

TOWN OF FOXBOROUGH
ADVISORY COMMITTEE
MINUTES
May 07, 2009

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2009 MAY 26 PM 6:51
FOXBOROUGH, MA 01938

Committee Members Present: Lauren Bitar, Jim Devellis, John Dustin, Michael Fitzmaurice, Thom Freeman, Bob Garber, H Hardie, Tim Kenneally, Jeff Rudd, Jenna Strickland, Gary Whitehouse.
Members Absent: Brian Walton

Others Present: Members of the Planning Board - Marc Resnick, Kevin Weinfeld, Bill Grieder, Scott Barbato and Ernie Cataloni and Randy Scollins, Finance Director.

The meeting was brought to order at 8:00 PM by Jim Devellis, Chairperson.

8:00 – Warrant Article #23 Discussion – Jim Devellis opened the discussion with a brief explanation of why the Committee should review the previous vote taken on this Article in light of subsequent information. He asked the Planning Board to comment on their decision to not support Article 23.

Ernie Catalino's comment was that there are several drawbacks to this project and it is not quite what was first presented. Kevin Weinfeld pointed out that Foxborough is fortunate to have Don Schmidt working at the State level. Don Schmidt said the State is "no where near" approving this 40R project for Foxborough. Kevin said there are other communities in line for the \$13M available and they all ready have things in place. He said the 40R requirements are not the same any more. In reading the "fine print" the developer could do this by right without going to any other Board and this would impact local control. Kevin felt the information before the Planning Board is not tenable and therefore voted not to approve the project. Bill Grieder said there are three communities that have submitted their applications. He said it is reasonable to assume that if they are successful those would be funded ahead of Foxborough. He pointed out that there is a possibility of being granted \$75,000 and then take \$20,000 for the developer. Bill reported that Don Schmidt said approval would not be in time for Town Meeting and that would mean an extension of Town Meeting just to get started. Bill also pointed out that if the money was available and permits pulled the maximum would be \$210,000. He said there are three partners involved in land issues. This project is contingent on the parcel of land behind the football field being developed and at this time one of the partners has not exercised the option to buy this land. It is currently designated for a certain type of housing and if 40R is approved, there would be no concern because it could then be developed "by right" for whatever kind of housing the developer decides to put there. Bill said this is not what was presented to the Town; a 40R would be much better if it were going to be built on a blank piece of property. Gordon Greene said the Town is fortunate to have Don Schmidt working with the Town on this. He feels the Planning Board has asked the right questions. He feels this is something that is not going to "fit" in Foxborough; they could build as many as twenty units per acre. He said the Planning Board has spent a lot of time investigating this.

Marc Resnick, Planning Administrator, pointed out that State approval of 40R is contingent upon approval at Town Meeting; there would have to be a Special Town Meeting set up because the Town would not receive an approval letter by May 12th. Kevin Weinfeld spoke about special permits being a very strong instrument for enforcement and the Town can do many things under a special permit but it cannot be more restrictive than what the development agreement states – the special permit and the agreement must match.

Paul Mortenson asked what was different about what the Committee was hearing tonight and what was presented. Kevin Weinfeld pointed out that the 50 units for which permits have all ready been pulled would not be included in this development. The State declined to allow that. Bob Garber said that this came before the Committee very late in the process. He suggested that in the future it would be better to get the information to the Committee earlier even if it would be weeks before the Committee would make a decision. This would give the Committee more time to do due diligence and make informed decisions.

Motion by H Hardie to rescind the previous favorable vote on Article 26. Seconded by Lauren Bitar. ¹¹
Vote: 10-0-0

Motion by H Hardie to approve Article 26 – 40R Zoning Overlay District as it appears in ATM Warrant. Seconded by Lauren Bitar.
Vote: 0-9-1
¹¹

8:20 – W&S Discussion – Mike Stanton, W&W Commission, came before the Committee to discuss Article #15 – Sewer Article. Mike advised the Committee that the Commission had taken a formal vote on Article #15 for “no action”. He said they would move ahead with a subcommittee to develop a fair and right formula for a regional concept. He said the timing is too tight and there is still work to do. He said the budget figures are acceptable to W&S Commission and there are some other things that they need to focus on. He suggested that the Advisory Committee recommend “no action” at this time. A brief discussion was held.

Motion by Gary Whitehouse to rescind the previous vote on Article 15 – Amend the Sewer Act. Seconded by Jeff Rudd.
Vote: 10-0-0
¹¹

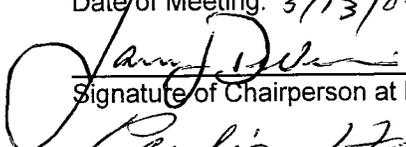
Motion by John Dustin to vote “no action” on Article 15 – Amend the Sewer Act as it appears in the ATM Warrant. Seconded by Gary Whitehouse.
Vote: 10-0-0
¹¹

8:40 – Conservation Commission – Bob Boette, Conservation Chairman, said a budget request had been made for a full time Conservation Agent as well as for a secretary. He said the total budget submitted for Conservation was \$70,314.00 and he said he was told the requested amount would be printed. It was not. He has had discussions with Andy Gala and Randy Scollins in this regard. He was told that they have the authority to reduce this to a part time person. He anticipates putting a hold on that budget line item at Town Meeting. He wants an explanation as to why the requested budget amount was not printed. Randy Scollins explained that Town Management has the authority to recommend a discounted amount. He said many departments felt the lowering of their numbers. He said that had to be done in order to recommend a balanced budget to the Board of Selectmen. Randy pointed out that Town Meeting cannot vote a number higher than what is requested in the budget. Bob Boette said he wants to give the Town the opportunity to vote either up or down on that item. He said he just wants to get a statement and that the number printed is what the Commission will go with.

9:00 – General Business - A brief discussion was held regarding final meeting of the year and approval of minutes. Next meeting is scheduled for May 13th.

Motion to adjourn by Lauren Bitar. Seconded by Jeff Rudd
Vote: 10-0-0 Meeting adjourned at: 9:00 P.M.

Minutes Approved by Vote of the Advisory Committee.
Date of Meeting: 5/13/09 Vote: 10-0-0



Signature of Chairperson at Meeting of Vote



Signature of Secretary at Meeting of April 1, 2009