

SECTION 9.0 SPECIAL DISTRICT REGULATIONS

9.1 SPECIAL USE DISTRICT (S-1)

9.1.1 Purpose. The Special Use District is established to encourage the innovative and creative design of office and industrial development and:

1. To promote economic development of the Route One corridor and to increase real estate tax revenue;
2. To maintain good planning and site review principles for new development proposals (i.e., encourage commercial cluster development approaches (PD), reinforce front yard buffers, provide performance standards and more definitive criteria for the Special Permit process, etc.);
3. To attract better land uses (e.g., Professional Office/Research and Development uses) along the Route One corridor, and to discourage strip or "ribbon" type of commercial development;
4. To assure environmental protection and preservation, and to preserve the Town's rural character;
5. To minimize the number of access points onto Route One and to lessen traffic congestion;
6. To minimize development demands placed on Town services and infrastructure; and
7. To implement proper procedures to assure that future development surrounding Gillette Stadium (as it may from time-to-time be called) will be completed in accordance with the above planning objectives.

9.1.2 Dimensional Requirements.

1. Lots with access to Route One shall have a minimum of three hundred (300) feet of frontage and 80,000 square feet.
2. Lots with access onto streets off Route One shall have two hundred (200) feet of frontage.
3. By Special Permit, lots may be allowed that have one hundred (100) feet of frontage; provided, that the portion of the lot to be built upon is a minimum of six hundred (600) feet from Route One. Structures on lots with one hundred (100) feet of frontage shall maintain all setback requirements from that portion of the lot to be built upon.
4. Maximum impervious surface coverage shall not exceed seventy (70%) percent of the lots.

5. Yards: Front yards shall not be less than seventy-five (75) feet. Side yards shall not be less than seventy-five (75) feet, but may be waived by the Planning Board in connection with the issuance of a Special Permit, provided that (1) the twenty-five (25) foot buffer is maintained, and (2) the total of both side yards equals or exceeds one hundred fifty (150) feet.
6. Building height shall not exceed forty (40) feet.
7. There shall be a landscaped buffer strip comprising a minimum fifty (50) feet of the front yard and twenty-five (25) feet of the side yard for all uses. Under no circumstances shall parking be allowed within these required buffer zones. These requirements may not be waived. Insofar as there may be inconsistencies with Section 6.4, the provisions of this Section shall apply in all cases.
8. Parking is allowed in the front yard provided that a fifty (50) foot buffer strip and the seventy-five (75) foot minimum building set back is maintained. Side and rear yard parking is preferred.

9.1.3 Retail Limitation. All mercantile/retail uses, except restaurants with seating shall not use more than twenty-five (25%) percent of the gross floor area of a structure. Lots of five (5) acres or less recorded or shown on a plan endorsed by the Planning Board prior to March 23, 1989 are allowed to have fifty (50%) percent of the total floor area used for retail.

9.1.4 Special Permit Process. Applicants seeking Special Permits in the S-1 District shall comply with the following standards and requirements.

1. The Planning Board acting as the Special Permit Granting Authority (SPGA) shall obtain with each submission a deposit sufficient to cover any expenses connected with the public hearing and review of the plans. The SPGA is authorized to retain a professional engineer, architect, or landscape architect, or other professional consultant to advise the Board on any or all aspects of the site plan. The cost of these services shall be borne by the applicant.
2. Prior to the required public hearing before the SPGA, the applicant shall meet informally with the Board of Selectmen. The Board of Selectmen may present its comments to the SPGA before the public hearing date.

9.1.5 Design Guidelines. The development shall be integrated into the existing terrain and surrounding landscape. Building sites shall, to the extent feasible:

1. Minimize use of wetlands, steep slopes, floodplains, and hilltops; and
2. Preserve natural and historic features; and
3. Maximize open space retention; and
4. Minimize obstruction of scenic views from publicly accessible locations; and
5. Minimize tree, vegetation and soil removal, blasting and grade changes; and

6. Screen objectionable features from neighboring properties and roadways; and
7. Minimize demands placed on Town services and infrastructure; and
8. Maximize the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways; and
9. Minimize the obstruction of views from the access ways due to the siting of proposed buildings; and
10. Encourage the use of common driveways.

9.1.6 Design Requirements.

1. The development shall be served with adequate water supply and waste disposal systems.
2. If the lot, or any portion thereof, falls within the Water Resource Protection Overlay District, the Special Permit request shall so state. The criteria necessary for the granting of this Special Permit shall apply and be incorporated into the design of the plan. The Special Permit shall fulfill the requirements of both sections and shall be noted as such by the SPGA.
3. The development shall incorporate measures that are adequate to prevent pollution of surface or groundwater, to minimize erosion and sedimentation, and to prevent changes in groundwater levels, increased rates of runoff and potential for flooding. Drainage shall be designed so that peak flow rates shall not be increased above pre-development levels, and groundwater recharge is maximized.
4. Building design and landscaping shall be in harmony with the prevailing character and scale of buildings in the neighborhood through the use of appropriate building materials, screenings, and other architectural techniques. Variation in detail, form and siting shall be used to provide visual interest and to avoid monotony. Proposed buildings shall relate harmoniously to one another.
5. Electric, telephone, cable TV and other such utilities shall be underground except where this cannot be accomplished because it is physically or environmentally not feasible, in which case a waiver from such will be requested by the applicant.
6. Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be set back and/or suitably landscaped.
7. The SPGA may require that the principal access road be laid out and constructed in accordance with Town standards, as listed in Foxborough Subdivision Regulations.
8. No land use or establishment shall be permitted to produce a strong dazzling light or reflection of that light beyond its lot lines onto neighboring properties or onto any Town way so as to impair the vision of the driver of any vehicle upon that way. All

such activities shall also comply with applicable federal and state regulations.

9. Excessive noise at unreasonable hours shall be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness or volume. Hours of operation may be regulated to ensure that the peace and tranquility of abutting residential neighborhoods is maintained.
10. As required by the Planning Board, common driveways shall conform to the requirement in the Foxborough Subdivision Regulations that one hundred (100) feet of frontage shall be designed and constructed to allow for access from abutting lots. An easement allowing for such access (enforceable by the Town) shall be approved by the Planning Board and recorded at the Norfolk County Registry of Deeds with the Special Permit.
11. Driveways constructed on lots with one hundred (100) feet of frontage shall be designed and constructed to allow access from abutting lots. An easement allowing for such access (enforceable by the Town) shall be approved by the Planning Board and recorded at the Norfolk County Registry of Deeds with the Special Permit.
12. For those uses or activities where the general public may be assembled, the SPGA shall request the Chief of Police to recommend a crowd management plan. It may include requiring the applicant to maintain police details at the site to ensure public safety and convenience. As a condition of the Special Permit, the SPGA may also require the approved plan to be reviewed, and if necessary, revised from time to time to ensure continual compliance.

9.1.7 Planned Development within the S-1 District (PD-S1). A Planned Development within the S-1 District (PD-S1) may consist of any use or uses permitted as of right or by Special Permit in the S-1 District. The intent of a PD-S1 Development is to allow flexibility in the overall design and planning process. If the applicant does not wish to create individual lots, approval under the Subdivision Control Law is not necessary. The SPGA may authorize an increase in height of a structure from forty (40) feet to sixty (60) feet, as well as increases in allowable retail development from twenty-five (25%) percent to fifty (50%) percent of gross floor area. Such increases may be authorized by the SPGA if it is determined that the applicant has designed a project that furthers the planning objectives and goals and objectives of the district. Among other things the SPGA will consider in authorizing such increases are: well designed landscaping, common driveways, building sites that are in harmony with the topography and the natural environment and that minimize impacts on infrastructure.

9.1.8 Planned Development Special Permit. All requests for Special Permits for Planned Developments shall meet the criteria stated in Section 9.1.6, above. The following additional regulations also apply to all PD-S1 Developments.

1. The maximum height allowed is sixty (60) feet.
2. The percentage of mercantile/retail uses allowed is fifty (50%) percent of the gross floor area of all of the structures combined. All retail uses may occur in one structure provided that the fifty (50%) percent limit for the entire PD-S1 is not exceeded.

3. Minimum lot size is five (5) acres with a minimum of one hundred (100) feet of frontage.
4. Maximum impervious surface coverage shall not exceed seventy (70%) percent. Density increases may be allowed by allowing greater building height.
5. The front yard requirement may be waived to fifty (50) feet provided that the entire area is a landscaped buffer. Side yard requirement may be waived provided that: (1) the twenty-five (25) foot buffer is maintained, and (2) the total of both side yards equals or exceeds one hundred fifty (150) feet.
6. There shall be a landscaped buffer strip comprising a minimum of fifty (50) feet of the front yard and twenty-five (25) feet of the side yard. Under no circumstances shall parking be allowed within these required buffer zones. These requirements may not be waived. Insofar as there may be inconsistencies with Section 6.4, the provisions of this Section 9.1 shall apply in all cases.
7. Parking is allowed in the front yard provided that the required fifty (50) foot buffer strip and seventy (75) foot building setback are maintained. Side and rear yard parking is preferred.
8. Access ways shall conform to Sections 304 and 305 of the Foxborough Subdivision Rules & Regulations as determined by the SPGA.

9.2 DESIGN REVIEW OVERLAY DISTRICT (DRD)

9.2.1 Purpose. The purpose of the Design Review Overlay District (DRD) is:

1. To protect the cultural and historical resources of the Town of Foxborough by initiating a review of all new, nonresidential and multi-family uses through the Site Plan Review and Special Permit process.
2. To preserve and enhance the cultural, economic and historical resources of the Town of Foxborough in the DRD. This will be accomplished by requiring a detailed design review of all proposed new developments, changes in appearance of existing buildings and sites, and proposed changes in land use for all multi-family dwellings and nonresidential structures.

9.2.2 Overlay District. DRD is established as an overlay district and includes all of those streets listed herein. The DRD shall include all nonresidential properties and all multi-family dwellings fronting the following streets and which are shown on the revised Zoning Map dated February 9, 1989 or any amendments thereto:

Baker Street (Bird Street to furthestmost bound of Glenwood Avenue)
 Bassett Street
 Bentwood Street
 Bird Street

Carpenter Street
Central Street (Common to furthestmost bound of Leonard Street)
Church Street
Clark Street
Cocasset Street (Common to furthestmost bound of Leonard Street)
Daniels Carpenter Court
Fales Place
Garfield Street
Gilmore Street
Glenwood Avenue
Granite Street
Gray Road
Leonard Street
Liberty Street
Main Street (Common to furthestmost bound of Daniels Carpenter Court)
Maple Avenue
Maple Place
Market Street
Mechanic Street (Common to furthestmost bound of Maple Avenue)
Orchard Place
Pettee Place
Railroad Avenue
Sherman Street
South Street (Common to furthestmost bound of Union Street)
Union Street
Wall Street

9.2.3 Establishment of the Design Review Board. A Design Review Board is hereby established and shall review all applications subject to the provisions of this Section, and shall issue conditions and forward these to the appropriate board concerning the conformance of the proposed project to the design review standards contained herein. The Design Review Board shall consist of five (5) members who shall be appointed as follows:

1. One (1) member from the Planning Board appointed by the Planning Board;
2. One (1) member from the Historical Commission appointed by the Historical Commission; and
3. Three (3) members at large appointed by the Board of Selectmen, at least one (1) of whom shall be a merchant or property owner in the District. If possible, one (1) member should be a registered engineer or architect.

The term of the members of the Design Review Board shall be three (3) years, except that when the Design Review Board is originally established, the Board of Selectmen shall make two (2) of their appointments for a two (2) year term and the remaining appointment shall be for a one (1) year term.

9.2.4 Applicability. Within the Design Review District, only the following exterior activities

which require approval through Site Plan Review or a Special Permit shall be subject to review by the Design Review Board:

1. All new structures;
2. Additions to existing structures;
3. Alterations to existing structures;
4. Changes in site design.

9.2.5 Standards. The Design Review Board shall consider, at a minimum, the following standards in the course of the design review of a proposed activity:

1. The proportions and relationships between doors and windows shall be compatible with the architectural style and character of the surrounding area.
2. The relationship of a structure to the open space between the structure and adjoining structures should be compatible.
3. The design of the roof should be compatible with the architectural style and character of the surrounding buildings.
4. The scale of the structure should be compatible with the character of the surrounding buildings.
5. Facades shall blend with other structures in the surrounding area with regard to the dominant vertical or horizontal expression.
6. Architectural details including signs, materials, colors, and textures shall be treated so as to be compatible with its original architectural style and to preserve and enhance the character of the surrounding area.
7. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and when such design is compatible to the District.

9.2.6 Procedures. Applications for all activities subject to review by the Design Review Board shall be made by completing a building permit application form and submitting it to the Building Commissioner. Application forms are available from the Building Commissioner's office. The Building Commissioner shall forward the application to the Design Review Board and shall notify the appropriate Town Board if Site Plan Approval or a Special Permit is required.

1. Upon receipt of an application, the Design Review Board must, within twenty-one (21) days, submit any recommendations to the appropriate board. Failure of the Design Review Board to make recommendations within the twenty-one (21) day period shall be deemed a lack of opposition thereto.

2. The appropriate board shall consider any recommendations in its review of the application. It shall have the authority to include any recommendation(s) made by the Design Review Board when approving the application for the proposed activity.

9.3 FLOOD PLAIN OVERLAY DISTRICT (FPOD)

9.3.1 Overlay District. The Flood Plan Overlay District (FPOD) 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.

9.3.2 Requirements.

1. All building and structures erected in areas prone to flooding, as designated on the Flood Insurance Rate Maps (FIRM) or as further enumerated, shall be constructed and elevated as required by the provisions of the Basic Code.
2. Within Zone A, of FPOD, where the base flood elevation is not provided on the FIRM, the applicant shall produce any existing, reasonable, base flood elevation data and it shall be used to meet the requirements of A above. Base flood elevation data is required for subdivision proposals or other developments greater than fifty (50) lots or five (5) acres, whichever is lesser, within unnumbered A Zones.
3. In the floodway, designated on the Flood Boundary and Floodway Map, the following provisions shall apply;
 - a. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided by the applicant demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the one hundred (100) year flood.
 - b. If Section 9.3.3.a, above is satisfied, all new construction and substantial improvements shall comply with all provisions of Sections 9.3.2.1 and 9.3.2.2, above.
4. In Zones A1-30 and AE, of the FPOD, along watercourses that have a regulatory floodway designation, encroachments are prohibited in the regulatory floodway which would result in an increase in flood levels within the community during the occurrence of the base flood discharge.
5. In Zones A, A1, and AE, of the FPOD, along watercourses that have not had a regulatory designation, the best available Federal, State, and local or other floodway data shall be used to prohibit encroachments in the floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge; or take any other action relative thereto.
6. All development in the district, including structural and non-structural activities,

whether permitted by right or by Special Permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following: Wetlands Protection Regulations 310 CMR 10.00, Department of Environment Protection (DEP) 310 CMR 13.00, Wetlands Protection Regulations, and Foxborough Conservation Commission Regulations.

7. In a riverine situation, the Building Commissioner shall notify the following of any alteration or relocation of a watercourse: adjacent communities, Massachusetts State Coordinator for the National Flood Insurance Program (NFIP), and the NFIP Program Specialist for the Federal Emergency Management Agency, Region 1.
8. Subdivision proposals must be designed to assure that; such proposals minimize flood damage, all public utilities and facilities are located and constructed to minimize or eliminate flood damage, and adequate drainage is provided to reduce exposure to flood hazards.

9.4 WATER RESOURCE PROTECTION OVERLAY DISTRICT (WRPOD)

9.4.1 Findings. The groundwater underlying the Town is a significant source of its existing and future drinking water supply. The ground water aquifers are integrally connected with, and flow into, the surface waters, lakes and streams which constitute significant recreational and economic resources of the Town. Spills and discharges of petroleum products and other toxic and hazardous materials and the discharge of sewage have repeatedly threatened the quality of ground water supplies and related water resources throughout Massachusetts and elsewhere, posing potential public health and safety hazards and threatening economic losses to the affected communities.

9.4.2 Purpose. The purpose of the Water Resource Protection Overlay District (WRPOD) is to protect the public health, safety, and general welfare of the community by:

1. Preserving and maintaining the existing and potential groundwater supplies, aquifers, and recharge areas of the Town of Foxborough, and protecting them from adverse development or land-use practices;
2. Preserving and protecting present and potential sources of drinking water supply for the public health and safety;
3. Conserving the natural resources of the Town;
4. Preventing blight upon and/or pollution of the environment;
5. Implementing the Town's authority to regulate water use pursuant to Massachusetts General Laws, Chapter 41, Section 69B, and Massachusetts General Laws, Chapter 40, Section 41A, conditioned upon a declaration of water supply emergency issued by the Massachusetts Department of Environmental Protection (DEP).

9.4.3 Overlay District. The WRPOD 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 may be amended from time to time. It

consists of aquifer recharge areas for existing, proven, and future well sites (Zone II and Zone III of the WRPOD), future potential aquifer areas, bodies of water, whether natural or manmade, each to the seasonal high water line and a surrounding protective setback, extending two hundred fifty (250) feet from the edge of a body of water. Any use not permitted in the other zoning districts shall not be permitted in the WRPOD. Any uses permitted in the portions of the districts so overlaid shall be permitted, except when the WRPOD imposes greater or additional restrictions and requirements, such restrictions and requirements shall apply. This map, as it may be amended from time to time, is on file with the office of the Town Clerk and with the Building Commissioner, and with any explanatory material thereon, is hereby made a part of these By-Laws.

9.4.4 Definitions. See Section 11 - “Water Resource Protection Overlay District.”

9.4.5 Interpretation of Map. Where the bounds of the WRPOD, as delineated on the WRPOD map are in doubt or dispute, the burden of proof shall be upon the applicant concerning the land in question to show where they should properly be located. At the request of the applicant whose land has been designated as part of the WRPOD, the Town, acting by the Planning Board, Board of Appeals, may engage a professional hydrogeologist or geologist to determine more accurately the location and extent of an aquifer or recharge area and may charge the owner for all or part of the cost of the investigation.

9.4.6 Minimum Requirements. The following are the minimum requirements for lots or portions of lots located inside a WRPOD.

1. Within the Primary Resource Areas, individual sewage disposal systems shall be designed to receive or shall receive not more than one hundred ten (110) gallons of design flow per 10,000 square feet of upland area under one ownership per day, or four hundred forty (440) gallons of design flow per 40,000 square feet of upland area under one ownership per day.
2. Within Zone III of the WRPOD individual sewage disposal systems shall be designed to receive or shall receive not more than 110 gallons of sewage per 10,000 square feet under one (1) ownership per day, or four hundred forty (440) gallons of design flow per 40,000 square feet under one (1) ownership per day.
3. Within the WRPOD, the replacement or repair of a sewage disposal system, shall not result in an increase in the design capacity over the original design, or the design capacity of 310 CMR 15.00, whichever is greater unless a system with enhanced nitrogen removal is installed that meets all of the following requirements:
 - a. It must comply with 310 CMR 15.217 (2).
 - b. The increased sewer flow for Primary Resource Areas does not exceed 137.5 gpd/10,000 square feet of upland area or 550 gpd/40,000 square feet of upland area and for Zone III does not exceed 137.5 gpd/10,000 square feet or 550 gpd/40,000 square feet.
 - c. It must be approved by the Board of Health.

4. Within the Primary Resource Areas, single/two-family residential lots shall contain a minimum of 60,000 square feet of which a minimum of 30,000 square feet shall be upland area, unless the dwelling is connected to a sewer line, then the requirements of Table 5-1 of these By-Laws shall apply.
5. Within Zone III of the WRPOD, single/two family residential lots shall contain a minimum of 40,000 square feet, unless the dwelling is connected to a sewer line, then the requirements of Table 4-1 of these By-Laws shall apply.
6. Within the WRPOD, land uses on any lot shall not render impervious more than fifteen (15%) percent or 2,500 square feet, whichever is greater (unless otherwise provided for herein).
7. For parcels situated in the Primary Resource Areas of the WRPOD, the maximum number of building lots allowed in the Special Permit definitive plan filing for an Open Space Residential Development (OSRD) shall be determined by compiling the total sewerage flow allowed for the total upland area within each of the building lots approved in the conventional, preliminary plan. Minimum lot sizes of 30,000 square feet of upland area shall be required in these areas.
8. For parcels situated in Zone III of the WRPOD, the maximum number of building lots allowed in the Special Permit definitive plan filing for an OSRD shall be determined by compiling the total sewerage flow allowed within each of the buildable lots approved in the conventional, preliminary plan. Minimum lot sizes of 20,000 square feet shall be required in these areas.
9. A single or two-family residential lot, which is not serviced by a sewer line and where a portion of such is located within the WRPOD shall be allowed provided that:
 - a. The lot meets the minimum requirements found in Table 4-1, and
 - b. The septic system, leaching area and reserve area are located outside the WRPOD.
10. The mining of land or the removal of soil, loam, sand, gravel or any other mineral substances within the WRPOD shall only be allowed pursuant to Section 13 of the Foxborough General By-Laws.
11. If a lot is located partly within the WRPOD and partly outside of a WRPOD, the requirements of this Section 9.4 shall apply only to that portion of the lot located within the WRPOD.

9.4.7 Use Regulations For All Resource Areas; Permitted Uses. The following uses are permitted in the WRPOD:

1. Conservation of soil, water, plants and wildlife;

2. Non-intensive agricultural uses: pasture, light grazing, hay, gardening, nursery, conservation, forestry, and harvesting provided that fertilizers, herbicides, pesticides, and other leachable materials do not exceed the limitations expressed in Section 9.4.8, Prohibited Uses, and are stored under cover in a manner which will prevent leakage;
3. Outdoor recreation, nature study, boating, fishing, foot, bicycle and/or horse paths, bridges, and hunting where otherwise legally permitted;
4. Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
5. Toxic or hazardous materials may be stored as an accessory use provided that storage is either in a free standing container within a building or in a free standing container above ground level with protection adequate to contain a spill the size of the container's maximum storage capacity plus ten (10%) percent;
6. Publicly-owned treatment works and their appurtenances that meet the Groundwater Discharge Permit Program Requirements of 314 CMR 5.00.
7. All uses except for those uses that are prohibited within the WRPOD or allowed only by Special Permit under the WRPOD.

9.4.8 Use Regulations For All Resource Areas; Prohibited Uses. The following uses are prohibited in the WRPOD:

1. Disposal of liquid or leachable wastes other than normal sanitary waste;
2. Sanitary landfills and open dumps as defined in 310 CMR 19.06, disposal of solid wastes other than brush and stumps, and disposal of brush and stumps by burial with less than four (4) feet of clearance above the observed maximum water table;
3. Automobile graveyards and junkyards as defined in Massachusetts General Laws, Chapter 140B, Section 1, or motor vehicle salvage operations;
4. Treatment or disposal works that are subject to 314 CMR 5.00, except the following:
 - a. The replacement or repair of an existing system(s), that will not result in an increase in design capacity greater than the design capacity of the existing system(s);
 - b. The replacement of an existing subsurface sewage disposal system(s) with wastewater treatment works that will not result in an increase in design capacity greater than the design capacity of the existing system(s);
 - c. Treatment works approved by the Massachusetts Department of Environmental Protection (DEP) designed for the treatment of contaminated ground or surface waters; and

- d. Sewage treatment facilities in those areas with existing water quality problems when it has been demonstrated to DEP's satisfaction both that these problems are attributable to current septic systems and that there will be a net improvement in water quality.
 - e. Publicly owned treatment works, and their appurtenances that meet the Groundwater Discharge Permit Program Requirements of 314 CMR 5.00
5. Storage of sodium chloride, chemically treated abrasives or other chemicals used for the removal of ice and snow on roads, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.
 6. Stockpiling and disposal of snow or ice removed from highways or streets located outside of the WRPOD that contains sodium chloride chemically treated abrasives or other chemicals used for snow and ice removal.
 7. Commercial establishments or municipal facilities for the washing, servicing, or repair of motor vehicles, airplanes or boats.
 8. Commercial establishments for the plating, finishing, etching, or polishing of metals or semiconductors.
 9. Manufacture of semiconductors or other electronic components.
 10. Chemical or bacteriological laboratories.
 11. Underground storage tanks for petroleum or any toxic or hazardous substances, except for replacement or upgrading of existing storage without increasing capacity provided that there is compliance with all local, state and federal laws.
 12. Storage of liquid petroleum products of any kind, except those incidental to:
 - a. normal household use and outdoor maintenance or the heating of a structure;
 - b. waste oil retention facilities required by Massachusetts General Laws, Chapter 21, Section 52A;
 - c. emergency generators required by statute, rule or regulation; or
 - d. treatment works approved by DEP designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters.

Storage as listed in these items shall be in either a free-standing container within a building, or in a free-standing container above ground level with protection adequate to contain a spill the size of the container's maximum capacity plus ten (10%) percent.

13. Any use which involves as a principal activity, the manufacture, storage, use or

disposal of toxic or hazardous material.

14. The storage of animal manure, unless such storage is covered or contained in accordance with the specifications of the United States Soil Conservation Service.
15. The use of septic system cleaners which contain toxic or hazardous materials, in accordance with 310 CMR 15.027.
16. Dry cleaning establishments and/or coin or commercial laundries where cleaning is performed on the premises.
17. Commercial establishments for painting, wood preserving, or stripping paint.
18. Commercial establishments for printing, photocopying, or photographic processing.
19. Commercial establishments for electronic circuit assembly.
20. Storage of commercial fertilizers, as defined in Massachusetts General Laws, Chapter 128, Section 64, unless such storage is within a structure designed to prevent the generation and escape of runoff or leachate.
21. Landfilling of sludge and septage as defined in 310 CMR 32.05.
22. The storage sludge or septage as defined in 310 CMR 32.05 unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31.
23. Facilities that generate, treat, store or dispose of toxic or hazardous waste that are subject to Massachusetts General Laws, Chapter 21C, and 310 CMR 30.00, except the following:
 - a. very small quantity generators, as defined by 310 CMR 30.00;
 - b. household toxic or hazardous waste collection centers or events operated pursuant to 310 CMR 30.90;
 - c. waste oil retention facilities required by Massachusetts General Laws, Chapter 21, Section 52A; and
 - d. treatment works approved by DEP designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters.
24. Any floor drainage systems in industrial or commercial process areas or toxic or hazardous material and/or toxic or hazardous waste storage areas, which discharge to the ground without a DEP permit or authorization.
25. Commercial Kennels.

9.4.9 Use Regulations For All Resource Areas; Special Permit Uses. The following uses may be allowed by the grant of a Special Permit.

1. Golf courses.
2. Any nonresidential or multi-family use that will render impervious more than fifteen (15%) percent or 2,500 square feet (whichever is greater) over that portion of the lot within WRPOD.
3. Any non residential or multi-family use outside of the WRPOD, which directs surface-water flows from impervious areas greater than 2,500 square feet into a WRPOD.
4. A pre-existing, nonconforming, nonresidential or multi-family structure or use shall not be altered, reconstructed, extended without a Finding and a Special Permit based upon the requirements herein.

9.4.10 Stadium. Notwithstanding the foregoing, in connection with the development of a stadium and accessory uses thereto that are (i) within two hundred fifty (250) feet of the Neponset River, and (ii) within the Economic Development Area Overlay District, the foregoing uses shall be allowed without a Special Permit provided that such use:

1. is not located within a Zone II or Zone III of the WRPOD or within two hundred (250) feet of other bodies of water as delineated on the WRPOD map;
2. is reviewed and approved by the Town of Foxborough Conservation Commission and/or the Massachusetts Department of Environmental Protection (DEP) pursuant to the Massachusetts Wetlands Protection Regulations (310 CMR 10.00); and
3. is reviewed and approved by the Planning Board through Site Plan approval pursuant to Section 10.5 of these By-Laws.

9.4.11 Special Permit Granting Authority. The Planning Board is the Special Permit Granting Authority (SPGA). It is also authorized to make findings for proposed extensions and alterations of pre-existing, nonconforming structures or uses within the WRPOD pursuant to Section 4.0 of these By-Laws. The SPGA shall be responsible for assuring that all applications comply with the provisions of this Section.

9.4.12 Special Permit Application. The following materials prepared and stamped by a Registered Professional Engineer shall be submitted to the SPGA (ten copies) and the Town Clerk (one copy) at the expense of the applicant.

1. A site plan conforming to the requirements and specifications of Section 10.5 of these By-Laws and this Section 9.4.
2. Material Safety Data Sheets for all chemicals, pesticides, fuels, and other potentially toxic or hazardous materials to be used, generated, stored, or disposed of on the premises, and a complete list of the maximum quantities of chemicals, pesticides, fuels, and other potentially toxic or hazardous materials to be used and other

pertinent information.

3. A description of proposed measures to protect all storage containers or facilities associated with such materials from vandalism, accidental damage, corrosion, and leakage and the location of such storage on the premises.
4. For any toxic or hazardous wastes to be generated in quantities greater than those associated with normal household use, the applicant must demonstrate to the SPGA the availability and feasibility of disposal methods which comply with the regulations of the Massachusetts Hazardous Waste Management Act, 310 CMR 30.00, Paragraph 1 of this Section 9.4.12, and all other applicable state and federal laws including obtaining an EPA identification number from the DEP.
5. A description of proposed methods by which runoff from impervious areas will be recharged into the ground within the premises.
6. An erosion and sedimentation control plan.
7. Projections of concentrations of nitrogen and other relevant solutes in the groundwater at the downgradient boundary of the property and at any other locations deemed pertinent by the SPGA, including drinking-water wells illustrated on a plan by flow lines from the proposed site. Such projections shall be based upon appropriate groundwater models, such as, the Mass Balance Nitrate Model from the Cape Cod Aquifer Management Project (CCAMP) document and the following information or standards:
 - a. Wastewater per person: seven (7) pounds of nitrogen per year, 4 persons per dwelling unit;
 - b. Lawn fertilizers: two (2) pounds of nitrogen per 1,000 square feet of lawn per year;
 - c. Road runoff: 0.19 pounds of nitrogen per day per lane mile;
 - d. Background nitrogen concentration: actual on-site measurements;
 - e. Hydraulic conductivity: use on-site data;
 - f. Saturated thickness: use data from site-specific borings;
 - g. Groundwater gradient: use data from site-specific measurements.

These projections may not be required, as determined by the SPGA, for projects which involve no on-site discharge other than sanitary waste, or where disposal is through a sewer line and comply with regulations herein.

9.4.13 Design Standards. When considering an application, the SPGA shall give consideration to the simplicity, reliability, and feasibility of the control measures and design standards proposed, and the degree of threat to water quality which would result if the control

measures and design standards failed. Where applicable, the SPGA must find based upon the requirements of this Section 9.4 that proposed alterations or extensions are not substantially more detrimental to water resources than the existing, nonconforming structure or use within the defined WRPOD. The SPGA may grant a Special Permit if it finds that the applicant has demonstrated that the proposed activity or use complies with the following design standards and requirements:

1. It meets the intent and specific criteria of this Section 9.4;
2. It will not, during construction or thereafter, have an adverse impact on any aquifer or recharge area in the WRPOD;
3. It will not adversely affect an existing or potential domestic or municipal water supply;
4. Groundwater quality at the downgradient boundary of the property shall not be allowed to violate State or Federal drinking water standards;
5. Provisions shall be made to protect against toxic or hazardous materials discharge or loss resulting from corrosion, accidental damage, spillage or vandalism through measures such as: prohibition of underground fuel storage tanks; spill control provisions and clean-up in the vicinity of chemical or fuel delivery transfer points; secured storage areas for toxic or hazardous materials; indoor storage provisions for corrodible or dissolvable materials/wastes; and a schedule of future monitoring of waste streams or groundwater on the site to ensure that proper control has been maintained;
6. Where uses are partially outside of a WRPOD, potential pollution sources such as on-site waste disposal systems and their reserve areas and drainage basins shall be located outside the WRPOD, to the extent feasible;
7. Site design shall result in no increase in the peak rate of storm water runoff in a ten (10) year storm and one hundred (100) year storm. Site design shall result in no increase in the total volume of stormwater runoff in a one (1) year storm event. Areas left in an open or vegetated state shall be located so as to increase distances between impervious surfaces or on-site disposal systems and any surface water body or municipal well. Where possible, storm water should be controlled by Best Management Practices (BMPs). For example, storm water may be directed through vegetated areas prior to infiltration into the groundwater or to surface water;
8. Systems for artificial recharge of precipitation will not result in the degradation of groundwater quality. Wherever possible, recharge should occur by BMPs or through diversions into vegetated areas where surface infiltration will occur. Dry wells shall be used for roof runoff and in those situations where surface infiltration is not feasible. Discharge of all runoff (excepting roof drains) shall be preceded by, and flow through oil and grease traps, and sediment traps which shall be maintained in accordance with a maintenance schedule submitted as required by the SPGA;

9. Periodic monitoring and sampling schedule may be required by the SPGA, based upon the proposed use of the site, including, but not limited to: sampling of wastewater disposed to on-site systems, maintenance records for dry wells and sampling from groundwater monitoring wells if mandated by the Special Permit. If required, a monitoring report with six (6) copies shall be submitted within a specified time period to the SPGA who will distribute them to the Town Clerk, Fire Chief, Board of Health, Board of Water and Sewer Commissioners, and Conservation Commission. The cost of monitoring, including sampling and analysis, shall be the responsibility of the applicant;
10. All clearing and earthmoving operations shall occur only when erosion and sedimentation control measures are in place as approved by the SPGA or the Conservation Commission when it is within the Conservation Commission's jurisdiction. Such control measures shall remain in place until the SPGA or the Conservation Commission determines that the danger of erosion or sedimentation no longer exists.

9.4.14 Decision. After a public hearing, the SPGA shall coordinate, clarify and weigh the comments and recommendations of the various Town of Foxborough agencies/boards; it shall then issue a written decision pursuant to Section 10.4 of these By-Laws.

1. In addition to the findings described above, the decision of the SPGA shall include an explanation of any departure from the recommendations of any other Town of Foxborough agencies/boards.
2. For projects which require approval by other Massachusetts or Town of Foxborough agencies/boards, the Special Permit shall include a condition that no building permits shall be issued until evidence has been received by the SPGA and Building Commissioner that such required approvals have been received.

9.5 ECONOMIC DEVELOPMENT AREA OVERLAY DISTRICT (EDAOD)

9.5.1 Purpose. It is the purpose of this Section 9.5:

1. To supplement existing zoning regulations to provide regulating flexibility to encourage economic development within the District in accordance with Chapter 16 of the Massachusetts Acts of 1999; and
2. To address the unique pressures and demands of development and the use of property within the District due to the high volume of pedestrian and vehicular traffic generated by uses in this area.

9.5.2 Overlay District. The Economic Development Area Overlay District (EDAOD) is established as an overlay district and includes that area designated on a map entitled, "Economic Development Area Overlay District, Foxborough, MA" that 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. This map

shall be considered as superimposed over other districts established by these By-Laws.

9.5.3 Applicability. Buildings and land uses within the EDAOD shall be governed by the pertinent regulations within the Special Use (S-1) District, except as modified by the provisions of this Section 9.5. Where the base zoning regulations of the Special Use (S-1) District differ from the provisions of this Section 9.5, the provisions of this Section 9.5 shall govern.

9.5.4 Permitted Uses. The following uses shall be permitted as of right as either primary or accessory uses, notwithstanding anything contained in Table 3-1 to the contrary:

1. All uses permitted as of right in the Special Use (S-1) District.
2. Parking lots, whether paved or unpaved, serving uses with seating or attendance capacities of over 7,500 people, provided that any such parking lot shall comply with the parking standards otherwise set forth herein.
3. Mercantile or retail uses, provided that the total gross floor area used for mercantile or retail purposes in buildings and structures located on a lot shall not exceed fifty (50%) percent of the gross square footage of the buildings and structures on such lot, and provided further that for the purpose of this provision, mercantile or retail uses within a stadium or associated directly with and accessory to a stadium shall not be subject to this total gross floor area restriction.
4. Restaurants with or without seating, including, without limitation, restaurants employing “take out service” and so-called “fast-food restaurants.”
5. Stadiums.
6. Sewage treatment plants and sewage treatment facilities.
7. Parking garages, provided that any such parking garage shall comply with all applicable dimensional and other zoning requirements set forth in these By-Laws.
8. Offices.
9. Indoor entertainment facilities, housing permanent or temporary events.
10. Entertainment productions for theme-oriented or seasonal entertainment events temporary in nature, which may be held in an outdoor setting or a combination of an indoor/outdoor setting, provided that no singular event shall exceed thirty (30) days in duration, and that the cumulative number of days in a calendar year for all such events shall not exceed ninety (90) days. No more than one (1) such seasonal or theme-oriented event or production shall occur on a lot at a given time. Notwithstanding the foregoing, the time, duration and event limitations contained herein shall not apply to any of the uses permitted under Section 9.5.5, below.
11. Pedestrian crossovers located over a street or way, thoroughfare, highway or

driveway.

9.5.5 Permitted Accessory Uses - Stadium. The following uses shall be permitted as accessory uses to the primary use of a lot for a stadium whether such accessory uses are located on the same lot as such stadium or on an adjacent or contiguous lot under common or affiliated ownership (whether the ownership interest is fee simple or leasehold):

1. Sports-oriented entertainment centers, including, without limitation, National Football League Pavilion type uses, whether permanent or temporary, with vending machines, interactive manual, mechanical, audiovisual, electronic and computer games, equipment or systems and general entertainment facilities.
2. Practice fields, weight-training facilities, practice pavilions and other sports-related structures for similar uses.
3. Access ways (including no more than one (1) 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 a stadium within the District. For (i) all National Football League (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 (1) 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 time, and the number and type of vehicles using said access way, pursuant to Section 9.5.10.4. 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 10.4 of these By-Laws. Among these and other concerns, the Planning 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.
4. Dormitories provided such use shall be limited to stadium- related purposes.
5. Storage yards, water tanks and towers, cooling towers, emergency generators, water filtration plants and utility facilities and structures, including sewage treatment plants and electric power substations.
6. Passive outdoor recreational uses such as parks and picnic groves.
7. Hotel.

9.5.6 Dimensional Standards.

1. Yards: All yards shall comply with the requirements of Section 4.0 and Table 4-2 of these By-Laws, except that there shall be no minimum front yard, side yard and rear

yard requirements applicable to a lot on which is located a stadium, or to a pedestrian crossover located over a street or way, thoroughfare, highway or driveway where the crossover services such a lot.

2. **Frontage:** The provisions of Sections 9.1.2.1 and 9.1.2.2 shall apply to lots within the District.
3. **Lots: Coverage and Definition.** The maximum impervious surface coverage limitations within the District shall be as follows:
 - a. Maximum impervious surface coverage shall not exceed seventy (70%) percent, to be measured cumulatively with respect to contiguous or adjacent lots under common or affiliated ownership.
 - b. For any lot on which a stadium is located, the maximum impervious surface coverage shall not exceed ninety-five (95%) percent.
 - c. Notwithstanding any other provisions of these By-Laws except Section 9.5.6.3.b, above, for the purposes of applying the requirements of these By-Laws to the EDAOD, adjacent or contiguous lots (including lots separated by a public or private street or way, thoroughfare, highway or driveway) under common or affiliated ownership (whether the ownership interest in such lot is fee simple or leasehold) shall be deemed a single lot.

9.5.7 Height. The height limitations of Section 4.0 and Table 4-2 shall not apply to buildings or structures in the EDAOD. The height limitations applicable to buildings or structures in the EDAOD shall be as follows:

1. Section 4.4.1 shall apply to buildings or structures within the EDAOD.
2. The building height of any structure located less than three hundred (300) feet from the layout of Route One shall not exceed forty (40) feet; provided, that upon the granting of a Special Permit pursuant to the requirements set forth in Section 9.5.7.5, below, any principal structure located less than three hundred (300) feet from the Route 1 right of way may be erected to a height in excess of forty (40) feet but not greater than one hundred (100) feet, provided that in no event shall the high point of any building or structure exceed the maximum elevation of four hundred fifty (450) feet above mean sea level.
3. The building height of any structure, other than a stadium, that is located (i) greater than three hundred (300) feet from the layout of Route One, and (ii) greater than two hundred (200) feet from any property line that abuts a residential zoning district shall not exceed one hundred (100) feet; provided, that in no event shall the high point of any such building or structure exceed the maximum elevation of four hundred fifty (450) feet above mean sea level.
4. Notwithstanding any foregoing provision, the height of stadiums shall not exceed two hundred twenty (220) feet in the case of outdoor air stadiums and two hundred eighty

(280) feet in the case of domed stadiums.

5. Deviations within the EDAOD from the height requirements of this Section 9.5.7 may be allowed by the Planning Board by issuance of a Special Permit. When reviewing a request for a Special Permit, the Planning Board shall employ the criteria detailed in Section 10.4 of these By-Laws. Among these and other concerns, the Board shall also consider the proximity of the proposed structure to Route One and residential abutters, the visual impacts of the proposed structure, the impacts of the structure on the municipal water supply, the water distribution system, off-street parking impacts, minimum fire flows and the proximity of the structure to other nonresidential buildings.

9.5.8 Buffer Strips. Buffer strips shall comply with the applicable minimum requirements set forth in Sections 5.4 and 9.0, except that such requirements shall not apply to:

1. Any lot the primary use of which is a stadium, or any pedestrian crossover located over a street or way, thoroughfare, highway or driveway where the crossover services such a lot;
2. The front yard of any lot located along Route One, except that a minimum front yard landscaped strip of fifteen (15) feet along Route One shall be required, which landscaped strip shall consist of the following visual screening elements:
 - a. at least one row of individual shrubs or tree, at least fifty (50%) percent of which shall be large shade trees; and
 - b. a three (3) foot high earth berm.
3. The access way through residential districts allowed under Section 9.5.5.3, except that a minimum buffer strip of twenty (20) feet shall be required along each side of any such access road. It shall contain two (2) rows of shrubs or trees planted six (6) feet on center not less than six (6) feet in height (from the 'top of the ball') at the time of occupancy. At least fifty (50%) percent of the shrubs or trees shall consist of evergreens and shall thereafter be maintained by the owner or occupant to provide a dense screen year round. In addition, fences may be required by the Planning Board. In the areas where such buffer would be within a wetland resource area, such buffer shall comply with and conform to any applicable Order of Conditions issued by the Foxborough Conservation Commission or the Massachusetts Department of Environmental Protection.
4. The Planning Board may require screening and buffer strips and/or designated "no cut/no build" areas that are established under the applicable Site Plan or Special Permit process required under these By-Laws to have a written deed restriction permanently preserving such. This document shall be submitted for review by the Planning Board and suitable for recording at the Norfolk County Registry of Deeds with any approval.
5. Deviations within the EDAOD from the buffering and screening requirements of this

Section 9.5.8 may be allowed by the Planning Board by issuance of a Special Permit. When reviewing a request for a Special Permit, the Planning Board shall employ the criteria detailed in Section 10.4 of these By-Laws. Among these and other concerns, the Planning Board shall also consider existing topography in the vicinity of the request, existing vegetation, the proximity of abutting structures and the proposed buffering and landscaping within the area under consideration.

9.5.9 Parking Standards and Location. Off-street parking in the EDAOD shall comply with the following standards and location requirements and shall not be subject to the provisions of Section 6.1., except as otherwise provided in this Section 9.5:

1. Table 6-1 shall govern the number of parking spaces required for uses in the EDAOD; except that there shall be no minimum off-street parking requirement applicable to a stadium use in the District.
2. Sections 6.1.6.7, 6.1.6.8, 6.1.7.2 and 6.1.7.6 of these By-Laws shall apply to off-street parking in the EDAOD.
3. Required off-street parking spaces do not have to be located on the same lot as a proposed use provided that contracts, easements, agreements or other evidence are presented to the appropriate board to ensure that parking facilities not owned by the applicant will continue to be available.
4. Shared, multi-use parking is permitted in the EDAOD and will be counted in determining whether a use has the requisite number of spaces.
5. Multi-level parking structures shall be permitted in the EDAOD, provided that such structures comply with all dimensional and other zoning requirements set forth in these By-Laws.
6. Off-street parking spaces are allowed in the front yard of lots with frontage on Route One provided that a fifteen (15) foot landscape strip is maintained in accordance with Section 9.5.8.2 of these By-Laws.
7. The maximum curb cut for curb cuts in the EDAOD shall not exceed forty (40) feet in width unless (i) otherwise required by nonlocal regulations and/or approved by the Massachusetts Highway Department (MHD) as part of a Section 61 Finding, or (ii) recommended by a traffic engineer selected by the applicant in connection with the development of the property based on a traffic engineering study compiled by such engineer.
8. All parking spaces shall be suitably marked with striping.
9. The surfacing requirements for parking lots within the EDAOD shall be as follows:
 - a. All parking areas serving a stadium or mercantile or retail uses associated directly with and accessory to such stadium shall either be paved with bituminous concrete or cement concrete or shall be surfaced with a minimum of six (6)

inches of densely graded crushed stone, crushed gravel or stone dust, graded and compacted so as to achieve a stabilized surface and dispose of all surface water accumulation.

- b. All parking areas required under Table 6-1 for uses other than those set forth in 9.5.9.9.a above, shall be paved with bituminous concrete or cement concrete.
10. A bituminous concrete curb, berm or wheelstop shall be placed at the edge of paved parking areas except where necessary to facilitate overland drainage flow and stormwater management in accordance with a stormwater management plan approved for such parking area. In any nonpaved parking area, if stormwater catch basins are installed, there shall be a paved area around each basin to help control sediments that might flow into said basins.
11. Interior landscaping shall not be required for parking areas serving a stadium or uses related to such stadium. For parking areas required for other primary uses that are not stadium-related, the interior landscaped bumper strip requirements of Section 6.6.1.5 of these By-Laws shall apply, except that such interior landscaped bumper strips shall not be required provided that additional landscaped areas equal in area to the otherwise required interior landscaped bumper strips are provided at the perimeter of such lot as shown on a site plan subject to Site Plan approval.
12. Parking areas will have controlled points of access and egress. All driveways and access lanes shall comply with the location requirements of Section 6.1.7.4 of these By-Laws, except where such driveways and access lanes comply with an access plan approved by the MHD as part of a Section 61 Finding.
13. Nonresidential driveways or access lanes shall be a minimum of twenty-six (26) feet in width except that the access way through residential districts allowed under Section 9.5.5.3 of these By-Laws shall not be subject to this limitation.
14. Deviations within the EDAOD from the parking standards and location requirements of this Section 9.5.9 may be allowed by the Planning Board by issuance of a Special Permit. When reviewing a request for a Special Permit, the Planning Board shall employ the criteria detailed in Section 10.4 of these By-Laws. Among these and other concerns, the Board shall consider existing or proposed shared parking, the proximity of the spaces to abutters and to the building they service, drainage impacts, impacts on environmentally sensitive areas and landscaping.

9.5.10 Site Plan Review. Site Plan Review pursuant to Section 10.5 of these By-Laws, will be required for any new building, any addition to any existing building or structure or any change of use in the EDAOD. Applicants shall not be required to obtain Special Permits with respect to proposed development plans and/or uses that comply with the requirements set forth in this Section 9.5. Site plan review is not required for those uses which require a Special Permit pursuant to this Section 9.5, unless otherwise required to comply with the requirements of this Section 9.5. In addition to the standards and requirements set forth in Section 9.1 of these By-Laws, applicants seeking Site Plan Review approval within the EDAOD shall comply with the following additional standards and requirements:

1. To the extent feasible, development proposals shall minimize demands placed on Town services and infrastructure. In the case of Increased Impact Developments (as hereinafter defined), the Planning Board may require off-site enhancements or other appropriate responses to mitigate the identified impact(s). As used herein, the term "Increased Impact Developments" shall mean a development that (i) will increase traffic volume on a street by twenty-five (25%) percent or more during any given peak traffic period and result in insufficient capacity, or (ii) will reduce existing fire flow at the project site below five hundred (500) gallons per minute, or (iii) will trigger the "ENF and Mandatory EIR" filing requirement under the Massachusetts Environmental Policy Act (MEPA) regulations (301 CMR Section 11.03).
2. Development plans shall maximize the convenience and safety of vehicular and pedestrian movements within the subject site in relation to a stadium, Route One, interior access roads (existing or proposed) and adjacent ways. Impacts on abutting residences shall be limited to the maximum extent feasible.
3. The use of common driveways (limiting curb cut openings onto Route One) is encouraged. To the extent feasible, these driveways and access roads shall conform to the construction standards found in the Foxborough Subdivision Regulations.
4. To the extent feasible, except with respect to the access way through residential districts allowed under Section 9.5.5.3 of these By-Laws, sidewalks, crosswalks and other pedestrian amenities shall be incorporated into street and access drive designs. In connection with the development of a stadium and accessory uses thereto, the widths of such sidewalks, crosswalks and other pedestrian amenities should reflect their proximity to such stadium, and expected use by stadium patrons. To the extent feasible, sidewalks should be separated from vehicle travel/breakdown lanes and access roads by distance, grade changes or other physical impediments.
5. Any access way through a residential district that is allowed pursuant to Section 9.5.5.3 of these By-Laws shall be subject to limitations pursuant to Site Plan approval by the Planning Board, for the purpose of protecting residences from excessive impacts arising from traffic on said access way, based on the following criteria.
 - a. Time of use of said access way may be limited to further the foregoing purpose provided that such limitations allow for the use of said access way during the hours before and after Permitted Events during which attendees typically enter and exit a stadium for an event.
 - b. Number of vehicles using said access way may be limited to further the foregoing purpose; provided, however, that not less than 1400 vehicles per Permitted Event shall be allowed.
 - c. Types of vehicles using said access way may be limited such as to prohibit commercial truck traffic to further the foregoing purposes.
 - d. Signage along said access way in areas abutting residential neighborhoods may be

limited to further the foregoing purpose.

- e. Lighting for said access way in areas abutting residential neighborhoods may be limited to further the foregoing purpose.
- f. Width of said access way may be limited to further the foregoing purpose; provided, however, that such width shall not be less than is reasonably necessary to insure vehicle access to Permitted Events and to insure that, simultaneously therewith, emergency vehicles will have sufficient access on said accessway.

9.5.11 Stadium. The standards and requirements set forth in Section 9.1 of these By-Laws and this Section 9.5 shall govern the Site Plan Review process, provided that in connection with the development of a stadium and stadium-related uses, the Planning Board shall not require a deposit of money or an Irrevocable Letter of Credit to secure conditions of approval where the Planning Board receives as security a surety bond, executed escrow agreement, executed retainage agreement or other similar agreement.

9.5.12 Violations. Violation of any condition of the Planning Board's Site Plan approval shall be subject to the enforcement provisions of Section 10.1 of these By-Laws.

9.6 CHESTNUT-PAYSON OVERLAY DISTRICT (CPOD)

9.6.1 Purpose. It is the purpose of this Section:

1. To permit the implementation of the Reuse Consensus Plan for Foxborough State Hospital Property dated April 20, 1994, amended September 5, 2002. This will permit the total construction of one hundred fifty-two (152) total residential units in the CPOD.
2. To permit maximum flexibility and creativity in design for the development of single or multi-purpose uses on a lot, in a way that will be superior to conventional plans.
3. To promote the most harmonious use of the land's natural features, resources and topography that will promote the general health and safety of the public.
4. To discourage sprawled development, minimize environmental disruption, and provide a shorter network of streets and utilities, which will promote a more efficient distribution of services.
5. To provide for an innovative approach to mixing building types and controlling densities.

9.6.2 Overlay District. The Chestnut-Payson Overlay District (CPOD) is established as an overlay district encompassing the area more particularly delineated on the plan entitled "Chestnut-Payson Overlay District (CPOD) Plan in Foxborough, MA" prepared by Bay Colony Group, dated October, 2002. The parcels are labeled on the plan as parcels E-3, F-1, F2-A, F2-B, H, and I. This map shall be considered as superimposed over other districts established by these By-Laws. The map as it may be amended from time-to-

time, is on file with the office of the Town Clerk and with the Building Commissioner, and together with any explanatory material thereon, is hereby incorporated in and made part of these By-Laws.

9.6.3 Special Permit. A Special Permit may be granted by the Planning Board to allow for single or multipurpose integrated commercial and/or residential uses on a lot in the CPOD. This Special Permit is not limited to an individual lot, but one application may be submitted and reviewed for a single Special Permit for multiple lots provided that such lots are under single ownership or if it can be demonstrated that all owners within the CPOD have agreed to join in the application for a Special Permit.

9.6.4 Uses Allowed and Not Allowed in the CPOD. All uses allowed in the underlying zoning district shall be allowed for those parcels in the CPOD, unless amended by this Section 9.6. The following uses may be permitted within the underlying zoning district are not permitted within the CPOD:

1. Temporary parking lots, whether paved or unpaved, serving uses with seating capacities of over 7,500 people within the Special Use Zoning District.
2. Mobile homes/travel trailers.
3. Cemeteries.
4. Seasonal migrant workers quarters, mobile home or watchman's quarters as accessory uses to be permitted industrial uses.
5. 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.

9.6.5 Uses Allowed by Special Permit. The following additional uses not specified in Table 3-1 shall be allowed by Special Permit in the CPOD if the use is not allowed in the underlying zoning district. Also, if the following uses, as specified in Table 3-1, are not permitted in the underlying zoning district, they too shall be allowed by Special Permit in the CPOD:

1. Attached Single-Family Housing.
2. Assisted Living Facilities.
3. Open Space Residential Developments.
4. Sewage treatment plants and sewage treatment facilities.
5. Water tanks and towers, emergency generators, water filtration plants, utility facilities, power plants and substations.
6. Parking lots constructed to the standards set forth in Section 6.1 of these By-Laws.

7. All land and buildings that 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. Sale of high hazard materials or products shall be governed by the provisions noted in Table 3-1.
8. Mercantile/retail uses, except restaurants with seating, which use more than twenty-five (25%) percent of the gross area of a building.
9. All land and buildings that 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.
10. Research and Development facilities.
11. Laundry or Dry Cleaning facilities.
12. Theatres.
13. 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.
14. Private Schools.
15. All land and buildings for housing people suffering from physical limitations, including, among others, hospitals, sanitariums, infirmaries, orphanages, and institutions licensed by the Commonwealth of Massachusetts.
16. Dormitories.
17. Multifamily dwellings.
18. 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.
19. Telecommunications/Wireless Communications Facilities (see Section 7.2) as accessory use.
20. Commuter rail stations, bus stations, and related or accessory structures and improvements.
21. Passive outdoor recreational uses such as beaches, parks, picnic groves, and other similar uses, but not including amusement parks.
22. Low density recreational uses that predominantly occur within a building such as

swimming, tennis, skating and other similar uses.

23. Outdoor recreational uses, including golf driving ranges, miniature golf courses, 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.
24. Accessory uses to multifamily dwellings which are located within the principal building and are limited to: eating establishments; personal service establishments; retail sales establishments selling convenience merchandise.
25. Accessory Structures to multifamily structures.
26. Nonresidential Accessory Uses and structures that do not exceed fifteen (15%) percent of the gross area of the principal building or buildings.

9.6.6 Dimensional Requirements. The requirements of Table 9-1 shall apply:

Table 9-1 DIMENSIONAL REGULATIONS FOR CHESTNUT-PAYSON DISTRICT									
USE	FRONTAGE (ft.)	YARDS (ft.)			BUILDING HEIGHT		MAXIMUM LOT COVERAGE	MINIMUM LOT WIDTH (ft.)	
		Front	Side	Rear	Stories	Feet		Distance from Street	Width
Attached Single Family Housing	30	10	0	20	2.5	35	85%	0	0
Multi-family Housing (including dormitories)	200	20	20	20	3	40	85%	100	67
Assisted Living, Age Restricted Senior Housing	200	20	20	20	3	40	85%	100	67
Non-residential (including Hotel/Motel)	200	15	0	20	3	40	85%	0	0

9.6.7 Notes to Table. These notes apply only to the specific uses listed in Table 9-1.

1. More than one dwelling structure may be located on a lot within the CPOD.
2. Attached Single-Family Housing uses require the formation of a homeowners association or other provision for on-going maintenance. Properties must have side-yards between groups of buildings.

3. The Planning Board may approve reduced yards where either the clustering of buildings is shown to reduce additional impervious surface and/or if there is reuse of the existing buildings.
4. Note 2 in Table 4-1 does not apply.
5. For CPOD applications that include use of a substantial portion of those buildings under the protection of the Massachusetts Historical Commission (particularly the Main Building wings A-E), there is a density bonus of thirty (30%) percent, applicable to all residential uses within the CPOD.
6. Height restrictions shall apply to any newly constructed building in the CPOD. Height restrictions shall not apply to any structures existing as of January 1, 2002, even when such structures are modified, reconstructed or restored, so long as the height thereof is not increased. For CPOD applications that include use of those building under the protection of the Massachusetts Historical Commission, newly constructed buildings within the CPOD shall be no more than three (3) stories, not to exceed forty-two (42) feet.
7. Maximum Lot Coverage for nonresidential uses in the CPOD shall be eighty-five (85%) percent.
8. Those dimensional restrictions established in Table 4-2 that are imposed when a nonresidential use abuts a residential district do not apply to the CPOD.
9. The provisions of Sections 6.4.4 and 6.4.5 of these By-Laws shall not apply to uses within the CPOD as there is no required side yard setback and in certain cases only a ten (10) foot front yard requirement within this district. Where possible, a five (5) foot landscaped strip shall be located in the required front yard of uses within the CPOD.
10. The Planning Board may allow for common driveways within the CPOD.
11. For side yards, a setback of twenty (20) feet will be required between buildings in the CPOD and existing residential developments in adjoining districts.
12. Maximum residential density shall be as follows:
 - a. Attached single family housing: three (3) dwelling units per 32,250 square feet of lot area; additional dwelling units shall require 6,125 square feet lot area each.
 - b. Multi-family housing, including dormitories: three (3) dwelling units per 32,250 square feet of lot area; additional dwelling units shall require 6,125 square feet lot area each.
 - c. Assisted Living, Age Restricted Senior Housing: seven (7) dwelling units per acre.

9.6.8 Parking. The Planning Board shall review the adequacy of parking to be provided using the following design criteria.

1. Parking requirements as set forth in Section 6.1 of these By-Laws, except that assisted living facilities shall require one space per four dwelling units.
2. The off-street parking requirements set forth above and in Table 6-1 may be reduced by up to twenty-five (25%) percent at the discretion of the Planning Board through the Special Permit process. The Board shall review and consider the request in accordance with Section 6.1.5 of these By-Laws.

9.6.9 Site and Building Design Requirements. Applications for a Special Permit in the CPOD shall meet the requirements as set forth in Section 6.4 of these By-Laws.

9.6.10 Application. The Planning Board shall act as the Special Permit Granting Authority. Applications for Special Permits for the CPOD shall be made in accordance with Section 10.4 of these By-Laws. All applications shall contain all of the information noted herein. The applicant is encouraged to meet with the Town Planner informally prior to submittal. The application shall include the following:

1. The completed application form and the applicable fee to address the administrative, advertising and review costs of the Town.
2. Ten (10) copies of the application package and plans.
3. Site information as required below.
4. A certified list of abutters within one hundred (100) feet of the property line.
5. Applications for a Special Permit in the CPOD shall meet the requirements set forth in Section 10.4 of these By-Laws. In addition, the applicant shall submit the following:
 - a. Statement of development concept, including the planning objectives and the character of the development to be achieved through the CPOD.
 - b. Development schedule indicating the date when construction of the CPOD would commence and expected completion, including and proposed phasing of development.
 - c. Statement of how utilities and other infrastructure will be provided, including design standards.
 - d. Impacts of, mitigation for and benefits from the CPOD.
 - e. Public access and recreation opportunities resulting from the CPOD.

9.6.11 Criteria for Review. Prior to granting a Special Permit, the Planning Board shall make a determination that the proposed activity is consistent with the general purposes of these By-Laws as set forth in Section 9.6.1.

The Planning Board shall also make a determination that the benefits of the proposed development will outweigh any adverse effects of the CPOD on the Town. The Planning Board's determination shall include review of the following:

1. Quality of site design to enhance the area including integration of a variety of land uses, building types and densities, and preservation of natural features.
2. Compatibility with adjacent land uses, including a determination that the proposed development will not have a demonstrable adverse impact on the surrounding area resulting from excessive noise, level of illumination, glare, dust, smoke or vibration that is higher than levels now experienced from uses permitted in the surrounding area; emission or discharge of noxious or hazardous materials or substances; pollution of water ways or ground water; or transmission of signals that interfere with radio or television reception.
3. Compatibility with existing historic features, including minimization of the removal or substantial alteration of buildings of historic or architectural significance and new uses or the construction of new buildings that are compatible with buildings or places of historic or architectural significance.
4. Traffic flow and safety particularly with respect to circulation patterns for motor vehicles and pedestrians that would result from the proposed development and that will not result in conditions that unnecessarily add substantially to traffic congestion or the potential for traffic accidents on the site or in the surrounding area.
5. Adequacy of utilities and other infrastructure (such as the sanitary sewer system, the storm drainage system, the public water supply, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic), including a determination that the development will not create impacts on the public services and facilities serving the development that can not be accommodated by such services and facilities, or, where there is insufficient capacity in such services and facilities, improvements will be made to provide sufficient capacity.

9.6.12 Peer Review. The Planning Board may require the use of consultant(s) to assist in its review of the Special Permit application. This shall be at the expense of the applicant, in accordance with applicable rules and regulations. The applicant's refusal to fund this effort shall be considered cause for denial.

9.6.13 Conditions for Approval. In addition to the conditions, standards and criteria as may be set forth in Section 10.4 of these By-Laws, the Planning Board may impose additional conditions and limitations, as it deems necessary to ensure that the granting of a Special Permit is consistent with the general purposes of these By-Laws, including but not limited to:

1. Regulation of the number, design and location of access drives or other traffic

features of the proposed use;

2. Limitations on the number, location, type and size of signs or illumination or modification of the design features thereof; limitations on construction activities, such as, but not limited to, the hours during which construction activity may take place, the movement of trucks or heavy equipment on or off the site, measures to control dirt, dust, erosion, and measures to protect existing vegetation on the site; requirements for independent monitoring, at the expense of the applicant, and reporting to the building commissioner, if necessary to ensure continuing compliance with the conditions of a Special Permit or these By-Laws;
3. Limitations on the period of time this Special Permit shall be in effect;
4. Such other limitations as may be reasonably related to reducing undue adverse impact on the surrounding area.

9.6.14 Revisions to an Approved Site Plan.

1. The owner or lessee of the site, the Building Commissioner, or the Planning Board may initiate a petition to change or modify a site plan approval within a CPOD after construction has been initiated. This may occur in the event of unforeseen site characteristics, infrastructure problems or other unexpected circumstances. All changes shall be reviewed and discussed by the Planning Board at a regularly scheduled meeting prior to completion of such on the landscape. Changes or modifications shall only be authorized in writing.
2. Changes or modifications may be allowed for an approved site plan where construction has not commenced only after review during a regularly scheduled meeting and written approval of the Planning Board.
3. The Planning Board reserves the right to require a new hearing at the expense of the applicant if it determines that a proposed change or modification is significant.

9.6.15 Decision. The site plan shall be approved and the Special Permit shall be granted provided that all requirements of these By-Laws are fulfilled. Approval will not relieve the applicant of the responsibility of obtaining other required approvals from local, state or federal agencies.