

Foxborough Advisory Committee

Wednesday, August 29th 2018

In attendance:

Susan Dring, Stephanie McGowan, Sean McCarthy, Bernard Dumont, Seth Ferguson, Brent Ruter, Larry Ooi, Jennifer Frank-Bonnet, Sharon Weiskerger, Larry Stern

MINUTES

7:00PM - Meeting called to order by Susan Dring

7:05: Bob Worthley addressed the ADCOMM to update the status of Article 6: to Revise Zone II boundary for water management. Mr. Worthley outlined how 2 test wells were drilled in 2015 in preparation to replace aging wells in the system. The Mass DEP has enacted new watershed protection rules which now requires new zoning map changes. This Warrant article is being proposed because the new wells have moved to a different zone. Mr. Worthley added that Zone II consists of a larger recharge area.

Larry O - "What is the impact?"

Bob W - Zone 1 must be completely town owned. Zone 2 has some restrictions (i.e. no toxic waste).

These new rules may affect both new and existing homes and businesses.

Bernard D - What are the pros and cons?

Bob W – We have no choice per Mass DEP.

Larry S – What is the final impact if Foxborough doesn't comply?

Bob W – The state won't let us build those wells.

Sue D – Where are these wells located?

Bob W – Pumping Station Road, off of Chestnut.

Brent R – Why is the town replacing these wells at this time?

Bob W – Wells have a lifespan and the town is at the end. The wells are like a 'gummed up straw' with iron/manganese crusting to the point where there is no more efficiency or effectiveness.

Audience member – This upgrade is very much needed; improvements to Chestnut Street from last year are noticeably positive.

Seth F – "I'm struggling with the current situation. How will the expansion of Zone II affect the constriction of Zone III?"

Bob W – There will be some lowering of regulations to outside zones.

Larry S – mentioned that he had concerns over ‘winners/losers’ of the financial impact on property owners.

Sue D – asked for a list of affected properties.

Bob W – “I can get one to you.”

Bernard D – said that the discussion before the committee should come down to the \$\$ - the financial/budgetary impact.

Larry O / Stephanie M – stated that the ADCOMM needs to have more info in order to explain to future queries and make a better formulated decision before voting.

Bob W – “I did not anticipate each parcels value. I can get you more details.”

Seam M – “Bob, good job as to how this change will affect the town; not so good on how it affects the taxpayer. It would be helpful to have a copy of the old by-law and the proposed by-law.”

Audience Member – The change may affect the taxpayer if they want to change anything though it shouldn’t affect existing properties.

Jennifer F-B – How will this affect water bans?

Bob W – The town is not allowed to draw above a set limit. The town currently isn’t pumping to that capacity partly due to the problems with aged wells in the system. The expectation is that pumping capacity will improve by 50% (@2000 gal/min max now to @3000 gal/min) when the 2 new wells come on-line.

7:30: Paige Duncan addressed the ADCOMM regarding Warrant Articles 3,4 & 5.

Article 3 – this is proposed to update Zoning by-law 9.2 - The old firehouse property was not in the design review planning zone/district. It was deemed a wise move to protect that area by adding the special permitting process for future development.

Sue D – asked if the ‘design review’ board was part of the Planning Board.

Paige replied that it was similar to a sub-committee, including reps from: Planning, Historical, an architect + 3 volunteers.

Larry S - asked if the committee requirements were mandatory.

Paige D – “No, but it can make recommendations; it had a hand in planning for the new O’Reilly building.”

Article 4 – this is proposed to amend the definition of a ‘Brew Pub’ – the descriptions put forth are to bring current regulations in line with those of the State.

Sue D – asked if the updates implied the food and restaurant aspect.

Paige D – “Yes”

Bernard D – asked if these updates change any restrictions.

Paige D – indicated that the business use will stay the same; that the market is expanding quickly and the town is trying to keep up.

Seth F – inquired as to whether the Pubs could sell other ‘stuff’.

Paige D – The town is trying to make sure that the businesses can sell their own brews and merchandise. The intent is to allow for retail sales to diners who would like to bring home beverages, but to avoid wholesalers. Ultimately, it is up to the State to establish the rules – there is a lot of speculation.

Brent S – What we have here are some language tweaks: cut out “beer/just tastings” of their products.

Larry O – asked that this has been passed on the Town Counsel?

Larry S – “Who has precedence: The State or the Town?”

Brent S – interjected: (from State law online) The Pub must sell >50% on site ... presumably for consumption there.

Article 5 – for the acceptance of King Philip Place as public roadway. Paige stated that the developer’s bond has been reduced to the minimum level as only the catch basins are left to complete the project.

7:55: Chief Baker presented Article 11 regarding updates to definitions in the Solicitors by-law.

The Police Dept is proposing to re-define/clean-up the by-laws which regulate door-to-door solicitors, hawkers, peddlers and canvassers. Due to recent complaints about home solicitations, it was deemed necessary to re-visit current Town statutes. The Police, Health, Fire Departments, in concert with Town Counsel found the by-laws were missing details such as: time limits and descriptions.

Hawkers & Peddlers (i.e. sellers outside the Stadium during events) require a distinguishable license and are monitored by the state.

Canvassers & Solicitors (door-to-door sales, promotions and petitions) are dealt with on a local level.

The proposed by-law upgrades would exempt Foxborough-based charitable organizations. It will allow for a more robust background checks of applicants ... ultimately it would be up to Chief to authorize. The proposal will include time window of 9AM until ½ hour after sunset.

Bernard D – “I’d say, over the last 5 years, I haven’t seen many of these.”

Chief – There have been incidences where vanloads of kids have been unloaded in a neighborhood to sell merchandise or services. These outside vendors tend to target elderly residents which generates concerned calls to the Police station.

Stephanie M – “Do vendors call the station prior?”

Chief – “Not typically.”

Stephanie M – “Do you want people to call?”

Chief – “Certainly.”

Seth F – “Do you anticipate any Town Meeting concerns?”

Chief – indicated that the timing limits may be an issue (perhaps not restrictive enough)

Stephanie M/ Bernard D – asked if civil liberties issues have been ironed out.

Chief – Town Counsel has advised to include the appropriate exemptions, i.e. political campaigning

8:13: Michael Johns spoke to Article 2 which promotes the Military Service Act.

For town employees who are called to Active Duty, this Act advocates for the Town to make up the difference between the town employee’s military pay and the employee’s Base Pay if the town salary is greater.

Larry S – asked if there was a reference to what private companies do.

Mike J – stated those businesses that do participate tend to do so in the described manner; additionally, some local towns have already implemented this policy.

Mr. Johns elaborated: this very same Article was presented to Town Meeting in 2012 where it failed narrowly, but that may have been affected by the situation of Mr. Paicos being Town Manager at the time, who was himself, a potential service call-up. The Veteran’s Services Advisory Committee are in favor.

Larry S – “What would have been the difference?”

Mike J – the 2019 Budget would see a \$49,800 cost if all employees maxed-out on deployment. That ‘max’ is not likely due to 3 current employees being eligible (1 is in the Coast Guard -which is not a full deployment). As foreign military deployments are winding down, this policy will have less of an effect going forward.

Larry O – asked if this proposal would be retroactive or effective upon TM vote.

Sean M – asked if the time in deployment would be earned time into pension. Also, what other towns are doing this? Will Foxborough attract veterans to move or seek employment here due to this proposal?

Larry O – added that banks can’t foreclose on Active Duty households / that lifestyle level is important.

Bernard D – Do OPEB/credits increase?

Mike J – only for the difference that the Town pays in.

Stephanie M – asked if this could affect or be affected by military pensions.

Mike J – explained the pension plan of the military.

Sean M – “Is there a way to cap the covered amount of time, i.e. re-ups?”

Mike J – explained that the candidate must take at least a year off between deployments. There is also a ‘sunset clause’ which can end the program, if experience shows that the plan is not working.

Sharon W – inquired as to how many towns have a similar program.

Mike J - @ 25%?

8:50: Sue thanked the speakers and proceeded to conduct the business of electing a Vice-Chair of the committee to replace Thom Freeman, who not nominated for another term.

Brent R - nominated Seth F

Sean M – nominated Bernard D (Bernard politely declined)

Vote: 10 – 0 – 0 → Seth Ferguson elected ADCOMM Vice-Chair

Other business:

Brent R - asked about protocol of in-meeting on-line research. It was suggested that communications be sent as e-mails in blind copy.

Larry S – mentioned that Bob W was horribly prepared for questions. If he comes back before the committee, he should not come with a ‘rubber stamp’ approach.

Open discussion ensued regarding how to coordinate bringing speakers back to address new or expanded questions. It was suggested that the Water Dept needs to be able to explain to the taxpayers what the entire article means for people who live in each Zone.

Sean M – advised everyone to look at their own home assessments and that these water/property rights can affect +/- the value for property taxes.

9:10: Brent took a pause in discussion to motion for Adjournment

Larry O - 2nd

Vote: 10 – 0 – 0

Minutes approved by Vote of the Advisory Committee.

Date of Meeting: 29 August 2018

Vote: 9-12-18



Signature of Chairperson



Signature of Vice Chairperson