

Town of Foxborough Board of Health
Regular Meeting
Meeting Minutes - November 22, 2021

Members Present: Paul Steeves, Chair, Betsy Allo, MPH, Vice-Chair
Members Participating Remotely via Video Conferencing: Eric Arvedon, Clerk
Members Absent: None

Health Department Staff Present: Matthew Brennan, Director of Public Health, Diane Passafaro, Public Health Coordinator, Recorder

Others Present: Refer to the November 22, 2021 sign-in sheet, included as supplemental meeting documents

P. Steeves opened the regular meeting of the Foxborough Board of Health, under the Open Meeting Laws of the State of Massachusetts, at 7:00 p.m. on November 22, 2021. Meeting took place in the Andrew A. Gala, Jr. meeting room inside the Foxborough Town Hall, 40 South Street, Foxborough, MA.

P. Steeves informed those present that all votes that occur during the meeting will be roll call votes due to E. Arvedon participating remotely.

7:00 p.m. Bay Colony Group, Inc. - William R. Buckley, Jr.
Title 5 septic variance requests relative to the property identified as 31 Water Street. This appointment will re-open the discussion that was tabled during the September 27, 2021 Board of Health meeting and will include review of septic design plans revised November 11, 2021

(During the September 27, 2021 Board of Health meeting, the Board showed concern relative to the location of the proposed septic system to be installed at 31 Water Street, and asked Engineer William Buckley, Jr. to reposition the system on the property so it could be as far away as possible from the body of water identified as Cocasset Lake)

Representing the Owner of 31 Water Street was William Buckley, Jr., P.E., with Bay Colony Group, Inc.

As a result of the Board's suggestions and recommendations, W. Buckley presented for the Board's review, revised septic design plans dated November 11, 2021, for new construction at 31 Water Street. The revised plans showed the leaching field relocated further south on the lot. This new location allows the leaching system to be Title 5 compliant relative to its distance from neighboring wetlands and a tributary to a surface water supply.

Although the leaching system was able to be relocated further from the water, the septic tank could not, requiring a variance. In addition, the location of the leaching system, relative to the proposed lot lines as presented, requires two separate variance requests as well.

W. Buckley confirmed, the type of system to be installed on the property had not changed and the use of a nitrogen reduction system (MicroFAST system) would still be used.

The Board thanked W. Buckley for his creativity and taking heed to the Board's comments and concerns and providing an alternative design that would allow for maximum protection of the groundwater.

M. Brennan commented that there is an area where a proposed sewer line crosses the proposed water line and although all preventative measures are addressed per Title 5, it may still require a variance and need approval by the Board of Health. M. Brennan also commented there have been no other Town Department, Board or Committee approvals to date, which may result in changes to the property and the information presented as part of tonight's meeting.

E. Arvedon confirmed variance approvals for sewer and water lines crossing have been conducted by the Board in the past. He further commented that any vote tonight would be based on the information, as presented to the Board. If future changes occur to the property as a result of decisions made by other Town Boards/Committees, the Owner would need to come back in front of the Board of Health again as needed.

W. Buckley confirmed, at M. Brennan's request, the dwelling is a four-bedroom home only.

P. Steeves opened the room for comments.

The following residents provided public comment:

Brad Pond, 15 Water Street, John Hage, 18 Woodland Road, John Snow, 2 Allens Way: All members of the Cocasset Lake Association and in opposition to the 31 Water Street proposed septic design;

Alan Case, 15 Woodland Road: Read aloud written testimony in opposition to the 31 Water Street proposed septic design plan;

Mark Powers, 44 Prospect Street: Inquired about the potential for future septic variances required for the front lot.

Paul Hainsworth, 10 Woodland Road: Read aloud written testimony in opposition to the 31 Water Street proposed septic design plan

All written testimony was submitted to the Board of Health and is included in supplemental meeting documents.

All others who were present relative to this agenda item are documented on the November 22, 2021 sign in sheet, included with the supplemental meeting documents.

E. Arvedon made a motion to approve a 55-foot variance and allow the septic tank to be located 145 feet from a tributary to surface water supply, where 200 feet is required per Title 5. The motion was seconded by B. Allo. P. Steeves called for discussion.

E. Arvedon stated these votes are based on the information, as presented to the Board at the time of the meeting. If future meetings with other Town Boards or Committees result in changes to the property or denials, then the variances approved by the Board of Health during tonight's meeting would be nullified.

Hearing no further discussion, P. Steeves called for a roll call vote:

E. Arvedon: Aye B. Allo: Aye P. Steeves: Aye

Motion passed.

E. Arvedon made a motion to approve a five (5) foot variance and allow the leaching system to be located five (5) feet from the property line where 10 feet is required per Title 5. The motion was seconded by B. Allo. P. Steeves called for discussion. Hearing none, P. Steeves called for a roll call vote:

E. Arvedon: Aye B. Allo: Aye P. Steeves: Aye

Motion passed.

E. Arvedon made a motion to allow the leaching system component (reserve area) to be located beyond the property line of the facility. The motion was seconded by B. Allo. P. Steeves called for discussion. Hearing none, P. Steeves called for a roll call vote:

E. Arvedon: Aye B. Allo: Aye P. Steeves: Aye

Motion passed.

A member of the public requested that each Board member provide the reasoning behind their individual vote for each variance. P. Steeves acknowledged the request and each Board member provided the following comments:

- P. Steeves commented that the proposed nitrogen reduction system (MicroFAST system) to be used on the property is an excellent treatment system, resulting in high quality effluent. P. Steeves also stated that several of these systems are already installed in the Town and he was not aware of any issues associated with their operation.
- E. Arvedon expressed his support for the use of the proposed nitrogen reduction treatment system and is confident this system can adequately protect the groundwater. He further commented that the 10-foot requirement related to the distance from the property line is so that the septic work is not inadvertently conducted on someone else's property. In addition, the reserve area is rarely utilized during a repair.
- B. Allo believed that the information, as presented, would adequately protect the groundwater and is in support of the use of the nitrogen reduction system as well. She continued and acknowledged that W. Buckley took the Boards concerns seriously and the leaching system is now as far as it can be from the water.

Hearing no further discussion relative to the septic design at 31 Water Street, P. Steeves thanked all those in attendance and closed the matter at 8:02 p.m.

8:02 p.m.

B. Allo made a motion to approve the following bills.

Amazon (BOH Field Inspection Supplies)	\$83.56
D.P. (November C ommunications)	\$50.00
M.B. (November Communications)	\$50.00
Lifeworks, Inc. (November Services)	\$812.83
PeopleGIS, Inc. (Annual Health Permit Software Fee)	\$11,000.00
O'Reilly Auto Enterprises (Town Vehicle Repair Invoice 1 of 2)	\$29.75
O'Reilly Auto Enterprises (Town Vehicle Repair Invoice 2 of 2)	\$24.75

The motion was seconded by E. Arvedon. Hearing no discussion, P. Steeves called for a roll call vote.

E. Arvedon: Aye B. Allo: Aye P. Steeves: Aye
Motion passed.

8:05 p.m. E. Arvedon made a motion to approve the minutes of October 25, 2021 as written. The motion was seconded B. Allo. P. Steeves called for discussion. Hearing none, P. Steeves called for a roll call vote.

E. Arvedon: Aye B. Allo: Aye P. Steeves: Aye
Motion passed.

8:06 p.m. Department Updates

- The public hearing notice relative to the proposed draft Foxborough Board of Health Private Well Regulations, has been posted in multiple areas on the Town's website. The notice for this public hearing scheduled for December 6, 2021, will also be published in the Foxboro Reporter for the next two weeks.
- A letter addressed to Town Administration was recently drafted detailing Board of Health recommendations relative to a *Water Usage Restriction Bylaw*. This letter will be sent to Town Administration for consideration and for this item to be placed on a future Town Warrant.
- The Town of Plainville has joined the existing five-Town shared services agreement that Foxborough is currently a part of. There is potential for additional funds to only go to those municipalities that are part of a shared service arrangement.
- Candidate interviews for the open Assistant Health Director position will be conducted both this week and next.

8:15 p.m. E. Arvedon made a motion to adjourn. The motion was seconded by B. Allo. P. Steeves called for a roll call vote.

E. Arvedon: Aye B. Allo: Aye P. Steeves: Aye
Motion passed.

The next meeting is scheduled for December 6, 2021.

Eric Arvedon, Clerk/dp