

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

May 13, 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

Mike Brown (Chair)	June 2024
Marlowe Farrar (Vice Chair)	June 2024
Raffaella Zizza-Feinstein	June 2024
Kevin Mack	June 2025
Paul Hainsworth	June 2025
Daniel Peterson	June 2025
Michael Chaisson	June 2026
Shelby Kornbluth	June 2026

**SUMMARY OF TOWN WARRANT RECOMMENDATIONS
ANNUAL TOWN MEETING - MAY 13, 2024**

No.	Article (Advisory Committee Presenter)	Recommendation
1.	Annual Town Elections	N/A
2.	Annual Town Reports	N/A
3.	Reports of Committees	N/A
4.	Operating Budget (Brown)	Approve
5.	CIP Budget (Peterson)	Approve
6.	FY24 Capital Budget Requests (Peterson)	Approve
7.	Transfer to Stabilization Fund (Farrar)	Approve
8.	FY25 Revolving Fund Annual Spending Limits (Farrar)	Approve
9.	Transfer to Opioid Remediation Fund (Kornbluth)	Approve
10.	Transfer to Fire Stabilization Fund (Zizza-Feinstein)	Approve
11.	Fire Stabilization Fund Transfer to Fire Budget FY24 (Zizza-Feinstein)	Approve
12.	Fire Stabilization Fund Transfer to Fire Budget FY25 (Zizza-Feinstein)	Approve
13.	DPW Expansion Project (Mack)	Approve
14.	Police Women's Locker Room (Zizza-Feinstein)	Approve
15.	76 Main Street Acquisition Authorization (Hainsworth)	Approve
16.	Senior Center Sale/Disposition (Hainsworth)	Approve
17.	Services to Council on Aging/Human Services Staff Members (Kornbluth)	Approve
18.	Raising Senior & Veteran Tax Work-off Program (Kornbluth)	Approve
19.	Amend Sewer Service Area Map (Mack)	Approve
20.	Increase the Authorized Term of an Intermunicipal Agreement (Mack)	Approve
21.	Affordable Housing Trust (Kornbluth)	Approve
22.	Auditorium Zoning Amendments (Chaisson)	Approve
23.	Auditorium Disposition of State Hospital Land (Chaisson)	Approve
24.	State Hospital Reuse Committee (Chaisson)	Approve
25.	Citizen Petition – Foxboro Pathway Feasibility Study (Brown)	Do not Approve

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| 26. Foxborough Multifamily Overlay District Bylaw (Farrar) | Do not Approve |
| 27. Zoning Amendment: Commuter Rail Station Definition (Farrar) | Approve |
| 28. Zoning Bylaw Amendment: Institutional Use Definition (Farrar) | Approve |
| 29. Zoning Amendment: Parking Definition (Farrar) | Approve |
| 30. Zoning Bylaw Amendment: Accessory Uses and Structures (Farrar) | Approve |

ARTICLE 4: Operating Budget

Select Board

THE ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 4

The Town of Foxborough FY25 Total Operating Budget proposal of **\$96,588,253** is being **Recommended** for approval by the Advisory Committee. The Advisory Committee voted unanimously to recommend approval of each of the Department budgets described in the Table below except for the Education and Culture and Recreation budgets, which also received strong endorsement votes, 7-1 and 6-1 respectively.

FY 2025 Budget Summary and FY 2024 Comparison

	FY 24	FY 25		FY 25
Department	Budget (\$)	Recommended (\$)	Change	% of Total
General Government	\$4,705,902.00	\$4,750,829.00	0.95%	4.92%
Public Safety	\$11,461,732.00	\$12,066,199.00	5.27%	12.49%
Education	\$41,539,541.00	\$42,987,742.00	3.49%	44.51%
Public Works	\$2,695,991.00	\$2,755,637.00	2.21%	2.85%
Human Services	\$1,344,544.00	\$1,339,208.00	-0.40%	1.39%
Culture and Recreation	\$1,240,711.00	\$1,272,714.00	2.58%	1.32%
Debt Service	\$3,411,069.00	\$3,254,761.00	-4.58%	3.37%
Insurance & Other	\$18,035,931.00	\$19,045,309.00	5.60%	19.72%
Total General Fund	\$84,435,421.00	\$87,472,399.00	3.60%	90.56%
Water Enterprise Fund	\$7,208,518.00	\$7,280,213.00	0.99%	7.54%
Sewer Enterprise Fund	\$1,769,150.00	\$1,835,641.00	3.76%	1.90%
Total Enterprise Fund	\$8,977,668.00	\$9,115,854.00	1.54%	9.44%
Total Operating Budget	\$93,413,089.00	\$96,588,253.00	3.20%	100%

Overall, the Advisory Committee felt the proposed budget exercised appropriate discipline and conservatism. The Town is recommending that the FY2025 budget increase 3.2% over FY2024 totals. Education, Insurance and Other, and Public Safety have been recommended with the largest percentage shares of the approximate \$3.1M increase. Most of the other department budgets are recommended with less than 3% increases; actual Debt Service expenses are scheduled to decrease over \$150K (4.58%) in FY25.

The Advisory Committee was presented with detailed descriptions of the recommended increases (\$1.4M or 3.49%) to the Education budget. The increase is driven primarily by two components, increases in Staffing to provide services for “newcomers’ and for Special Needs students. School management expects approximately \$500K in State funding for the Newcomers. The Advisory Committee largely supported the necessity for the increase to maintain average overall class sizes and services.

The budget for Insurance and Other was presented with an increase of just over \$1M (5.6%). This increase is largely driven by the cost to fund Group Health insurance and Pension payments for Town employees, totals of which are provided by the Massachusetts Interlocal Insurance Association and the Norfolk County Retirement System, respectively. These two providers coordinate pension obligations and health and casualty insurance services for towns, such as Foxboro, that participate. Cost increases are determined by these external parties. The Advisory Committee unanimously voted to recommend approval of the Insurance and Other budget.

Lastly, the overall Public Safety budget is recommended with an approximate \$600K (5.27%) increase. A large component of the increase is due to contractual salary adjustments. In addition, the assessment from the emergency call center ‘Southeastern Massachusetts Regional Emergency Communications Center’ increased \$150K (33.33%) after State subsidies were eliminated.

Aside from these increases, the Advisory Committee had detailed discussions with Town management about requests for additional staff from both the Police and Fire Departments. The Police Department budget includes an additional School Resource Officer, which would be paid by Foxboro Public Schools and the Foxboro Charter School. The Fire Department budget includes an additional firefighter. The Fire Department has incurred both increased volumes of ambulance calls and longer emergency ambulance runs do to the current local hospital situations; with Norwood Hospital closed and the Brockton’s Samaritan overloaded. It was also noted that an independent study of the FFD staffing performed in 2019 recommended two additional hires by this year, none of which have been added. The Advisory Committee felt these increases were in the best interests of the Town and voted 7-0 to recommend the Public Safety budgets.

Overall, the Advisory Committee believes that this budget proposal demonstrates the appropriate fiscal responsibility while continuing to provide quality services to the residents of Foxborough.

ARTICLE 5: CIP Budget

Select Board

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 5: VOTE OF 8-0-0

This Budget was developed by the CIP Committee and approved by the Select Board. The CIP Committee is responsible for reviewing spending requests for major, non-recurring tangible assets, including vehicles and equipment, which have a useful lifespan of at least 5 years AND cost over \$25,000.

The total budgeted amount for Capital Expenses is \$4,611,583, with \$2,919,446 coming from Free Cash, compared to \$4,040,981 and \$1,343,844 in 2024 respectively. Warrant Schedule A contains a summary of the recommended departmental expenditures, description of assets, costs, and the funding sources.

In More Detail:

Replacement of vehicles and equipment:

The Information Systems Department, School, Fire and Police Departments along with the DPW and Water and Sewer Departments have submitted requests for various vehicles and equipment summarized in Schedule A that has reached the end of life. Upon review, the Advisory Committee found these to be normal replacement requests for these departments to carry out their missions.

IT:

\$550,000 of the Capital Budget is allocated to IT related equipment purchases for network, computer, software, and system improvements and upgrades.

Master Plan:

The last master plan was started in 2012 and approved by the planning board in 2015. Best practice recommends that the master plan be revised every 10 years. Half of the total cost of the master plan is being covered by state grant funding.

Street and Sidewalk Construction:

\$360,000 was allocated to aid in street and sidewalk reconstruction. This allocation was made in response to public requests by concerned citizens about the state of the roads and sidewalks in town and the Advisory Committee agreed with the request and associated funding source.

The Advisory Committee recommends approval of the Capital Improvement Planning Budget.

ARTICLE 6: FY24 Capital Budget Requests

Select Board

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 6:

VOTE OF 7-0-0

Article 6 is designed to authorize Capital Expenses for the town prior to the next fiscal year beginning July 1, 2024. This budget was developed by the CIP Committee and approved by the Select Board. The CIP Committee is responsible for reviewing spending requests for major, non-recurring tangible assets, including vehicles and equipment, which have a useful lifespan of at least 5 years AND cost over \$25,000.

The budgeted amount for Capital Expenses for this past calendar year was \$4,040,981. This proposal will be an additional \$919,402, for a total of \$4,960,383 FY 24. All the additional funding will come from Free Cash for a total of \$2,263,246 for FY 24. The table in Article 6 of the Warrant contains a summary of the recommended departmental expenditures, description of assets, costs, and the funding source.

In More Detail:

Replacement of vehicles and equipment:

The School, Police, and DPW Departments have submitted requests for various vehicles and equipment that have reached the end of life summarized in Article 6 of the Warrant. Specifically, one school bus is ready for purchase and immediate delivery. Upon review, the Advisory Committee found these to be normal replacement requests for these departments to carry out their missions.

Street and Sidewalk Construction:

\$350,000 was allocated to aid in street and sidewalk reconstruction in FY24. This allocation was made in response to public requests by concerned citizens about the state of the roads and sidewalks in town and the Advisory Committee agreed with the request and associated funding source.

The Advisory Committee recommends approval of this article.

ARTICLE 7: Transfer to Stabilization Fund

Select Board

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE:

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.

Recommendation:

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

ARTICLE 8: FY 25 Revolving Fund Annual Spending Limits

Select Board

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE:

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. For instance, the Recreation Department has a Summer Camp program where fees are collected to finance operational expenses. Under this system, the Recreation Director can incur costs associated with preparing and running the Summer Camp confident that the collected fees will cover the expenses. 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 9: Transfer to Opioid Remediation Fund

Select Board

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 9:

VOTE OF 7-0-0

Background:

In July of 2021, the Massachusetts Attorney General reached settlements with opioid distributors. Certain Massachusetts political subdivisions, which includes Foxborough, are eligible to participate in the share of the global settlement. The Massachusetts Subdivisions are collectively eligible to receive 40% of each Annual Payment of Abatement Funds. Abatement funds shall be solely used to supplement and strengthen resources for substance use disorder prevention, harm reduction, treatment, and recovery.

Article 9 requests that the town transfers \$114,439.39 received from the Abatement into the Opioid Remediation Fund between the Settlement date to June 30, 2023 to fund prevention, harm reduction, treatment, and recovery in Foxborough. All Abatement Funds received from July 1, 2023 onward will go directly into the Opioid Remediation Fund.

ARTICLE 10: Transfer to Fire Stabilization Fund **Select Board**
ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE: VOTE OF 7-0-0

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 an annual approval. The transfer this year amounts to \$200,000 dollars must be transferred from the General Fund into the Fire Stabilization Fund.

ARTICLE 11: Fire Stabilization Fund Transfer to Fire Budget FY 2024 **Select Board**
ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE: VOTE OF 7-0-0

Town Meeting approval is necessary to transfer \$150,000 dollars from the Fire Stabilization Fund to cover the Fire Department costs incurred during FY 2024 and described in Article 10 above. On January 23, 2024, \$50,000 dollars was transferred into the Fire Stabilization Fund, the additional transfer of \$150,000, will cover remaining costs.

ARTICLE 12: Fire Stabilization Fund Transfer to Fire Budget FY 2025 **Select Board**
ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE: VOTE OF 7-0-0

Town Meeting approval is recommended to transfer \$100,000 dollars from the Fire Stabilization Fund to the fund the FY 2025 Fire Budget.

ARTICLE 13: DPW Expansion Project **Select Board**
THE ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 13: VOTE OF 7-0-0

The purpose of this article is to seek Town approval to borrow, transfer from available funds, or raise and appropriate funds to pay for the addition and maintenance of the existing Foxboro Public Works Facility, located on a 9 3/4 Acre lot at 70 Elm St. (Map 107, parcel 036)

The plan includes construction of a new 10,000 square foot addition with 5 maintenance bays, a wash bay, and extensive site work that includes new pavement, utilities, storm water infrastructure, lighting and power, removal of the existing (underground fuel tanks) and the purchase and install of a new above ground fuel system.

Work on the Existing building will include new masonry walls and finish, upgrades to the existing gas and electrical utilities, a new fire suppression system and upgraded fire alarms.

To meet this appropriation, the Town Treasurer, with approval of the Select Board, shall be authorized to borrow pursuant to G.L.(general law)c. 44 § 7(1), or any other enabling authority, and to issue bonds and notes of the Town therefor; or take any other action related thereto.

While the expense for developing the site is significant, the Advisory Committee recommends approval given the current conditions and age of the property and the environmental concerns.

ARTICLE 14: Police Women’s Locker Room

Select Board

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 14

VOTE OF 7-0-0

This article focuses on the needs of our expanding number of female police officers. Currently the Foxborough Police Department has 41 police officers which includes 7 female officers. The hiring trend nowadays is to further increase female representation. This trend was not considered in the original design of the Public Safety Building. Currently the capacity of our female locker room is extremely insufficient and includes a single toilet (WC water closet style), one shower, and a sink. The 8 lockers which are 24” x 24” x 6’ wardrobe lockers are extremely insufficient to store uniforms and other personal equipment, much of the equipment issued to officers to perform their duties today is being stored on the floors adjacent to the lockers.

The proposal increases the number of female officer lockers by 6 units from 8 to 14, an additional shower, sink and toilet. To accommodate this expansion, the female locker room would require a 24ft by 24ft. addition at the rear of the male officers’ locker room. This expansion will also require the movement of a yard drain in the parking area behind the Public Safety Building. The estimated cost of this proposal is \$700,000 dollars.

ARTICLE 15: 76 Main Street Acquisition Authorization

Select Board

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 15:

VOTE OF 7-0-0

This article proposes authorizing the Town of Foxboro to buy the former LDS church property at 76 Main Street. The Town has already had its offer accepted by the seller; approval of this article tonight is required for the sale to proceed. The purchase price includes 3 needed upgrades to the property: adding an elevator, adding a back-up generator, and connecting the building to sewer service. This purchase would enable the Town to create a new Community Center which would be the headquarters for the Human Services Department, comprised of the Council on Aging, Recreation, and Veteran Services Divisions. This purchase would be roughly a quarter of the estimated cost to build new. The church building is large enough to accommodate the proposed uses, and it has been thoroughly inspected and is in very good condition. Two independent tests have found no issues with mold. There is plenty of parking.

The negotiated sale price is above the original asking price because other bidders were involved. Because of the location, the suitability of the existing building for repurposing, and the cost savings compared to building new, it would have been very unfortunate if the Town had bid too low and lost this opportunity.

ARTICLE 16: Senior Center Sale/Disposition

Select Board

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 16:

VOTE OF 7-0-0

This article proposes authorizing the Town of Foxboro to sell the existing Senior Center on Central Street (assuming Article 15 is approved). Selling the existing Senior Center makes sense to offset the

cost of buying and upgrading 76 Main Street.

ARTICLE 17: Services to COA and HS Staff Members **Human Services Department**
ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 17: VOTE OF 6-0-1

This article is proposed to update language in the Town Bylaws that references the old Department Name “Council on Aging and Human Services” and “COA/HS” and replace it with “Human Services Department” in all instances. It also proposes updating “COA/HS Director” with “Director of Human Services” in all instances in the Town Bylaws. This is a “housekeeping” article. The Advisory Committee recommends approval of this article.

ARTICLE 18: Raising Senior & Veteran Tax Work-off Program **Human Services Department**
ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 18: VOTE OF 7-0-0

Under Massachusetts G. L Chapter 59 Section 5K there is a Senior Work Off program in Foxboro that allows veterans and seniors over 60 to reduce their property taxes up to \$1500 per year after completing 100 hours of volunteer service at a rate of \$15 per hour. Article 18 will increase the allowable property tax reduction to \$2000 per year. Additionally, Article 18 will revise the hourly rate from \$15 to the current hourly minimum wage for the Commonwealth of Massachusetts for services provided so that the hours needed to achieve a credit of \$2000 will be based on the current minimum wage.

The Advisory Committee recommends approval of this article.

ARTICLE 19: Amending Sewer Service Area Map **Water and Sewer Commission**
THE ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 19: VOTE OF 7-0-0

This article asks for Town approval to allow the following parcels (that have so requested) be incorporated into the Sewer Service Area and to amend the "Sewer Service Area Map" with the parcels designated.

ARTICLE 20: Increasing the Authorized Term of an Intermunicipal Agreement
Water and Sewer Commission
THE ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 19: VOTE OF 7-0-0

This article seeks Town approval to authorize the Select Board to petition the General Court for the enactment of Special Legislation. This legislation would authorize the Town, (acting by its Select Board) to extend the term of an agreement entitled, "Amended and Restated Intermunicipal Agreement by and between the Town of Foxboro and the Town of Sharon for Municipal Sewer Service" dated August 1, 2023. Currently, the term of the contract is for 25 years and the article proposes to extend it to no more than 99 years. The proposal is to support commercial activity.

The Advisory Committee does not perceive any material risks in extending the contract and recommend approval.

ARTICLE 21: Affordable Housing Trust

Select Board

THE ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 21: VOTE OF 6-0-1

The Affordable Housing Trust was established in May of 2013 at the Annual Town Meeting with the receipt of a donation of \$320,000 from Douglas King and extended at the Annual Town Meeting in May of 2019. Funds in this trust have been used previously on the Walnut St. Project.

Article 21 requests to extend the trust to July 1, 2030, so that the funds can continue to be used and it does not lapse. It is anticipated that the remaining funds will be spent in 2024 but withdrawal from the fund may be delayed. Select Board approval is required prior to spending the funds.

The Advisory Committee recommends approval of this article.

ARTICLE 22: Auditorium Zoning Amendments

Select Board

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 22: VOTE OF 7-0-0

This article proposes to amend sections of the Code of the Town of Foxborough to permit the implementation of the Reuse Consensus Plan for Foxborough State Hospital Property regarding to the Chestnut-Payson Overlay District (CPOD) and the Foxborough State Hospital Property. The proposed changes would permit the construction of 246 residential units in the Chestnut-Payson Overlay District and the construction of 297 residential units on the Foxborough State Hospital Property. This proposed article would also change Table 9-1 Dimensional Regulations for the Chestnut-Payson District, by deleting the words “age-restricted senior housing” from the Use Designation. The new use designation will read as “Assisted living”. Approval of this article should make the properties listed above more attractive to potential buyers.

ARTICLE23: Auditorium Zoning Disposition of State Hospital Land

Select Board

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 23: VOTE OF 7-0-0

This article proposes to change the purpose of the property at 10 Payson Road (former State Hospital Assembly Building/Auditorium), 8 Payson Road (parking for former State Hospital Assembly Building/Auditorium), and the northerly portion of 8 Chestnut Street (undeveloped land, former site of the State Hospital "T" building), to the purpose of disposition, sale or lease and authorizes the Select Board and Other Town Officials to take all necessary actions in order to ready it for sale, in compliance with the General Law Chapter 30B.

ARTICLE24: State Hospital Reuse Committee

Select Board

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 24: VOTE OF 7-0-0

This article proposes to authorize the Select Board to petition the General Court for special legislation, as may be required, to set up a State Hospital Reuse Committee. The committee would be responsible for creation, amendment and implementation of a plan for the disposition and reuse of the Foxborough State Hospital property. The committee would also execute any agreements, deeds or other instruments on behalf of the Town relating to the disposition and reuse of the Foxborough State Hospital property.

ARTICLE 25: Foxboro Pathway Feasibility Study

Citizen Petition

ADVISORY COMMITTEE DOES NOT RECOMMEND APPROVAL OF ARTICLE 24:

VOTE OF 0-7-0

This article proposes to authorize the use of Town funds to conduct a feasibility study and report on the potential to develop a “shared use path” from Foxboro Center to Patriot Place. The proposal also includes a study of the feasibility of extending the path to both the Walpole and Mansfield borders to potentially connect with additional regional trails.

The Advisory Committee agreed with the value of establishing additional pedestrian and bicycle paths within the town. However, The Committee was concerned about expending funds on a feasibility study without a clearer plan for both the location and direction of any possible trail or the manner in which that possible trail construction might be funded.

ARTICLE 26 Foxborough Multifamily Overlay District Bylaw

Planning Board

ADVISORY COMMITTEE DOES NOT RECOMMEND APPROVAL OF ARTICLE 24:

VOTE OF 2-5-0

Background

In 2021, the Massachusetts Legislature enacted the MBTA Communities Law. This law mandates all 177 cities and towns that are served by the MBTA or are adjacent to a city or town that is served by the MBTA to establish at least one zoning district of reasonable size where 15 units per acre of multi-family housing is permitted **by right**. The deadline for implementing this zoning change is **December 31, 2024** for cities and towns such as Foxborough in which a commuter rail station is located. The zoning district required by this law must be located not more than ½ mile from the commuter rail station and must be at least 50 acres in area. The Massachusetts Executive Office of Housing and Livable Communities has determined that Foxborough’s zoning district must allow for the construction of **1,152 multi-family units** without additional approvals. It’s important to note that Foxborough is not obligated to construct this exact number of units; rather, the focus and requirement of the law is the creation of a zoning district that allows for such construction.

Consequences of Non-Compliance

Failure to adhere to the new requirements will render Foxborough ineligible for **16 state funding programs**. Since 2019 Foxborough has received \$5,464,000 on these programs. Furthermore, the state Attorney General has made it clear that communities failing to comply with the law may face **civil enforcement action**. Importantly, MBTA Communities cannot evade their obligations by simply forgoing state funding. The law explicitly states that MBTA Communities **must have** a compliant zoning district, leaving no room for opting out.

Proposed Changes and Implementation

To meet the legal requirements, the Town’s planning staff collaborated with Barney Ovrut, Chair of the Zoning Board of Appeals, and engaged a consultant. Together, they developed a plan that complies with the requirements of the law but does so by minimizing the impact to Foxborough’s existing residential areas and by imposing dimensional requirements for the multifamily housing that would be permitted in this district that are comparable to the dimensional requirements for the multifamily housing that our Zoning Bylaw currently permits. The accompanying **Infographic** depicts the proposed district, which is

located on the west side of **Route 1**, opposite Gillette Stadium and Patriot Place. Importantly, this district **does not** abut any existing Foxborough residential areas. It is the only area in Foxborough that would be subject to the requirements of the new law. Much of the property is currently owned by the Kraft Group and serves as a parking lot. It's essential to emphasize that the zoning change does not compel the owners of the properties within this district to construct multi-family residential units; rather, it grants those owners the right to do so.

T MBTA COMMUNITIES

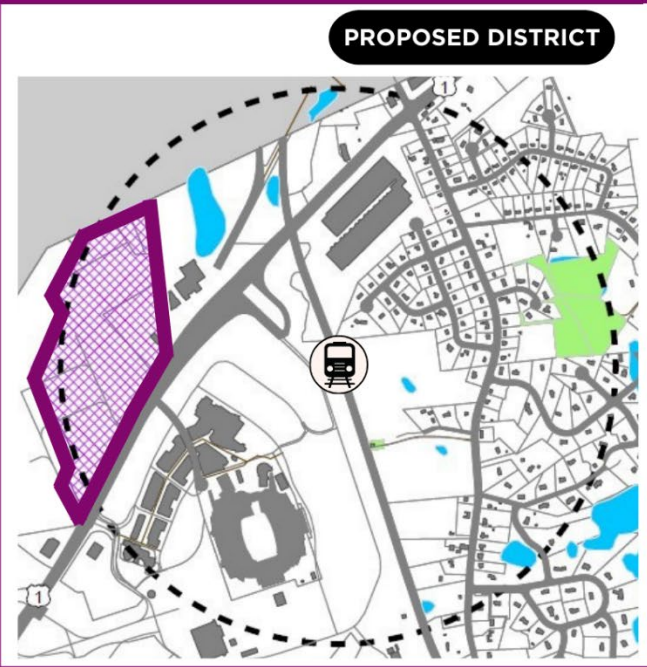
← THE LAW REQUIRES THAT ALL MBTA COMMUNITIES SHALL HAVE AT LEAST ONE ZONING DISTRICT OF REASONABLE SIZE IN WHICH MULTI-FAMILY HOUSING IS PERMITTED BY RIGHT →



THE LAW 177 CITIES AND TOWNS MUST COMPLY.
 "...SHALL HAVE A MINIMUM DENSITY OF **15** UNITS PER ACRE..."
REFERENCES <https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities>

THE ZONING DISTRICT MUST...

- NOT BE LOCATED MORE THAN 1/2 MILE FROM THE COMMUTER RAIL STATION.
- HAVE NO MINIMUM PARKING REQUIREMENTS FOR NON-RESIDENTIAL USE.
- HAVE NO AGE RESTRICTIONS OR LIMIT ON UNIT SIZE, NUMBER OF BEDROOMS, BEDROOM SIZE, OR NUMBER OF OCCUPANTS.



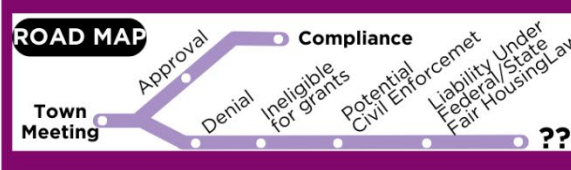
- Schools
- Buildings
- Parcels
- Trails
- Water Bodies
- Open Space
- 5 mile Radius from Transit Station
- FMOD (50.30 Acres)
- Train Station

MAY 6 TOWN ELECTIONS @ AHEARN SCHOOL

IMPORTANT DATES

MAY 13* TOWN MEETING 7PM @ HIGH SCHOOL

*POTENTIALLY ALSO MAY 14



As we navigate the requirements set forth by the MBTA Communities law and the Massachusetts Executive office of Housing and Livable Communities, it is crucial to consider the implications of the new law. Here are our key points:

1. **Deadline and Decision-Making:**

- The deadline for compliance is December 31, 2024.
- Numerous other Massachusetts cities and towns are deliberating whether to adopt or reject the mandated zoning changes.
- Notably, the Town of Milton after initially approving zoning changes to comply with the law, subsequently rejected such provisions. The state has responded by rescinding grants that had previously been approved, and the Massachusetts Attorney General has commenced litigation against that town seeking to compel it to comply with the statutory mandate. As judicial hearings concerning that lawsuit will not be held until this fall, a decision concerning this case will, at best, not be rendered until late in this year.

2. **Challenges and Concerns:**

- Communities with a deadline of December 31, 2024, are expressing concerns about the impact of unfunded mandates.
- Increased population resulting from the construction of multi-family residential units could strain schools, municipal budgets, and taxes.
- The pushback from these communities underscores the need for careful consideration.

3. **Future Possibilities:**

- Given the resistance to the law's requirements from the Town of Milton and the potential for similar rejection of the law's requirements by other Massachusetts cities and towns, there is a possibility that the Massachusetts legislature may amend the law. By contrast, a decision in the Milton litigation that is averse to the interests of that town may signal the requirement that all municipalities that are subject to the law – including Foxborough – must comply with the law's mandates.
- We should remain vigilant and make a final decision in light of potential changes (or not) to the law.

Advisory Committee Recommendation

Although there has been a diligent effort to draft revisions to the Zoning Bylaw that satisfies the requirements of the MBTA Communities Law and minimizes adverse impacts to the Town, compliance is not required until December 31, 2024. The Advisory Committee accordingly believes that a prudent course of action would be to monitor possible revisions to the law or to the compliance guidelines that have been developed by the Massachusetts Executive Office of Housing and Livable Communities that may result from the actions of other cities and the outcome of the Town of Milton litigation.

In the event that this article is approved at this Town Meeting, any property owner within the overlay district that proceeds with plans to construct multifamily dwelling units in accordance with the approved bylaw will be authorized to do so. Any subsequent legislative revisions that in some manner

lessen the requirements of the current law, and subsequent modification of Foxborough's bylaws to comply with those revisions, will not affect those plans.

Given these considerations and with the hope that the next several months may provide a clearer and hopefully more favorable understanding of the prevailing landscape, the Advisory Committee recommends voting no on the article and reconsidering the the proposed bylaw provisions that are in this article to a fall Town Meeting.

ARTICLE 27: Zoning Amendment: Commuter Rail Definition **Planning Board**

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 24: VOTE OF 7-0-0

The Zoning Section in the Towns Bylaws contains a Definition Section (Section 11.1). The section does not contain a definition for a **Commuter Rail Station**. This article adds a definition:

“COMMUTER RAIL STATION – Any commuter rail station operated by the Massachusetts Bay Transportation Authority with year-round, rather than intermittent, seasonal or event-based, service.

ARTICLE 28: Accessory Uses and Structures **Planning Board**

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 24: VOTE OF 7-0-0

This change corrects two discrepancies in bylaws on Accessory Uses and Structures. The first change corrects a discrepancy on where Accessory Uses and Structures are allowed. The second corrects a discrepancy in allowed gross area for the structure in two sentences.

1. In the current bylaw the **Section 3.1.6 Table of Uses** allows Accessory Apartments in R-40 (Residential and Agricultural District), HB (Highway Business District), GI (General Industrial District), LI (Limited Industrial District) and S-1 (Special Use District) and it should not.
2. Section **11.1 Terms Defined**, the definition of Residential Storage Structure says ‘... not to exceed 200’ gross area.’ and to be consistent with area requirement in another bylaw it should state ‘not to exceed 400’ gross area’.

ARTICLE 29: Zoning Amendment: Parking Definition **Planning Board**

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 24: VOTE OF 7-0-0

Background:

The Zoning Section in the Towns bylaws contains a Definition Section (Section 11.1). It currently contains definitions for **Parking Lot** and **Temporary Parking Lot** but they are not listed together as terms are listed in alphabetical order. The Definition section does not contain a definition for a **Multilevel Parking Structure**.

Proposal and Objective:

This article adds a definition for **Multilevel Parking Structure** and groups the three terms together.

ARTICLE 30: Accessory Uses and Structures

Planning Board

ADVISORY COMMITTEE RECOMMENDS APPROVAL OF ARTICLE 24: VOTE OF 7-0-0

This change corrects two discrepancies in bylaws on Accessory Uses and Structures. The first change corrects a discrepancy on where Accessory Uses and Structures are allowed. The second corrects a discrepancy in allowed gross area for the structure in two sentences.

- a. In the current bylaw the **Section 3.1.6 Table of Uses** allows Accessory Apartments in R-40 (Residential and Agricultural District), HB (Highway Business District), GI (General Industrial District), LI (Limited Industrial District) and S-1 (Special Use District) and it should not.
- b. Section **11.1 Terms Defined**, the definition of Residential Storage Structure says ‘... not to exceed 200’ gross area.’ and to be consistent with area requirement in another bylaw it should state ‘not to exceed 400’ gross area’.