

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

November 18, 2024

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

Marlowe Farrar (Chair)	June 2026
Paul Hainsworth (Vice Chair)	June 2025
Michael Brown	June 2026
Raffaella Zizza-Feinstein	June 2026
Kevin Mack	June 2025
Daniel Peterson	June 2025
Shelby Kornbluth	June 2026
Michael Chaisson (leave of absence)	June 2026
Courtney Hocker	June 2027
Stephen McAlister	June 2027

**SUMMARY OF TOWN WARRANT RECOMMENDATIONS
SPECIAL TOWN MEETING – NOVEMBER 18, 2024**

No.,	Article, Advisory Committee Presenter,	Recommendation
1.	FY25 Capital Budget Requests, (Farrar)	Approve
2.	Police and Fire Apparatus Revolving Fund Spending Limit Increase, (Farrar)	Approve
3.	Transfer to Fire Stabilization Fund, (Farrar)	Approve
4.	Fire Stabilization Fund Transfer to Fire Budget, (Farrar)	Approve
5.	Child Sexual Abuse Awareness Bylaw Clean Up, (Kornbluth)	Approve
6.	MBTA Communities (Patriot Place Version), (Zizza-Feinstein)	Do Not Approve
7.	MBTA Communities (Subdistrict Version) (Zizza-Feinstein)	Do Not Approve
8.	Zoning Bylaw Amendment - 69 & 75 Central Street, (Hocker)	Approve
9.	Zoning Bylaw Amendment - Accessory Dwelling Units, (Brown)	Approve
10.	Amend Sewer Service Area Map, (McAlister)	Approve
11.	Disposition of Land at the rear 34 School Street, (Brown)	Approve
12.	National Grid Easement, (Mack)	Approve
13.	Acceptance of Peterson Lane as a Public Way, (Peterson)	Approve
14.	Acceptance of Authelet Way as a Public Way, (Peterson)	Approve

ARTICLE 1: FY25 Capital Budget Requests**Select Board**

THE ADVISORY COMMITTEE RECOMMENDS APPROVAL

Department	Description	Amount	Funding Source
Police	Body Cameras (payoff)	160,489	Free Cash
Police	Tasers (payoff)	99,706	Free Cash
Fire	SCBA Equipment (grant match)	50,000	Ambulance Receipts
Fire	Fire Engine & Ambulance Lease	351,210	Ambulance Receipts
Public Works	Trackless Municipal Tractor (supplement)	103,770.04	Free Cash
	Total	765,175.04	

Background:

The town historically uses Free Cash as one of the funding sources for its capital improvement plan (CIP) rather than using the tax levy. The capital improvement budget is separate from the operating budget. Free Cash was recently certified at \$8,326,801 and ended higher than had been estimated largely due to concert/event revenues ending at above forecasted figures, one-time building permits (Walnut St and Hobby Lobby), and much higher than usual investment income.

The Total Cost of CIP items is \$1,576,405.00, however \$ 811,229.96 would come from sources outside the Town with \$765,175.04 coming from Town funds. The Town funding amount is what requires Town approval. The CIP Committee and Select Board approved the Capital Spending Requests.

Department	Capital Item	Cost	Source of Funds
Police	Body Cameras	160,489.00	Free Cash
Police	Tasers	99,706.00	Free Cash
Public Works	Trackless Tractor	235,000.00	\$103,770.04 from Free Cash, \$131,229.96 from remaining ARPA funds
Fire Department	SCBA equipment	730,000.00	\$50,000 from Ambulance Receipts, \$680,000 from FEMA (Assistance to Firefighters Grant)
Fire Department	Fire Engine and Ambulance lease	351,210.00	Ambulance Receipts
		1,576,405.00	
		(131,229.96)	ARPA funds (use it or lose it)
		(680,000.00)	FEMA (Assistance to Firefighters Grant)
		765,175.04	Town Meeting Approval Request
Notes:			
ARPA (American Rescue Plan Act, aka Covid relief) must be returned in January if uncommitted by 12/31/24			

Specific Capital Items

The Advisory Committee met with the Police Chief, Fire Chief, DPW Director, Finance Director and Town Manager to understand and review the requests.

Body Camera and Tasers:

The Advisory Committee learned that three years ago, the Police Chief initially requested full funding for both the tasers and body cameras. At the time, the town was still recovering from the pandemic, and full funding was not available, so the town opted for a 5-year lease-to-buy program. These expenditures are recurring costs and will be put in the operating budget going forward as capital outlays as they need to be replaced every 5 years. (Capital outlays are capital items with less than 7 years useful life versus CIP projects which have over 7 years useful life and are in the CIP Budget). The Town Manager, Finance Director and Select Board have recommended that these items get paid off now while we have the more than usual surplus Free Cash. They expect we will have significant capital needs in the next few years (Taylor School renovation, PFAS, Dams, Stormwater, and other major needs) which will require significant use of Free Cash. Both the CIP Committee and

Select Board voted unanimously in favor of paying these off. **The Advisory Committee voted 5-2 in favor.** Those who voted against favored continuing yearly lease payments versus early payoff.

Fire Department SCBA Equipment:

The Fire Department requests the purchase of **SCBA equipment** (self-contained breathing apparatus) costing \$730,000 taking advantage of a FEMA grant that provides \$680,000 but requires the town to contribute \$50,000. **The Advisory Committee voted 7-0 in favor.**

Fire Engine & Ambulance Lease:

The Fire department has three fire engines and three ambulances that were purchased at staggered times. When one approaches the end of life, they place an order to replace it. The lead time is currently 4-5 years, and an order should be placed now so the replacements are available before they reach end of life and to avoid an 8-10% price increase in January. **The Advisory Committee voted 7-0 in favor.**

Trackless Municipal Tractor:

Public Works requests the purchase of a **Trackless Municipal Tractor** to replace the one they currently have that is past the end of life, breaks down frequently, with spare parts hard to find or no longer available. This equipment is a versatile year-round piece of equipment that is primarily used in winter as a sidewalk snowplow and snow blower along with a salter attachment; in the warmer weather it has a boom flail mower attachment for clearing back roadside brush and weeds along with a sweeper for cleaning sidewalks and construction sites. **The Advisory Committee voted 7-0 in favor.**

ARTICLE 2: Police and Fire Apparatus Revolving Fund Spending Limit Increase **Select Board**
ADVISORY COMMITTEE RECOMMENDS APPROVAL VOTE OF 7-0-0

Background

Revolving funds are dedicated accounts, specifically earmarked to align fees or other revenues collected throughout the year with corresponding expenditures for specific activities. These funds allow departments to allocate resources for approved departmental purposes, utilizing offsetting fees or revenues, provided that spending remains within predefined limits. The Police and Fire Apparatus Revolving Fund is used to pay for repairs to police and fire vehicles and equipment as well as the acquisition of new vehicles/equipment. Each Revolving Fund must have a defined upper limit and be reauthorized each year.

Recommendation:

This is a routine request but requires Town Meeting approval. Advisory Committee recommends approval.

ARTICLE 3: Transfer to Fire Stabilization Fund **Select Board**
ADVISORY COMMITTEE RECOMMENDS APPROVAL : VOTE OF 7-0-0

Background:

A stabilization fund is a mechanism for setting aside money to be available for future spending purposes including emergencies or capital expenditures. It's akin to a 'rainy day' fund. The funds may be used for "any lawful purpose" enabling communities to use the funds for general operating expenses if needed. Town Meeting action is required to establish a stabilization fund and for all transfers in and out.

When a Foxboro Fire Department mechanic completes repairs for other communities the money (cost of the repairs) collected goes into the General Fund. According to regulation, the funds must be transferred from the General Fund into the Fire Stabilization Fund. The Fire Stabilization Fund is not a revolving fund and requires annual approval. The transfer to the Fire Stabilization Fund will be for \$350,000. They have collected \$650,000 so far, and Town Meeting has already approved the transfer of \$300,000.

<u>ARTICLE 4: Fire Stabilization Fund Transfer to Fire Budget</u>	<u>Select Board</u>
ADVISORY COMMITTEE RECOMMENDS APPROVAL	VOTE OF 7-0-0

Town Meeting approval is recommended to transfer \$100,000 dollars from the Fire Stabilization Fund to fund the FY 2025 Fire Budget to be used for parts and supplies for apparatus repair.

<u>ARTICLE 5: Child Sexual Abuse Awareness Bylaw Clean Up</u>	<u>Select Board</u>
ADVISORY COMMITTEE RECOMMENDS APPROVAL	VOTE OF 7-1-0

This article increases the Town’s Child Sexual Abuse Awareness Committee from 7 to 9 members. The members of this committee will continue to be volunteers appointed by the Select Board.

<u>ARTICLE 6: MBTA Communities (Patriot Place Version)</u>	<u>Planning Board</u>
ADVISORY COMMITTEE RECOMMENDS AGAINST APPROVAL	VOTE OF 0-8-0

Background:
After the defeat of Article 26 (Foxborough Multifamily Overlay District Bylaw) at the May 13, 2024, Town Meeting, the Office of Land Use and Economic Development developed additional options to give Town residents another opportunity and more choices for compliance with the 2021 MBTA Communities Act. The Director of Land Use and Economic Development led five in-person workshops, gathered feedback through surveys on the Town website and Facebook, and presented the proposed options to the Planning Board, Select Board, and Advisory Committee.

Advisory Committee Recommendation and Rationale:
The Advisory Committee members voted unanimously against Article 6, primarily due to the impact analysis provided by the Director of Land Use and Economic Development. This analysis indicated that the Patriot Place version would likely enable the construction of approximately 356 units—significantly more than the estimated 132 units under the Subdistrict version. Additionally, the Patriot Place version was projected to allow for faster development and concentrated growth within a single school district. Some members opposed both versions, expressing concerns that the state law was poorly drafted and objecting to the burden of unfunded mandates.

<u>ARTICLE 7: MBTA Communities (Subdistrict Version)</u>	<u>Planning Board</u>
ADVISORY COMMITTEE RECOMMENDS AGAINST APPROVAL	VOTE OF 4-4-0

Background:

After the defeat of Article 26 (Foxborough Multifamily Overlay District Bylaw) at the May 13, 2024, Town Meeting, the Office of Land Use and Economic Development developed additional options to give Town residents another opportunity and more choices for compliance with the 2021 MBTA Communities Act. The Director of Land Use and Economic Development led five in-person workshops, gathered feedback through surveys on the Town website and Facebook, and presented the proposed options to the Planning Board, Select Board, and Advisory Committee.

Advisory Committee Rationale:

The Advisory Committee members voted 4 in favor and 4 opposed therefore the article is not approved.

Pros

Compliance prevents the Town from being excluded from receiving State grants and avoids civil enforcement action by the Attorney General's office. The impact analysis conducted by the Director of Land Use and Economic Development estimated that the Subdistrict version would likely permit the construction of approximately 132 units, significantly fewer than the 356 units projected under the Patriot Place version. This approach would mitigate the impact on schools and Town resources by distributing students across multiple school districts and would result in a more gradual development timeline.

Cons

The state law represents an unfunded mandate that imposes undue burdens on the Town and is poorly drafted. According to the impact analysis, if the subdistricts increase in density, compliance could result in an annual financial deficit of \$206,282 for the Town, which would likely need to be offset by increased taxes.

ARTICLE 8: Zoning Bylaw Amendment – 69 & 75 Central Street

Select Board

ADVISORY COMMITTEE RECOMMENDS APPROVAL

VOTE OF 8-0-0

Article 8 proposes amending by rezoning the parcels of property at 69 Central Street, the current Senior Center and at 75 Central Street from a Residential 15 (R-15) zone to general business (GB), zone and to further amend the FCOD, Foxborough Center Overlay District by extending the area delineated on the FCOD to include both these parcels.

Approval of this article would help the town to sell the existing Senior Center, which was approved at the May 13, 2024, town meeting.

ARTICLE 9: Zoning Bylaw Amendment – Accessory Dwelling Units

Planning Board

ADVISORY COMMITTEE RECOMMENDS APPROVAL

VOTE OF 7-1-0

Background:

Article 9 proposes to amend Section 8.1 of the Zoning regulations titled Accessory apartments by deleting it in its entirety and establishing a new Section 8.1 titled "Accessory Dwelling Units".

Governor Healy signed the Affordable Homes Act into law in August 2024. That legislation includes amendments to the state's Zoning Act that serve to require changes to Section 8.1. The State's amendments take effect February 2, 2025.

While Foxboro's zoning regulations contained stipulations related to Accessory 'apartments', there are several differences between the existing Town bylaw and the state requirements. The most significant change is that the new regulation allows any property in the R15 or R40 districts to develop an accessory dwelling "by right". Existing regulations require a Special Permit to develop an Accessory apartment.

Other notable changes include:

- An increase in the maximum accessory dwelling square footage from 850 feet to 900 feet
- A stated limit of one accessory dwelling per lot without a special permit
- No requirement that the property be owner-occupied
- A requirement that the unit be in the back or side yard of the lot, unless constructed from an existing detached garage
- Additional more modest stipulations are included in the draft regulation concerning access, materials and color, parking, etc.

Advisory Committee Recommendation and Rationale:

The Advisory Committee discussed the proposed changes with the Zoning Board of Appeals Chairman and town officials. Given the enactment of the State's Accessory Dwelling requirements, the Committee heard that it would not be possible for the Town's Building Commissioner or Board of Appeals to deny a request for an accessory dwelling unit that met the State requirements regardless of the Town's current bylaws. The proposed changes align the Town's regulations with the State's new Act and provide the Building Commissioner with written guidance and include the ability to conduct a site plan review.

After discussion, the Advisory Committee determined that adopting a bylaw concerning accessory dwelling units that complies with the state law is in the best interests of the town. The proposed bylaw revisions will allow Planning Board oversight of accessory dwelling units through its site plan authority and will provide the Building Commissioner with the specific information necessary to determine what is or is not permitted when reviewing building permit applications for accessory dwelling units.

ARTICLE 10: Amend Sewer Service Area Map

THE ADVISORY COMMITTEE RECOMMENDS APPROVAL

Select Board

VOTE OF 7-0-0

A sewer line was extended down Main Street to 76 Main Street which will be the new COA center. As part of the sewer line extension, stubs for sewer access were installed in front of 22 parcels along the extension which would allow those parcels to tie into the sewer, in the future, if they so desire, without requiring the street to be torn up. This article allows the 22 parcels to be incorporated in the Sewer Service Area and the Sewer Service Area Map.

ARTICLE 11: Disposition of Land at the rear of 34 School Street

ADVISORY COMMITTEE RECOMMENDS APPROVAL

Select Board

VOTE OF 7-0-0

Background:

Article 11 proposes to change the purpose of this Town property so it can be held for the purpose of disposition, sale or lease and to authorize the Select Board to convey or lease that same property. This is a small parcel of land, approximately 1,957 SF, behind Judy's Village Flowers. Town officials do not believe that the property, given its size and location, has a use to the Town.

Advisory Committee Recommendation and Rationale:

The Advisory Committee discussed the proposed changes with town officials, agreed with the Town's assessment of the property and plan to sell or lease it.

ARTICLE 12: National Grid Easement**Select Board****ADVISORY COMMITTEE RECOMMENDS APPROVAL:****VOTE OF 7-0-0**

70 Elm Street is where the DPW is located. Earlier this year, the Select Board granted National Grid a license to make electrical service improvements at the site. National Grid requires a utility easement to come on to the site to make repairs or fix problems when necessary. This article grants that easement.

ARTICLE 13: Acceptance of Peterson Lane as a Public Way**Planning Board****ADVISORY COMMITTEE RECOMMENDS APPROVAL****VOTE OF 7-0-0**

This proposal requests the town's approval to accept Peterson Lane located within the "London Estates" subdivision as a public way. This road was permitted by the Planning Board under the Subdivision Control Law and inspected by the Department of Public Works. The road has been constructed in compliance with the approved design plans and undergone the required evaluation period.

ARTICLE 14: Acceptance of Authelet Way as a Public Way**Planning Board****ADVISORY COMMITTEE RECOMMENDS APPROVAL****VOTE OF 7-0-0**

This proposal requests the town's approval to accept Authelet Way located within the "London Estates" subdivision as a public way. This road was permitted by the Planning Board under the Subdivision Control Law and inspected by the Department of Public Works. The road has been constructed in compliance with the approved design plans and undergone the required evaluation period.