

Town of Foxborough Board of Health
Regular Meeting
Meeting Minutes - April 24, 2023

Members Present: Betsy Allo, MPH, Chair, Paul Steeves, Vice-Chair, 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: Bill Buckley, J. Cormier, Brad Fitzgerald, Bruce Jacobson, Jayne Jacobson, Clifford Pierre, Dennis Sosa, Dave Thornton, Kari Toomey

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 April 24, 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. B. Allo requested that the Board take the agenda out of order and begin with the new food establishment, Crumbl Cookie. There was no objection.

7:01 p.m. **Above the Line 3, LLC dba Crumbl Cookie, 22 Patriot Place**
New food establishment – Introduction to the Board of Health

Dennis Sosa, Owner of Crumbl Cookie, was present to speak about his new establishment. He stated Foxborough will be the third location he would be opening, explaining further that the establishment's operations would entail a rotating batch of hand made from scratch cookies every two weeks. B. Allo noted there was only one food manager on record. D. Sosa confirmed but stated he is working on adding an additional manager on staff. He added that he does encourage staff to become certified in food safety. M. Brennan informed the Board multiple inspections of the establishment have occurred and there have been no issues.

Hearing no further discussion, B. Allo thanked D. Sosa for coming and closed the matter at 7:06 p.m.

7:06 p.m. **SFG Associates, Inc. – Brad Fitzgerald, P.E. – 131 Washington Street**
Review and discussion of the proposed Presby Enviro-septic design plan for the system due to be installed at 131 Washington Street

Representing the Owner of 131 Washington Street was Principal Engineer Brad Fitzgerald with SFG Associates, Inc.

B. Fitzgerald provided an overview of the property and the site of the proposed septic system. He explained the location of the existing tanks are inside the building under the floor, not meeting current regulations. The proposed design allows for the tanks to be installed on the exterior of the building, the old tanks decommissioned and for the installation of a Presby system due to the high groundwater observed on the Site.

M. Brennan informed the Board that Mr. Fitzgerald's initial design was for a conventional system, but recommended the use of a Presby system due to the shallow groundwater. He commented that Presby systems are prone to failure under heavy weight load, however, due to the limited area on the site, it may offer a better alternative. He added, Septic Inspector, Kevin Duquette had no concerns with the design plan as presented.

B. Fitzgerald added that if the conventional system was to be installed meeting depth to groundwater requirements, it would create a mound, causing safety concerns for the company's trucks going in and out of the property. The use of a Presby allows for a lower depth to groundwater install and would not require mounding. B. Fitzgerald noted the tanks and the d-box would remain H-20, as they currently are now and the Presby manufacturer provides specifications regarding installation requirements in areas of heavy vehicle traffic.

B. Allo inquired and confirmed a deed notice would be required. M. Brennan confirmed that a disclosure notice filed at the Registry of Deeds, detailing there is a Presby system on the property, would be required.

P. Steeves made a motion to allow the use of a sieve analysis, in lieu of performing a percolation test, to determine the soil classification for the system repair at 131 Washington Street. The motion was seconded by S. Manos. B. Allo called for discussion. Hearing none, B. Allo called for a vote.

P. Steeves: Aye S. Manos: Aye B. Allo: Aye
Motion passed, 3-0-0

P. Steeves made a motion to approve the septic system repair design plans, as approved by the Health Department office, for the property located at 131 Washington Street. The motion was seconded by S. Manos. B. Allo called for discussion. Hearing none, B. Allo called for a vote.

P. Steeves: Aye S. Manos: Aye B. Allo: Aye
Motion passed, 3-0-0

Hearing no further discussion relative to the septic system repair at 131 Washington Street, B. Allo closed the matter at 7:21 p.m.

7:21 p.m. Bay Colony Group, Inc. – William R. Buckley, Jr., P.E.
Septic variance request from Title 5 (310 CRM 15.00) for the property located at 164 East Street, Foxborough, MA

Those in attendance for this agenda item:

Bruce Jacobson, Abutter

Jayne Jacobson, Abutter

Dave Thornton, Abutter

Kari Toomey, Abutter

(Abutter green cards were submitted by the Engineer, and are included as supplemental meeting documents)

Representing the Owner of 164 East Street was Principal Engineer William (Bill) R. Buckley, Jr. with Bay Colony Group, Inc. B. Buckley provided the Board with a colored copy of the proposed septic system repair design plan for 164 East Street. *A copy of this document is included as supplemental meeting documents.* The site consists of an existing three-bedroom home with an accessory building. Due to several property constraints including, the location of the existing gas line, bordering wetlands, current elevation of piping in the basement, and high groundwater, B. Buckley proposed a septic system consisting of a Presby system and pump chamber. The Presby system was the second design following an initial design consisting of a conventional system only.

Bruce Jacobson of 166 East Street, abutter, shared concern over the second lot associated with the property. B. Buckley and M. Brennan both provided comment that expressed, the objective of the meeting tonight was to discuss the septic system on the lot identified as 164 East Street and stated that if a system is found to be needed on the other lot in the future, any variance requests can be heard at that time.

B. Allo confirmed the proposed system is for the existing three-bedroom home only. B. Buckley confirmed yes. Member of the public expressed that the home is actually a four-bedroom. M. Brennan stated the Building Department has the property as a three-bedroom.

P. Steeves made a motion to allow for the use of a sieve analysis, in lieu of a percolation test, to determine soil classification for the septic system repair located at 164 East Street. The motion was seconded by S. Manos. B. Allo called for discussion. Hearing none, B. Allo called for a vote.

P. Steeves: Aye S. Manos: Aye B. Allo: Aye

Motion passed, 3-0-0

S. Manos made a motion to grant the leaching field to have three (3) feet of vertical separation from high ground-water elevation where five (5) feet is required per local by-law, for the septic system repair located at 164 East Street. The motion was seconded by P. Steeves. B. Allo called for discussion. Hearing none, B. Allo called for a vote.

P. Steeves: Aye S. Manos: Aye B. Allo: Aye

Motion passed, 3-0-0

S. Manos made a motion to grant a 25-foot variance and allow the septic tank to be 75 feet from a bordering vegetated wetland where 100 feet is required per local by-law, for the septic system repair located at 164 East Street. The motion was seconded by P. Steeves. B. Allo called for discussion. Hearing none, B. Allo called for a vote.

P. Steeves: Aye S. Manos: Aye B. Allo: Aye

Motion passed, 3-0-0

S. Manos made a motion to grant a 53-foot variance and allow the leaching field to be 97 feet from a bordering vegetated wetland where 150 feet is required per local by-law, for the septic system repair located at 164 East Street. The motion was seconded by P. Steeves. B. Allo called for discussion.

Bruce Jacobson expressed concern for the potential of water ponding near his property line due to water runoff from the mounded system. B. Buckley stated that the goal would be for the water to run back and not go onto the neighboring property, but recommended the abutter speak with the contractor and Owner about his concerns.

P. Steeves asked about breakout potential. B. Buckley stated the installation of a poly-barrier is currently on the plan.

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

P. Steeves: Aye S. Manos: Aye B. Allo: Aye

Motion passed, 3-0-0

Hearing no further discussion related to the septic system repair at 164 East Street, B. Allo reminded B. Buckley that a deed notification would be required and closed the matter at 8:00 p.m.

8:00 p.m.

M. Brennan informed the Board that William R. Buckley, Jr. was also currently working on another septic system repair on the property identified at 33 Granite Street, using the same technology, a Presby system, as discussed during the last two

appointments. He acknowledged this was not on the agenda, but asked the Board if they would be willing to listen to B. Buckley's presentation. The Board agreed to listen.

W. Buckley provided information on the proposed septic system repair at 33 Granite Street. He explained the property owner is selling and anticipates a move out date of May 1, leading to a time constraint and not being able to wait to be heard during the next available meeting date in June.

M. Brennan stated that the Board of Health could grant the Health Director the authority to approve certain variances or by-laws, but the decision would be up to the Board. He added that this type of decision would be a policy vote and the Board would not be voting on anything related to 33 Granite Street which was not on the agenda. He also added that State Code allows for up to two feet of groundwater separation when a Presby is installed, so anything more than two feet is allowable per State Code. Discussion between the Board resulted in the request for a Board of Health meeting be scheduled on a date and time favorable for all parties in the week ahead.

Hearing no further discussion on 33 Granite Street, B. Allo closed the discussion at 8:20 p.m.

8:20 p.m. Town of Foxborough Sharps Collection Center
Notification and update to the Board of Health of the newly installed Sharps Collection Kiosk

M. Brennan informed the Board that with leftover funds in the budget, the Department was able to install a permanent sharps collection kiosk inside the Foxborough Council on Aging (COA) building. He stated that if it becomes a nuisance, actions to remove the kiosk could occur. M. Brennan stated that he developed an exposure control plan for the Staff at the COA and he could be called in the event needles are left outside the unit.

M. Brennan asked for the Board's acceptance of the kiosk. All Board members acknowledged the newly installed kiosk and provided positive comments.

8:26 p.m. Recognition of Paul Steeves
Recognizing Paul Steeves' 15 years of service as a member of the Foxborough Board of Health

P. Steeves was given a certificate of recognition, signed by all Health Department Staff and Board of Health members, showing gratitude for the 15 years he served as a member of the Board of Health.

8:28 p.m. S. Manos made a motion to read and approve the following bills.

Lifeworks, Inc. (April Services)	\$812.83
D.P. (April Communications)	\$50.00
M.B. (April Communications)	\$50.00
C.S. (April Communications)	\$50.00
Amazon Business (PPE for Sharps Exposure Control Plan)	\$54.00
Amazon Business (Sharps Containers for Kiosk)	\$83.61
Mass. Assoc. of Health Boards (Annual Memb. Board & Staff)	\$150.00
N.E. Trauma Services (Sharps Kiosk Install at COA)	\$2,495.00
Taylor Technologies (Pool Inspection Supplies)	\$61.11
Verizon Communications (Monthly Data Usage for Insp. Tablets)	\$75.98

The motion was seconded by P. Steeves. Hearing no discussion, B. Allo called for a vote.

S. Manos: Aye P. Steeves: Aye B. Allo: Aye
Motion passed, 3-0-0

8: 30 p.m. S. Manos made a motion to approve the minutes of March 27, 2023 as written. The motion was seconded by P. Steeves. Hearing no discussion, B. Allo called for a vote.

P. Steeves: Aye S. Manos: Aye B. Allo: Aye
Motion passed, 3-0-0

8:31 p.m. Department Updates

- M. Brennan read into record, a letter from Ed Underwood of John’s Dream Ice Cream, requesting that his Foxborough Mobile Food and Beverage permit fee be waived. *A copy of this letter is included as supplemental meeting documents.* S. Manos recused herself from the discussion and vote due to her familiarity with the organization and the close relationship she has had working with the organization through her involvement with the Foxboro Jaycees.

P. Steeves made a motion to waive the mobile food and beverage permit fee for John’s Dream Ice Cream. The motion was seconded by B. Allo. Hearing no discussion, B. Allo called for a vote.

P. Steeves: Aye S. Manos: Abstained B. Allo: Aye
Motion passed, 2-1-0

- Saga Hibachi Steakhouse has been compliant. Feedback from the consultant demonstrates violations are occurring, but they are educating the establishment on those issues and the issues are never the same.
- Normandy Farms was recently inspected under the state sanitary code for family-type campgrounds. The inspection revealed a new bathroom and shower facility that was built during the off season without the Town's knowledge. The Building Department was made aware of this new facility and are working with them to pull proper permits and get the facility inspected. The location to where the waste is being discharged to could not be confirmed by Normandy Farms at the time of the inspection. In addition, historically, Normandy Farms has been required to take water samples from monitoring wells and provide results to the Board of Health. The Health Department has no records of these water sample results. Following the inspection, the Health Department sent a violation notice to Normandy Farms addressing these issues. M. Brennan informed the Board they could install a separate septic system dedicated to this one facility or receive approval from the Department of Environmental Protection to increase the flow into their existing system.
- M. Brennan informed the Board that the Health Department was subpoenaed for 1-3 Granite Terrace.
- The Health Department has a court appearance on May 3 for 22 School Street.
- The Comfort Inn Hotel is currently serving a full breakfast with eggs and bacon, as opposed to pandemic operations which was limited food service. The kitchen, however, is not equipped with a 3-bay sink and due to heavy grease load, there is concern for the potential impact of grease to the sewer system. A violation notice was sent.
- Founder's Day is June 10 and the Foxborough Health Department has signed up to be there to provide promotional giveaways. Access to the Dana Farber Skin Cancer Screening van is also being requested.
- M. Brennan reminded the Board members of the May 15 Board of Health meeting which will be broadcasted live and held over Zoom to allow a presentation from UConn on Brownfields and 131 Morse Street.
- The new town manager for Foxborough is requesting that all communications between the Health Director and Board of Health members are forwarded to him.
- B. Allo spoke about the recent Massachusetts Association of Health Boards seminar she recently took part in. She stated it was a good conference and recommended her fellow Board members attend in the future. She also added that she spoke with Mike Hugo and Cheryl Sbarra and they offered to come speak with all Board of Health's within our public health excellence group.
- M. Brennan stated he was putting a list of training opportunities for Board of Health members which can be discussed at a future meeting.

9:00 p.m. S. Manos made a motion to adjourn. The motion was seconded by P. Steeves. B. Allo called for a vote.

S. Manos: Aye P. Steeves: Aye B. Allo: Aye
Motion passed, 3-0-0

The next meeting is scheduled for May 15, 2023

Sophia C. Manos, Clerk/dp