

Town of Foxborough Board of Health
Regular Meeting
Meeting Minutes – July 17, 2023

Members Present: Betsy Allo, MPH, Chair, Robin Chapell, M.S., R.S., Vice-Chair, and Sophia C. Manos, Clerk

Members Absent: None

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

Others Present: Honorio Gomes

Betsy Allo 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 July 17, 2023. Meeting took place in the Andrew A. Gala, Jr. meeting room inside the Foxborough Town Hall, 40 South Street, Foxborough, MA.

7:00 p.m. Honorio Gomes – Variance request from the Board of Health Private Well Regulation

Honorio Gomes, property owner of 57 Cedar Street, was present to ask for a variance from the Foxborough Board of Health Private Well Regulations (BOH Private Well Regulations), requiring private wells be drilled and installed by a Massachusetts Certified Well Driller.

H. Gomes stated he had already purchased a drilling machine, but didn't realize he needed a license to drill his own well. He further mentioned he contacted the Massachusetts Department of Environmental Protection (MA DEP) who informed him that under their regulations, a well driller certification is only required when drilling wells commercially, drilling a private well on the individual's own property is okay.

B. Allo restated H. Gomes variance request and the information from his conversation with the MA DEP. She continued by reminding H. Gomes that the current BOH Private Well Regulations state all wells must be drilled by a Massachusetts Certified Well Driller. She later added to the discussion saying, the regulations are in place to protect the public and the town's water sources.

S. Manos commented on the location of the property and the proximity of wetland areas. M. Brennan replied saying the Conservation Agent had no issues with the well application as presented. He added that there were no wetlands on the property

where the proposed well is to be drilled and the closest wetlands are over 100 feet away.

Board members expressed concern on the property owner's experience with drilling a well. H. Gomes stated he has watched many installations and is comfortable with the process. Board members also informed him of Digsafe requirements, which H. Gomes admitted he was not aware of.

R. Chapell made a motion to deny the variance request from the Foxborough Board of Health Private Well Regulations to allow property owner, Honorio Gomes to drill a private well without a certified well driller license at the property located at 57 Cedar Street. S. Manos seconded the motion. B. Allo called for discussion.

M. Brennan provided his opinion and stated if H. Gomes was to drill his own well, the Board could require stipulations be put on the property, such as requiring the owner to remove the well at the next transfer of sale or a deed notice be placed on the property.

Hearing no further discussion, B. Allo called for a vote.

Motion passed, 3-0-0.

H. Gomes, in opposition of the Board's vote to deny his variance request, continued speaking. M. Brennan informed H. Gomes that the Board needed to continue with the meeting and the agenda items as presented, but offered him the option to send any additional information he wanted to share with the Board via email and if he was aggrieved by the decision made, he could address his grievance to the Board in writing.

H. Gomes exited the meeting room at 7:30 p.m.

7:30 p.m. Discussion of Recent Health Department Inspections and Updates

131 Morse Street – Summit Castings: M. Brennan explained he had limited updates associated with the property, however MA DEP recently sent out violation notices to the Owners. He informed the Board his thoughts of having a hearing to deem the Summit Casting building as a public health nuisance under Massachusetts General Law. This would allow the Board of Health access to the site and the ability to assess the hazards present. Following R. Chapell's recommendation, M. Brennan agreed to speak with Town Council regarding who within the Town is responsible in maintaining the building secure.

0 Cocasset Street – Evelyn Porter Estate: M. Brennan stated he attempted an inspection of the property with MA DEP, but was not allowed access. The University of Connecticut Technical Assessment to Brownfields has agreed to look

into the Evelyn Porter Estate site and to identify any gaps, similar to their research and presentation on the 131 Morse Street property.

11 Pumping Station Road – State Sanitary Code Violations: M. Brennan informed the Board that violations have been corrected including fire detector and carbon monoxide detector installations, as well as egress issues. The property owner also hired a contractor to do work on the building, including foundational supports in the basement. He continued however, and stated there was another complaint that came into the Office from an occupant living in a third unit, a garage that the Owner turned into an additional unit. Multiple violations were found within the dwelling and the occupant was referred to Metrowest Legal Services.

22 School Street – State Sanitary Code Violations: Foxborough’s Town Attorney filed a preliminary injunction and a court date is scheduled for August 10 at which time Foxborough will be asking the judge to require the owner to fix the violations by any means necessary.

Oilman Noise Complaint – Attorney Notification: The complainants have asked to dismiss the complaint because they are working on a settlement agreement. If for some reason the parties can’t agree, they may ask for an inspection.

Saga Steakhouse – Summary of Recent Inspections: The Board was provided a summary of inspection results from inspections conducted at Saga Steakhouse, since the beginning of the year, from both their consultants and those conducted by Foxborough’s Health Inspectors. M. Brennan stated that compliance with the State Sanitary Food Code was not consistent and his recommendation is that an enforcement letter is sent. If they appeal the enforcement actions cited in the letter, they will have to come in front of the Board for a hearing.

8:00 p.m. Discussion Regarding Updating Board of Health Regulations

Tanning Regulations: M. Brennan explained the updates that were made to the existing tanning regulations, which included, adding a statement of purpose, authority and enforcement section, as well as requiring employee training certificates to be kept on-site. Board of Health members had no comments.

Title 5 Regulations: M. Brennan noted some of the additions made to the Title 5 regulations which included:

- A “Definitions” section that includes the definition of a bedroom and additional language of what could constitute a bedroom;
- Installation requirements for systems within the Town of Foxborough’s Nitrogen Sensitive Areas (Zone II). Specifically, if the system design is unable to meet depth to groundwater requirements, it would be required to install a denitrification system; and
- A violations section

M. Brennan also informed the Board, it was brought to his attention that historically, the Health Agent was allowed to approve the use of sieve analysis in lieu of perc tests done as part of the system design and system designs that show depth to groundwater up to three feet. These allowances were approved by majority vote by the Board of Health during a 2015 meeting. The Board acknowledged these allowances and stated they did not need to be incorporated into the new regulations.

R. Chapell provided the following comments, suggestions and recommendations:

- That there is a procedure in place that requires the septic installer to come in and pick up a copy of the signed approved plan. The purpose would be to minimize the occurrence of installers installing a system not using the most up to date plan.
- Suggested having a requirement on who could produce an as-built for a new system, such as a Professional Engineer (P.E.), a Registered Sanitarian (R.S.) or a Registered Land Surveyor.
- For homes that were unoccupied for a certain length of time prior to or at the time of transfer of sale, should the regulations require an inspection of the system following occupancy. Discussion around how this could be tracked and implemented ensued. M. Brennan acknowledged it was something to think about.

8:30 p.m. Approval of Minutes

S. Manos made a motion to approve the minutes as written. R. Chapell seconded the motion. B. Allo called for discussion.

R. Chapell stated her comments made during the June 12, 2023 Board of Health meeting were not captured correctly in the draft minutes as presented to the Board. Specifically, her comments while discussing the updates to the Board of Health Private Well and Swimming Pool Regulations.

S. Manos made a motion to table the approval of the June 12, 2023 Board of Health meeting minutes until such time that revisions to the draft minutes are written and presented to the Board. B. Allo seconded the motion.

B. Allo called for discussion. Hearing none, B. Allo called for a vote.

Motion passed 3-0-0

8:41 p.m. S. Manos made a motion to adjourn. R. Chapell seconded the motion.

Hearing no discussion, B. Allo called for a vote.

Motion passed 3-0-0

The next meeting is scheduled for July 31, 2023

Sophia C. Manos, Clerk/dp

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