

Time being 7:00 p.m. **June 7, 2021** Paul Steeves opened the meeting of the Foxborough Board of Health, under the Open Meeting Laws of the State of Massachusetts. Paul Steeves, Chairman presiding, Betsy Allo, MPH, Vice-Chairman, and Eric Arvedon, Clerk were present. Meeting took place in the Andrew A. Gala, Jr. Meeting Room inside the Foxborough Town Hall at 40 South Street.

Others present:

Matthew Brennan, Director of Public Health

Diane Passafaro, Public Health Coordinator/Recorder

E. Arvedon read the agenda of the June 7, 2021 Board of Health meeting, aloud.

**7:00 p.m. Bay Colony Group, Inc. - William R. Buckley, Jr., P.E.
Discussion and possible vote to modify the existing bedroom deed restriction
at 30 Taylor Road from one-bedroom to two-bedroom**

Representing the Owner of 30 Taylor Road was Principal Engineer, William R. Buckley, Jr. with Bay Colony Group, Inc.

Others present relative to this agenda item:

Jack Authelet

Elliot Guenard

David Oberlander

Jayne Siteman

Robert Siteman

W. Buckley presented the Board with a history of the property located at 30 Taylor Road. Of relevance was the property's septic system upgrade completed in July 2015 and the one-bedroom deed restriction that was recorded, as a condition of the upgrade. David Oberlander, the engineer that designed the septic system currently on the property, was present and provided the Board with a copy of the 2015 septic system design plan. W. Buckley explained that the system installed on the property in 2015 was a two-bedroom design, as noted on the design plan "*Use 220 GPD (Title 5 Minimum)*". This two-bedroom design flow was allowed per Title V regulations if a deed restriction was placed on the property. At the time of the design, Engineer David Oberlander confirmed with the Property Owner the number of bedrooms the dwelling contained. Owner, Jack Authelet signed off that there was one bedroom and this was documented onto the deed.

W. Buckley explained, Owner Jack Authelet is uncertain why he stated the dwelling was a one bedroom at that time. Updates to the home, those which included the addition of a second bedroom, occurred many years prior to 2015 and prior to the promulgation of the new Title V Code in 1995. W. Buckley further stated that an onsite walk through of the dwelling with Foxborough Health

Department's Septic Inspector, Kevin Duquette did occur, and both parties confirmed it was a two-bedroom home.

E. Arvedon asked about logistics relative to modifying the current deed restriction on the property. W. Buckley was not able to confirm how a modification to a current deed could be done, but would speak to counsel on the matter.

E. Arvedon made a motion to modify the current bedroom deed restriction on the property located at 30 Taylor Road, from one-bedroom to two-bedroom, given that the design flow of the current septic system is adequate to handle two bedrooms. B. Allo seconded the motion. Paul Steeves called for discussion.

W. Buckley stated that after speaking with counsel, he will draft a template of the modified deed restriction to be recorded for the Board's review and approval. W. Buckley also advised the Board that the motion should include a condition that addresses the current septic system and what modifications to the current system would be required should the property undergo any substantial property upgrades.

E. Arvedon moved to amend the motion on the floor and to insert at the end of the motion, the following:

Any substantial upgrades that may occur on the property in the future will require the use of a nitrogen reduction system.

B. Allo seconded the motion, as amended. Hearing no further discussion, P. Steeves called for a vote on the amended motion. All in favor, motion passed 3 – 0.

Hearing no further discussion relative to 30 Taylor Road, P. Steeves closed the matter at 7:26 p.m.

7:26 p.m.

E. Arvedon made a motion to approve the following bills.

Mass. Env. Health Assoc. (Spring Seminar - JR)	\$40.00
Lifeworks, Inc. (May Services)	\$812.83
D.P. (Communications Stipend - May)	\$50.00
J.R. (Communications Stipend - May)	\$50.00
O'Reilly Auto (Town Vehicle Oil Change)	\$40.33
M.B. (Communications Stipend - May)	\$50.00
Geocko, Inc. (New COVID-19 Webpage - COVID Grant)	\$3,100.00
M.B. (Mileage - January through April)	\$34.16
Frederick J. Jones (Constable Service - Foxboro Addressee)	\$60.00
Karen A. Blair (Constable Service - Mansfield Addressee)	\$65.00
Verizon Wireless (May Data Usage Charge for Insp. Tablets)	\$79.98
Taylor Technologies (Pool Inspection Supplies)	\$42.64

NEIWPC (Soil Evaluator Renewal - JR)	\$75.00
The Pro's Car Care (Town Vehicle Car Wash)	\$32.00
D.P. (Communications Stipend - June)	\$50.00
J.R. (Communications Stipend - June)	\$50.00
Lifeworks, Inc. (June Services)	\$812.87
M.B. (Communications Stipend - June)	\$50.00

B. Allo seconded the motion. Hearing no discussion, P. Steeves called for a vote. All in favor, motion passed, 3 – 0.

**7:30 p.m. Bay Colony Group, Inc. - William R. Buckley, Jr., P.E.
Septic variance, new construction – 16 Garrett Spillane Road**

Representing the property identified as 16 Garrett Spillane Road, was Principal Engineer, William R. Buckley, Jr. with Bay Colony Group, Inc.

(W. Buckley requested that this appointment be an informal discussion of the property)

W. Buckley provided information on the property identified as 16 Garrett Spillane Road, which included a proposed “Sewage Disposal System Design” plan dated February 26, 2021. The property is one of the last homes proposed to be built in the subdivision. Initial clearing of the land associated with the property by the Contractor occurred in November 2020. In January 2021, a vernal pool on the property was certified by the National Heritage and Endangered Species Program, creating a 100 foot “no touch” zone. Following certification of the vernal pool, in March 2021 the Conservation Commission notified all parties that modifications to the footprint of the house, as currently design, was required in order for the proposed house to be outside of the 100 foot no touch zone. It was noted that these modifications may result in non-compliance to Title V setbacks, decreasing the distance between the proposed septic system components and the property line as well as to the home’s proposed foundation. The Conservation Commission suggested this information be brought to the Board of Health’s attention and to provide comment on the project.

The Board discussed the information that was provided to them and confirmed that the proposed system location, as designed and presented on the February 26, 2021 design plan, currently meets Title V Code. In addition, other alternatives, relative to the placement of the system are also available on the property. The Board of Health would not comment on whether they would approve any septic variances brought to them in the future associated with the property.

The Board also stated they would be willing to have further discussions and input from additional parties at a future meeting, including representation from the Conservation Commission.

W. Buckley restated the Boards comments and asked that Director of Public Health, Matt Brennan relay these comments to Conservation Agent, Jane Pierce. M. Brennan acknowledged his request.

Hearing no further discussion relative to 16 Garrett Spillane Road, P. Steeves closed the matter at 8:11 p.m.

8:11 p.m. E. Arvedon made a motion to approve the minutes of April 26, 2021, as written. B. Allo seconded the motion. P. Steeves called for discussion. Hearing none, P. Steeves called for a vote. All in favor, motion passed 3 – 0.

8:13 p.m. Department Updates

- M. Brennan presented to the Board, more detailed information relative to the recent Public Health Excellence Grant (Grant) recently awarded to the Foxborough Health Department. The Grant will allow for the hiring of two inspectors who will be able to provide cross-jurisdictional services across the five Towns of Foxboro, Easton, Mansfield, Norton and Sharon. The money awarded is available through June 30, 2023 with the opportunity to renew after the third year. The Grant requires a “Statement of Commitment” letter to be signed by the Board of Health Chairman. The letter was provided to Paul Steeves for his review and signature.
- A \$5,000 food insecurity grant was awarded to the Foxborough Health Department. The Foxborough Health Department will work with Fair Foods out of Boston to provide foods bags filled with fresh produce to those in need in Foxborough. It is the goal to distribute these bags in close proximity to Foxborough’s low income housing. M. Brennan has been collaborating with multiple Town agencies and organizations, including the Foxborough Food Pantry and Elder Services, during the planning phase.
- The open housing case at 14B Cocasset is currently in mediation with the Court.

Other Updates

- The Board thanked Director of Public Health, Matthew Brennan for his weekly Department updates.
- The Board confirmed there were no conflicts associated with holding a Rabies Clinic, with the assistance of the Foxboro Animal Hospital, one Saturday during the month of September 2021.

8:33 p.m. B. Allo made a motion to adjourn. E. Arvedon seconded the motion. All in favor, motion passed 3 – 0.

The next meeting is scheduled for June 21, 2021.

Eric Arvedon, Clerk/dp