

Town of Foxborough Board of Health
Regular Meeting
Meeting Minutes - March 28, 2022

Members Present: Paul Steeves, Chair, Betsy Allo, MPH, Vice-Chair
Members Absent: Eric Arvedon, Clerk

Health Department Staff Present: Matthew Brennan, R.S., Director of Public Health, Diane Passafaro, Public Health Coordinator and Recorder.

Others Present: Shahil Patel, James Nieva, Thomas Kenvin

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 March 28, 2022. Meeting took place in the Andrew A. Gala, Jr. meeting room inside the Foxborough Town Hall, 40 South Street, Foxborough, MA. Paul Steeves, Chair, presiding, and Betsy Allo, Vice Chair, present. Eric Arvedon, Clerk, absent.

Quorum was established.

**7:00 p.m. Shahil Patel, Owner - Tropical Smoothie Café, 22 Patriot Place, Suite 118
New Establishment**

Representing Tropical Smoothie Café, was Owner Shahil Patel. S. Patel explained his food operation as a fast food location serving mainly smoothies and other healthy food items. The establishment is currently open and he has two managers who are certified food managers and he is expected to receive his certificate in the coming weeks. There is also additional company training that all employees are required to participate in upon hire. S. Patel continued and explained food safety steps taken within the establishment, specifically noting when there are allergy concerns. P. Steeves asked if the establishment has experienced any pest issues. S. Patel responded no.

P. Steeves thanked S. Patel for coming and closed the matter at 7:10 p.m.

**7:10 p.m. James W. Nieva, P.L.S., Dunn McKenzie, Inc.
Septic variance request from Title 5 (310 CMR 15.000) for the property located at 5
Hope Avenue**

Representing the Owner of 5 Hope Avenue was James W. Nieva with Dunn McKenzie, Inc. J. Nieva presented to the Board the proposed design plan for the property's septic repair. The system proposing to be installed would be a Presby System. He explained that constraints on the property including small lot size, wetlands in the rear of the property and flood plain issues, is preventing the installation of a compliant Title 5 septic system. Therefore, J. Nieva asked the Board for three variances.

- To allow the system to be installed at 3.1 feet above groundwater where five feet is required.
- To allow the leaching area to be within 38.35 feet of the flagged bordering vegetative wetland
- To allow the septic tank to be 38.7 feet and the leaching field to be 51.5 feet from a domestic potable water supply well where 50 feet and 100 feet, respectively, is required.

P. Steeves asked for green cards, but none were brought forth. The absence of green cards was due to an administrative error within the health department office resulting in communication with J. Nieva, that no green cards were required.

P. Steeves expressed his concern related to the potable drinking water well on the neighboring property not meeting Title 5 setbacks and the absence of abutter notification.

M. Brennan informed the Board the property would also be going in front of the Conservation Commission. In addition, M. Brennan also informed the Board that this type of variance should not be granted if we believe the system can be installed elsewhere on-site. J. Nieva requested to maintain the system in its current location because moving it would require losing the walk-out basement.

Due to the fact no green cards were available, B. Allo made a motion to table the discussion relative to the septic variances for the property located at 5 Hope Avenue, until such time that abutter notification green cards are received and the Board receives follow up from the upcoming Conservation Commission meeting. The motion was seconded by P. Steeves. Hearing no discussion, P. Steeves called for a vote. Motion passed, 2 – 0.

P. Steeves closed the matter of 5 Hope Avenue at 7:30 p.m.

7:30 p.m.

**29 Pine Street – Outbuilding – Rear of Property
Condemnation and Order to Vacate served by the Director of Public Health on
March 21, 2022**

M. Brennan provided an update on the outbuilding structure that was condemned on March 21, 2022 at the property identified as 29 Pine Street. The structure has since been vacated. Subsequently, an order was served to the property owner, but to date they have not requested an appeal. M. Brennan continued saying, the Owner has been cooperative and arrangements will be made to conduct a full comprehensive inspection of the main dwelling that is on the property. The Board was aware of the Owner's business in Town and further discussion among the Board members focused on fines or penalties, if any, that should be given to the Owners as a result of the condemnation.

The discussion associated with 29 Pine Street concluded at 7:48 p.m.

**7:48 p.m. Thomas Kenvin, Public Health Nurse and Deputy Chief – EMS
Follow up discussion of the “Foxborough’s Community Health Assessment”
presentation and the next steps to be taken by the Town and Health Department**

Thomas Kenvin provided the Board with an overview of the recommendations that came about following Foxborough’s Community Health Assessment. He explained there were already existing programs in Foxborough to help meet some of the needs addressed in the recommendations. T. Kenvin specifically touched upon Foxborough’s Social Services Department and their efforts to continuously work toward gaining further programs to assist the broader Foxborough community. Current and immediate-future goals are focusing on transportation and mental health. T. Kenvin concluded his discussion and spoke to areas where Foxborough could improve on. For example, gathering better data on health metrics by working with community stakeholders and gathering data from existing federal databases.

P. Steeves thanked T. Kenvin for attending the meeting and concluded the discussion at 8:18 p.m.

8:18 p.m. Department Updates

- Re-inspections at Patriot Place have shown positive results related to pest control. Patriot Place management will provide an overview of the pest control, following a walk-through with their pest control company, around the plaza as a whole.

8:26 p.m. B. Allo made a motion to approve the minutes of February 28, 2022 as written. The motion was seconded by P. Steeves. Hearing no discussion, P. Steeves called for a vote. Motion passed, 2 – 0.

8:27 p.m. B. Allo made a motion to approve the following bills.

D.P. (March Communications)	\$50.00
M.B. (March Communications)	\$50.00
C.S. (March Communications)	\$50.00
Verizon Wireless (Monthly Data Usage Charge for Insp. Tablets)	\$75.98
Lifeworks, Inc. (March Services)	\$812.83
Fred’s Auto Repair (Annual State Insp. for Town Vehicle)	\$35.00
Bean & O’Connor (Registry Recording of Septic Betterment)	\$110.50

The motion was seconded by P. Steeves. Hearing no discussion, P. Steeves called for a vote. Motion passed, 2 – 0.

8:28 p.m. B. Allo made a motion to adjourn. The motion was seconded by P. Steeves. P. Steeves called for a vote. Motion passed, 2 – 0.

The next meeting is scheduled for April 11, 2022

Eric Arvedon, Clerk/dp