

**Minutes
Of
The Foxboro Water and Sewer Commissioners
At
Foxboro Zoning Board of Appeals Hearing
August 15, 2013**

Members in Attendance: Vice Chairman R. Pacella, Clerk B. Garber, Attorney Richard Hucksam of Deutsch Williams

Mr. Pacella and Mr. Garber attending a hearing at the Zoning Board of Appeals where they were requesting a Special Use Permit and a Variance on behalf of the Board to allow a sign on the Town's Reuse Water Tank at 85 Washington Street across from Gillette Stadium. Atty. Hucksam explained to the Zoning Board members that the petition is for advertising space on the reuse water tank in the Economic Development Overlay District. He also noted that there is a previous decision from the ZBA in 2001 when the BWSC were granted a variance to construct the tank; that decision noted that a Special Use Permit or Variance would be required for advertising on the tank.

Atty. Hucksam feels that the Sign Bylaw applies to this application. The tank is used for reuse water in the stadium development and is located on Town owned land. There are signs allowed on water tanks on the stadium lot by right, but topographical factors required this tank be in the location that it is, which is off of Kraft property. Therefore, signage is not allowed by right.

The public benefit for this application is the town's need for revenue; the compelling need is the Water Department has debt service that has a revenue shortfall. The town owned tank on the stadium property which currently has an EBay ad on it does not provide any revenue to the town as the Kraft's own the advertising rights on it.

Mr. Garber stated that the debt service and maintenance on the tank is approximately \$300,000 per year with only \$75,000 of revenue from water sales to cover it. Selling ad space would help to close the gap.

The sign would be consistent with others in the area. No specific ad is proposed at this time, but they are hoping for a long term ad either painted on the tank itself or wrapped around the tank. It will be illuminated by floodlights at all times.

Atty. Hucksam would be agreeable to a condition to come back when they have a specific sign plan.

The previous decision stated that either a Special Use Permit or a Variance could be granted. A decision is needed by the Board in order for the BWSC to go to the Office of Outdoor Advertising for a permit.

ZBA member Kim Mellen would like to see more information on what kind of a sign would be proposed. ZBA member Barney Ovrut would also like to see specifics on color, size, etc of any

proposed sign.

The Office of Outdoor Advertising requires local approval by either a letter or a decision in order to apply for a permit with them.

Selectmen Lorraine Brue spoke in favor of the petition and stated that she feels the compelling aspect is the public benefit of the revenue to the water and sewer ratepayers.

Atty. Frank J. Spillane spoke against the petition, stating that revenue the BWSC might receive from general advertising signage did not prove a compelling need.

Atty. Hucksam stated that another public benefit is the conservation of water for the town as the stadium reuses the water in this tank. This lot is also unique in that there are no other potential uses unlike nearby private lots.

The Town is exempt from the sign bylaw for signs identifying the town, all other signs on town property need to comply with the bylaw. This application is only for this location and does not include any other property or area.

Mike Saegh, who had a billboard application denied earlier in the evening argued that his application met all the requirement except the Board determined that his need for revenue was not a compelling need, now the Board feels the town generating revenue is a compelling need.

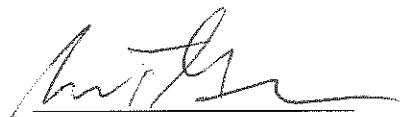
The Public Hearing was closed and the ZBA deliberated the application.

A vote was taken to grant the Special Use Permit to the Board of Water and Sewer Commissioners for general advertising on the water tank located at 85 Washington Street and to grant a Variance subject to a condition that any proposed sign be brought before this Board as a modification of this decision. A vote was also taken to waive the application fee of \$600.

Respectfully Submitted,

Diana Gray

These minutes of August 15, 2013 were approved as amended on September 23, 2013.



Robert Garber, Clerk