

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

November 15th, 2021

Foxborough Advisory Committee

Mission Statement

The Foxborough Advisory Committee is responsible for providing recommendations to the 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 the town residents at the Town Meeting.

Members

Term Expires

Paul Ivanovskis (Chairman)	June 2022
Daniel Peterson (Vice Chairman)	June 2023
Sharon E. Weiskerger	June 2022
Jack Martin	June 2022
Dennis Keefe	June 2022
John T. Mahoney	June 2023
Salina Chowdhury	June 2024
Marlowe Farrar	June 2024
Raffaella Zizza-Feinstein	June 2024

**SUMMARY OF TOWN WARRANT RECOMMENDATIONS
SPECIAL TOWN MEETING
November 15, 2021**

Article No.	Article (Advisory Committee Presenter)	Recommendation
Article 1	Zoning Bylaw Amendment: Outdoor Dining (Feinstein)	Approval
Article 2	Zoning Bylaw Amendment: Accessory Apartments (Keefe)	Approval
Article 3	Zoning Bylaw Amendment: Building Height (Farrar)	Approval
Article 4	Zoning Bylaw Amendment: Brew Pub Definition (Feinstein)	Approval
Article 5	Zoning Bylaw Amendment: Habitable Floor Area (Mahoney)	Approval
Article 6	Zoning Bylaw Amendment: Site Plan Exemption in FCOD (Mahoney)	Approval
Article 7	Street Acceptance: Garret Spillane Road (Feinstein)	Disapproval
Article 8	Zoning Board of Appeals Amendment: Sign Bylaw (Mahoney)	Approval
Article 9	Fund Qualified OPEB Trust (Weiskerger)	Approval
Article 10	Southeastern Regional School District Budget Amendment (Chowdhury)	Approval
Article 11	Amend Sewer Service Area Map (Ivanovskis)	Approval
Article 12	Civil Service Legislative Petition (Peterson)	Approval
Article 13	CIP Committee Bylaw Clean Up (Weiskerger)	Approval

ARTICLE 1: Zoning Bylaw Amendment: Outdoor Dining **Planning Board**
THE ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 1:
VOTE OF 8-0-0

Article 1 seeks to allow for outdoor dining to become a permanent option for restaurants in Foxborough. The Town previously allowed for outdoor dining at seventeen restaurants under a state provision that expires on April 1, 2022. Points of concern raised were limited parking, who was responsible for representing pedestrians in town, easing of parking regulations, and the use of public sidewalks. Points noted in favor were continuation of access to outside dining for Foxborough citizens, and uncertainty about the Covid environment when the state regulation expires. The Committee also noted Board of Selectmen approval would be necessary for sidewalk usage.

The Advisory Committee recommends this article be approved.

ARTICLE 2: Zoning Bylaw Amendment: Accessory Apartments **Planning Board**
THE ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 2:
VOTE OF 7-1-0

Article 2 seeks to obtain Town approval to amend Section 8.1, Accessory Apartments; and the definition of Accessory Apartment in Section 11.1. The purpose of this request is to increase Accessory Apartment availability in order to provide a more affordable option for housing in the Town of Foxborough. Accessory Apartments are already available in the R-15 and General Business Districts. There are 50 legally permitted Accessory Apartments in Foxborough today. The Planning Board has approved 10 over the past 5 years. There are numerous existing criteria in Section 8.1 to be met for approval for an Accessory Apartment. This Article seeks to update the language in those criteria, while also adding new criteria bringing the proposed total to 15.

Major changes and additions to Accessory Apartments criteria are as follows:

- Expansion of Accessory Apartments to the R-40 residential district, Agricultural District, and Neighborhood Business District Zones.
- Either an Accessory Apartment or Principal Residence may be occupied by a **non-family individual** as long as the owner(s) occupies one of these entities.
- Both units must be continuously owned by the same individual(s).
- Boarders and lodgers shall not be permitted within either the Accessory Apartment or principal residence.
- Maximum square footage allowed has been increased from 850 SF to 1,100 SF.
- The Accessory Apartment shall not contain more than one bedroom.
- Accessory Apartments are expressly limited to one per lot.
- Adequate off-street parking shall be provided on the premises for no more than four (4) motor vehicles.
- Rental/Lease period for non-owner occupant has to be 12 months or more. No Airbnb or similar short-term rentals. Annual certification process to verify this.

Accessory Apartment definition proposed for Section 11.1:

A separate dwelling that is within or attached to a detached single-family residence and that satisfies the standards set forth in Section 8.1.1 of these Bylaws, provided that a Special permit is not required for an Accessory Apartment to a single-family residence that is in the R-15 District or the General Business District.

Arguments in Favor of Recommending the Warrant:

Provides more access to affordable housing at a time when housing costs are skyrocketing, and inventory is low. Provides a means for homeowners to recover their investment costs to finance required changes. May be viewed more favorably by banks approving loans to finance the changes.

Arguments Against Recommending of the Warrant:

May be difficult to enforce and ensure compliance. Changes may be too expensive for average homeowner to afford.

ARTICLE 3: Zoning Bylaw Amendment: Building Height Planning Board

THE ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 3:

VOTE OF 8-0-0

The purpose of this article is to increase the clarity of the zoning bylaw by replacing the ambiguous term ‘story’ with maximum building heights stated as feet (i.e. ‘... shall not exceed 21 feet’). The maximum feet designations will not change from the currently allowed maximum height.

The Advisory Committee recommends approval as the language change improves the clarity of the bylaw.

ARTICLE 4: Zoning Bylaw Amendment: Brew Pub Definition Planning Board

THE ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 4:

VOTE OF 8-0-0

This article seeks to extend what the term Brew Pub means under Town Code. The definition will now include the terms wine, hard ciders, craft malt beverages, and distilled spirituous liquors. It would also restrict production of the new products to a maximum of 15% of the gross floor area of the establishment.

The Advisory Committee recommends this article be approved.

ARTICLE 5: Zoning Bylaw Amendment: Habitable Floor Area Planning Board

THE ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 5:

VOTE OF 8-0-0

The purpose of this article is defining the term “habitable floor area”. This term is used in a few zoning bylaws including the at-home business bylaw. The portions of a home which are “habitable” are currently ambiguous and this has led to confusion in interpreting what uses may be allowed on a property.

The Advisory Committee recommends this article as it will give the building inspector, zoning board, and residents clarity in interpreting zoning usage bylaws.

ARTICLE 6: Zoning Bylaw Amendment: Site Plan Exemption in FCOD Planning Board

THE ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 6:

VOTE OF 8-0-0

The purpose of this article is to remove the site planning review process for new or existing businesses, that may change their existing usage within the FCOD. The FCOD, or the Foxborough Center Overlay District, includes additional zoning rules, which apply to several blocks of property surrounding the Foxborough Common. This bylaw is intended to empower the Building Commissioner to allow businesses making minor cosmetic changes to a commercial property to go through one less layer of bureaucratic requirements to do business.

Businesses within the FCOD, that substantially change their building footprint will still need to complete a site plan review process.

The Advisory Committee recommends this article as it will eliminate a barrier to entry for new business in Foxborough.

ARTICLE 7: Street Acceptance: Portion of Garret Spillane Road Planning Board

THE ADVISORY COMMITTEE RECOMMENDS DISAPPROVAL OF ARTICLE 7:

VOTE OF 0-8-0

To see if the Town will accept as a public way a portion of Garrett Spillane Road, which has been constructed pursuant to the Planning Board Subdivision Control Regulations. The road has been constructed to Foxborough’s subdivision standards and has been inspected by the Town’s inspector since construction on the road began. The road was extended in 2013, in 2018, and again in 2019. The portion of the road submitted for acceptance includes the 2013 extension.

Based on feedback from the Director of Public Works that the road area subject to the Article was not ready for inclusion, the Advisory Committee recommends disapproval of this article.

ARTICLE 8: Zoning Bylaw Amendment: Sign Bylaw **Zoning Board of Appeals**
ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 8:
VOTE OF 8-0-0

The purpose of this article is to clarify language regarding the signage application process. The changes include direction on proper completion and submission of signage application paperwork along with clarity as to the signage process timelines and designating certain review responsibilities between the Building Commissioner and the Zoning Board of Appeals.

The Advisory Committee recommends this article as it will give the building inspector, zoning board, signage applicants, and residents clarity on the signage process in Foxborough.

ARTICLE 9: Fund Qualified OPEB Trust **Board of Selectmen**
ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 9:
VOTE OF 8-0-0

The purpose of this article is for the Town to appropriate the amount of \$1,064,069 monies to be paid into the Other Post-Employment Benefits (OPEB) Liability Trust fund in one lump sum in November 2021 to cover Fiscal Year 2021. This payment was delayed due to the Pandemic, and the lump sum payment is being done as a catch-up mode

The Advisory Committee recommends approval of this budget adjustment.

ARTICLE 10: Southeastern Regional School District Budget Amendment **Board of Selectmen**
ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 10:
VOTE OF 8-0-0

The purpose of this article is to supplement the budget for the Southeastern Regional School District in the amount of \$38,954.

The Advisory Committee recommends approval of this budget adjustment.

ARTICLE 11: Sewer District Revision

Water and Sewer Commission

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 11:

VOTE OF 8-0-0

The purpose of this article is to add two residences (473A South Street and 36 Morse Street) to the Sewer Service Area, and to add them to the Sewer Service Area Map. The property owners will be responsible for hookup and service fees.

The Advisory Committee recommends this article as the town has substantial capacity available, and benefits financially from additional users.

ARTICLE 12: Civil Service Legislative Petition

Board of Selectmen

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 12:

VOTE OF 7-1-0

This Warrant Article was developed by Chief Grace of the Foxborough Police Department alongside the Town Manager and approved by the Board of Selectmen. This warrant authorizes the Board of Selectmen to petition the Massachusetts General Court for special legislation to exempt certain positions in the Police Department of the Town of Foxborough from the Civil Service Law. This applies to all uniformed positions including deputy chief, captain, lieutenant, sergeant, and patrolman. The legislation will not impair the civil service status of any present officers with the exception of promotion.

Major Points:

- Town Manager is responsible for all administration duties (hiring, firing, etc.)
- Allows FPD Chief to source candidates from all over (colleges, other agencies, etc.) opposed to following the list supplied to the town.
- All surrounding towns except for Wrentham have changed over already
- FPD cannot currently recruit from towns that are not Civil Service affiliated
- Foxborough police union voted 25-3 in support of the petition
- 4% cost increase and Quinn Bill (Educational) rights to officers hired after 2011
- Associated cost is estimated to be \$120,000 to \$125,000 year over year
- Cost associated with FPD overtime compensation should drop significantly
- Should help with staffing shortage, FPD is currently down 6 officers
- Veterans retain points on tests
- Probationary period for hiring and promotions will be at the discretion of the Chief

Arguments in Favor of Recommending the Warrant:

Union supported; should have no impact to Veteran's status; will allow for higher quality candidates and candidates from our community to be engaged; will allow for a more diverse department: cost should be offset by lower overtime fees associated with a fully staffed department; and other surrounding towns have already abandoned the Civil Service program.

Arguments Against Recommending of the Warrant:

The current system has served the Town of Foxborough with little complaint over the past decades; associates degree will now be required to apply; testing and hiring practices were previously

standardized; potential loss of standing for promotions for current officers; and probationary period is not standardized; increase of overall budget cost for the Department.

The Advisory Committee recommends approval of the Civil Service Petition to the State Legislature.

ARTICLE 13: CIP Committee Bylaw Clean Up **CIP Committee**

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 13:

VOTE OF 8-0-0

The purpose of this article is to see if the Town will vote to amend Section 35-4, Subsection H of the Town of Foxborough Code. The current bylaw states that a member of the Board of Water/Sewer Commissioners sit on the CIP Committee. This amendment requests that the bylaw add the words “or their designee” after the words “one member of the Board of Water/Sewer Commissioners.” This will allow for the DPW Director, or another designee, to sit on the CIP Committee.

The Advisory Committee recommends approval of this article.