

Town of Foxborough Board of Health
Regular Meeting
Meeting Minutes – April 11, 2022

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 April 11, 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, Betsy Allo, Vice Chair, present. Eric Arvedon, Clerk, absent at the start of the meeting.

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

Others Present: Elizabeth Gregory, James Nieva, Inderjeet Saini

Quorum was established.

7:00 p.m. James W. Nieva, P.L.S., Dunn McKenzie, Inc.
Continuation of discussion relative to the septic variance request from Title 5 (310 CMR 15.000) for the property located at 5 Hope Avenue

James Nieva provided the Board with an update since his last appearance in front of the Board during the March 28, 2022 Board of Health meeting. J. Nieva stated that the Foxborough Conservation Commission, during his most recent meeting with them on 5 Hope Avenue, approved the location of the proposed septic system as presented. However, the Commission did request that the edge of the conservation area be labeled with “Do Not Disturb” signage.

All abutter green cards were mailed by J. Nieva as required for the 5 Hope Avenue septic variance being requested, and all were returned, satisfying the notification requirement. J. Nieva affirmed he had no calls from any abutter about the variance requests. The Foxborough Health Department also did not receive any calls related to the 5 Hope Avenue variances.

(Abutter green cards were submitted to the Board and are included as supplemental meeting documents)

P. Steeves acknowledged the returned green cards and the absence of comments from any abutter. He continued saying the three feet of groundwater separation is not ideal, however, is compliant with the use of a Presby System.

B. Allo made a motion to approve the following septic variances for the septic repair on the property located at 5 Hope Avenue;

1. To allow the minimum vertical separation distance to estimated groundwater elevation from five (5) feet to 3.1 feet under the remedial use provision of the Enviro-Septic by Presby Environmental, Inc.
2. To allow the septic system leaching area to be placed within 38.35 feet of the edge of the flagged wetland edge.
3. To allow a well setback for the septic tank to be at 38.7 feet where 50 feet is required and to allow a well setback for the leaching field to be 51.5 feet where 100 feet is required.

7:08 p.m. Following the motion made by B. Allo, Eric Arvedon, Clerk joined the Board of Health meeting remotely via video conferencing at 7:08 p.m.

P. Steeves updated Eric Arvedon on what had occurred at the meeting in his absence and the motion that was just made. E. Arvedon was aware of the septic variance requests and had the materials relative to 5 Hope Avenue available for his review. He had no questions or comments.

P. Steeves seconded the motion. P. Steeves called for discussion.

B. Allo inquired about the deed restriction proposed for the property requiring the dwelling to be limited to a two bedroom. It was suggested that the deed restriction requirement be in its own motion.

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

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

Motion Passed.

B. Allo made a motion to require a deed restriction, as prepared by the Engineer, be filed with the Norfolk Registry of Deeds, limiting the dwelling located at 5 Hope Avenue to a two bedroom. Motion was seconded by E. Arvedon. P. Steeves called for discussion. Hearing no discussion, P. Steeves called for a roll call vote:

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

Motion Passed.

Hearing no further discussion relative to the septic repair at 5 Hope Avenue, the matter was closed at 7:13 p.m.

7:13 p.m. P. Steeves acknowledged that Taib Gorgy, Owner of Lovely Pizza and Anh Bach Le, Owner of Banh Mi Oi were not present for their scheduled appointments with the Board of Health, and therefore, called Inderjeet S. Saini, Owner of Curry Leaf, to approach the Board.

**7:14 p.m. Inderjeet S. Saini, Owner – Curry Leaf, 29 Washington Street
New Establishment**

Inderjeet Saini introduced himself to the Board as the Owner of the proposed new food establishment located at 29 Washington Street called Curry Leaf. Also present was Elizabeth Gregory who introduced herself as the General Manager for the location. I. Saini informed the Board this food establishment would be his first food business endeavor, but has worked in an Indian restaurant with a similar menu for the past ten years. The current plans for staffing will consist of family members and include a certified food manager and someone certified in allergy awareness.

M. Brennan stated he saw no issues with the plan review submitted to the Office and reminded I. Saini to call when ready for a walk-through before bringing any food into the establishment. In response to B. Allo’s inquiry regarding the number of staff required per establishment, M. Brennan responded saying that the establishment should have a person in charge knowledgeable in food safety during all operational hours.

Hearing no further discussion related to the proposed new establishment, Curry Leaf, P. Steeves thanked I. Saini and E. Gregory for coming and closed the matter at 7:25 p.m.

7:25 p.m. B. Allo made a motion to approve the minutes of March 28, 2022 as written. The motion was seconded by P. Steeves. Hearing no discussion, P. Steeves called for a roll call vote.

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

(E. Arvedon was absent during the March 28, 2022 Board of Health meeting)

7:26 p.m. B. Allo made a motion to approve the following bills.

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| D.P. (April Communications) | \$50.00 |
| M.B. (April Communications) | \$50.00 |
| C.S. (April Communications) | \$50.00 |
| Lifeworks, Inc. (April Services) | \$812.83 |
| Mass. Health Officers Assoc. (Spring Seminar – C.S.) | \$65.00 |

P. Steeves seconded the motion. Hearing no discussion, P. Steeves called for a roll call vote.

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

7:27 p.m. Department Updates

- M. Brennan provided the Board members with a Board of Health regulation template related to *Ensuring the Sanitary and Safe Operation of Marijuana Establishments*. M. Brennan requested that the Board review the document and provide comments at a future Board of Health meeting.
- Olive and Mint located at 2 Washington Street requested a re-opening inspection after being closed for an extended period of time since last year. The establishment was compliant with respect to the Food Code, however, remains closed due to Building and Fire code issues.
- The Health Department received a failed Title 5 report for the property identified as 212 North Street. A pump was recently repaired, however, despite that repair, the septic system was noted in failure. M. Brennan informed the Board that a violation notice will be sent to the Owner of record, however, the repair of the system is expected to be a long process and may take several months to complete. Discussion among Board members resulted in their agreement, that the Owner and the Board of Health should consider reaching out to the Walpole Water and Sewer Commission regarding the opportunity for the property to be connected to Walpole's municipal sewer.
- M. Brennan presented Eric Arvedon with a certificate of recognition from both the State Governor's Office and from the Foxborough Board of Health and Health Department staff. The certificates of recognition recognized and thanked E. Arvedon for his 31 years of service as a member of the Foxborough Board of Health. These certificates were prepared after being notified that Eric Arvedon did not pull the necessary papers and would not run during the May election to hold his current Board of Health seat.

7:44 p.m. B. Allo made a motion to adjourn. The motion was seconded by E. Arvedon. P. Steeves called for a roll call vote.

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