

**LEGAL NOTICE  
TOWN WARRANT  
SPECIAL TOWN MEETING  
Monday, the 5<sup>th</sup> day of December A.D., 2016**

**COMMONWEALTH OF MASSACHUSETTS**

**NORFOLK S.S.**

To either of the Constables of the Town of Foxborough:

Greetings:

In the name of the Commonwealth of Massachusetts and in accordance with the provisions of the BY-LAWS of said Town, and Amendments thereof, you are hereby required to notify and warn the inhabitants of the Town of Foxborough, qualified to vote at elections and town affairs to assemble in the auditorium of Foxborough High School, on South St. at 7:30 o'clock in the afternoon on, Monday the 5<sup>th</sup> day of December, 2016 to act on the following articles:

**ARTICLE 1**

**(Foxborough Center Overlay District Map)**

To see if the Town will 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 or take any other action related thereto. {See corrected map and exhibit showing two maps with changes highlighted.}

**Planning Board**

**ARTICLE 2**

**(Foxborough Zoning Bylaw Amendment 6.1.2)**

To see if the Town will 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” or take any other action related thereto.

**Planning Board**

**ARTICLE 3**

**(Site Plan Review)**

To see if the Town will 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 or to take any other action related thereto:

*The hearing shall be opened ~~conducted~~ 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) ~~fifteen (15)~~ days of the closing of the hearing. At the request of the applicant, these time periods may be extended.*

**Planning Board**

**ARTICLE 4**

**(Foxborough Zoning Bylaw Amendment 11.1)**

To see if the Town will 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 or to take any other action related thereto:

*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.*

**Planning Board**

**ARTICLE 5**

**(Municipal Conversion Permit)**

To see if the Town will 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, or take any other action related thereto:

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 10.4. 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 ~~conduct~~ a public hearing within thirty (30) ~~twenty-one (21)~~ days 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) ~~twenty-one (21)~~ days have elapsed from the close ~~date~~ of the public hearing.

**Planning Board**

**ARTICLE 6**

**(DCAMM Use Restrictions Release Request)**

To see if the Town authorizes 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. or take any other action related thereto. {See exhibit entitled “Proposed Property Line” by Bay Colony Group, Inc., dated September 21, 2016.}

**Planning Board**

**ARTICLE 7**

**(Chestnut Payson Overlay District Map)**

To see if the Town will 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. or take any other action related thereto. {See “Proposed Zoning Modification Plan” by Bay Colony Group, Inc., dated September 19, 2016 and “Revised Chestnut-Payson Overlay District Plan” dated October 2002, revised September 2016 by Bay Colony Group, Inc.)}

**Planning Board**

**ARTICLE 8**

**(Fund Stabilization)**

To see if the Town will vote to transfer from available funds the sum of Two Hundred Eighty Thousand Dollars (\$280,000.00) into the Stabilization fund for reserve balance purposes; or take any other action related thereto.

**Board of Selectmen**

**ARTICLE 9**

**(FY '15 Budget Adjustment)**

To see if the Town will vote to reassign available funds 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: 1) the Town owned property at 120 Spring St. is no longer being offered for rent and will be demolished. Funds are no longer required to maintain this property: Funds are requested to be revoted to fund 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 <i>120 Spring Street</i>	16,500	0	16,500	Dept. 192 Central Maintenance Town Owned Property Repairs or Demolition

**Board of Selectmen**

**ARTICLE 10**

**(Disposition of Unclaimed Property Statute Acceptance)**

To see if the Town will vote to accept Chapter 200A Section 9A of the Massachusetts General Laws regarding the “Disposition of abandoned funds by the city or town; notice of period during which funds may be claimed; city treasurer authorized to hear claims; appeal; disbursement”, in order to create efficiencies with unclaimed property, primarily uncashed checks; or take any other action related thereto.

**Board of Selectmen**

**ARTICLE 11**

**(Rescind Borrowing Authorization)**

To see if the Town will vote to rescind the borrowing authorizations for the balance unissued for the Articles of prior Town Meetings as follows:

<u>Town Meeting</u>	<u>Article #</u>	<u>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

; or take any other action relative thereto.

**Board of Selectmen**

**ARTICLE 12**

**(Building Demolition Bylaw Amendment)**

To see if the Town will 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.”

**Foxborough Historical Commission**

**ARTICLE 13**

**(Downtown Sewer Design & Preliminary Testing)**

To see if the Town will vote to transfer an amount from available funds to pay the cost of hiring an architect, and/or engineers/consultants for the purpose of 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; or take any other action related thereto.

**Board of Selectmen**

**ARTICLE 14**

**(FY '17 Capital Budget Adjustment)**

To see if the Town will vote to transfer from available funds the amount requested to amend 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.

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

**Hereof, fail not, and make due return of this warrant with your doings to the Town Clerk, at the time and place of said meeting.**

**Given under our hands and the seal of said Town this 15<sup>th</sup> day of November in the year of our Lord two thousand and sixteen.**

**BOARD OF SELECTMEN, TOWN OF FOXBOROUGH**

\_\_\_\_\_  
David S. Feldman, Chairman

\_\_\_\_\_  
Christopher P. Mitchell, Vice Chairman

\_\_\_\_\_  
Mark Elfman, Clerk

\_\_\_\_\_  
James J. DeVellis

\_\_\_\_\_  
Virginia M. Coppola

**A True Copy  
Attest**

..... **Constable, Town of Foxborough**