

Town of Foxborough Board of Health
Regular Meeting
Meeting Minutes – June 12, 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: Peter Colaneri, Rich Feeley, Mario Gomes, Andrew Milesky

Betsy Allo opened the regular meeting of the Foxborough Board of Health, under the Open Meeting Laws of the State of Massachusetts, at 7:03 p.m. on June 12, 2023. Meeting took place in the Andrew A. Gala, Jr. meeting room inside the Foxborough Town Hall, 40 South Street, Foxborough, MA.

Since the Owner of 22 School Street was not present at the start of the meeting to discuss his variance request, B. Allo took the agenda out of order and asked that Public Health Director, Matthew Brennan begin his discussion of recent health department inspections.

7:04 p.m. Discussion of Recent Health Department Inspections

11 Pumping Station Road: M. Brennan began by providing information on 11 Pumping Station Road. He stated the property was historically a single family with an in-law apartment, however, the structure is now currently three different apartments with the Owner living in one of the units. The initial inspection was due to a complaint, but following the inspection, the Health Department requested from the Owner an inspection of the entire house. M. Brennan further explained that the Owner recently inherited the dwelling and is working on correcting the violations, violations that included locks, carbon monoxide and carbon dioxide detectors. The Health Department will plan on following up this week.

Gillette Stadium: M. Brennan informed the Board of a warning letter sent to the Kraft Group after a recent inspection showed failure to provide easily accessible handwash sinks at mobile areas. He provided an update explaining that temporary sinks were brought up to the mobile stations in the Putnam Club, but more are needed throughout the Stadium and need to be permanent.

R. Chapell asked if there was a ticketing program in place for issuing tickets for repeat violations. M. Brennan stated the Foxborough Board of Health fee schedule currently has a re-inspection fee, but recommended that fees issued due to violations should be incorporated into a by-law.

7:17 p.m. Variance Request by Caviao Armando, LLC

The owner of 22 School Street requests relief from 105 CMR 410.430 (The Minimum Standards of Fitness for Human Habitation) for Natural Light and Obstructions

Representing Caviao Armando, LLC and present to discuss the variance request from 105 CMR 410.000, was Mario Gomes. M. Gomes provided a history of the property and explained that the property and the dwelling in which the variance is being requested for, is currently being rented. He added that the dwelling unit was on the third floor and currently has one window in the front of the unit with a door with window panes on the opposite side, but does not meet the natural light requirement per 105 CMR 410.000. He further explained, due to the architecture of the building structure itself and the position of the roof line, it would make it difficult to add windows along the sides of the unit since the wall goes up to approximately waist height, making any windows installed in that location to be low to the ground. He further stated that the Foxborough Building Department did not have a problem with the amount of light within the dwelling.

M. Brennan explained the violation was long standing and was initially cited in July 2022. He further clarified that the back door with partial window panes do not count towards the natural light calculations and not all habitable rooms within the dwelling unit meet the natural light requirement. For the Board's information, he also stated that a window in the bathroom was not required.

R. Chapell addressed M. Gomes and explained that when a variance request is made, there should be an alternative solution that provides equal compliance with the Code that ultimately provides a livable space for the occupants.

M. Gomes stated he was willing to work with the Town and requested that Director, Matthew Brennan meet him at the property to assess the situation more, to determine potential solutions for compliance.

R. Chapell made a motion to deny the variance request made by Caviao Armando, LLC from 105 CMR 410.430, requirements for natural light and obstructions. The motion was seconded by S. Manos. B. Allo called for discussion. Hearing no discussion, B. Allo called for a vote. All in favor, motion passed, 3-0-0.

7:40 p.m. Discussion Regarding Updating Board of Health Regulations

Private Wells: The Board of Health Private Well regulation was the first regulation to be discussed. Due to the private well regulations being recently promulgated, M. Brennan had no comments or new revisions.

R. Chapell asked what water quality standards Foxborough used and asked that the Director compare Massachusetts Department of Environmental Protection

standards to Foxborough standards and recommended they be incorporated into the regulation. M. Brennan responded saying most of Foxborough's current water quality standards were secondary water standards and had no enforceable limits. He explained further, if an analyte is out of range, a letter is sent to the private well owner to make them aware.

R. Chapell also asked if the regulations recommend how often an owner should sample their well. M. Brennan explained that at the time the regulations were last updated, the Board requested that it shall be required that private well owners sample their well at the time their water supply certificate is renewed, which is every five years if it is an irrigation well and every three years for drinking water wells. R. Chapell recommended that sampling of private wells should be a recommendation and not mandatory, adding also, it may be difficult to keep track of the renewals. M. Brennan acknowledged R. Chapell's comments and stated all comments can be up for discussion.

Swimming Pools: M. Brennan informed the Board that the updated regulation combined both the existing Foxborough Board of Health residential swimming pool regulations with the Foxborough Board of Health semi-public and public swimming pool regulations. He stated some language was changed, specifically language surrounding pool covers, which included what constitutes an acceptable cover and the authority that the Foxborough Health Department has and the ability to site the Owner if it was found that no cover was being used. Additional updates included changes to the bacterial testing requirements, emergency communication line specifications, and letting the Board reserve the right to require lifeguards if it is in the Town's best interest.

R. Chapell recommended the regulations state that pools must have a fence, and if the pool owner wishes to have an alternative safety barrier, then they would have to apply for a variance. M. Brennan acknowledged R. Chapell's comments and also added that the variance request should include abutter notification.

R. Chapell also requested that the word "shall" be changed to "must" on Page 3, second paragraph, when talking about reasons for immediate closure.

Adding to the discussion, R. Chapell also expressed her belief that lifeguards should be required of every pool unless the operator has a variance from the Board. R. Chapell also expressed her belief that lifeguards should be present when there were lots of children at the pool, and that children being present at a pool could be added as an item for the Board to consider when considering a variance request.

M. Brennan stated lifeguards have never been required, so the Board of Health would need to give every pool a variance if warranted.

In attendance were pool operators and owners of permitted pools in the Town of Foxborough. B. Allo opened the floor for public comment.

Rich Feeley, Mayfair Realty Property Manager was in attendance and spoke about the potential burden that would be put on his company if a lifeguard was required at their three pools, adding, that use of their pools is limited. R. Chapell stated the facility's overall operation of the pool would be taken into consideration when deciding whether a lifeguard was needed or not.

He also asked if a variance would be a one-time thing. B. Allo advised that variances would expire and R. Chapell commented that renewals could be part of the yearly permitting process.

Also in attendance were Andrew Milesky, certified pool operator with Oakhill Country Day Camp and Peter Colaneri, owner of the camp.

Prohibiting Smoking in Workplaces: M. Brennan had no comments or revisions for the current regulation. Board of Health members had no comments.

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.

Following the discussion of the Board of Health regulations and updates, B. Allo commented that not all regulations that allow for variances have expiration dates associated with them, and opined that all variances should have an expiration date. She requested that a review of all the regulations occur to make sure that variance requirements are consistent throughout.

M. Brennan also recommended the addition of a bio-facility regulation in the event an industry of this type comes to Foxborough. Board members provided positive feedback on the development of this regulation and that it should be included, further commenting that a regulation of this type will assist with the building of the facility itself, with the goal of protecting the workers and community. M. Brennan to work on developing a draft bio-facility regulation.

8:23 p.m.

B. Allo stated there was an error on the June 12, 2023 Board of Health Meeting Notice and explained the date of April 23, 2023 under agenda item IV, should read April 24, 2023.

S. Manos made a motion to approve the minutes of April 24, 2023 as written. The motion was seconded by B. Allo. Hearing no discussion, B. Allo called for a vote. All in favor, motion passed 2-1-0.

R. Chapell was not an elected Board Member during the April 24, 2023 Board of Health meeting and as such, abstained from the vote.

S. Manos made a motion to approve the minutes of May 5, 2023 as written. The motion was seconded by R. Chapell. Hearing no discussion, B. Allo called for a vote. All in favor, motion passed 3-0-0.

S. Manos made a motion to approve the minutes of May 15, 2023 as written. The motion was seconded R. Chapell. B. Allo called for discussion.

R. Chapell asked if the building located at 131 Morse Street had been adequately locked yet and if there were any updates from the Massachusetts Department of Environmental Protection (MA DEP). M. Brennan could not confirm the status of the building and stated there were no updates from MA DEP. R. Chapell asked if the Foxborough Fire Department could follow up with the status of the building.

R. Chapell continued and asked that 131 Morse Street be placed on an upcoming agenda for discussion. M. Brennan acknowledged her request.

Hearing no further discussion, B. Allo called for a vote.
All in favor, motion passed 3-0-0

8:38 p.m. S. Manos made a motion to adjourn. R. Chapell seconded the motion. Hearing no discussion, B. Allo called for a vote. All in favor, motion passed 3-0-0.

The next meeting is scheduled for June 26, 2023

Sophia C. Manos, Clerk/dp

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