

Foxborough Planning Board

Rules and Regulations



- I. Administration and Procedures**
- II. Special Permit Rules and Regulations**
- III. Site Plan Rules and Regulations**
- IV. Accessory Apartment Rules and Regulations**
- V. Consultant Review**
- VI. Stadium/Patriot Place Site Plan Minor Modifications**
- VII. Fee schedule**

Adopted June 13, 2013
Revised February 24, 2022

Kevin Weinfeld, Chair
Ronald P. Bressé, Vice-Chair
Tracey Vasile, Clerk
Gary Whitehouse
Jeffrey Peterson
Thomas Murphy, Associate Member

Article I: Administration and Procedures

1. PURPOSE

The purpose of these rules is to establish procedures for the conduct of meetings and public hearings held by the Foxborough Planning Board. They further lay out requirements for applications before the Board.

2. AUTHORITY

These regulations are issued under the authority of MGL Ch. 40A s. 5 and s. 13, MGL Ch. 41 s. 81Q, MGL Ch. 40 s. 15C, the Code of the Town of Foxborough, and the Foxborough Zoning Bylaws.

3. COMPOSITION AND ORGANIZATION

The Board shall reorganize annually after Town elections. The Board shall elect a Chairperson, Vice Chair, and Clerk.

- The Chair shall preside at all meetings of the Board, maintaining order in the meeting room, recognizing speakers, presiding over the discussion of agenda items, and calling for votes. The Chair shall speak on behalf of the Board at Town Meeting and as otherwise required.
- The Vice Chair shall fulfill the responsibilities of the Chair in the event of an absence.
- The Clerk shall sign meeting minutes and other official documents, ensuring that documents appropriately dated and signed by all Board members at the time of their signature.

The Board may include an Alternate as provided by the Code of the Town of Foxborough.

4. MEETINGS

All meetings of the Foxborough Planning Board shall comply with the Open Meeting Law.

Board meetings are generally the 2nd and 4th Thursday of the month and additional meetings may be scheduled to accommodate work-load and special events. The Board shall establish and post its meeting schedule on a yearly basis.

Requests for appointments with the Board shall be directed to the Board Secretary by 12:00 P.M. on the Friday preceding any regularly scheduled meeting. Except for the busiest times of the year, appointments will usually be made for the next Board meeting.

The agenda shall be kept, coordinated, planned, and scheduled by the Board Secretary subject to Board approval. The agenda shall be posted in accordance with the Open Meeting Law.

5. COMMUNICATIONS WITH THE BOARD

After the filing of any application, all communications from the applicant or their agents shall be in writing and addressed to the Planning Board Chair, Town of Foxborough, 40 South Street, Foxborough, Massachusetts 02035, with a copy to the Clerk of the Board at the same address.

Delivery of communications to the Board via electronic mail (e-mail) is strongly encouraged. It is recommended that correspondence be in Microsoft Word format, and

attached to e-mail and delivered to Planning Board's Secretary. If possible, conversion of applications, plans, and large documents to "pdf format" via Adobe Acrobat software is also requested prior to submission to the Board. In the discretion of the Chairman, communications to or from the Board may be posted to the Board's website in those cases in which there is an interest by the general public.

6. PRE-APPLICATION INPUT (PRELIMINARY REVIEW)

The Planning Board encourages applicants to meet with them for preliminary, informal discussions before projects are designed and submitted for approval. The Board may provide guidance regarding the application process, information on developments adjacent or proximate to the proposed site, and general thoughts concerning the development proposal. Any Board comments are non-binding and based solely on information available at that time.

7. SITE VISITS

A "site visit" is defined as a visit by the Board to a location which is the subject of an application before the Board. The visit shall be in the company of the owner, applicant or their agent when it involves visiting areas which are not customarily available for public inspection. The purpose of a site visit is to verify site conditions. No formal motions shall be made nor votes taken at a "site visit."

"Site visits" shall be posted in the same manner as a Board meeting. When feasible, "site visits" should include an invitation for interested parties to attend.

8. BOARD VOTES

For administrative items (such as approval of the minutes), a majority of Board members present including the Alternate shall constitute approval.

The Board's Chair may request that some actions, such as consideration of critical or controversial matters or adopting policies, be taken with the full Board in attendance.

9. COORDINATION OF PERMITS FROM THE PLANNING BOARD

The Planning Board reviews site plans, downtown design, and scenic road improvements, approves subdivisions pursuant to the Planning Board's Subdivision Rules and Regulations, and issues Special Permits. To the extent practicable, applications shall be combined to facilitate processing, minimize permitting time, and better serve the applicant and the public. Meetings with the Board staff and/or pre-application input from the Board can develop a scope and timeline for a combined or integrated application.

10. RELATIONSHIP OF PLANNING BOARD REGULATIONS

Construction standards and specifications for site plan and/or special permit applications shall utilize the Planning Board's Subdivision Rules and Regulations to the extent practicable.

11. PUBLIC HEARING AND ABUTTER NOTIFICATION

Notice of all Special Permit public hearings shall be in accordance with the requirements of Massachusetts General Law Chapter 40A, Section 11. Site Plan Review public hearings shall be in accordance with the provisions of Section 10.5.7.

Abutters List: No less than ten (10) days prior to the intended date of application to the Planning Board, the applicant should request a certified Abutters List from the Foxborough Assessor's Office. If any abutter's land is located in a neighboring town, the applicant should also request a certified abutters list from the Assessor's Office of that community, which should also be filed with the application to the Planning Board.

Public Hearing Notice: Upon application to the Planning Board, the Planning Office will prepare a public hearing notice containing the subject matter, date, time and location of the required public hearing. The Planning Office will arrange to have the public hearing notice published in the newspaper, as required. The applicant will be responsible for paying the cost of this legal ad for the project. The Planning Office will send a copy of the legal notice to the abutters listed in the certified abutters' list prepared by the Assessors' Office.

12. CONDUCTING A PUBLIC HEARING

The Chair shall preside over Public Hearings. The process at a minimum shall include:

- Opening the Public Hearing by the Chair
- Reading of the Notice by the Clerk
- Presentation of the Development proposal by the applicant and team
- Questions and comments from the Board
- Questions and comments from the public
- Opportunity for the applicant and team to address issues identified
- Close Hearing by the Chair
- Call for a vote

The Chair may establish time limits for presentation, comments, and questions.

Public Hearings sometimes cannot be completed in a single session. The Chair may continue Public Hearings to a date and time specified. The Chair may require an additional published notice (cost to be paid by the applicant) and additional notification of abutters. In the event an extension of time in which the Board must act is required, the applicant shall make such request in writing with the Board Secretary.

13. INPUT FROM OTHER BOARDS

The Board values the expertise and thoughts of the members of other Town boards and departments and often refers applications before the Board to other boards and departments for comments and recommendations.

For large and complicated projects, the Board's staff may convene a "department heads" meeting to discuss the application and coordinate comments from other Town boards and departments. The applicant shall be notified of a department heads meeting and invited to attend.

14. FORM OF BOARD DECISION

The Planning Board Staff may develop templates, models, and checklists to assist the Board in rendering decisions. Applicants may request copies of any such templates, models, and checklists.

At a minimum the Board's decision shall include:

- All dates in which the application was heard
- All members of the Board who were present

- The names of the applicant and any representatives (including engineers, attorneys, and others) making presentations or comments to the Board
- A summary of the discussion sufficient to support denial or explain conditions of approval
- The decision of the Board relative to the proposed development
- If approved, conditions of approval
- Quantum of the vote

15. PLANNER AUTHORIZATION

The Board may vote to authorize the Planning Director to make certificates on their behalf and shall file a copy of such vote with the Town Clerk.

16. ADOPTION AND AMENDMENT

These Rules and Regulations shall be adopted following a majority vote of the Board at a public meeting. These Rules and Regulations may be amended from time to time.

Article II: Special Permit Rules and Regulations

TOWN OF FOXBOROUGH PLANNING BOARD SPECIAL PERMIT RULES & REGULATIONS

A. APPLICABILITY

Section 10.4 of the Foxborough Zoning Bylaws (the "Bylaws") designates the Planning Board as Special Permit Granting Authority (SPGA). The Board is authorized to grant Special Permits for uses identified in the Table of Use (Section 3.0). Special Permits are not granted as a right but are a privilege to be granted only in special circumstances.

Detailed requirements for the uses allowed by Special Permit appear in the applicable Sections of the Bylaws. In addition to these criteria, the Planning Board must find that the use in question meets the following general requirements prior to a Special Permit being granted:

1. The use is in harmony with the general purpose and intent of the Bylaws.
2. The use is socially and economically desirable.
3. The use would satisfy an existing need, and
4. The advantages of the proposal outweigh the detrimental factors.

Specific conditions, safeguards and limitations on time and use may be set to each Special Permit granted in order to protect adjacent neighborhoods and the environment. The granting of a Special Permit does not relieve the applicant of the obligation to obtain or conform to any and all necessary federal, state or local permits or regulations for such a use.

All applications shall comply with the requirements of these Special Permit Rules and Regulations. Questions can be directed to the Planning Office at (508) 543-1250 during regular business hours.

B. APPLICATION PROCEDURES

The attached Special Permit Application Form shall be completed, signed and filed along with the information and plans as detailed in Sections 10.4 of the Bylaws.

Completeness of Application: The applicant shall consult the Code of the Town of Foxborough Chapter 275 - Zoning and the Subdivision Rules and Regulations for Special Permit and Site Plan review to ensure that the required submittal documents are included within the permit submission package. The applicant is also encouraged to schedule one or more pre-submittal meetings with the Planning Office, and to review the proposal and application for Special Permit and/or Site Plan Review before it is submitted.

Submittal: Two (2) copies of the full size site plan and six (6) copies of reduced 11"x17" size site plan, and three (3) copies of the application, accompanying information and fees must then be submitted to the Board through the Planning Office. A PDF version of all plans and documents shall also be provided to the Planning Office at the time of application and as plans and documents are revised via email.

Hearing Notification: The Planning Office will submit the legal advertisement to the local newspaper and provide a copy of the legal advertisement to the applicant. The applicant shall

pay the cost of any legal advertisements. These fees shall be paid prior to any decision by the Board. The Planning Office will send a copy of the legal notice to the abutters listed in the certified abutters' list prepared by the Assessors' Office.

Public Hearing: Pursuant to Massachusetts General Laws (MGL), Chapter 40A, Section 9, the Board will hold a public hearing within 65 days after the filing of the petition. A copy of the application package will be provided to each Town Department for review and comment. It is the responsibility of the applicant to contact the Planning Office to obtain copies of any written responses prior to the public hearing.

1. The hearing will be formally closed upon the receipt of all information the Board deems necessary from which it can reach a decision.
2. The Board will render its decision within 90 days from the date of the close of the public hearing. A written decision will be filed with the Town Clerk, a duplicate original of which will be sent to the applicant. Abutters will be notified pursuant to MGL, Ch. 40A, Section 9.
3. These time limits may be extended by written agreement between the petitioner and the Board.

C. SUBMITTAL REQUIREMENTS & FEES

The attached application form shall be completed in its entirety and submitted with the required plans and information as required by these regulations and the applicable section of the Bylaw. Use additional sheets if necessary to complete the form and attach them to the application. All submittals shall comply with the following:

1. All plans, except those for applications pursuant to Section 8.1 of the Bylaws, shall be prepared and stamped by a Registered Professional Engineer/Land Surveyor.
 - a. All plans shall comply with the criteria set forth in Section 10.5 Site Plan Review of the Bylaws. All subdivision plans shall comply with the criteria set forth in Articles 3 and 5 of the Foxborough Subdivision Regulations.
2. A list of any previously issued or denied special permits, variances, special use permits or easements, and date of such decision shall be attached.
3. A certified list of abutters within 300 feet of the parcel pursuant to MGL, Chapter 40A, Section 11 shall be submitted. The applicant shall also submit to the Planning Office preprinted labels for each abutter prior to the close of the public hearing. Abutters (with applicable parcel numbers) shall be noted on a reduced assessor's map(s) which shall also illustrate the parcel under consideration.
4. An administrative fee, in accordance with the Fee Schedule, payable to the "Town of Foxborough" shall accompany each application.
 - a. Applications for Open Space Residential Developments (Section 8.3) and Residential Compounds (Section 8.2) shall employ the fee schedule for the submittal of a definitive subdivision plan
5. If applicable, all plans shall clearly mark the area of the parcel which lies within Water Resource Protection Overlay District (WRPOD). Plans filed pursuant to Section 9.4 shall include a detailed discussion of how the proposed use complies with the requirements and intent of this Section and the DEP Stormwater

Management Guidelines, as most recently amended. A description of how the land is to be altered and the proposed use of the property is also required.

D. MULLIN'S RULE EXCEPTION

In November 2006, Foxborough Town Meeting adopted the provisions of MGL Chapter 39, Section 23D which stipulates that a member of the Planning Board involved in an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. To be eligible to vote, the member shall certify in writing that they have examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.

Unless MGL Chapter 39, Section 23D (Mullin's Rule exception) is exercised, Board members are required to be present at all public hearings, including continued public hearings, to be eligible to have their vote counted in the requisite super-majority to grant.

E. PLANNING BOARD ACTION

1. A vote of at least four of the five members of the Board who have been present during the public hearing (and all continuances) is necessary for a Special Permit to be granted.
2. The Board reserves the right to require an Environmental Impact Statement pursuant to Section 10.6 of the Bylaws. The Report can be comprehensive or "issue specific" to address concerns identified during the public hearing process. In such cases, the applicant shall be required to submit a review fee into a "special account" as authorized by Chapter 44, Section 53G.
3. The applicant may also be required to post a performance guarantee to secure the completion of the approved site improvements. Reductions are granted upon written request by the petitioner and a favorable site inspection by the Planning Board or its designee
4. Special Permits shall lapse two years from the date of the filing of such with the Town Clerk unless an appeal has been filed and denied or substantial use or construction has commenced per Massachusetts General Laws, Chapter 40A, Section 9.
5. Changes to an approved site plan shall be considered on a case by case basis by the Board. A new public hearing shall be held at the discretion of the Board.
6. Any and all appeals shall be pursuant to MGL, Chapter 40A, Section 17.

F. PROJECT COMPLETION

Upon completion of the project, "as-built" plans shall be submitted to the Board – two prints and in electronic format as noted below. Subdivision "as-built" plans shall comply with the requirements found in Appendix "E" of the subdivision regulations. After approval of the plans, a request for the release of any performance guarantee may be submitted.

1. The information required shall also be submitted in an AutoCAD.DXF compatible or AutoCAD.DWG file. All digital data shall conform to the following guidelines:
 - The coordinate system shall be Massachusetts State Plane coordinates using the new North American Datum of 1983 (NAD83) and the newer North American Vertical Datum of 1988 (NAVD). Whenever possible, the plan submittals shall be "tied into" real world State Plane coordinates using the datums specified above. To demonstrate this tie down, all features should be stored in Massachusetts State

Plane Coordinate System and the plan location and coordinate values of at least two points should be included in the submitted CADD file.

- In addition, the CADD file should use the layering scheme listed in Table E-1 in the Foxborough Subdivision Regulations. This layering system will ensure that all plans are submitted to the town in a consistent format.”

FOXBOROUGH PLANNING BOARD SPECIAL PERMIT APPLICATION

The undersigned hereby applies for a Special Permit under Section _____ of the Foxborough Zoning Bylaws.

1. Applicant: _____ Phone # _____
Address: _____
Email: _____
Signature of Applicant: _____
2. Owner of Property: _____
Address: _____
Signature of Owner: _____
3. Location by street address of parcel(s) or structure: _____
Assessors Map & Parcel # _____ Zoning District _____
Zoning District: _____ Is the parcel in the WRPOD? _____
(Water Resource Protection Overlay District)
4. Dimensional Information of the Parcel:
Frontage: _____ Square Feet: _____
Existing Lot Coverage: _____ Proposed Lot Coverage: _____
Proposed Building Size: _____ Proposed Building Height: _____
5. Present Use of Structure or Parcel: _____

Proposed Use of Structure or Parcel: _____

6. Explain how the request fulfills the Special Permit criteria (Attach a separate sheet).
7. Explain the special conditions or characteristics (if any) which apply to this request
(Attach a separate sheet).

Town Collector's Release

The owner of the property for which the Special Permit is being requested is in good standing with respect to any taxes, fees, assessments, betterments or other municipal charges.

Treasurer's Office Representative

Date _____

Town Clerk Receipt

This application has been received and recorded with the Town Clerk.

Town Clerk's Office

Date _____

Article III: Site Plan Rules and Regulations

TOWN OF FOXBOROUGH PLANNING BOARD SITE PLAN REVIEW RULES AND REGULATIONS

A. APPLICABILITY

All those uses and activities detailed in Section 10.5 Site Plan of the Code of the Town of Foxborough Chapter 275 - Zoning (the Bylaws) shall require the filing of the attached Site Plan Application Form and a Site Plan. The information contained herein is designed to provide applicants with a clear understanding of the filing and plan requirements. The Planning Office should be contacted in all situations at (508) 543-1250 or via email to ensure compliance.

The Planning Board is responsible for acting on complete site plan review applications. Uses where the granting of a Special Permit is required shall not require the submission of an application for Site Plan Review. Planned Developments within the Special Use (S-1) zoning district require a Special Permit and Site Plan Review are not applicable. For additions of less than 1,000 square feet to an existing building, a written request may be made to the Board to waive some or all of the Site Plan Review requirements.

B. APPLICATION PROCEDURES The attached Site Plan Application Form shall be completed, signed and filed along with the information and plans as detailed in Sections 10.5 of the Bylaws. The provisions of Section 9.5 shall apply to those proposed uses within the Route One EDA.

Completeness of Application: The applicant shall consult the Code of the Town of Foxborough – Chapter 275 - Zoning and the Subdivision Rules and Regulations for Special Permit and Site Plan review to ensure that the required submittal documents are included within the permit submission package. The applicant is also encouraged to schedule one or more pre-submittal meetings with the Planning Office, and to review the proposal and application for Special Permit and/or Site Plan Review before it is submitted.

Submittal: Two (2) copies of the full size site plan and six (6) copies of reduced 11"x17" size site plan, and three (3) copies of the application, accompanying information plus required and fees shall be submitted to the Board through the Planning Office. A PDF version of all plans and documents shall also be provided to the Planning Office at the time of application and as plans and documents are revised via email.

Hearing Notification: The Planning Office will submit the legal advertisement to the local newspaper and provide a copy of the legal advertisement to the applicant. The applicant shall pay the cost of any legal advertisements. These fees shall be paid prior to any decision by the Board. The Planning Office will send a copy of the legal notice to the abutters listed in the certified abutters' list prepared by the Assessors' Office.

Public Hearing: A public hearing will be held within 21 days of the receipt of a complete application package. Prior to this hearing, the application package will be provided to all municipal departments (and an outside consultant, if necessary) for review and comment. It is the responsibility of the applicant to obtain a copy of all comments from the Planning Office prior to the public hearing. The petitioner or a representative is required to attend the hearing,

present the proposal, and respond to concerns and comments from town departments and the general public.

The public hearing will be closed when the Board determines that it has received all of the information and comments necessary to make an informed decision on the application.

C. SUBMITTAL REQUIREMENTS & FEES

All site plans shall be stamped by a certified Professional Engineer (P.E.) and Land Surveyor and shall comply with the criteria found in Section 9.01, Paragraphs C & D of the Bylaws. For those uses within the Route One EDA, the criteria found in Sections 9.5.6 and 9.5.7 of the Bylaws shall also apply.

1. All applications shall be accompanied by a certified list of abutters within 100 feet of the property. These abutters (with applicable parcel numbers) shall be noted on a reduced assessor's map(s) which shall also illustrate the parcel under consideration.
2. An administrative fee, in accordance with the Fee Schedule, payable to the "Town of Foxborough" shall accompany each application. The applicant shall pay the cost of any legal advertisements. These fees shall be paid prior to any decision by the Board.

D. PLANNING BOARD ACTION

The Board reserves the right to require an Environmental Impact Statement pursuant to Section 10.6 of the Bylaws. The provisions of Sections 9.5.6, 9.5.7, 9.5.8 and 9.5.9 shall apply to those proposed uses within the Route One EDA. The Report can be issued specific to address concerns identified during the public hearing process. In such cases, the applicant shall be required to make payable an inspection fee into a "special account" as authorized by Massachusetts General Laws, Chapter 44, Section 53G.

If the site plan(s) comply with all of the applicable sections of the Bylaws, Site Plan Approval shall be granted. A majority vote of a quorum of the Planning Board is necessary for action to be taken. A decision shall be filed with the Town Clerk within 15 days from the date of the close of the public hearing per Section 10.5.7 is valid for two (2) years from the date of the filing of the decision. Appeals shall be made in accordance to MGL Ch.40A Section 17.

The Board may determine that site inspections are necessary to assure compliance with the Site Plan Approval. These shall be performed by the Board or its designee. The applicant may also be required to post a performance guarantee to secure the completion of the approved site improvements. Reductions are granted upon written request by the petitioner and a favorable site inspection by the Planning Board or its designee

Changes to an approved site plan are allowed pursuant to Section 10.5.9 of the Bylaws.

E. CONSTRUCTION INSPECTION FEES

The applicant, prior to a building permit being issued, shall pay a construction inspection fee. This fee shall be based on one percent (1%) of the site costs to construct the approved site plan. This is not the Building Permit fee therefore costs for the construction of buildings shall not be included in this estimate.

An estimate of the construction costs shall be submitted by the applicant to the Planning Board for review and approval. The construction costs shall be based on the latest edition from Means Cost Data.

- a. The Planning Board may waive the inspection fee for municipal/government construction projects.
- b. The Planning Board may waive or reduce inspection fees if other municipal departments are providing inspectional services for elements of the site plan that were reviewed by the Board.
- c. Significant site changes or unique characteristics of the site construction, that require additional inspection time shall be assessed, by the Planning Board an additional fee to offset the higher cost of these inspections.

F. PROJECT COMPLETION

Upon completion of the project, “As-built” plans shall be submitted to the Board – two prints and in electronic format as noted below. After approval of the plans, a request for the final release of a performance guarantee may be submitted.

1. The information required shall also be submitted in an AutoCAD.DXF compatible or AutoCAD.DWG file. All digital data shall conform to the following guidelines:
 - The coordinate system shall be Massachusetts State Plane coordinates using the new North American Datum of 1983 (NAD83) and the newer North American Vertical Datum of 1988 (NAVD). Whenever possible, the plan submittals shall be “tied into” real world State Plane coordinates using the datum specified above. To demonstrate this tie down, all features should be stored in Massachusetts State Plane Coordinate System and the plan location and coordinate values of at least two points should be included in the submitted CADD file.

In addition, the CADD file should use the layering scheme listed in Table E-1 in Foxborough’s Subdivision Regulations. This layering system will ensure that all plans are submitted to the town in a consistent format.

**FOXBOROUGH PLANNING BOARD
SITE PLAN REVIEW APPLICATION FORM**

- Applicant(s): _____ Phone # _____
Mailing Address: _____
Email Address: _____

Signature of Applicant: _____

- Owner(s) of Property: _____

Signature of Property Owner: _____

- Name of Engineer: _____ Phone # _____
Address: _____
Email Address: _____
Massachusetts Registration #: _____

1. Location by street address, (if any), and/or parcel and map number (which can be obtained from the Assessor's Office) for the property/building under consideration:

Map _____ Parcel _____ Acreage of Parcel _____

2. Zoning District: _____ Is the parcel in the WRPOD? _____
(Water Resource Protection Overlay District)

3. Present use of property: _____

4. Proposed use of property: _____

5. Proposed square footage of building(s): _____

6. If a Special Permit, Special Use Permit, Variance or Site Plan relative to the subject property has been previously acted upon, please state the type & date and attach a copy:

It is recommended that the applicant review Section 10.5 & 9.5 of the Foxborough Zoning Bylaws and meet with the Planning staff before completing this application.

Town Collector's Release

The owner of the property for which the Special Permit is being requested is in good standing with respect to any taxes, fees, assessments, betterments or other municipal charges.

Treasurer's Office Representative

Date

Town Clerk Receipt

This application has been received and recorded with the Town Clerk.

Town Clerk's Office

Date

Article IV: Accessory Apartment Rules and Regulations

A. EXPLANATION

Accessory Apartments are often called “in-law units” or occasionally “granny flats.” In Foxborough, they are a second dwelling unit in a single-family dwelling that is occupied by a family member of the owner. They are allowed by right or by making an application for a building permit in the R-15 Residential zoning district and in homes in the GB General Business zoning district. In the R-40 Residential and NB Neighborhood Business zoning districts, you must obtain a Special Permit from the Planning Board before you can apply for a building permit for an accessory apartment.

You should refer to Section 8.1 (Accessory Apartments) and Sections 10.3 and 10.4 (Planning Board and Special Permits) of the Code of the Town of Foxborough Chapter 275 – Zoning (the Bylaws). These are available online or from the Planning Board or Building Departments.

The Planning Board recognizes that some of the applicants for an accessory apartment are doing so for financial reasons and has intentionally designed the submission requirements and process so a homeowner can complete all the steps themselves. You should not have to retain an engineer or attorney, but may wish to consult such professionals to understand some of more technical requirements for this application.

B. SUMMARY OF APPLICATION PROCESS

It is strongly advised that you meet with Planning Board staff to have a preliminary, informal discussion of your proposal before you prepare and submit your application. You may also find the Building Commissioner to be helpful to talk to at the preliminary stage of thinking about an accessory apartment so that you can understand the extent of the safety and other code issues related to having a second dwelling unit in your home. If you are near wetlands or think you’re near wetlands, you should contact the Conservation agent. Lastly, you should meet with either the Board of Health or the Water and Sewer Commission to determine the wastewater impacts of what you’re planning to do. If you have a plot plan or other site layout of your lot and floor plans (existing and proposed), be sure and bring them with you.

Finally, your next-door neighbors, the people behind you and directly across the street, and all of their next door neighbors will receive a notice that you have applied for an accessory apartment permit. You may want to discuss your proposal with them or send them a note before you apply. The neighbors will have an opportunity to speak at the hearing and because the accessory apartment bylaw deals with maintaining the appearance and character of a single family dwelling, the Board appreciates the input from your neighbors, especially those who have come to support you. These steps should be done before you apply for the Special Permit.

C. SUBMITTING AN APPLICATION

You should obtain the following to submit with your application:

- A list of abutters from the Assessors’ Office
- A “signoff” from the Treasurer’s office that all taxes and other charges have been paid.
- The required fee

You should prepare and submit the following documents:

- A plot plan of your lot, showing parking areas and spaces, driveway locations, and landscaping and screening, and if applicable, the location of the septic tank and leaching field. (This can be a scaled sketch on a “mortgage” plot plan or other scalable dimensioned plan that you have. All setbacks or distances from the lot lines to the dwelling should be clearly shown and you should make sure that you meet the minimums in Table 4-1 of the Bylaws. This plan can be on 8 ½ by 11 inch or 11 by 17 inch paper.)
- If exterior changes or an addition is proposed, elevations of all sides of the house. Photographs of the existing home are also helpful and you may wish to submit them as well.
- Floor plans of principal residence and proposed accessory apartment with the size of the accessory apartment noted in square feet. (These floor plans can be on 8 ½ by 11 inch or 11 by 17 inch paper as well.)
- Completed Special Permit application form.
- A written statement how your proposed accessory apartment complies with the standards in section 8.1.2 of the Bylaws. In your discussion relative to Standard 1, you should specify the relationship and name(s) of the family member who will be living in the accessory apartment.

D. WRITTEN STATEMENT

This is where you make the case for your accessory apartment. You want to tell the Planning Board how you comply with the Bylaw.

Standard 1. Explain who you are creating the accessory apartment for and what their relationship is to the owner. (Note that the owner could occupy the smaller of the living units if that meets your family’s needs.) If there is an addition to be constructed, state how you are in compliance with the setback requirements for both the existing home and any addition (see Section 4.0 of these Bylaws) or if you have received a variance from the Board of Appeals for a lesser setback, attach a copy of the variance to your application.

Standard 2. Explain how the proposed external changes or additions will blend into the architectural and physical style of the existing structure through common materials, color, and design. Further explain how the accessory apartment shares a common living area separation (wall or floor) with the principal unit and how there is direct access between the units.

Standard 3. On the plans, show the net floor area of the apartment and in your statement say that your proposed apartment does not exceed eight hundred fifty (850) square feet because it is XXX square feet in area.

Standard 4. Show on the plans that there is adequate parking for the additional vehicles required for the accessory apartment. In your written statement, explain how many parking spaces there are in total and where they are located (in a garage, off the driveway, in the back yard, etc.). Further state that you understand that the Planning Board reserves the right to require screening for proposed parking.

Standard 5. State that you understand that the Planning Board reserves the right to require screening and landscaping for any addition(s).

Standard 6. State that you will adhere to all necessary state and local permits and requirements.

Standard 7. State that the utilities (electricity, gas, sewer, septic, etc.) serving the additional unit shall not be separated from the primary home.

Standards 8 and 9 only apply to homes within the Water Resource Protection Overlay District (WRPOD).

Standard 8 applies to conforming lots or structures within the WRPOD. Show that the design sewage flow does not exceed the design sewage flow requirements established by Section 9.4 for the Zone II and Zone III of the WRPOD and explain in your written statement.

Standard 9 applies to pre-existing non-conforming lots or structures located in Zone II or Zone III of the WRPOD. State whether you have increased the number of bedrooms on the property and submit information showing that the existing septic system has passed a Title 5 inspection, or state the system will be upgraded as approved by the Board of Health.

Before the Public Hearing is held, you must have:

- Written approval of your existing septic system or requirements for updating/enlarging from the Board of Health
- or ---
- Written approval from the Board of Water and Sewer Commissioners if you are connected to public sewer.

E. FILING, HEARING, AND DECISION SCHEDULE

The application form, the plans, and any additional information must be filed with the Town Clerk. Take two copies of the "submission packet" (see Checklist) and have those both "stamped." Keep a "stamped" copy to make twelve (12) copies of the application, plans, and accompanying information and submit with the required fees and one copy of the list of abutters to the Planning Board office.

The Planning Board must hold the Public Hearing on your application within sixty five (65) days of the date of filing a complete application.

No less than ten (10) days prior to the intended date of application to the Planning Board, the applicant should request a certified Abutters List from the Foxborough Assessor's Office. If any abutter's land is located in a neighboring town, the applicant should also request a certified abutters list from the Assessor's Office of that community, which should also be filed with the application to the Planning Board.

Upon application to the Planning Board, the Planning Office will prepare a public hearing notice containing the subject matter, date, time and location of the required public hearing. The Planning Office will arrange to have the public hearing notice run in the newspaper, as required. The applicant will be responsible for paying the cost of this legal ad prior to the Planning Board closing the public hearing for the project.

No less than 14 days prior to a Special Permit public hearing the applicant shall provide the Planning Office with stamped and addressed envelopes, each containing the legal notice provided to the applicant by the Planning Board. These envelopes shall be stamped and addressed to each abutter on the abutters list(s) and to the Planning Boards of the Towns of Walpole, Norfolk, Wrentham, Plainville, Mansfield, Sharon. The envelopes should be unsealed when delivered to the Planning Office. After verifying the contents of the abutter notification envelopes, the Planning Office will seal and mail the abutter notification envelopes. The applicant should not mail the public hearing notices.

Prior to the close of the public hearing, the applicant shall also submit to the Planning Office preprinted labels for each abutter prior to the close of the public hearing.

The Planning Board will request comments from various Town boards and officials.

The Public Hearing is not always finished the first night and can be continued to a later date. **The Planning Board's policy is to not begin the Public Hearing process until a written report from either the Board of Health or the Board of Water and Sewer Commissioners has been submitted to the Planning Board with the details and requirements for septic systems or sewerage, as appropriate.**

After the Planning Board has received information from Town boards and officials, all the required plans and statements, any other information they believe is necessary to fully evaluate your proposal, and any comments from abutters, they will close the Public Hearing. After the hearing is closed, they vote. They must determine that the standards in section 8.1 are met and that:

1. The use is in harmony with the general purpose and intent of the Bylaws.
2. The use is socially and economically desirable.
3. The use would satisfy an existing need, and
4. The advantages of the proposal outweigh the detrimental factors.

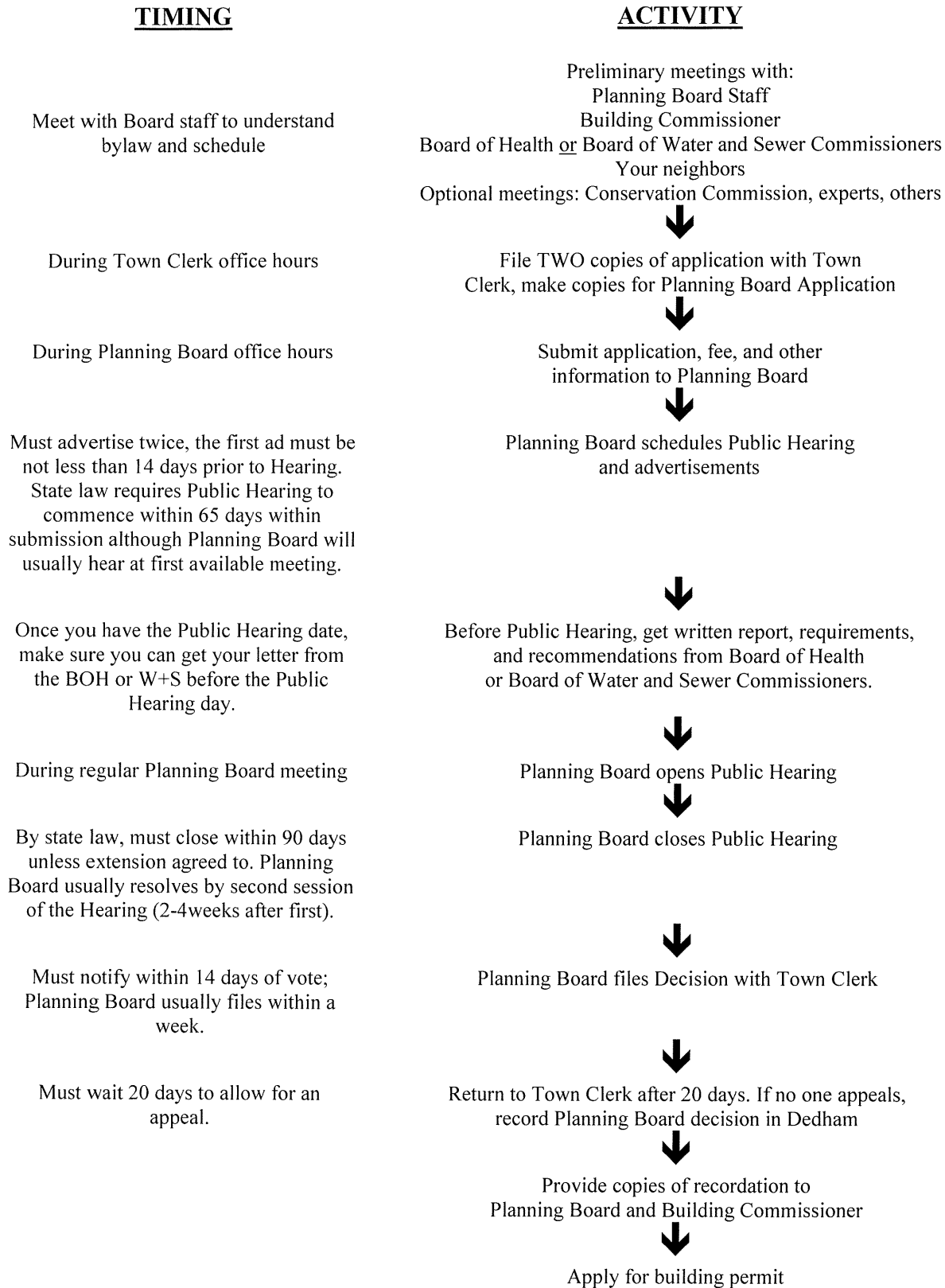
If the application is approved, there will typically be conditions attached to the approval, including the restriction that the relative named in the application is the only authorized occupant of the accessory apartment.

By law, the Planning Board must file its decision on the application with the Town Clerk within ninety (90) days of the date of the **close** of the public hearing. In practice, the decision is usually filed within a week of the close of the Public Hearing and the Board's vote. After it is filed, there is a period of twenty (20) days from the date of filing of the decision with the Town Clerk during which the decision may be appealed.

After the appeal period has expired, ask the Town Clerk if any notice of appeal has been filed with that office. If not, in order to make your Special Permit effective, you must file a certified copy of the decision with the Norfolk County Registry of Deeds in Dedham. You may file ("record") the decision in person at the Registry, or you may call the Registry for instructions on filing the decision online or mailing the decision and fee for recording. Return a copy of the

recorded permit to the Planning Board via email or mail. Note: you must still apply for a building permit to construct the permitted apartment. The Building Commissioner will also require a copy of the recorded permit with the recording information when you apply for a building permit.

Please note that this document is intended only to assist you as a guide. You should refer to the Bylaws and ask the Planning Board staff for more information regarding the requirements and criteria.



F. CHECKLIST:

For your application:

- _____ A list of abutters from the Assessors' Office (1 copy)
- _____ A "signoff" from the Treasurer's office that all taxes and other charges have been paid (on bottom of application form)
- _____ Required fee
- _____ Completed Special Permit application form (1 copy)
- _____ Plot plan -- 8 ½ by 11 inch or 11 by 17 inch (6 copies)
- _____ Elevations of all sides of the house (if any exterior changes are proposed, 6 copies)
- _____ Photographs of elevations (optional, 6 copies)
- _____ Samples or tearsheets of siding, roofing, and other exterior materials (optional, at least 1 copy)
- _____ Floor plans with the size of the accessory apartment noted in square feet (6 copies)
- _____ A written statement relative to standards in section 8.1.2 of the Zoning Bylaws, including the name(s) and relationship of the family member who will be living in the accessory apartment (12 copies)
- _____ Any other information that you feel explains your request (6 copies)

Before the Public Hearing is held submit to the Planning Board:

- _____ Proof that the abutters were notified as required in the Planning Board Special Permit Rules & Regulations.
- _____ Written approval or requirements from the Board of Health
--- or ---
- _____ Written approval or requirements from the Board of Water and Sewer Commissioners

Be sure to keep a copy of all application materials for your records.

G. FAQ

Why do I have to go through all this?

The purposes of zoning in Foxborough include encouraging “the most appropriate use of land throughout the town.” Ensuring that accessory apartments fit the character of the town’s single family zoning district or the character of the Neighborhood Business district uses the land most appropriately in those districts and preserves the property values and neighborhood character.

Bottom line: Please be assured that the Planning Board wants to make the process as transparent and as painless as possible while ensuring that the character and quality of your neighborhood is not diminished.

What impact does an accessory apartment have on my assessment?

You should check with the Assessors’ Office, but your property valuation would increase if you add square feet to your home and amenities to your home. It will continue to be valued as a single family home.

What happens after my mother goes to a nursing home, my kid finally leaves home, etc.

If you have another family member who could reside there, you would apply to the Planning Board to amend the Special Permit. Otherwise the accessory apartment needs to be removed. At a minimum, this means the stove is removed. Sometimes, the Planning Board’s conditions may impact what you need to do – if they vote language something like “[T]he kitchen facilities of the accessory apartment shall be removed when the accessory apartment is no longer needed unless the Planning Board determines the facilities (as altered or modified) are incidental and subordinate as an accessory use to a single-family dwelling”, then you need to return to the Planning Board and discuss your options. (This may mean that the stove and full-size refrigerator is removed.)

Article V: Fees and Consultant Review

A. MUNICIPAL PROJECTS

Fees shall not be waived except upon the majority vote of the Board upon determining the waiver is in the public interest. Facilities owned and operated by the Town of Foxborough for the benefit of the residents of the Town of Foxborough on land owned by the Town of Foxborough shall usually be exempted from paying application fees, although costs incurred by the Board such as postage, advertising, peer review, and inspection fees shall be reimbursed to the Board.

B. FAILURE TO PAY

Payment of fees, including all peer review fees, application fees, filing fees, and other fees are submission requirements for all Planning Board permits. Failure to pay any or all fees will result in the application being deemed incomplete and result in denial of the application.

Post-approval fees, such as inspection fees, lot release fees, and others must be paid upon request for action or upon instruction from the Board. Forms will not be signed and released until fees have been received.

C. CONSULTANT REVIEW FEES

- 1. Applicability.** The Planning Board, at its sole discretion, may determine that a proposed project's size, scale, complexity, potential impact or use of the land warrants the use of outside consultants (such as engineers, planners, lawyers, hydro geologists, or others). Such consultants shall be selected and retained by the Planning Board and shall assist the Planning Board, with analysis, comments, and recommendations prior to action by the Planning Board in plan review, impact analysis, inspection or other technical or legal assistance necessary to ensure compliance with all relevant laws and regulations. Such assistance may include, but shall not be limited to, analyzing an application, providing legal counsel for decisions and covenants, and monitoring or inspecting a project or site during construction or post-construction for compliance with the Board's decisions or regulations.

Most Planning Board applications require review by outside consultants. After receipt of a complete application package, a copy of the submitted materials will be transmitted to the Board's consultant for review. In some circumstances, more than one consultant will be utilized. The applicant is responsible for the total cost of review by all consultants selected by the Planning Board.

- 2. Submittal.** Consultant Review Fees shall be submitted with the application materials and will be deposited in an account established pursuant to M.G.L. c. 44, s. 53G. Any application filed without this fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full. The consultant will review the scope of the materials submitted and transmit to the Planning Board an estimate of the cost of that consultant's review. If the amount of the estimate is greater than the Consultant Review Fee amount that has been deposited with the Planning Board at the time of the application, the Planning Board will notify the applicant of the additional amount required and the balance of the Consultant Review Fee shall be submitted to the Planning Office within 7

days. The initial Consultant Review Fee required for each type of project is listed in Section VII. Fees below.

3. **Monitoring and Inspection Phase.** As a condition of approval of a Definitive Plan or a Special Permit, the Planning Board may require additional Consultant Review Fees to inspect, monitor, and oversee the implementation of the approved project.
4. **Handling of Consultant Review Fees.** The Consultant Review Fee is to be deposited into a special escrow account as set forth in G.L. c. 44, s. 53G. Excess consultant review fees, including any accumulated interest, shall be returned to the applicant, or the applicant's documented successor in interest, at the conclusion of the review process as determined by the Planning Board.
5. **Selection and Appeal.** The Planning Board shall competitively select consultants for a period not to exceed three years. As provided in M.G.L. Chapter 44, § 53G, an applicant may administratively appeal the selection of the consultant to the Board of Selectmen, on grounds that the proposed consultant selected has a conflict of interest or that the proposed consultant does not possess the minimum required qualifications of an educational degree or three (3) or more years of practice in, or closely related to, the field at issue. Such an appeal may be initiated by the applicant filing notice with the Town Clerk within seven (7) calendar days of notice of the selection. The consultant selection made by the Planning Board shall stand if one (1) month passes without decision by the Board of Selectmen on said appeal. The required time limits for action upon an application by the Planning Board shall be extended by duration of the administrative appeal. This appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this section.
6. **Remedy.** Review fees associated with the review of a submission shall be paid prior to the close of the Public Hearing. Failure of an applicant to pay the consultant review fee determined by the Planning Board may be grounds for disapproval.

Article VI: Stadium/Patriot Place Site Plan Minor Modifications

(Adopted 03-12-2015)

A. BACKGROUND:

Modifications to Gillette Stadium or Patriot Place that do not result in a material intensification of use relative to the approved uses may be authorized as “minor modifications” under one of the following provisions of the Site Plan Approvals:

1. Gillette Stadium Site Plan Approval:

Condition 16 of the Stadium Site Plan Approval, dated August 11, 2000:

“Any proposed material change(s) from the approved site plans, elevations, or additional site work deemed substantive by any Town official shall be presented for review by the Planning Board. The Board shall determine if there is a need for a public hearing and shall then act accordingly on the change(s). Changes considered minor in nature by the Board shall not require a public hearing. Approved revisions shall be illustrated on plans and submitted to the Board.”

2. Patriot Place Site Plan Approval:

Condition 37 of the Patriot Place Mixed Use Project Site Plan Approval, dated January 12, 2007 which establishes the following standards and procedures relative to minor modifications within Patriot Place:

“Change(s) to the Site Plans... shall be considered Minor Modifications... if such change(s) do not:

- (i) Result in more than a 15% increase in total retail leasable area as shown on the [original] Site Plans;*
- (ii) Result in more than a 25% increase in total leasable area for other particular uses as shown in the [original] Site Plans;*
- (iii) Result in adjustments to the PBA [Permissible Building Area] that increase its overall size; and/or*
- (iv) Result in the completion of more than 1,350,000 square feet of leasable area in the Project [Patriot Place].*

Any such Minor Modification(s) shall be submitted with detailed plans and information to the Board describing such modification(s). Requests for Minor Modifications shall be considered at a regular public meeting of the Board; however, a public hearing shall not be required.

B. MINOR MODIFICATION CHECKLIST:

The checklist below provides additional procedural details in order to facilitate the submittal and review process for a minor modification for either the Stadium or Patriot Place. A completed checklist shall be included in any submittal for a minor modification.

The applicant shall:

- ☐ Hold an informal pre-filing meeting with the Town Planner to review:
 - the nature of the planned modification(s);
 - the contents of the submittal;
 - the scope of the modification(s) and any associated impacts; and
 - the identification of a potential meeting date at which a quorum of the Planning Board is expected to be present to review the submittal.
 - Pre-filing Meeting Date: ____ / ____ / ____
 - Attendees: _____
- ☐ File a Site Plan Minor Modification submittal to the Planning Department, which submittal should include:
 - Narrative of proposed modification(s) including a statement and any supporting calculations to demonstrate how the project meets the applicable eligibility criteria set forth above;
 - Site plan(s) showing proposed modifications in the context of the approved existing improvements;
 - Architectural plans (as may be applicable); and
 - Other supporting documentation and/or materials to assist in the Planning Board's review.
 - Additional materials provided: _____
- ☐ Include copies of the complete submittal package sufficient for distribution by Planning Department to Town Departments.
 - Town Departments may, but are not required to, provide written comments on the submittal to the Planning Department.
 - Comments, if any, shall be received by the Planning Department within one week of receipt of the submission.
 - The Town Planner may convene an administrative meeting with applicable department heads and the applicant to review the proposed modification(s).
- ☐ Tentative Planning Board meeting date as proposed by Town Planner: ____ / ____ / ____
 - The Planning Board shall typically review the request with the applicant at a posted public meeting no sooner than 10 days and no later than 21 days after the date of filing of the complete submittal.
 - The timeframe for such review may be waived or extended by agreement of the applicant and the Town Planner. Unless the modifications are determined by the Planning Board to be "Major Modifications", no public hearing is required.

Upon the determination of the Planning Board, the Town Planner shall (i) include in the project file the minutes of the meeting reflecting such minor modification(s) and (ii) maintain a schedule of all such modifications.

FY22 Fee Schedule

Special Permits:	Fee
Accessory Apartment	\$300
Multi-Family Dwellings	\$1,000 per developed acre, \$1000 minimum
Non-Residential Uses	\$1,000 per developed acre, \$1000 minimum
Findings: Water Resource Protection	\$300
Existing Use Expansions	\$300
Permit Renewals	\$400
Advertising	Cost of ads
Extension of Permit	\$300
Consultant Review Fee - Initial Deposit	\$2,500
Site Plan Review:	Fee
Non-Residential Uses	\$1,000 per developed acre, \$1000 minimum
Change of Use (no new construction)	\$300
Advertising	Cost of ads
Site Plan Review Waiver Request	\$300
Site Plan Modification	\$300
Bond Estimate	\$500
Bond Reduction	\$300
Extension of Permit	\$300
Consultant Review Fee - Initial Deposit	\$1,500
Subdivisions:	Fee
ANR Plan/Form A	\$300 plus \$200 per new lot
Preliminary Subdivision Plans	\$1,500 plus \$400 per lot
Definitive Subdivision Plans (no preliminary plans filed)	\$3,500 plus \$800 per lot
Definitive Subdivision Plans (preliminary plans filed)	\$1,500 plus \$400 per lot
Definitive Subdivision Plans Modification	\$300 plus \$200 per lot
Rescission of an Approved Definitive Plan	\$300
Frontage Waivers	\$750 plus \$400 per lot
Advertising	Cost of ads
Lot Releases	\$300 plus \$100 per lot
Bond Estimate	\$500

Subdivisions (cont.)	
Bond Reduction	\$300
Street Acceptance Inspection	\$200 per lot
Extension of Permit	\$300
Consultant Review Fee - Initial Deposit	\$3,500
Scenic Roads:	Fee
Application fee (if separate from any other Planning Board permit)	\$300
Advertising	Cost of ads
Inspections :	Fee
Site Inspection Fees	1% of site costs, minimum \$1000
Subdivision Inspection Fees	\$8 per lf of roadway, minimum \$2000
Missed appointment fee	1 hour minimum, charged directly to developer, not site inspection fee account
Additional inspections	Hourly fee, charged directly to developer, not site inspection fee account

Notes:

1. Fees shall not be waived except upon the majority vote of the Board upon determining the waiver is in the public interest. Facilities owned and operated by the Town of Foxborough for the benefit of the residents of the Town of Foxborough on land owned by the Town of Foxborough shall usually be exempted from paying application fees, although costs incurred by the Board such as postage, advertising, peer review, and inspection fees shall be reimbursed to the Board.

2. Fees are non-refundable

3. All fees must be paid in full prior to any decision by the Board

4. All fees are payable to the Town of Foxborough

5. Fees are calculated based on the nearest full acre or other measurement. For example, a site plan with 5.5 acres of developed area would calculate the fee based on 6 acres.