

**ADVISORY COMMITTEE RECOMMENDATIONS  
FOR THE  
TOWN OF FOXBOROUGH'S  
SPECIAL TOWN MEETING**

**October 1st, 2018**

## Foxborough Advisory Committee

### Mission Statement

The Foxborough Advisory Committee is responsible for providing recommendations to Town residents on department budgets and Town Warrant articles as part of the Town Meeting process. In preparation for Town Meeting, the Advisory Committee reviews each department's budget and researches all Warrant Articles. This is done by meeting with each department head, holding public meetings for discussion and question opportunities and thoroughly researching each of the topics. Following this process, the committee then takes a vote and collectively puts forth a recommendation to Town residents at the Town Meeting.

### Members

### Term Expires

Susan Dring (Chairman)	June 2019
Seth E. Ferguson (Vice Chairman)	June 2020
Bernard Dumont	June 2021
Jennifer L. Frank-Bonnet	June 2020
Stephanie McGowan	June 2019
Robert W. Canfield, III	June 2019
Sean McCarthy	June 2019
Brent Ruter	June 2019
Michelle Raymond	June 2020
Larry B. Ooi	June 2020
Sharon E. Weiskerger	June 2020
Larry Stern	June 2021
Brian Guild	June 2021

**SUMMARY OF TOWN WARRANT RECOMMENDATIONS**  
**SPECIAL TOWN MEETING**  
**October 1, 2018**

<b>Article No.</b>	<b>Article (AdCom Presenter)</b>	<b>Recommendation</b>
Article 1	Fire Ladder Truck (Dumont)	Approval
Article 2	Acceptance Military Pay (Dumont)	No Action
Article 3	Add School Street to Design Review District (Dring)	Approval
Article 4	Amend Brew Pub Definition (Ooi)	Approval
Article 5	Accept King Philip Place as a Public Way (Weiskerger)	Approval
Article 6	Revise Zone II Boundary in the WRPD (Frank-Bonnet)	Approval
Article 7	Burrell School Borrowing (Ruter)	Approval
Article 8	Canvassing and Soliciting By-Law (Stern)	Approval

**ARTICLE 1: FIRE LADDER TRUCK**

**BOARD OF SELECTMEN**

**ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 1:**

**VOTE OF 12-0-0**

The main purpose of Article 1 is to authorize the transfer of \$250,000 from the Ambulance Receipts Reserve, as recommended by the Capital Improvement Planning (CIP) Committee, for combining with the \$810,000 Ladder Truck Federal Grant Award -- allowing the purchase of a replacement ladder truck which has been in service since 1994.

The Federal Grant will cover 95% of the estimated \$810,000 new ladder truck and such grant does not need to be repaid back in any part by the Town. The use of the \$250,000 from the Ambulance Receipts Reserve will be to cover the remaining 5% purchase amount and will finance the cost of upgraded equipment to accommodate larger scale rescues.

Regarding the future use of the existing ladder truck: it was refurbished 4 years ago, hoping to extend its use for another 8-10 years – but, at this point, the engine and transmission are not worth further reinvestment. In terms of the disposition of the current ladder truck, the options are limited to be scrapped – in which case the proceeds would go to the general fund – or be donated to a foreign country.

One of the benefits of taking advantage of the Federal Grant for purchasing the new ladder truck is that there will be no need to add \$1.0M to future CIP planning for a new truck. Hence, this savings could be allocated to another project.

Given the time limit to use this grant, the Fire Department wants to present this article to the Special Town Meeting.

**ARTICLE 2: ALLOW PUBLIC EMPLOYEES IN THE MILITARY THE DIFFERENCE BETWEEN BASE SALARY AND MILITARY PAY**

**BOARD OF SELECTMEN**

**ADVISORY COMMITTEE RECOMMENDS NO ACTION ON ARTICLE 2:**

**VOTE OF 6-5-0**

The Advisory Committee recommends no action on Article 2.

**ARTICLE 3: ADD SCHOOL STREET TO DESIGN REVIEW DISTRICT**

**PLANNING BOARD**

**ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 3:**

**VOTE OF 12-0-0**

If passed, this article will add School Street to the Design Review District. School Street is the street along the Common between Rockhill Street and South Street that includes the old Fire Station. 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 multifamily 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 multifamily dwellings and nonresidential structures.

Streets in downtown Foxboro which are currently in the Design Review Overlay District include Baker Street, Bird Street, Carpenter Street, Central Street, Mechanic Street, and South Street. Nonresidential buildings in the DRD are reviewed by the Design Review Board. This board consists of one member of the Planning Board, one member of the Historical Commission, and three members appointed by the Board of Selectmen. At least one member appointed by the Board of Selectmen must be a merchant or property owner in the district.

By adding School Street to the Design Review District, the Town will have a greater say in the look of the building that replaces the old Fire Station.

**ARTICLE 4: AMEND BREW PUB DEFINITION**

**PLANNING BOARD**

**ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 4:**

**VOTE OF 10-1-0**

The purpose of this article is to amend the current Section 11 (Definitions) of Chapter 275 of the Town of Foxborough Code (Zoning), by deleting and replacing the existing definition of Brew Pub.

Current definition: Restaurant licensed by the United State Department of Alcohol, Tobacco and Firearms and the Commonwealth of Massachusetts under the farmer’s brewers statutes to produce and sell beer and ale at the location and whose primary business is the sale and preparation of food to be consumed on the premises, but which also produces beer and ale on the premises, of which not more than 20% of the production capacity may be sold wholesale to other establishments.

Proposed Definition: An establishment wherein the primary use is a restaurant which specializes in producing craft beers in limited quantities for on-site retail sale to restaurant patrons. Other ancillary uses may include tastings and tours as wells as retail and wholesale sales of their products and related goods all which are subject to all applicable statutes of the Commonwealth.

The Advisory Committee recommended this article because the primary use is for a restaurant that will brew some beer on-site. This new definition will also align our definition with the Commonwealth’s definition for a brew pub. This will make our town zoning similar to other towns with brew pub zoning definition instead of a hinderance or less competitive under the old definition. In addition, the restriction that no more than 20% of the production capacity may be sold wholesale to other establishments may not survive a legal challenge according to town officials.

The primary concern stated regarding this article is the removal of the “20% limit on production that may be sold wholesale” from the definition. Questions were asked on why the 20% limit could not be increased, instead of removed altogether. Effects on the Town’s water supply with unrestricted amounts of beer to be produced and sold at wholesale was the main issue.

**ARTICLE 5: ACCEPT KING PHILIP PLACE AS A PUBLIC WAY**

**PLANNING BOARD**

**ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 5:**

**VOTE OF 11-0-0**

The purpose of this article is to see if the Town will accept as a public way King Philip Place, located off Route 106 within the “Gables at Foxboro Green” subdivision. Street acceptance requests are initiated

by the developer and then approved by the Planning Board if all obligations are met. These obligations include sufficient width, suitable grades, adequate construction, and installation of municipal services. If this article is approved, the Town will be responsible for maintenance of the roadway and all related infrastructure.

**ARTICLE 6: REVISE EXISTING ZONE II BOUNDARY IN THE WRPD  
ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 6:**

**PLANNING BOARD  
VOTE OF 12-0-0**

The purpose of this article is to see if the Town will accept the revision to the Zone II Boundary in the Water Resource Protection Overlay District (WRPOD). The Town wishes to open new wells, creating new Zone II boundaries around these wells. All of the Town's wells are functioning at roughly 30% capacity due to age and build up. It is therefore crucial to build new wells to maintain the quality and quantity of our drinking water. This revision is mandated by the Massachusetts Department of Environmental Protection (MASSDEP).

Zone II must be revised and protected according to MASSDEP for the Town to be issued an Approval to Operate. Without this issuance the Town will be forbidden to use the new wells. Without the new wells, the Town will not be able to produce the quantity of water necessary to service the current demand.

There was significant discussion with consideration and concern for property owners in the revised Zone II area, therefore the Town's Water Department sent notifications to all owners affected by this zoning change. It was made clear to the Advisory Committee that all current activities conducted within the revised Zone II area are grandfathered in, and can continue without incident. Residential areas will see little if no changes. All future changes (such as the creation of a subdivision and the percentage of the lot that can be impervious) must adhere to the bylaw.

**ARTICLE 7: BURRELL SCHOOL BORROWING AUTHORIZATION  
THE ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 7:**

**BOARD OF SELECTMEN  
VOTE OF 11-0-1**

This article would authorize the Town to fund the renovation of the Burrell Elementary School at 16 Morse Street. The renovation will include a new 6,000 square foot gym and a pre-kindergarten wing, which will have its own separate entrance. In the old gym and auditorium, music and art wings will be constructed, along with a new computer lab and media center.

While funding school renovation and construction projects in Massachusetts can feel and read as technically complicated, it was beneficial to focus first and hardest on a few big picture questions:

- 1) Is there a demonstrated need to renovate or rebuild the Burrell School?
- 2) Has sufficient due diligence been undertaken in developing the design and construction plan, such that the building will serve our kids and our community well for many years?
- 3) Is the proposed funding plan for the project sound and sustainable for taxpayers and the Town overall?

The Advisory Committee's views on the big questions above are as follows:

- 1) The Burrell School needs to be renovated or rebuilt. The cost of maintaining the building as is, is neither wise nor viable in the long term. A Burrell School project has been and remains part of the Town's and the School Department's long-term building and capital improvement plans as the next major project following the Town Hall. The Town has been planning for these costs for several years, notably by adding money to the stabilization fund for this purpose. In addition, the Burrell School project has been submitted to the state two times before. In those cases, projects in other towns were deemed more important. Now, the state considers our project a high enough priority to supply state funds.
- 2) The current Burrell School renovation plan, to be presented publicly again, at Town Meeting, is the product of several years of work by a collection of state advisors and design professionals working with a range of school-based committees, including a multi-department 17 member School Building Committee, school and community advisory groups, and our elected School Committee, as well as the District Administration, Town Finance Director, and Town Manager. All of the work of the aforementioned groups occurred in a transparent manner before the designs and construction plan reached the Advisory Committee. Our Committee concurs with these other public boards, employees, and supporting school construction professionals, in that the proposed design will serve our Town and students well for fifty years or more, and that the proposed construction plan is financially sound and minimizes the impact on students and neighbors of the Burrell School.
- 3) Finally, the cost and funding plans are sustainable in that they maximize state aid, minimize borrowing, and fund that debt within the Town operating budget under current projections. In particular, the current plan maximizes state grant money. In Massachusetts, 1% of state sales tax dollars go to fund the MSBA, a semi-independent state body that provides grants for school building and renovation project costs based upon communities' demonstrated needs given an educationally and financially sound building plan. Maximizing state funding by following the guidelines of the MSBA is in the best interests of taxpayers, students and faculty. Under the current plan, the MSBA is pledging to reimburse the Town for 56.01% of the project's costs, based upon their formula, an amount maximized through specific design and construction choices. These include choosing to renovate, rather than rebuild (the building will retain 95% of its original footprint), utilizing energy efficiencies, and having a long-term maintenance plan in place. In addition the project plan had to keep the cost per square foot and the size of the school in line with state guidelines, consider the projected needs of the neighborhood and Town, and chose a phased construction plan that builds the new gym first and uses it as swing space for some classes as construction is completed (since the MSBA will not fund portable / temporary structures as classrooms). Finally, the amount to be borrowed can be repaid over 20 years with no expected overrides to cover debt servicing and within the Town's projected operating budgets in a fashion similar to the plan approved and now in force for the Town Hall.

The total cost of the project and the funding plan are summarized below:

<b>Projected Costs &amp; Requested Borrowing Authority</b>	<b>Projected Project Costs borne by:</b>	<b>Funding Sources &amp; Timelines</b>
<b>**Projected Total Costs:</b>  \$32,714,517 to \$34,571,567	<b>**MSBA (State fund) range:</b>  \$14,689,542 to \$15,331,279	MSBA (state funds): reimbursements to town as the project invoices are submitted.
<b>*Required Borrowing Authority by this article:</b>  \$30,307,567	Town (local taxes):  \$18,024,975 to \$19,240,288	Town (local taxes):  ~ \$18 to 19.2 million, projected total  ~ \$15,500,000 projected bond needed to fund the project.  Fund bond debt over 20 years within the Town's projected operating budget as part of annual debt service. Similar to Town Hall's funding plan.

\* = Note: MSBA requires taxpayers authorize borrowing for the full outstanding amount as a sign of good faith and financial viability.

\*\* = Range is based upon possible contingency costs. More will be known once final plans are completed and construction begins.

**ARTICLE 8: CANVASSING AND SOLICITING BYLAW**

**CHIEF OF POLICE**

**THE ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 8:**

**VOTE OF 12-0-0**

This article is sponsored by our Police Chief, Chief Baker, and its purpose is to update and replace existing town bylaws that define and limit door to door canvassing with ones that are more specific throughout. Some notable details for changes are definitions for who this applies to while also defining who this would not apply to. The registration process is more stringent and requires substantially more information than the existing bylaw. Under the new bylaw, applicants for a canvassing certificate of registration must complete a CORI background check.

Lawful hours to solicit or canvass will be defined in the new bylaw as between 9:00 am and one half hour after sunset. The police department will also be able to enforce and revoke to a further extent. A penalty for violation is defined in the new bylaw as not more than \$300, except for violation of M.G.L. c.101 which is punishable by not more than \$500 or imprisonment of not more than 6 months.

The Advisory Committee voted unanimously to support this article noting that the article does a more thorough job achieving a workable balance between the right to free speech and the right to privacy.