

**Town of Foxborough Board of Health**

Regular Meeting

Meeting Minutes – November 27, 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: Dany Beaulé, Jennifer Beaulé, Nick (Nicholas) Bonifilio, Joseph Bordieri, Craig Cygawnoski, Glen Kreger, Carole Marland, Kristine Masison, Joe Sanders, Jean F. Smith

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 November 27, 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. RIM Engineering Co., Inc., David Oberlander, P.E.**

Septic variance request from Title 5 (310 CMR 15.000) for the property located at 12 Cook Road, Foxborough, MA

Representing RIM Engineering Co., Inc. was Craig Cygawnoski. Also present for the discussion were the property owners of 12 Cook Road, Dany Beaulé and Jennifer Beaulé. Property owners did not provide any comments during the meeting.

C. Cygawnoski explained the reason for the upgrade of the septic system at 12 Cook Road was due to the proposed addition of an in-law apartment. Following on-site soil and groundwater investigations, RIM Engineering prepared two design plans. One plan showed design specifications associated with the installation of a “traditional” type septic system with injector pump, and a second plan showing design specifications related to the installation of a gravity fed alternative system. C. Cygawnoski explained the installation of a traditional septic system would require a pump chamber, electrical components and other additional requirements, making it not as ideal as a gravity fed alternative system. Therefore, C. Cygawnoski requested from the Board, permission to use the Eljen septic system. He explained using the alternative system allows for the system to be gravity fed, removing the need for a pump chamber, places the system three feet above groundwater which is allowed because it is approved by Massachusetts Department of Environmental Protection to reduce groundwater by two feet, and will provide for a reasonable grading of cover.

R. Chapell made a motion to grant the septic variance request from 310 CMR 15.000 for the septic upgrade occurring at the property located at 12 Cook Road and to allow the installation of the alternative system, Eljen. In addition, it is required that a Zabel filter be installed on the septic tank and be noted on the plan. The motion was seconded by S. Manos. B. Allo called for discussion.

M. Brennan advised the Board to amend the motion so that the design plan includes a statement pertaining to both variance requests for depth to groundwater from Title 5 and from local bylaw. It was also discussed that a deed notice pertaining to the use of the Eljen system on the property should be recorded and also placed on the plan.

B. Allo moved to amend the motion to include the following statement: *The variance from the Town of Foxborough local by-law has been granted, allowing for the septic system at 12 Cook Road be installed less than five feet above groundwater. The approved design plan must also note both State and Local bylaw variance requests, and the requirement that a deed notice be filed with the Norfolk County Registry of Deeds stating the use of the Eljen alternative system on the property.* The motion as amended was seconded by S. Manos. B. Allo called for discussion. Hearing none, B. Allo called for a vote.

**Motion passed, 3 – 0**

Hearing no further discussion related to the septic upgrade at 12 Cook Road, the matter was closed at 7:09 p.m.

**7:09 p.m.**

**Nicholas Bonifilio and Lisa Tuohey, 7 Revere Drive**

Discussion and vote to allow an extension on the use of temporary housing at the property located at 7 Revere Drive pursuant to 105 CMR 410.440.

M. Brennan began the discussion and explained that the Health Department's involvement with 7 Revere Drive, began after being notified by the Foxborough Building Department who were in receipt of a citizen petition voicing concerns related to the property, including the use of a temporary trailer. Following notification, the Foxborough Health Department performed an inspection and cited the property owners, Nicholas Bonifilio and Lisa Tuohey, of the use of a temporary trailer without the permission from the Board of Health pursuant to 105 CMR 410.000. M. Brennan explained to the Board that 105 CMR 410.000 allows for the use of temporary housing for 90 days and allows for an extension after that period. M. Brennan also informed the Board of the Massachusetts General Law that prohibits the Town from displacing anyone from their housing situation, including a temporary trailer, for reasons due to fire, for the period of twelve months after the displacement occurred.

Nicholas Bonifilio was present and provided verbally, a statement pertaining to his current situation. This statement was read aloud from Mr. Bonifilio's mobile phone, and was requested by the Chair to be forwarded to Matthew Brennan to be included as part of the public record. In summary, he explained he was currently living in the temporary trailer located on his property at 7 Revere Drive, with his two children. He stated delays repairing the house have been directly due to issues with his insurance company. He also stated that Lisa Tuohey is not in the picture.

M. Brennan added to the discussion and informed Mr. Bonifilio that if Board determines he is living below minimum standards for housing, there is a higher chance that he and his children would be able to attain public housing. He also offered the assistance of the Town of Foxborough's Veteran's Agent, as Mr. Bonifilio is a veteran, and the Town's other social service organizations.

R. Chapell commented on the violations noted within the report regarding the propane tanks and air conditioners that were found on the property. N. Bonifilio confirmed since the time the initial order was sent, he ceased running a business out of his residential property and has begun cleaning the property up.

B. Allo opened the floor for public comment.

Joseph Bordieri, 5 Revere Drive – Mr. Bordieri commented on the close proximity of his home to the temporary trailer, explaining the disturbances he continues to experience, specifically in the early morning between three and seven am.

Jean Smith, 6 Revere Drive – Ms. Smith had with her a photographic catalog, showing the condition of the property from six months ago to as early as three days ago. Ms. Smith agreed to provide the photo catalog as public record and it is included as official meeting documents. Ms. Smith opined that the property owner was not doing anything to clean the property up and also had concerns regarding how the wastewater from the temporary trailer was entering the cesspool. These concerns were related to safety and primarily wanted to ensure the cesspool cover was adequately secure.

Glen Kreger, 11 Revere Drive – Mr. Kreger commented on the unfortunate situation Nicholas Bonifilio and his children were experiencing and added he provided support to the family the night of the fire.

Carole Marland, 8 Revere Drive – Ms. Marland commented on the tires that were still present on the property. She further explained to the Board she has witnessed Nicholas Bonifilio working on and demolition of the house that she believed were not affected by the fire, opining that these actions are what is causing the delays and issues with the insurance company.

R. Chapell asked N. Bonifilio if the trailer could be moved to a different location on the property. N. Bonifilio responded saying to move it would require the trailer to be rewired and replumbed. He continued and stated the trailer was placed at the location it is at now by the trailer company. All wiring and plumbing work was approved and inspected by the Town at the time of installation. M. Brennan confirmed these permits and inspections could be verified with the Foxborough Building Department at a later date if the Board required that information.

M. Brennan read aloud excerpts from a memo received by the Foxborough Building Commissioner explaining the current status of 7 Revere Drive related to the Building Department. The memo revealed the reasons for the denial of the property's submitted demolition permit to included, lack of supporting documentation required of the project and permit, as well as the non-payment of an outstanding water bill. N. Bonifilio acknowledged these points and stated he would take care of correcting these issues.

Following the close of public comment, M. Brennan explained the Board of Health's role related to the approval of temporary housing and its 90-day limit. Discussion among the board members ensued on the length of time to reasonably provide N. Bonifilio's extension of his temporary housing and who and how often the temporary housing extension could go, before the property owner would need to come back in front of the Board of Health.

B. Allo made a motion to allow 7 Revere Drive an extension on the use of temporary housing pursuant to 105 CMR 410.440, allowing Matthew Brennan, Foxborough Health Department Director of Public Health, to reinstate the extension every 90 days for a period of six months. Following a period of six months, the property owner will be required to return in front of the Board of Health if housing concerns are not resolved. An inspection of the temporary trailer is also to be conducted as verification that it does not meet the standards of 105 CMR 410.000. The motion was seconded by R. Chapell. B. Allo called for discussion.

S. Manos moved to amend the motion to remove the value of 90 days and replace it with *30 days with required monthly check-ins by the property owner*. The motion as amended was seconded by B. Allo. Hearing no discussion, B. Allo called for a vote.

**Motion passed, 3-0**

R. Chapell made a motion that all tires and propane tanks found on 7 Revere Drive are removed from the property within 48 hours. The motion was seconded by S. Manos. B. Allo called for discussion.

B. Allo shared concern with the motion stating specific items.

B. Allo moved to amend the motion and add the following; *The property is also to be cleaned of all rubbish and waste, storage and collection thereof.* The motion as amended was seconded by S. Manos. B. Allo called for further discussion. Hearing none, B. Allo called for a vote.

**Motion passed, 3 – 0.**

Hearing no further discussion related to the temporary trailer at 7 Revere Drive, B. Allo thanked Nicholas Bonofilio and all those in attendance that provided public comment, and closed the matter at 8:14 p.m.

**8:14 p.m.**

**Town of Foxborough Board of Health Regulations (Draft)**

Review and discussion of the final draft version of the Town of Foxborough Board of Health Regulations. Discussion and updates associated with public outreach and comment period and public hearing date(s).

M. Brennan summarized comments already received from other town departments including;

- Fire Department providing minor comments associated with the Dumpsters regulations
- Water and Sewer Department providing minor comments associated with the Fats, Oils, and Grease regulations
- Acting Town Manager providing minor comments associated with the Dumpsters regulations and general document formatting

M. Brennan also informed the Board, included in the draft regulations document, was the Biological Safety regulations. When asked if these regulations were mirrored after another town, M. Brennan answered he believed they were based off of the biological safety regulations from the Town of Walpole.

The Board agreed they would like to begin allowing public comment of the draft regulations as presented and proposed a comment period timeframe of about a month. M. Brennan stated he would build a website where the public could utilize an online platform to provide comment.

**8:32 p.m.**

R. Chapell requested that the Board of Health recognize Matthew Brennan, for receiving the prestigious John D. Crowley award, recently presented to him by the Massachusetts Health Officers Association during the recent October professional conference. M. Brennan thanked the Board for their recognition.

**8:34 p.m.**

**Discussion of Recent Health Department Inspections and Updates**

22 School Street – The most recent trial date on November 13 resulted in the Town of Foxborough and Mario Gomes signing an agreement that required Mr. Gomes to correct all non-critical violations by December 1, 2023, correct the issues related to the back staircase and all egress issues

by March 1, 2024, and the property be connected to sewer by April 1, 2024. However, the agreement also allows for a 48-day extension of these deadlines due to extraordinary circumstances that may occur. The Board inquired about repercussions if these timelines were not met. M. Brennan informed the Board there was a second agreement that gives the Town the right to fine Mr. Gomes, appoint a receiver, and allow the Town to inspect on the specified timeline dates, however, M. Brennan could not confirm if that agreement was ever signed by the two parties.

M. Brennan further commented that the Foxborough Health Department has received requests for information related to the 22 School Street property which could indicate Mr. Gomes may be trying to sell the property.

255 South Street – Some work has been done on the property. A Foxborough Health Department inspection is scheduled for Thursday, November 30, prior to the December 1 court hearing. M. Brennan explained the inspection will focus on whether the violations noted on the original order have been corrected.

175 Mechanic Street – Due to the Foxborough Health Department’s inspection of 175 Mechanic Street and the inspection report subsequently being forwarded to the Town’s Attorney and the court, helped expedite the court’s decision to approve the Town to receive ownership rights of the property. Ownership by the Town will be official once recorded on the deed. To date, the property has been fenced off.

Saga Hibachi Steakhouse – Bristol Norfolk Public Health Partners’ regional inspector Paul Gilpin, performed a food inspection at Saga Hibachi Steakhouse. Results from the inspection demonstrated the establishment “went backwards a little bit” related to food code compliance. M. Brennan further relayed to the Board the food inspector’s comments, related to the employee who was present during the previous inspection, the individual found to be knowledgeable in food safety, no longer works at the establishment.

**8:52 p.m. Approval of Board of Health Meeting Minutes**

S. Manos made a motion to approve the minutes of September 18, 2023, as written. The motion was seconded by B. Allo. B. Allo called for discussion. Hearing none, B. Allo called for a vote.

**Motion passed, 3-0**

R. Chapell made a motion to approve the minutes of October 30, 2023, as written. The motion was seconded by S. Manos. B. Allo called for discussion. Hearing none, B. Allo called for a vote.

**Motion passed, 3-0**

**8:54 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