

## **Planning Board Sponsored Warrant Articles for May 8, 2023 Annual Town Meeting**

### **ARTICLE 12: (Zoning – Warehouse/Trucking Terminal/Definitions/Use)**

To see if Town will vote to amend the Code of the Town of Foxborough, Massachusetts, Chapter 275, Section 11.1, Definitions, by adding the following new definitions:

**SELF STORAGE MINI-WAREHOUSE** – A commercial establishment that provides within a building or group of buildings individual, self-contained units that are leased to individuals, businesses or organizations for the self-service storage of items of personal property and other non-hazardous durable goods. The conduct or performance from an individual storage unit or other area within a self storage mini-warehouse of any business activity other than providing storage space for the personal property and non-hazardous goods of a business is prohibited.

**WAREHOUSE** – A building or structure the primary function of which is to provide for the storage and ultimate distribution without retail sale of materials, merchandise, commodities, goods and products. Such term for purposes of these bylaws does not mean or include

- (i) A self storage mini-warehouse, as such term is defined in this Section 11.1.;
- (ii) Any building or structure in which goods or products that are sold online over the internet by any business entity or by any business entity and its affiliates are received, sorted and stored on a short-term basis for the subsequent purpose of direct delivery to a consumer who has purchased the same, which such building or structure may

include automated systems, office space and a “pick-and-pack” area for the sorting and packaging of good and products for delivery from the available on-site inventory, or any building or structure the function of which is to receive and store goods and products in bulk and thereafter to distribute such goods and products on an individual basis to consumers, whether any such building or structure is known as a fulfillment center, high cube fulfillment center warehouse or otherwise;

- (iii) Any automated building or structure that on a short-term basis functions as a facility for the storage and consolidation of manufactured goods or products prior to the distribution of pallet loads to retail facilities or to warehouses, whether any such building or structure is known as a high cube transload warehouse and short-term storage warehouse or otherwise;
- (iv) Any automated building or structure that on a short-term basis functions on a regional or other local basis as a freight-forwarding facility for the distribution and shipment of good and products on a timely basis to consumers or other users via air or ground transport, whether any such building or structure is known as a high cube parcel hub warehouse or otherwise; or
- (v) Any automated building or structure that on a short-term basis functions as a temperature-controlled facility for the storage and subsequent distribution of food and other perishable goods and products, whether any such building or structure is known as a high cube cold storage warehouse or otherwise.

Further, to see if the Town will vote to amend the Code of the Town of Foxborough, Massachusetts, Chapter 275, Section 3.1.6.D. by deleting 8. “Truck terminal/general commodity/public warehouse” and replacing it with 8. “Warehouse” so that it reads as follows:

8. Warehouse	R-15	R-40	GB	NB	HB	GI	LI	S-1
	N	N	N	N	PB	PB	PB	PB

And, further to see if the Town will vote to amend the Code of the Town of Foxborough, Massachusetts, Chapter 275, Section 11 by deleting the definition of “Truck terminal/general commodity/public warehouse”

; or take any other action related thereto.

Planning Board

**ARTICLE 13: (Zoning – New Definitions: Auto Graveyard, Setback, Tattoo Parlor & Junkyard)**

To see if the Town will vote to amend the Code of the Town of Foxborough, Massachusetts, Chapter 275, Section 11.1, Definitions, by adding the following new definitions:

AUTO GRAVEYARD – Any area, lot, land, parcel, building, structure, establishment, place of business or part thereof that is maintained, operated or used for the storage, collection, processing, purchase, sale or abandonment of wrecked, scrapped, ruined, dismantled or inoperable motor vehicles or motor vehicle parts pending their destruction, removal to another location or other disposition. Any such area, lot, land, parcel, building, structure, establishment

or place of business that includes wrecked, scrapped, ruined, dismantled or inoperable motor vehicles or motor vehicle parts as well as other items of junk shall be deemed a junkyard.

**SETBACK** – The horizontal distance measured at right angles from a lot line to the closest portion of any building or structure, including any porch, deck or terrace that is attached to such building or structure, on that lot. The setback of a building or structure does not include any unroofed deck, porch, stairs or terrace that provides access to or egress from such building or structure.

**TATTOO PARLOR** – A commercial establishment whose principal business activity in terms of operation or as held out to the public is the practice of placing designs, letters, figures, symbols or other marks upon or under the skin of any person by the use of needles or other instruments that are designed to contact or puncture the skin with ink or other substances that result in the permanent coloration of the human skin. Tattoo parlors do not include beauty salons or cosmetology businesses that provide permanent cosmetic services, or commercial establishments that engage in the removal of tattoos by the use of lasers or that engage in the business of microblading or other semi-permanent techniques for enhancing the appearance of eyebrows by the means of scratching pigment into the human skin.

And to see if the Town will vote to amend the Code of the Town of Foxborough, Massachusetts, Chapter 275, Section 11.1., Definitions, by revising the definition of JUNKYARD to read as follows:

**JUNKYARD** – Any area, lot, land, parcel, building, structure, establishment, place of business or part thereof that is maintained, operated or used for the storage, collection, processing, purchase, sale or abandonment of junk, or for the maintenance or operation of an auto graveyard

; or take any action related thereto.

Planning Board

**ARTICLE 14:**                   **(Zoning – Amend 10.5.3 and 10.5.17 for Limited Site Plan Review)**

To see if the Town will vote to amend the Code of the Town of Foxborough, Massachusetts, Chapter 275, Section 10.5.3. by adding the following:

3. Site plan review that is required by this Section 10.5.3. for any educational or religious institution or for any child-care center that is subject to the provisions of MGL c. 40A, §3, shall be provided in accordance with Section 10.5.17.

And by adding following new section to Section 10.5.:

10.5.17.   **Limited Site Plan Review.** Site plan review that is required for any educational or religious institution or for any child-care center that is subject to the provisions of MGL c. 40A, §3 (each, a “Section 3 Use”) shall be subject to limited site plan review under this Section 10.5.17.

1.   **Purpose.** The purpose of this Section 10.5.17. is to ensure that site plan review of a Section 3 Use is subject to reasonable regulation concerning the bulk and

height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.

2. Authority. Site plan review of a Section 3 Use shall be granted by the Planning Board, provided that the Board may impose such conditions, limitations and safeguards, consistent with the provisions of MGL c. 40A, §3, as the Planning Board deems appropriate to further a legitimate interest of the Town.
3. Criteria for Review.
  - a. Applications for site plan review pursuant to this Section 10.5.17. shall be administered consistent with the foregoing provisions of Section 10.5. to the extent that any such provisions are not inconsistent with or superseded by this section or to the extent that the Planning Board in its discretion may waive the applicability thereof.
  - b. The Planning Board's review and determination of an application for site plan review under this Section 10.5.17. shall be limited to consideration of the following criteria, provided that the Planning Board in its discretion, after review of a completed application, may waive such criteria as it deems appropriate:
    1. The bulk and height of any proposed structure(s) and accessory structure(s), the adequacy of open spaces, the building coverage on the site, yard sizes, lot area and setbacks;
    2. The physical layout of the structure(s), driveways, parking areas, utilities and other infrastructure; and
    3. The adequacy of the site for parking, the drop-off and pick-up of individuals utilizing the site, and loading areas in relation to the proposed use of the site.
4. Plan Requirements.
  - a. Adequate parking shall be provided that meets the applicable requirements of Section 6.1. of these bylaws as to minimum number of off-street parking spaces, the location and size of the parking area(s) and construction standards, and allows for safe vehicular maneuvering and pedestrian movement within the site. Adequate facilities for loading and unloading of stock, merchandise, material and supplies shall be provided and screened in accordance with Section 6.4. of these bylaws. Adequate drop-off and pick up locations shall be included in all projects.
  - b. Site drainage shall be designed in accordance with then-effective Town of Foxborough stormwater regulations.
  - c. The design and adequacy of the sewage disposal system(s) to serve the proposed facility shall be in accordance with then-effective requirements of the Town of Foxborough Board of Water and Sewer Commissioners.
  - d. Parking areas adjacent to residential uses shall be adequately screened year-round from view from said residences by trees, vegetation, and/or screened fences.

- e. There shall be no unreasonable glare onto public roads and other public ways into the night sky or onto neighboring properties from lighting or reflection.
  - f. The site plan shall demonstrate conformance with applicable lot area, setback and height regulations for the zoning district in which the premises are located.
5. Plan Determination. The Planning Board shall approve a site plan application in the form submitted or with reasonable conditions or modifications that shall be consistent with the provisions of this Section 10.5.17. and the provisions of MGL c. 40A, §3. In the event that the Planning Board determines that a site plan application is incomplete or that it does not comply with the provisions of this Section 10.5.17., it shall provide written notice to the applicant of such deficiencies and shall deny approval

; or take any other action related thereto.

Planning Board

**ARTICLE 15:** (Zoning – Replace Town Planner with Land Use and Economic Development Department)

To see if the Town will vote to amend the Code of the Town of Foxborough, Massachusetts, Chapter 275, Section 1.3.1. by deleting the words “Town Planner” and replacing them with the words “Director of Land Use and Economic Development.”

And amend Section 9.6.10. by deleting the words “the Town Planner” and replacing them with the words “the Director of Land Use and Economic Development or the designee thereof.”

And amend Section 9.7.4. by deleting such section in its entirety and replacing it with the following:

Pre-application process. Prior to submitting a building application for a project in the FCOD, the applicant shall meet with the Director of Land Use and Economic Development or the designee thereof to address issues and respond to questions concerning such application in order to facilitate the Planning Board’s review of such matter.

And amend Section 10.5.5. by deleting the words “or the Town Planner” in the first sentence of such section, and by deleting the words “the Town Planner” in the second sentence of such section and replacing such words in the second sentence with the words “the Director of Land Use and Economic Development or the designee thereof

; or take any other action related thereto.

Planning Board

**ARTICLE 16:**                   **(Zoning – Amend 9.1.4.2 to require applicants for Special Permits to meet with Land Use and Economic Development Department)**

To see if the Town will vote to amend the Code of the Town of Foxborough, Massachusetts, Chapter 275, Section 9.1.4.2. by deleting such section in its entirety and replacing it with the following:

2. Prior to submitting an application for a special permit within the S-1 District, the applicant shall meet with the Director of Land Use and Economic Development or the designee thereof to address issues and respond to questions concerning such application in order to facilitate the SPGA's review of such matter.

, or take any other action related thereto.

Planning Board

**ARTICLE 17:**                   **(Zoning – Amend 10.6.6. Environmental Impact Statement)**

To see if the Town will vote to amend the Code of the Town of Foxborough, Massachusetts, Chapter 275, Section 10.6.6. by deleting the words "Paragraph D" in the second sentence and replacing them with the words "Section 10.6.8. of these bylaws"; or take any other action related thereto.

Planning Board

**ARTICLE 18:**                   **(Pratt School Sewer District)**

To see if the Town will vote to allow the following parcel to be incorporated into the Sewer Service Area, and to amend the Sewer Service Area Map with the parcels so designated as follows:

Assessors Map 97, Lot 10 (14 Community Way, former Pratt School)

, or take any other action related thereto.

Planning Board

**ARTICLE 19:**                   **(Disposition of Pratt School)**

To see if the Town will vote pursuant to G.L. c. 40, §§15 and 15A to change the purpose for which the Town owned property located at 14 Community Way (the former Pratt School), further identified as Assessors Map 97, Lot 10, is held to the purpose of disposition, sale or lease; and, further, to authorize the Board of Selectmen to convey by sale or lease all or a portion of said town-owned land. Said real estate disposition shall be completed in compliance with General Law Chapter 30B to the extent applicable, and, further, the Board of Selectmen and other town officials shall be authorized to take all actions necessary to carry out this Article; or take any other action related thereto.

Board of Selectmen