated with a fire station/firefighting. This parcel shall be conveyed by deed without warranties or representations by the Commonwealth.

SECTION 2. The consideration for the parcel shall be the full and fair market value of the parcel for the use authorized by this act, as determined by the Commissioner of Capital Asset Management and Maintenance based upon an independent professional appraisal and including the conditions set forth in section 1; provided, however, that the Commissioner of Capital Asset Management and Maintenance may accept the findings of a previous appraisal of the parcel conducted by an appraiser acceptable to that commissioner.

SECTION 3. Notwithstanding any general or special law to the contrary, the Inspector General shall review and approve the appraisal required pursuant to section 2. The Inspector General shall prepare a report of such review of the methodology utilized for the appraisal and shall file the report with the Commissioner of Capital Asset Management and Maintenance, the House and Senate committees on ways and means and the joint committee on state administration and regulatory oversight. Thirty days before the execution of a deed for the conveyance authorized in this act or any subsequent amendment thereto, the commissioner of capital asset management and maintenance shall submit the proposed deed or amendment and a report thereon to the Inspector General for his review and comment. The Inspector General shall issue such review and comment within 15 days after receipt of the proposed deed or amendment. The commissioner shall submit the proposed deed or amendment, and the reports and the comments of the Inspector General, if any, to the House and Senate committees on ways and means and the joint committee on state administration and regulatory oversight at least 15 days before execution of the deed or amendment.

SECTION 4. Notwithstanding any general or special law to the contrary, the Town of Foxborough shall be responsible for all costs and expenses of the transaction authorized in this act as determined by the Commissioner of Capital Asset Management and Maintenance including, but not limited to, the costs of any engineering, surveys, appraisals, title examinations, recording fees and deed preparation related to the conveyance of the parcel and all costs, liabilities and expenses of any nature and kind for its ownership. The Town of Foxborough shall acquire the property thereon in its present condition.

SECTION 5. The deed or other instrument conveying the parcel to the Town of Foxborough shall provide that if the parcel ceases at any time to be used for the purposes set forth in this act, title to the parcel shall, at the election of the Commonwealth, revert to the Commonwealth.

SECTION 6. The Legislature shall have the authority to make editorial changes to the language of this Act while maintaining its spirit and purpose.

ADOPTED

120 Affirmative

12 Negative

11:37 PM

ARTICLE 19: MOVED, to see if the Town will vote to authorize the Board of Selectmen to petition the General Court to adopt the following legislation. The Legislature may reasonably vary the form and substance of the requested legislation subject to the approval of the Board of Selectmen who are hereby authorized to approve amendments within the scope of the general public objectives of this petition. In addition, the Board of Selectmen are authorized to pursue the general public objectives of this article through one or more separate petitions of a more limited or specific scope, offered at such time as the Board of Selectmen deem appropriate, to accomplish incrementally the general public objectives of this petition:

AN ACT AUTHORIZING THE TOWN OF FOXBOROUGH TO GRANT ONE ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE CONSUMED ON THE PREMISES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1:

- (a) Notwithstanding section 12 and 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the Foxborough Board of Selectmen may grant one additional license for the sale of all alcoholic beverages not to be consumed on the premises to Smiley Stores, LLC d/b/a Hops and Grapes, or its successors or assigns, to be exercised at and located at Foxborough Plaza, 30 Commercial Street (Route 140) (the "Site") in said Town. The license shall be subject to all of said chapter 138 except said section 17.

- (b) Notwithstanding said section 12 of said chapter 138, the additional license authorized by this act shall be subject to an original license fee of \$5,000 in addition to the annual fee for existing all alcoholic beverages licenses in the Town of Foxborough, such fee to be due and payable upon the original issuance of any such license and also upon the reissuance of such licenses pursuant to Section (d) below.
- (c) The Board of Selectmen shall determine reasonably whether an applicant or licensee meets the criteria set forth in this act consistent with the rules and regulations governing the issuance of liquor licenses promulgated by the Board of Selectmen from time to time and all other applicable law.
- (d) Any such license, if revoked or no longer in use, shall be returned physically, with all of the legal rights and privileges pertaining thereto, to the Board of Selectmen, which may grant any such returned license to a new applicant who meets the criteria set forth in this act whose business is located within the Site, such reissuance to be subject to the payment of the reissuance fee of \$5,000 as stated above.

SECTION 2: This act shall take effect upon its passage.

And further, to authorize the Board of Selectmen to take such actions and to enter into such additional instruments and agreements as they may deem appropriate and necessary to effectuate the purposes of this act.

ADOPTED

105 Affirmative

20 Negative

12:05 A.M.

ARTICLE 20: MOVED, to see if the Town will vote to insert a new article into the Foxborough Code, Part I “Administrative Legislation”, Chapter 20 “Finances,” after Article VIII entitled “Due Dates for Payments of Town Charges, Bills; Interest,” entitled Article IX Capital Improvement Planning Committee. The existing Article IX Department Revolving Funds with Section 20-29 to 20-33 will be renumbered as Article X Sections 20-33 to 20-37 respectively. Chapter 35 Officials Section 35-4 Appointed officials Item “H” will be deleted and replaced with a new Item “H” stating “For future use.” The new Chapter 20 Article IX shall read as follows:

**Chapter 20
FINANCES
ARTICLE IX
Capital Improvement Planning Committee**

Section 20-29. Membership; appointments.

There shall be a Capital Improvement Planning Committee consisting of five members who shall be registered voters in the Town of Foxborough. The Board of Selectmen shall appoint one member, the School Committee shall appoint one member, the Board of Water & Sewer Commissioners shall appoint one member, and the Town Moderator shall appoint two members. The Capital Improvement Planning Committee should be composed of individuals having operational knowledge of Town government and/or financial expertise. The Committee shall elect a Chairperson annually from its appointed voting members. The initial terms of appointment shall be three (3) years and one (1) year for the Moderator’s appointments, two (2) years for the School Committee’s and Selectmen’s appointments, and three (3) years for the Board of Water & Sewer Commissioners’ appointment. After the expiration of the initial terms of appointment, all appointments thereafter shall be for a term of three (3) years. No member shall hold any other full-time or part-time office or employment in the Town government. All members shall comply with Massachusetts General Law Chapter 268A Conflict Of Interest Law.

Section 20-30. Term of Office; vacancies.

Appointments shall be for a term of three years commencing on July 1. No member shall serve more than three consecutive terms. Any vacancy occurring in the committee shall be filled by the appropriate appointing body for the balance of the unexpired term.

Section 20-31. Nonvoting staff members.

In addition to the five voting members, the Finance Director, the Town Manager or her/his designee, and the School Superintendent or her/his designee shall serve as ex-officio committee staff members without the right to vote.

Section 20-32. Duties; procedure; expenditures.

- (1) The Committee shall study long and short-term proposed capital projects and improvements including but not limited to:
 - (a) Major nonrecurring tangible assets; and
 - (b) Vehicles and equipment which:
 - [1] Are purchased or undertaken at intervals of not less than five years;
 - [2] Have a useful life of at least five years; and
 - [3] Cost over \$25,000.
- (2) All officers, board and committees, including the Board of Selectmen and the School Committee, shall, on or before February 1 of each year, give to the Committee, on forms prepared by it, information concerning all anticipated projects, improvements, vehicles, and equipment ("capital improvements") requiring Town Meeting action during the ensuing five years. The Committee shall consider the relative need, impact, timing, and cost of these expenditures and the effect each will have on the financial position of the Town, and shall report the same, either favorable or unfavorable, to the Board of Selectmen. No appropriation shall be voted for a capital improvement requested by an officer, department, board, committee, or commission at any Town Meeting unless the proposed capital improvement is first submitted to, reviewed by, and voted by the committee as herein provided.
- (3) The committee shall prepare an annual report recommending a capital improvement budget for the next fiscal year, and a capital improvement program including recommended capital improvements for the following five fiscal years. The report shall be submitted to the Board of Selectmen no later than the third Thursday in February of each year for its consideration and approval. The Board of Selectmen shall no later than the first Wednesday in March of each year submit its recommended capital budget to the Advisory Committee for their review and for the purpose of submitting a balanced budget to the Annual Town Meeting.
- (4) Such capital improvement program, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering or other professional advice; but no such expenditure shall be incurred on projects which have not been so approved by the Town through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future.
- (5) The Committee's report and the Selectmen's recommended capital budget shall be published and made available in a manner consistent with the distribution of the Advisory Committee report. The Committee shall file its original report with the Town Clerk.
- (6) The Committee shall also:
 - (a) Review and may offer recommendations to the Town's Financial Team and the Board of Selectmen regarding the financing for long and short term capital projects, improvements, vehicles, and equipment. Such financing mechanisms may include the using of bonding, the establishment and/or funding and/or use of specific stabilization funds to help fund current and/or future capital needs, or the use of available Town funds to help fund a specific capital request.
 - (b) Recommend that any single capital project, improvement, vehicle, or equipment having a requested amount of One Million Dollars (\$1,000,000) or more be placed on the Town Meeting Warrant as a separate

Article for consideration; and/or, that any single capital project, improvement, vehicle, or equipment having a requested amount of between \$500,000 to \$999,999 be recommended for placement on the Town Meeting Warrant as a separate Article if the Committee votes that such project, improvement, vehicle, or equipment requires greater attention by Town Meeting.

NOT ADOPTED 39 Affirmative 40 Negative 12:28 AM
HAND COUNT

ARTICLE 21: MOVED, to see if the Town will vote to insert into the Town of Foxborough Code, Part I entitled "Administrative Legislation," Chapter 30 entitled "Meetings," letter E under Section 30-1 entitled "Preparation of Warrant and Articles," a new section E as follows:

E. The Selectmen shall insert in the warrant for the Annual Meeting and any Special Meeting as a separate article any single capital project, improvement, vehicle, or equipment (a capital improvement as defined under Chapter 20 Article IX) having a requested amount of One Million Dollars (\$1,000,000.00) or more.

ADOPTED 90 Affirmative 3 Negative 12:33 AM

Approved by the A.G. June 15, 2018 REC

MOTION TO ADJOURN town meeting and reconvene on Monday, May 21, 2018 at 7:30 PM at the Foxborough High School.

ADOPTED 60 Affirmative 1 Against 12:42 AM

The adjourned session of the May 14, 2018 Annual Town Meeting of the Town of Foxborough was held on May 21, 2018 at the Foxborough High School, 120 South Street, Foxborough, Massachusetts. The adjourned session was reconvened at 7:34 PM with 245 (two hundred forty-five) registered voters recorded as present [a quorum being one hundred (100) registered voters]. The following action took place:

ARTICLE 20
MOTION TO RECONSIDER (on file in the Town Clerk's office)

50% vote required

MOTION ADOPTED 109 Affirmative 76 Negative 7:38 PM

ARTICLE 20
(VOTE AFTER MOTION TO RECONSIDER)

NOT ADOPTED 109 Affirmative 115 Negative 8:07 PM
HAND COUNT

ARTICLE 22: MOVED, To see if the Town will vote to allow the following parcels that have so requested to be incorporated in to the Sewer Service Area, and to amend the Sewer Service Area Map with the parcels so designated as follows:

<u>ADDRESS</u>	<u>Map</u>	<u>Lot</u>	<u>Estimated Capacity</u>
16 Morse Street	097	2945	1900

ADOPTED UNANIMOUSLY 189 Affirmative 0 Negative 8:09 PM

ARTICLE 23: MOVED, to see if the Town will accept as a public way Weston Avenue located within the “Govenors Meadow” subdivision, which has been constructed pursuant to the Planning Board Subdivision Control Regulations and has been approved by the Planning Board under the Subdivision Control Law, as follows:

Weston Avenue – from its intersection with Main Street generally westerly approximately 1,711.96 feet more or less to its terminus at a cul-de-sac.

ADOPTED UNANIMOUSLY 175 Affirmative 0 Negative 8:11 PM

ARTICLE 24: MOVED, to see if the Town will vote to adopt the following provision as an amendment to Foxborough’s General Bylaws in Code Section 180 as new section 180.20.

Regulation of take offs and landing of unmanned aircraft.

Section 1: Take-offs and landings

Except as set forth in Section 3 below, it shall be unlawful for any person to initiate the take-off or landing of an unmanned air craft or unmanned air craft system:

(1) in any zone within the Town of Foxborough within 1 mile of, and within two (2) hours before or after, an open-air event sponsored or licensed by the Town of Foxborough, including, but are not limited to, parades, outdoor concerts, street dances, festivals, art shows, sporting and recreational events, or large scale community gatherings; and

(2) within 2 miles and within four hours before or after any Major Event held at Gillette Stadium.

Section 2: Definitions

Unmanned air craft means any device that is intended to navigate in the air without an onboard pilot and any air craft that is operated without the possibility of human intervention from within or onboard the aircraft. The term “unmanned aircraft” includes any homemade or commercially available device known as a “Drone”.

Unmanned aircraft system means an unmanned aircraft and associated elements including communication links and any components that control the unmanned aircraft or that are required for the pilot in command to operate safely and efficiently in the national airspace system.

Gillette Stadium means collectively the multi-purpose stadium located on Route 1, all lots located in the vicinity of such multi-purpose stadium that permit patrons of licensed events to park motor vehicles, and all land and improvements thereon located within the immediate vicinity of such multi-purpose stadium that are owned and/or operated by the owner of such multi-purpose stadium.

Major event means any sporting event, concert or other form of entertainment occurring at Gillette Stadium with ticketed sales or a fan capacity of more than 1,000 people.

Section 3. Exceptions

The take-off and landing of an unmanned aircraft or unmanned aircraft system as proscribed herein (1) may be permitted by the Chief of Police based on an analysis by the Chief of Police that concludes there is no public safety risk associated with the permitted activity, and (2) **permission shall not be unreasonably withheld for commercial flights requested by the owner/operator of the multi-purpose stadium at Gillette Stadium.** The burden shall remain with the owner or operator of the unmanned aircraft or unmanned aircraft system to ensure that any flight activity complies with all FAA and other federal regulations on flight.

Section 4. Effective Date

This bylaw shall be effective upon its approval by a vote of Town Meeting.

ADOPTED 136 Affirmative 24 Negative 8:31 PM

MOTION TO DISSOLVE MEETING

ADOPTED 150 Affirmative 0 Negative 8:32 PM

A True Record Attest:

Robert E. Cutler, Jr., Town Clerk
