

**Town of Foxborough Board of Health**  
Regular Meeting  
Meeting Minutes – September 18, 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: Henry Cheng, Colin Kramer, Sam Labib, Ken McKenzie, Cheng Fan Zhang, Fei Zhens

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 September 18, 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. S Dream Enterprises – Foxboro, Inc. dba Mai Pearl Restaurant**

Representing Mai Pearl Restaurant was new owner and operator, Henry Cheng. H. Cheng explained the restaurant had been closed for approximately three months for renovations to occur, but just recently opened the restaurant.

M. Brennan confirmed the Foxborough Health Department inspector performed a pre-operational inspection at the establishment and following a satisfactory inspection, issued their food service permit to allow them to open the restaurant. However, an inspection of the establishment's sushi rice process has not been conducted to date.

H. Cheng described his acidification of rice process to the Board. He informed the Board that he employs two sushi chefs who have been trained on the testing of the sushi rice and are also food manager certified. He added that employees are also trained to record cooler temperatures.

R. Chapell made a motion to approve the variance from 105 CMR 590.000 and allow for the acidification of rice within the Mai Pearl Restaurant located at 121 Main Street. The motion was seconded by S. Manos. B. Allo called for discussion. Hearing no discussion, B. Allo called for a vote.

**Motion passed, 3-0**

Hearing no further discussion related to Mai Pearl Restaurant, the matter was closed at 7:06 p.m.

**7:06 p.m. Asian Feifan Restaurant, Inc. dba Foxboro Mandarin**

Representing Foxboro Mandarin was general manager, Fei Zheng. F. Zheng went on to identify the two additional gentlemen with him. One individual was the establishment's sushi chef who would be getting certified in food safety, and a sushi chef assistant that would be assisting primarily with the preparation and cooking of the rice. F. Zheng continued and explained the sushi bar area was still under construction.

M. Brennan reminded Mr. Zheng that an inspection would be needed of the sushi bar and process prior to the sale and service of sushi. He also commented and made the Board members aware of the most recent inspection conducted at the establishment and the temperature issues noted, particularly on the flip top. F. Zheng acknowledged this inspection and stated the temperature issues were directly due to new equipment and errors related to the adjustment of the new equipment. He added that temperature issues were resolved at the time of the inspector's re-inspection.

S. Manos made a motion to approve the variance from 105 CMR 590.000 and allow for the acidification of rice within the Foxboro Mandarin restaurant located at 10 Foxborough Boulevard, contingent upon the completion and inspection of the sushi bar. The motion was seconded by R. Chapell. B. Allo called for discussion. Hearing no discussion, B. Allo called for a vote.

**Motion passed, 3-0**

Hearing no further discussion related to Foxboro Mandarin, the matter was closed at 7:11 p.m.

**7:11 p.m. Dunn McKenzie, Inc. – James W. Nieva, P.L.S., S.E.**

Present to discuss the proposed design plan for a Title 5 septic system to be located on the property identified as 72 West Street, was Ken McKenzie, with of Dunn McKenzie, Inc. and Colin Kramer with Normandy Farms Campground (Campground).

C. Kramer explained the desire for the Campground to have a gravity fed septic system to service their recently constructed restroom. A gravity fed system, however, would require the system to be installed deeper than what is allowed in Title 5, requiring a variance from the Board of Health. He further went on to explain the advantages of placing the system, as was proposed on the currently submitted design plan. Advantages included limited disruption of nearby campsites and also keeps the leaching area septic vent positioned away from the campsites, as well as the proposed placement utilizes an already existing large open space and is in an area where vehicle traffic was not anticipated. K. McKenzie added to the discussion and stated the proposed location was also best related to the soils found on the property and explained the several cleanouts the system is designed with.

R. Chapell made a motion to approve the variance request for the septic design located on the property 72 West Street and allow up to 4.5 feet of cover above the septic system. The motion was seconded by S. Manos. B. Allo called for discussion. Hearing no discussion, B. Allo called for a vote.

**Motion passed, 3-0**

Hearing no further discussion related to the septic variance at 72 West Street, the matter was closed at 7:18 p.m.

**7:18 p.m. 34 Central Street, LLC dba Foxboro House of Pizza**

Sam Labib, current owner of the Foxborough House of Pizza, spoke to the Board of Health regarding his future business endeavors involving his recently purchased property on Wall Street in Foxborough. He explained his hope for opening a restaurant that offers middle eastern food that would also include a hookah bar on the premises as well. He explained the two areas, the restaurant and hookah bar, would be separate rooms within the establishment, but he believed it was important to offer an area to smoke hookah, as it was part of his culture.

M. Brennan explained there was a no smoking policy within the current Board of Health regulations that would prevent this type of operation within the food service establishment, however, made Mr. Labib aware that all Board of Health regulations are currently under review. He further made Mr. Labib aware of the October 30 Board of Health meeting when a representative from the Massachusetts Health Officers Association (MHOA) will be giving a presentation on the current state of tobacco and assisting the Board with updating the current tobacco regulations.

Board members shared comments related to the concept of a hookah bar. Although Board members had respect for Mr. Labib's culture, they expressed concern with hookah being a tobacco product and concern that allowing it could be interpreted as promoting the use of tobacco. Other comments included concern for proper ventilation of the area, second hand smoke, and questioned whether the Foxborough Fire Department had any policies regarding smoking within buildings. The Board reaffirmed to Mr. Labib that no decision about the business proposal could occur that night.

M. Brennan explained the next steps and invited Mr. Labib to future meetings, including any public hearings, where he could provide additional comments to the Board at that time.

S. Labib asked if M. Brennan could look into whether establishing an outdoor smoking area would be allowed. M. Brennan stated he would do some research and get back to him.

Hearing no further discussion related Sam Labib comments, the matter was closed at 7:41 p.m.

#### **7:41 p.m. Model Tobacco Regulations**

All Board of Health members were provided with MHOA's model tobacco regulation entitled *Sample Regulation Restricting the Sale of Tobacco and Vape Products* and is included as supplemental meeting documents.

M. Brennan explained that the checklist provided at the start of the document allows the Board to choose tobacco requirements they wish to incorporate into the Town's tobacco regulation. Each checklist item corresponds to a section of the regulation.

All Board members agreed to discuss the checklist and choose either a yes, no, or needs further discussion for each. At times during the discussion, M. Brennan informed the Board when the checklist item was already part of the existing regulations. Discussion among Board members resulted in all Board members wanting to incorporate all items on the checklist except for item number five.

The Board spoke positively about MHOA coming to the meeting and discussing the state of tobacco in Massachusetts. Comments from the Board hoped that Sara, the presenter from MHOA, could assist in explaining the significance and public health rationale behind the regulations in

order for the Board to better inform the public and answer any questions the public may have during upcoming public hearings.

Hearing no further discussion related to the Model Tobacco Regulations, the matter was closed at 8:07 p.m.

8:07 p.m. Discussion of Recent Health Department Inspections and Updates

**22 School Street:** M. Brennan informed the Board the court hearing went well and a trial date is set for November. The Board asked if the owner had submitted the plan asked of him during the last Board of Health meeting. M. Brennan responded nothing had been submitted to date. M. Brennan also added that he was going to condemn two additional units that recently became vacant.

**7 Revere Drive:** Following a complaint received by the Building Department, the Health Department was made aware that the owner of 7 Revere Drive was currently running a business and living in a mobile trailer. Although the business does not fall under Health Department jurisdiction, the use of any temporary housing requires Board of Health approval under 105 CMR 410.000. Since the violation notice was sent, progress has been noted and a demolition permit was pulled. M. Brennan expects to have the property owner in front of the Board for the temporary housing approval in November.

**11 Maple Avenue:** The Foxborough Health Department, along with the Building and Fire Departments, recently inspected 11 Maple Avenue, Unit 3. Although the inspection revealed a number of building issues, violations against the State Housing Code were also noted. A violation notice was sent to the owner and the Foxborough Health Department will work with them to correct the violations.

**Current Health Inspector Position:** M. Brennan informed the Board that current health inspector, Cameron Shamey, had accepted an inspector position for the Town of Brookline and leaving his employment with Foxborough. The Board expressed their thanks for all his hard work while working for the Town of Foxborough and wished him luck with his future endeavors. M. Brennan confirmed the process of posting and hiring for the position had been started and confirmed the pay was in-line with similar positions in other area towns. When asked if the position needed to be upgraded from inspector to assistant health director, M. Brennan answered that although it would be nice to hire an assistant health director, hiring an inspector has worked out, but added that having an assistant health director in the future is where he ultimately sees the department's staff structure. R. Chapell asked that the next agenda could include a discussion related to adding an in-house public health nurse position to work within and for the Foxborough Health Department office.

8:40 p.m. M. Brennan provided an update on the migrant families taking residence in a Foxborough hotel and stated the National Guard had been activated and is on-site to offer support associated with whatever services and resources the families need.

8:43 p.m. Approval of Board of Health Meeting Minutes

S. Manos made a motion to approve the minutes of August 28, 2023, as written. The motion was seconded by R. Chapell. B. Allo called for discussion. Hearing none, B. Allo called for a vote.

**Motion passed, 3-0**

**8:45 p.m.** R. Chapell made a motion to adjourn. The motion was seconded by S. Manos. Hearing no discussion, B. Allo called for a vote.

**Motion passed, 3-0**

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Sophia C. Manos, Clerk/dp