
Appendix B-3

Town of Foxborough Zoning and Wetland Bylaws

**TOWN OF
FOXBOROUGH
MASSACHUSETTS
ZONING BY-LAWS**

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**TOWN OF
FOXBOROUGH
MASSACHUSETTS
ZONING BY-LAWS**

**ARTICLE 1
Citation and Purpose**

SECTION 1.00 PURPOSE

- A. To promote the health, safety, convenience and the general welfare of the inhabitants of the Town of Foxborough as authorized by Chapter 40A of the Massachusetts General Laws (MGL) and amendments thereto, the construction, alteration, location and use of all lands and structures within the Town of Foxborough are hereby regulated as provided in these zoning regulations and restrictions, hereinafter referred to as these By-laws.

SECTION 1.01 REGULATIONS

- A. These By-Laws are designed to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land throughout the Town of Foxborough, and to preserve and increase amenities by the promulgation of regulations to fulfill said objectives. These regulations shall include but are not limited to restricting, prohibiting, permitting or regulating:
1. uses of land, including wetlands and lands deemed subject to seasonal or periodic flooding.
 2. size, height, bulk, location and use of structures, including buildings and signs except that billboards, signs and other advertising devices are also subject to the provisions of Sections 29 through 33, inclusive, of Chapter 93, and to Chapter 93D, MGL;
 3. uses of bodies of water, including water courses;
 4. noxious uses;
 5. areas of land and bodies of water to be occupied by uses and structures, courts, yards and open spaces;
 6. density of population and intensity of use;
 7. accessory facilities and uses, such as vehicle parking and loading, landscaping and open space; and
 8. the development of the natural, scenic and aesthetic qualities of the community.
- B. Requirements Not Addressed in These By-Laws
1. All gravel removal operations shall only be authorized by the Board of Selectmen pursuant to the Town's Revised Earth Removal By-Law.
 2. All operations governed by Chapter 131, MGL, The Wetlands Protection, shall also require the authorization of the Conservation Commission pursuant to the Foxborough Wetlands Protection By-Law.
 3. All requests for demolition permits shall comply with the provisions of the Demolition By-Law per Section 10 of the Foxborough General By-Laws.
 4. All operations conducted on roads designated as "scenic" shall comply with the provisions of the Scenic Roads By-Law, per Section 11 of the Foxborough General By-Laws.

ARTICLE 2

Definitions

SECTION 2.00 GENERAL REQUIREMENTS

- A. Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.
- B. Where terms are not defined, they shall have their ordinarily accepted meanings or such as these By-Laws may imply.
- C. The determination of definitions in question shall lie with the Board of Appeals.
- D. For any terms not defined herein, the definition as found in Webster's Unabridged Dictionary, most recent edition, or as found in the State Building Code of Massachusetts shall be used.

SECTION 2.01 LIST OF DEFINED TERMS

- A. Unless otherwise expressly stated, the terms listed herein shall, for the purpose of these By-Laws, have the meaning indicated. Please see Article 8 and Section 9.09 for definitions specific to Signs and the Water Resource Protection District respectively.
- 1. Accessory Structure**

A structure, customarily, incidental and subordinate to the principal structure, which is located on the same lot as the principal structure except any structure(s) for any agricultural use.
- 2. Accessory Use**

Accessory uses as permitted by these By-Laws are set forth in Article 4. An accessory use is one which:

 - a. is clearly subordinate to, customarily found in association with, and incidental to a principal use; and
 - b. is located on the same lot as the principal use, except any accessory use for any agricultural purpose.
- 3. Adult Uses**

The uses as defined and regulated in Section 9.12C of these By-Laws.

(Art. 25, 5/11/98 ATM)
- 4. Agriculture**

The use of a tract of land, not less than five (5) acres in area for agriculture, horticulture, floriculture, viticulture, nurseries, orchards or greenhouses. Furthermore, the definition of agriculture shall include the keeping of livestock on parcels of two (2) acres or more.
- 5. Apartment**

A dwelling unit in either a two-family or multi-family dwelling.
- 5.1. Arcade**

An indoor recreation facility containing amusement or recreational games such as video or electronic games that contains more than three (3) Arcade machines.

(Art. 3, 6/18/01 STM)
- 6. Area (Gross)**

Total floor area within a building.
- 7. Area (Net)**

The usable area (normally accessible to the public) of each story within a building or portion thereof.
- 8. Basement**

A portion of the building partially underground, but having less than half its clear height below the mean grade of perimeter walls of the building. For the purposes of these By-Laws, a basement shall be considered the first story of a structure (also see the term cellar).
- 9. Basic Code**

The State Building Code of the Commonwealth of Massachusetts as amended.
- 10. Bodies Politic**

Those institutions of government, appointed or elected in the Town of Foxborough.
- 11. Buildable Area**

That area of a lot within which a building can be erected and framed of a combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property. For the purpose of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature. The word "building" shall be construed where the context required as though followed by the words "or part or parts thereof" (also see the term structure).

12. Building Commissioner

The officer or other designated authority charged with the administration and enforcement of the Basic Code.

13. Commercial Campground

A facility located on a lot, not less than seventy-five (75) acres in area, intended for use by transient campers in tents or travel trailers, but not mobile homes. The facility may include accessory uses such as recreation fields and halls, swimming and shower facilities and convenience stores, all of which are intended for the use and convenience of users of the campground, and which are customarily accessory to the operation of a commercial campground.

14. Cellar

The portion of the building partially underground, having half or more than half of its clear height below the mean grade of the perimeter walls of the building (also see the term basement).

15. Day Care Center

A facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center, or preschool or known under any other name, which receives children under sixteen (16) years of age for non-residential custody and care during part or all of the day separate from their parents. Day care center shall not include: any part of a public school system; any part of a private, organized educational system unless the services of such system are primarily limited to kindergarten, nursery or related preschool religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home, as defined by Section 9, Chapter 28A, MGL as amended; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefore.

16. Dormitory

A building, or portion thereof, where group sleeping accommodations are provided, with or without meals, for persons not members of the same family group, in one room, or in a series of closely related rooms under joint occupancy and single management, as in school or farm dormitories.

17. Dwellings

Two Family- A building containing two (2) dwelling units with not more than three (3) lodgers or boarders per unit.
Multi-Family - A building, or portion thereof, containing three (3) or more dwelling units.

18. Dwelling Unit

One or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

19. Frontage

That distance along a lot line which abuts a street or streets. Access shall only be through or across this legal frontage. The frontage distance does not have to be contiguous, provided that the total distance complies with these By-Laws. The required frontage for a corner lot shall be provided on only one street. Frontage shall be calculated from the intersection of the side-yard to the center of the curve radius along a straight line.

(Art. 9, 11/5/01 STM)

20. Gasoline Service Station

Any structure whose primary purpose is the storage and sale of petroleum products for motor vehicles and/or where minor repairs to motor vehicles are made within a structure.

21. Height, Building

The vertical distance from either the sill elevation of a structure without a basement or cellar, or from the finished basement or cellar floor level of a structure with a basement or cellar to, the highest point of the top story in the case of a flat roof, or to the mean height between the top plate and the highest peak in the case of a building with a pitched roof, such highest point of the top story or mean height between the top plate and the highest peak hereinafter being referred to as the "High Point" of the structure.

(Art. 3, 12/6/99 STM)

22. Home Occupation

Any gainful employment or occupation of one or more members of the resident family which is clearly secondary or accessory to the primary residential use of the principal dwelling. Such occupation may be pursued in the principal dwelling or in an accessory building. The following criteria must be met:

- (1) It must not produce noise or other objectionable characteristics beyond the limits of the lot,
- (2) the area devoted to the home occupation shall not exceed forty percent (40%) of the habitable floor area of the principal dwelling,
- (3) necessary off street parking must be provided,
- (4) not more than two (2) persons may be employed, other than the family members,
- (5) not storage of materials or products outside of a principal building is prohibited and
- (6) the making of external structural alterations which are not customary in residential buildings is prohibited.

23. Kennel - Commercial

A pack or collection of dogs, cats, or other domestic animals on a single premises maintained for sale, commercial breeding, boarding, grooming, training, hunting, or for any other commercial purposes, and including any shop where dogs are for sale.

24. Lodging/Boarding House

Any structure used for the lodging of more than three (3) individuals and where cooking or sanitary facilities may be provided.

25. Lot

An area of land in one ownership with definite boundaries ascertainable by recorded deed or plan and used or set aside and available for use as the site of one or more structures or for any other definitive purpose.

26. Lot Area

The horizontal area of a lot, not including any area in a public or private street open for public use.

27. Lot Coverage

That percentage equal to the area of a lot covered by man-made materials such as structures, asphalt and concrete divided by the total lot area.

28. Lot Line

A line dividing one lot from another, or from a street.

29. Mobile Home

A dwelling unit built on a chassis and containing complete electrical, plumbing and sanitary facilities, and designed to be installed on a temporary or permanent foundation for permanent living quarters.

30. Motor Vehicle Repair Shop

A structure in which the general business of repairing motor vehicles is conducted. No vehicles incapable of operation may be stored in the open.

31. Municipal Recreation Facility

Land, including accessory structures, owned or operated by the Town of Foxborough which is used for one or more of the following uses: a golf course, riding stable, playgrounds, playing fields, fitness trails, a swimming pool, volleyball, bocce, tennis or basketball court(s), or other similar recreation facilities. No indoor or outdoor active recreation area or parking for same shall be located any nearer the lot line than the minimum building setback.

(Art. 16, 11/5/01 STM)

32. Parking lot

A paved area, designed and constructed to the standards found in Article 7 of these By-Laws, the purpose of which is to provide off-street, vehicular parking. Parking lots may be a primary or accessory use of a parcel pursuant to Section 4.00 Table of Use.

33. Parties in Interest

As used in these By-Laws shall have the meaning as provided in Section 11, Chapter 40A, MGL as amended.

34. Person

Every natural person or other legal entity.

35. Reconstruction

The demolition of a structure and the rebuilding of a new structure on the same lot.

(Art. 24, 05/14/01 ATM)

36. Residential Garage

A detached accessory structure to a single or two-family dwelling of which the primary purpose is to store motor vehicles. No commercial activities shall occur within these structures unless authorized by these By-Laws.

37. Residential Storage Structure

A detached structure accessory to a single or two-family dwelling which does not exceed 200 square feet in gross area.

38. Story

The portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above, including basements.

39. Street or Way

A public way or way which the Town Clerk certifies is maintained and used as public way, or a way shown on a definitive plan, approved and endorsed in accordance with the Subdivision Control Law, or a way in existence when the Subdivision Control Law became effective in the town of Foxborough, which in the opinion of the Planning Board, has sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

40. Structure

A combination of materials assembled at a fixed location to give support or shelter, and as further defined in the Basic Code. The word "structure" shall be construed, where the context requires, as though followed by the words "or part or parts thereof."

41. Temporary Parking Lot

An area, whether paved or unpaved, which in the opinion of the SPGA, is suitable for providing off-street, vehicular parking. Temporary parking lots may be a primary or accessory use of a parcel pursuant to Section 4.00 Table of Use.

42. Travel Trailer

A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use. It shall not be designed to be installed on a permanent or temporary foundation.

43. Truck Terminal/General Commodity /Public Warehouse

A facility/use whose primary function is to provide for the distribution of a wide variety of merchandise, goods and/or other products via trucks. This shall include those facilities designed to store products in preparation for shipping and where those products are generally not made available for retail sale. The storage or parking of tractor trailers, trucks or trailers as a primary use.

44. Wellness and Recreation Center

A facility located on a lot containing not less than 18 acres offered for use by the public for general wellness and recreation which may include a pool facility and any other indoor and outdoor sports, recreation and athletic use, day camps, and arts and humanities and uses incidental thereto, but excluding those uses which fall under Article 4.00 USE REGULATIONS, Section 4.00 TABLE OF USE, Use Group F 1.

(Art.11, 11/20/00 STM)

45. Yard

An open space on a lot with a building, extending along the entire length of a front, rear, or side lot line.

ARTICLE 3

Establishment of Districts

SECTION 3.00 TYPES OF DISTRICTS

- A. For the purpose of these By-Laws, the Town of Foxborough is hereby divided into the following types of use districts:

R-15	Residential District
R-40	Residential and Agricultural District
GB	General Business District
NB	Neighborhood Business District
HB	Highway Business District
LI	Limited Industrial District
GI	General Industrial District
S-1	Special Use District
DRD	Design Review District (overlay district)
FPD	Flood Plain District (overlay district)
WRPD	Water Resource Protection District (overlay district)
EDA	Economic Development Area Overlay District (overlay) <i>(Art. 3, 12/6/99 STM)</i>

- B. Residential Districts

R-15: Residential District is established where soils are adequate for on-site sewerage or where a Town or private system is present or planned, but where the nature of the surrounding areas is more urban than rural.

R-40: Residential and Agricultural District is established to promote agricultural uses and low density residential uses and to allow other selected uses which are compatible with the open and rural character of the district.

- C. Business Districts

GB: General Business District is established to provide locations for retail, commercial and service uses which are oriented to serve several neighborhoods.

NB: Neighborhood Business District is established to provide locations for convenience shopping facilities in which those retail commercial uses shall predominate that have a neighborhood-oriented market, and which supply necessities that usually require frequent purchasing and with a minimum of consumer travel. They shall be designed to be an integral, homogeneous component of the neighborhoods they serve, oriented to pedestrian traffic as well as vehicular.

HB: Highway Business District is established to provide locations on heavily traveled collector and arterial highways for those commercial and service uses which (a) are oriented to the automobile, or (b) are uses which may require large land areas and good access, and (c) do not depend upon adjoining uses for reasons of comparison shopping or pedestrian trade.

D. Industrial Districts

LI: Limited Industrial District is established to provide areas for scientific research, development and training, business offices, light manufacturing, assembly of products, and related supply activities. This district is designed to accommodate a broad spectrum of clean industries operating under high performance standards.

GI: General Industrial District is established to provide areas where a wide range of industrial and industrially-oriented commercial activities may locate. Uses allowed in this district shall operate under medium performance standards designed to minimize the impact of noise, smoke, glare, and other environmental pollutants on the industries within the district and on the neighboring lands of higher environmental quality. The business and commercial activities allowed in the district will be those which provide services and supplies primarily to industrial companies; those which engage in wholesale operations; and those which are associated with warehouse establishments. Manufacturing and industrial companies located in the district may engage in the wholesale of their products and services from the business offices accessory to their industrial activities.

E. Special Use District

S-1: Special Use District is established to encourage the innovative and creative design of office and industrial development. The district regulations are designed to accommodate preferred high density land uses which could produce detrimental effects on neighboring properties if not strictly controlled as to location and design; to insure high standards in the lay-out, design and construction of office and industrial development; and otherwise to implement the stated purpose and intent of these By-Laws.

F. Design Review District

DRD: The Design Review District is established as an overlay district and includes all of those streets listed in Section 9.02. Its purpose is to protect the Town's cultural and historical resources by initiating a review of all new, non-residential and multi-family uses through the Site Plan Review and Special Permit process.

G. Flood Plain Districts

FPD: The Flood Plain District is established as an overlay district and includes all special flood hazard areas designated as Zone A, A1-30 on the Foxborough Flood Insurance Rate Maps, (FIRM) dated December 15, 1979, on file with the Town Clerk, Planning Board and Building Commissioner. These maps as well as the accompanying Foxborough Flood Insurance Study, are incorporated herein by reference.

H. Water Resource Protection District

WRPD: The Water Resource Protection District is established as an overlay district and includes all those areas as designated on a map entitled, "Water Resource Protection District," Foxborough, Massachusetts, dated April 1989 as amended from time to time. It further includes those areas within 250 feet of all bodies of water. The WRPD is designed to protect both the surface and ground water within the community and to provide thresholds and lot coverage requirements within the areas protected.

I. Economic Development Overlay District

EDA: The Economic Development Area Overlay District is established as an overlay district and includes that area designated on a map entitled, "Economic Development Area Overlay District, Foxborough, MA" which is on file with the Town Clerk and the Building Commissioner and which, together with any explanatory material thereon, is hereby incorporated in and made a part of these By-Laws. The EDA is intended to encourage economic development of the property located at or adjacent to Foxboro Stadium and to address the unique pressures and demands of development and use of such property due to the high volume of pedestrian and vehicular traffic generated by uses in this area.

(Art. 3, 12/6/99 STM)

SECTION 3.01 ZONING MAP AND SUPPLEMENTS

- A. The Town of Foxborough is hereby divided into zoning districts, as provided herein and as shown on the zoning map entitled, "Zoning Map, Foxborough, Mass." filed January 30, 1960 as amended from time to time which, together with all explanatory matter thereon, is hereby declared to be part of these By-Laws. Said map shall be the official record of zoning status of areas within the Town.
- B. The supplemental maps indicated below are hereby adopted, and with others that may thereafter be officially adopted for special purposes indicated, shall have the same force and effect as the zoning map and are included as a part of the zoning map.
 - 1. Flood Insurance Rate Map
 - 2. Water Resource Protection District

SECTION 3.02 INTERPRETING BOUNDARIES

- A. The locations and boundaries of districts shall be as shown on the zoning map and supplemental maps as amended and as are on file with the Town Clerk.
- B. Where boundaries are indicated in the right-of-way of streets or watercourses, such boundaries shall be the centerline of the right-of-way.
- C. Where boundaries approximately follow property lines and are not more than twenty-five (25) feet therefrom, the property line shall be the district boundary.
- D. Where boundaries are parallel to a street or road and are fixed by dimensions on the zoning map, the distances shall be measured from the right-of-way line where a plan is on file with the Registry of Deeds or, in the absence of such plan, from a line parallel to and twenty-five (25) feet from the centerline of the traveled way.
- E. Where distances are not specified on the zoning map nor otherwise determined from the above provisions, the scale of the zoning map shall be used to determine the location of the district boundary.
- F. The determination of boundaries in question not defined herein or on the zoning map, shall lie with the Board of Appeals.
- G. No provisions of these By-Laws shall be valid which sets apart districts by any boundary line which may be changed without adoption of an amendment to these By-Laws.

ARTICLE 4 Use Regulations

SECTION 4.00 TABLE OF USE

A. Land uses are only allowed as noted below. Any use not noted herein, is prohibited. The abbreviations used are as follows:

- P Permitted
- NP Not Permitted
- SP Special Permit (Planning Board)
- SUP Special Use Permit (Zoning Board of Appeals)

FOXBOROUGH ZONING DISTRICTS

USE GROUP	R-15	R-40	GB	NB	HB	GI	LI	S-I*
A. High Hazard Uses								
1. All land and buildings which are used for the storage, fabricating, assembly, manufacture or processing of combustible or explosive products or materials which are likely to burn with extreme rapidity or which may produce poisonous fumes or explosions.	NP	NP	NP	NP	SUP	P	NP	NP
2. All land and buildings within this use group which are used for the sale of high hazard materials or products.	NP	NP	NP	NP	SUP	P	NP	NP
3. Processing, storage, or reclamation of waste materials.	NP	NP	NP	NP	NP	NP	NP	NP
4. Gasoline service stations.	NP	NP	SUP	NP	SUP	SUP	NP	NP
B. Low Hazard Uses								
1. All land and buildings which are used for the storage, manufacture or processing of noncombustible materials, and of low hazard wares that do not ordinarily burn rapidly and which are not high hazard uses.	NP	NP	NP	NP	SUP	P	P	SP
2. Processing, storage, or reclamation of waste materials.	NP	NP	NP	NP	NP	NP	NP	NP
3. Parking lots constructed to the standards found in Article 7 of these bylaws. (Art. 14, 5/9/94 ATM)	NP	NP	P	P	P	P	P	P
4. Temporary parking lots, whether paved or unpaved, serving uses with seating capacities of over 7,500 people within the Special Use (S-1) zoning district. (Art. 14, 5/9/94 ATM)	SP	SP	SP	SP	SP	SP	SP	SP
C. Mercantile/Retail								
1. All lands and buildings which are used for display and sale purposes involving stocks of goods, wares or merchandise incidental to such purposes and accessible to the public, including among others retail stores, shops and sales rooms, restaurants with seating except for other uses specified in this Use Group C. Sale of high hazard materials or products shall be governed by the provisions noted in Use Group A.2. above.	NP	NP	P	P	P	P	P	P
2. Mercantile/retail uses, except restaurants with seating, which use more than twenty-five percent (25%) of the gross area of a building.	NP	NP	P	P	P	P	NP	NP
3. Drive-in type restaurants which promote the consumption of food or beverages in vehicles parked on the premises.	NP	NP	P	P	P	P	NP	NP

USE GROUP	R-15	R-40	GB	NB	HB	GI	LI	S-I*
4. Vending machines or arcade uses, except that vending machines shall be allowed in all districts on property owned or leased by the Town of Foxborough, or any board, committee or department thereof and where such property is used for municipal purposes; (Art. 22, 5/13/02 ATM)	NP	NP	NP	NP	NP	NP	NP	NP
5. Commercial storage garages and motor vehicle repair shops.	NP	NP	P	NP	SUP	P	P	NP
6. Adult Entertainment or Uses (see Section 9.12.). (Art. 25, 5/11/98 ATM)	NP	NP	NP	NP	NP	NP	NP	SP
7. Kennels - Commercial (Art. 21, 5/14/01 ATM)	NP	NP	NP	NP	NP	NP	NP	SP
D. Business/Service/Office								
1. All land and buildings which are used for the transaction of business, for the rendering of professional or tradesman services or for other services that involve stocks of goods wares, or merchandise in limited quantities for use incidental to office uses or similar purposes, except for other uses specified in this Use Group D.	NP	NP	P	P	P	P	P	P
2. Research and development facilities.	NP	NP	SP	SP	SP	SP	SP	SP
3. Laundry or dry cleaning facilities.	NP	NP	P	NP	NP	P	P	P
4. Junk yard, auto graveyard.	NP	NP	NP	NP	NP	NP	NP	NP
5. Funeral establishments.	NP	NP	P	P	P	P	P	NP
6. Massage parlors.	NP	NP	NP	NP	NP	NP	NP	NP
7. Self-storage warehouse, rail storage or switching yards. (Art. 5, 2/7/94 STEM)	NP	NP	P	NP	SUP	P	P	NP
8. Truck terminal/general commodity/public warehouse (Art. 23, 5/13/02 ATM)	NP	NP	SP	NP	SP	SP	SP	SP
9. Automobile storage or Automobile auction facilities. (Art. 24, 5/13/02 ATM)	NP	NP	SP	NP	SP	SP	SP	SP
10. Tattoo Parlors (Art. 7, 11/5/01 STM)	NP	NP	NP	NP	NP	NP	NP	SP
11. All land and buildings which are primarily used for the sale of previously owned vehicles. (Art. 8, 11/5/01 STM)	NP	NP	NP	NP	NP	NP	NP	NP
E. Assembly								
1. Theatres	NP	NP	P	NP	P	P	P	P
2. Nightclubs without theatrical stage accessories, designed for use as dance halls, nightclubs and for similar purposes.	NP	NP	P	NP	P	P	P	P
3. Drive-in theatres.	NP	NP	NP	NP	SUP	NP	NP	NP
4. Museums with or without an auditorium in which persons assemble for amusement, entertainment or recreation and incidental motion picture, dramatic or educational presentations, lectures or similar purposes.	NP	NP	P	P	P	P	P	P
5. Churches, schools or rooms used for religious instruction or for similar religious purposes which are under the jurisdiction or administration of a church or other defined religious body.	P	P	P	P	P	P	P	P
6. Stadiums, coliseums or similar structures for indoor/ outdoor assembly use.	NP	NP	NP	NP	NP	SUP	SUP	SP
7. Private schools.	SUP	SUP	P	P	P	P	P	SP
8. Public and parochial schools, or nonprofit educational corporations.	P	P	P	P	P	P	P	P
9. Day care centers, school age child care programs (as defined in Section 9, Chapter 28A, MGL) and nurseries as a primary or accessory use (Art. 11, 11/4/91 STM).	NP	NP	P	P	P	P	P	P
10. Tractor trailer schools using public roads.	NP	NP	NP	NP	NP	NP	NP	NP

USE GROUP	R-15	R-40	GB	NB	HB	GI	LI	S-I*
I. Public And Quasi-Public Facilities								
1. Cemeteries.	SUP	SUP	NP	SUP	NP	P	P	NP
2. Public utility facilities and structures necessary to the service of the Town, excluding storage yards, power plants, water filter plants, sewage treatment and refuse facilities.	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SP
3. Municipal facilities and structures necessary to the services of the Town, excluding storage yards, power plants, water filter plants, sewage treatment plants and refuse facilities.	P	P	P	P	P	P	P	P
4. Telecommunications/Wireless Communications Facilities (see Section 9.11) as a primary use. (Art. 14, 12/9/96 STM)	NP	NP	SUP	SUP	SUP	SUP	SUP	SUP
5. Telecommunications/Wireless Communications Facilities (see Section 9.11) as accessory use. (Art. 20, 5/12/97 ATM)	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
6. Commuter rail stations, bus stations, and related or accessory structures and improvements. (Art. 3, 12/6/99 STM)	NP	NP	NP	NP	NP	NP	NP	SP
7. Municipal Recreation Facility. (Art. 16, 11/5/01 STM)	P	P	P	P	P	P	P	P
J. Recreational Use								
1. Clubs such as golf clubs, country clubs, membership clubs.	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SP
2. Passive outdoor recreational uses such as beaches, parks, picnic groves, and other similar uses, but not including amusement parks. (Art. 27, 5/11/98 ATM)	NP	SUP	NP	SUP	SUP	P	P	SP
3. Low density recreational uses which predominantly occur within a building such as swimming, tennis, skating and other similar uses. (Art. 18, 11/26/90 STM)	NP	NP	SUP	SUP	SUP	P	P	P
4. Boat storage facility provided no construction or major repair shall be allowed other than as necessary for the maintenance of boats owned by a proprietor or lessee.	NP	SUP	NP	SUP	SUP	P	P	SP
5. Commercial campgrounds.	NP	SUP	NP	NP	NP	NP	NP	NP
6. Outdoor recreational uses including, golf driving range, miniature golf course, batting cages, go-carts and bumper boats (except in the Water Resource Protection Overlay District, where such uses shall be prohibited) but not including amusement parks. (Art. 27, 5/11/98, STM)	NP	NP	NP	NP	NP	NP	NP	NP
7. Wellness and Recreation Center. (Art. 11, 11/20/00 STM)	NP	NP	NP	NP	NP	NP	NP	NP
K. Planned Developments								
1. Planned Development/Special Use District PD/S- 1 (also see Article 9)	NP	NP	NP	NP	NP	NP	NP	SP
L. Accessory Uses								
1. The storage (temporary or otherwise), sale or processing of any combustible or waste materials.	NP	NP	SUP	SUP	SUP	SUP	SUP	SP
2. Seasonal migrant workers quarters, mobile home or watchman's quarters as accessory uses to permitted Agricultural and Industrial uses.	P	P	P	P	P	P	P	P
3. Residential accessory uses and structures. Gross area of residential storage structures shall not exceed 200 square feet; the gross area of temporary wayside stands shall not exceed 400 square feet. (Art. 24, 5/11/98, ATM)	P	P	P	P	NP	NP	NP	NP
4. Residential Garages which do not exceed one and a half stories in height and a "footprint" not to exceed 625 square feet. (Art. 24, 5/11/98, ATM)	P	P	P	P	NP	NP	NP	NP
5. Residential Garages which exceed one and a half stories in height or have a "footprint" larger than 625 square feet. (Art. 24, 5/11/98, ATM)	SUP	SUP	SUP	SUP	NP	NP	NP	NP
6. Outdoor storage or overnight parking of buses, trucks or other vehicles whose Gross Vehicle Weight (GVW) as determined by Mass. Registry of Motor Vehicles, equals or exceeds 10,000 pounds.	NP	NP	P	NP	P	P	P	P

USE GROUP

R-15 R-40 GB NB HB GI LI S-I*

7. Accessory uses to multifamily dwellings which are located within the principle building and are limited to: eating establishments; personal service establishments; retail sales establishments selling convenience merchandise. (Art. 11, 11/4/91 STM)	P	NP	P	NP	P	P	P	P
8. Accessory structures to multifamily structures. (Art. 17, 5/11/92 ATM)	SUP	NP	SUP	NP	SUP	SUP	SUP	SUP
9. Nonresidential Accessory Uses and structures which do not exceed fifteen percent (15%) of the gross area of the principal building or buildings.	NP	NP	P	P	P	P	P	P
10. Home occupations including but not limited to the following: Work facilities for artists and dressmakers, tailors and other similar uses; (Art. 11, 11/4/91 STM) home crafts, antique shops, beauty parlors and other similar activities; professional office facility provided that no retail or wholesale transactions are made on the premises; school of special needs education whose class size does not exceed four (4) pupils at any time; dance studios or schools, musical instruction or other similar activities.	SUP	SUP	P	P	NP	NP	NP	NP
11. The keeping of livestock or horses on a parcel of land which is not greater than two (2) acres in area. (Art. 18, 11/26/90 STM)	SUP							
12. Electronic video or mechanical gambling machines or devices or similar games of chance involving the betting or wagering of money. (Art. 5, 5/10/93 ATM)	NP							
13. Access ways (including no more than one limited access way through residential districts) and associated infrastructure including, but not limited to, drainage, sewer lines and utilities serving events licensed by the Board of Selectmen at stadiums within the Economic Development Area Overlay District. (Art. 3, 12/6/99 STM)	NP	P**	NP	NP	NP	NP	NP	P
14. Parking spaces beyond the requirements of the primary use(s) on the lot, provided the spaces are constructed to the standards found in Article 7 of these By-Laws. (Art. 14, 5/9/94 ATM)	SP	SP	P	P	P	P	P	P
15. Arcades*** (Art. 3, 6/18/01 STM)	NP	SP						
16. All land and buildings which are primarily used for the sale of previously owned vehicles.**** (Art. 8, 11/5/01 STM)	NP	NP	NP	NP	SP	SP	SP	SP

* Please see Article 9 for further regulations applicable to the Special Use District. Please see Section 9.13 for use regulations applicable to the Economic Development Area Overlay District. To the extent that the provisions of Section 9.13 are in conflict with or are inconsistent with the provisions of this Section 4.00, the provisions of Section 9.13 shall govern. (Art. 3, 12/6/99 STM)

** There shall be allowed no more than one such access way through a residential district to serve such a stadium use, except that this limitation shall not apply to any emergency access way serving such stadium that is required by public safety officials of the Town of Foxborough. For (i) all NFL (or successor) football games, (ii) soccer games and (iii) six (6) other events, for which tickets will be made available for 50,000 or more attendees (the "Permitted Events"), the one limited access way through residential districts may be used pursuant to Site Plan approval granted by the Planning Board and shall be subject to limitations as to the time, and number and type of vehicles using said access way, pursuant to Section 9.13.F.(b)(v). For any other stadium event for which greater than 50,000 tickets will be made available, the Planning Board may allow the use of said limited access way through residential districts subject to the issuance of a Special Permit. When reviewing a request for a Special Permit, the Planning Board shall employ the criteria detailed in Section 11.05 of these By-Laws. Among these and other concerns, the Board shall also review the day(s) of the week the access way is proposed to be open, the proposed hours of operation, the proposed number and types of vehicles to use it, and the general impacts on the neighborhood. (Art. 3, 12/6/99 STM)

*** The Arcade must be located in separate room from the primary use and must be staffed by a dedicated employee of the business of the primary use when open. There must be at a minimum 30 square feet net of floor space per machine in the arcade room. There shall be at least one (1) dedicated employee for every thirty (30) machines. (Art. 3, 6/18/01 STM)

**** Considering a request for a Special Permit for the sale of used or previously owned vehicles, the Board shall employ the criteria found in Section 11.05 of these By-Laws. Among other concerns, it shall also consider the proximity of the use to residential dwellings, the proposed location relative to similar uses, the number of vehicles proposed for sale and the proposed landscaping, screening and buffering. (Art. 8, 11/5/01 STM)

ARTICLE IX¹

WETLAND AND GROUNDWATER PROTECTION

Section 1 Wetland and Groundwater Protection By-Law²

1. The purpose of this by-law is to protect the flood plains, wetlands and groundwater of the Town of Foxborough by controlling activities deemed to have a significant effect upon wetland values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion control, storm damage prevention, water pollution, fisheries, wildlife and preservation of open space.

2. Any person desiring to know whether or not a proposed activity or an area is subject to this by-law may request a determination from the conservation commission in writing. The conservation commission shall issue its determination, in writing, within twenty-one (21) days from receipt of such request.

3. No person shall remove, fill, dredge, drain or alter any bank, fresh water wetland, flat, marsh, meadow, bog, swamp, or lands bordering any creek, river, stream, pond or lake, or any land under said waters or any land subject to flooding, other than in the course of maintaining, repairing or replacing, but not substantially changing or enlarging an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, sanitary sewer, storm drainage, public roadway, telephone, telegraph, and other telecommunication services without filing written notice of his intention to so remove, fill, dredge, drain or alter and without receiving and complying to an order of conditions and provided all appeal periods have elapsed. Such notice shall be sent by certified mail to the Foxborough Conservation Commission, including such plans as may be necessary to describe such proposed activity and its effect on the environment.

4. The same notice of intent, plans and specifications required to be filed by an applicant under Massachusetts General Laws, Chapter 131, Section 40, will be accepted as fulfilling the requirements of this by-law.

The said conservation commission shall hear any oral presentation under this by-law at the same public hearing required to be held under the provisions of said Chapter 131, Section 40, of the Massachusetts General Laws. Definitions, time frames, and procedures, insofar as applicable, set forth in said chapter and section and in the regulations promulgated by the Department of Environmental Quality Engineering on July 28, 1978 are hereby made a part of this by-law.

5. The term "person" as used in this by-law, shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth whenever subject to town by-law, or any political subdivision of the Commonwealth whenever subject to town by-law, administrative agency, public or quasi-public corporation or body, or any other legal entity or its legal representative, agents, or assigns.

6. The conservation commission, its agent, officers, and employees may enter upon the land upon which the proposed work is to be done in response to a request for a prior determination or for the purpose of carrying out its duties under this by-law and may make or cause to be made such examination or survey as deemed necessary.

¹ ATM May 10, 1993, Clarified Existing Title and Heading into two sections.

² ATM May, 1980, Article #40. STM November 26, 1990, Article #11, included the term "groundwater" after "wetlands" in title and within text.

7. The conservation commission is empowered to deny permission for any removal, dredging, draining, filling, or altering of subject lands within the town if, in its judgment, such denial is necessary for the protection of public or private water supply, groundwater, flood control, storm damage prevention and the prevention of pollution. Due consideration shall be given to possible effects of the proposal on all values to be protected under this by-law. The following requirements (a, b & c) may be waived by the Conservation Commission to a lesser distance by a super majority vote (five [5] of seven [7] members voting in favor). If the vote is taken with six (6) or five (5) members present the affirmative vote shall be five (5) of six (6) or four (4) of five (5). This waiver provision shall not apply if only four (4) or less members are present and voting.

A waiver shall be specific and only include the placement of a treatment system or separations between treatment systems.

All requests for the waiving of the placement or separation of treatment systems must be on the standard Conservation Commission application form which must include information describing the positions and separations of other existing and proposed treatment systems and the reasons for the request. The application must prove by expert testimony that such a waiver would not be any more of an adverse impact on the wetlands, aquifer, re-charge area, rivers, streams and ponds than the original setbacks.

A separate Public Hearing shall be held on the application and will be held within the Notice of Intent Public Hearing. The Hearing Notice shall be posted and advertised in the appropriate newspaper at least seven (7) days before the hearing date.

The approval or disapproval of a request shall be final. A new application must be submitted and a new Public Hearing shall be held if a waiver request is being reapplied for.¹

a. Any proposed system to be installed in connection with any newly constructed structure (excluding additions) which discharges foreign material into the soil over an aquifer [along with a two hundred fifty (250) foot protective strip] must be two hundred fifty (250) feet from other existing or proposed systems.

b. Any proposed system to be installed in connection with any newly constructed structure (excluding additions) which discharges foreign material into the soil within a recharge area [along with a one hundred (100) foot protective strip] must be two hundred (200) feet from other existing or proposed system.

c. Any proposed system to be installed in connection with any newly constructed structure (excluding additions) which discharges foreign material into the soil must be at least one hundred fifty (150) feet from any wetland, river, stream or pond.² The only exception to the one-hundred fifty (150') foot setback will be the installation of a Department of Environmental Protection approved enhanced nitrogen removal system (fast system) which will be at least one-hundred (100') feet from any wetland, stream or pond.³

d. All distances will be measured from the natural edge of the Resource Area, and no setbacks may be obtained by filling, altering, or relocating a Resource Area.⁴

¹ ATM May 8, 1995, Article #23.

² ATM May 14, 1984, Article #24, 7a, 7b and 7c were inserted.

³ STM November 5, 2001, Article #6.

⁴ Ibid.

8. The conservation commission may, as an alternative to a denial, impose such conditions as it deems necessary to contribute to the protection and preservation of the subject lands and contiguous lands in accordance with the purposes of this by-law.

The conservation commission may require the posting of a bond with surety, running to the municipality and sufficient as to form and surety in the opinion of the commission's counsel, to secure faithful and satisfactory performance of work required by an order of conditions, in such sum and upon such conditions as the conservation commission may require. Other evidence of financial responsibility which is satisfactory to the conservation commission may be accepted in lieu of bonding. Notwithstanding the above, the amount of such bond shall not exceed the estimated cost of the work required or the restoration of effected lands and properties if the work is not performed as required, whichever is greater. Forfeiture of any such bond or other security shall be recoverable at the suit of the municipality in superior court.

Such bond or other security shall be released upon issuance of a certificate of compliance.

9. No activity other than the maintenance of an already existing structure which will result in the building within or upon, removing, filling, or altering of land within 25 feet of a bordering vegetated wetland or an inland bank -will¹ be permitted by the Conservation Commission.

The only exceptions to the above twenty-five (25') foot buffer zone will be for: (1) a wetland crossing permitted under M.G.L. Chapter 131, Section 40 and Article IX, the Town of Foxborough Conservation By-Laws, 1 and/or (2) when the commission determines that there are no reasonable conditions or alternatives that would allow the project to proceed in compliance with the by-laws; and that the mitigating measures are proposed that will allow the project to be conditioned by the Commission so as to contribute to the protection of the interests identified in M.G.L. Chapter 131, Section 40 and Article IX, the Town of Foxborough Conservation By-Laws.²

10. The notice required by the third paragraph of this by-law shall not apply to emergency projects necessary for the protection of the health and safety of the citizens of Foxborough and to be performed or ordered to be performed by an administrative agency of the Commonwealth or by the town. Emergency projects shall mean any projects certified to be an emergency by the commissioner of the Department of Environmental Quality Engineering and the conservation commission if this by-law and Massachusetts General Laws, Chapter 131, Section 40, as amended, are both applicable or by the conservation commission if only this by-law is applicable. In no case shall any removal, filling, draining, dredging or altering authorized by such certification extend beyond the time necessary to abate the emergency.

11. No activity associated with the construction of new subdivisions (including roadways, drainage or utility systems or individual homes) or individual homes or commercial/industrial projects shall be performed within 100' of any certified vernal pool or any isolated wetland which is identified by the Commonwealth of Massachusetts as the habitat of a state listed species. If an addition or renovation to an existing residential structure is proposed within 100' feet of a certified vernal pool, the Conservation Commission will review this activity on a case by case basis and issue conditions necessary to provide for maximum protection to the pool in question.³

12. The invalidity of any section or provision of this by-law shall not invalidate any other section or provision thereof.

¹ STM November 5, 2001, Article #6.

² Ibid.

³ ATM May 8, 2000, Article #17.

Section 2 Regulation for the Protection of Ponds, Streams, Rivers, Surface and Subsurface Waters of Foxborough¹

Purpose:

In recognition of the existence of several aquifers which serve as the sole source of drinking water for the Inhabitants of the Town and in recognition of the fact that contamination of any pond, stream, river, surface or subsurface water of Foxborough would pose a significant hazard to the health of the inhabitants of the Town.

Regulation:

1. The syphoning of water from any pond, stream, river, water course, surface or subsurface water into a tank vehicle is prohibited in Foxborough.
2. There shall be a public water hydrant or other public water outlet in Foxborough furnishing water to any water tank vehicle used for the mixing, spraying or application of pesticides or herbicides. The said hydrant or outlet shall not allow any backflow into the public water system and under the supervision and control of the Board of Water and Sewer Commissioners.

¹ STM November 16, 1992, Article #11, Insert new section.