

TOWN OF FOXBOROUGH

ADVISORY COMMITTEE

MINUTES

November 1<sup>st</sup>, 2017

**Committee Members Present: Bernard Dumont, Thom Freeman, Seth Ferguson, Stephanie McGowan, Jen Frank, Larry Ooi, Brent Ruter, Sue Dring, Michelle Raymond, Robert Canfield, Sean McCarthy, Sharon Weiskerger**

**Members Absent: None**

**Others Present: Kate Connolly, Virginia Coppola, Richard Noonan, Bill Keegan, Chris Gallagher**

**The meeting was brought to order at 7:07 by Bernard Dumont.**

**7:08 PM Public Nuisance Bylaw.** Lieutenant Richard Noonan presented on the public Nuisance Bylaw which was drafted by Building Commissioner Bill Casbarra, Town Clerk Rob Cutler, and Police Chief William Baker. Lieutenant Noonan stated the bylaw was designed to mitigate occurrences of repeated public nuisances by providing a measured continuum of methods to resolve these offenses without bringing criminal charges. It will also hold absentee business and apartment owners accountable for the offences perpetrated by their renters. The bylaw will help the Building Inspector and Health departments mitigate hotels or other similar establishments that aren't halting violations occurring on their premises such as, but not limited to, controlled substance distribution/abuse and prostitution.

The Advisory Committee (ADCOM) had concerns regarding this bylaw. Sean asked Town Counsel if this bylaw would cause a heavy financial impact to the town, Kate stated it's in line with other communities. Michelle stated the language was inadequately loose in defining a proper methodology and instead rests on a judgement call, and through the passage of time the common understanding of the bylaw could change. Stephanie asked if distance in time between incidents, such as a period of five years between each violation, was taken into account. Rob cited language from the article stating there was a one year probationary status, however, his concern was rooted in the person whose judgment handing out the violation rests on, also agreeing that over time understandings change. Bill stated that there will be an appeals process through the Board of Selectmen (BOS). Michelle stated that if it's in black and white there is nothing to appeal, states that the language needs to specify habitual problems. Bill countered that the definition of habitual was very subjective. Sean was concerned that three different agencies having the ability to cite violations could lead to three different violations very quickly, possibly in the same day.

Michelle asked whom would be charged in trespassing violations. Lt. Noonan stated the person trespassing would be issued a public nuisance. Bernard asked if the bylaw was geared towards landowners, to which Lt. Noonan replied that issuances would be for violators and owners. Brent asked if the other departments would be informed to the other's Public Nuisance Citations. Bill stated that there could be a sentence written in to identify a coordinate a response. Seth found a typo. The Town Manager amended the language in the article to reflect a coordinated response between the Police Department, Office of the Building Commissioner, and the Board of Health and its agents as well as to clarify all parties involved in the Public Nuisance Violation such as the residents, offenders, and/or property owners.

**8:13 PM Special Legislation-Land Transfer for Fire Department.** This Article was rescinded before the meeting, as such the Chair optioned to review the next article.

**8:14 PM Stormwater Management Review.** Chris Gallagher presented on the Stormwater Bylaw. Sue inquired to the current enforcement of the bylaw and if there were any violations to date, to which Chris responded that there were none so far as all updates and developments have been going through the planning process. Bernard explained to Chris that the ADCOM felt that the process to place a lien on the property, per the intent of the Stormwater Management Article, was too easy. Seth furthered the point by stating the way it was written suggests a curtailing of due process. Kate stated the Town would issue an order to remedy the violation first and then have the violation cited. Sean asked Chris how the Town deduces who is responsible for the violation and who would doing the investigation. He additionally asked if these individuals were qualified to do so and if they have the proper training. Chris responded in the affirmative and that the Town has tactics to deal with this, such as calling in specialists etc. Bernard stated the article was not explicit in the definition of remedies, to which Brent suggested using the language from MCL. Kate stated that this is an amendment to be added to the Stormwater Bylaw enacted last spring, but understood how it read out of place.

Sue and Chris discussed examples of a property remediating an issue on their own recognizance and how much it could possibly cost if the Town had to take care of the situation. Larry asked for examples of willful wrongdoing, to which Chris provided some examples. The ADCOM requested that the language used in the Municipal Charges Lien article be used in the Stormwater Bylaw Amendment to clarify the process as the amendment appears out of context without the MCL provisions. There was a perception that there was no due process in the event a property was found to be in violation, and an automatic lien would be issued without a chance for the offending property to be able to remedy the infraction first.

**8:38 PM Amend Marijuana Bylaw.** Bernard stated that the language suggested cleanup of the article enacted in the spring. Kate stated the Town wanted to add the word “medical” before marijuana dispensary to help clarify the usage of the facility and its products for medicinal use only.

**8:42 PM ADCOM voted to Accept Annette Road as a Public Way.**

Bernard made a motion to recommend the article, seconded by Sue.

**Vote: 12/0/0**

**8:44 PM ADCOM Commercial/Recreational Marijuana Prohibition Bylaw Re-Vote.** Jen stated her intent to change her vote from the previous meeting and moved to reconsider the vote.

Jen motioned for Reconsideration of the Vote, seconded by Brent.

**Vote: 11/0/1**

Jen Brent make a motion to recommend the article, seconded by Brent

**Vote: 11/0/1**

**8:44 PM ADCOM voted on the October 18<sup>th</sup> meeting minutes.**

X Bren made a motion to accept the minutes, seconded by Seth.

**Vote: 7/0/5**

**8:48 PM The Chair administrated clerical matters and briefed the ADCOM as to the status of the remaining articles before Special Town Meeting in December.** He stated that all the write-ups are due by the 19<sup>th</sup> of November. Sean insisted on looking at the School Committee Budget as soon as possible.

**8:55 PM Bern motioned to adjourn, seconded by Thom.**

**Vote: 12/0/0**

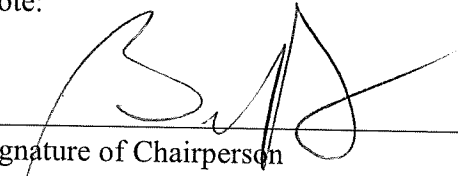
**Next meeting to be held and located at the McGinty Meeting Room on November 8<sup>th</sup> 2017, at 7:00 PM.**

**Minutes Taken by Matthew Mackenzie**

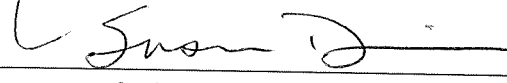
Minutes approved by Vote of the Advisory Committee.

Date of Meeting:

Vote:

  
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Signature of Chairperson

11-15-17

  
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Signature of Vice Chairperson

11-15-17