

**VIRTUAL
SHERBORN
BOARD OF HEALTH MEETING
MINUTES
May 3, 2023**

Members Present: Matt Vitale, MD, Chair, Daryl Beardsley, and Rebecca Hunnewell, MD

Members Absent: Lisa Campe and Matt Bevers, MD, PhD.

Others Present: Eli Adams, Diana Hoek, Julie Dreyfus, Misael Barchinski, Courtney Ek, Jonathan Hodson-Walker, Tom Trainor, Tom Curran, Food Inspector, and Mark Oram, Agent.

By a roll call vote:

Vice Chair Ms. Beardsley - Present

Member Dr. Bevers – Absent

Member Ms. Campe – Absent

Member Dr. Hunnewell – Present

Chair Dr. Vitale - Present

This VIRTUAL meeting came to order at 7:00 PM via Zoom. It was noted that all votes shall be taken via roll call vote.

1. The Chair noted the members present and reviewed the agenda, noting the following items not anticipated by the Chair 48-hours in advance of the meeting, requesting that they be added to the agenda:
(1) 25 Bear Hill Road, Eli Adams – Building Application #23-10 – review of room count

A motion was made to amend the agenda as stated, and it was seconded. By a roll call vote:

Vice Chair Ms. Beardsley - AYE

Member Dr. Hunnewell – AYE

Chair Dr. Vitale – AYE

The motion passed, and the agenda was amended.

APPROVED 3-0

2. **25 Bear Hill Road, Eli Adams – Building Application #23-10 – review of room count** (see Minutes of 7/20/16) – Mr. Adams was present with his builder, Misael Barchinski. The Agent stated that he has already denied this application, noting that the reasons for the denial were the room count and the proposed ¾-bathroom in the basement. The 2016 septic system uses Innovative/Alternative Technology, and no increase in design flow is allowed. The Board reviewed the floor plans:

- 1st Floor – The Agent stated that he felt this could be 4 or 5 rooms. Ms. Beardsley stated that she viewed it as 4 rooms (kitchen, living room, dining room, and playroom)
- 2nd Floor – 4 bedrooms plus a walk-in closet (currently used as an office) exclusively accessible from bedroom #2. Ms. Beardsley noted that the Board has previously viewed such a configuration as a “bedroom suite”.

[The discussion was interrupted at 7:15 PM in order for the Board could take the scheduled appointment. Dr. Vitale stated the Board would return to this discussion after that appointment.]

[The Board returned to this discussion at 7:32 PM. For clarity of the Minutes, the later discussion is shown here.]

The Board reviewed the basement level floor plan.

- Basement – large finished playroom with laundry room proposed to be converted to a ¾-bathroom with laundry room. Dr. Vitale noted that the walkout exits underneath the deck.

With the room count, Dr. Vitale stated that he was *not* comfortable with the ¾-bath in the basement. Ms. Beardsley agreed, stating that she was especially concerned because there is egress. Both felt, however, that a ½-bath would be fine.

Dr. Hunnewell stated that she believes the kitchen and dining room on the 1st floor should be counted as separate rooms, and she confirmed that a deed recording of the basement space would not work for her. Ms. Beardsley stated that she would be fine with finishing the basement, but the ¾-bath would not be fine.

The Administrator noted to the Board that since the Board of Health is a 5-member Board, a quorum is 3-members. Since only 3 members are present tonight, all votes must be unanimous tonight. Dr. Hunnewell stated that she would vote “no” and Ms. Beardsley would vote “yes, with a ½-bath”.

Dr. Vitale recommended that this discussion be continued to the next meeting, when a full Board should be present, for a vote.

NO ACTION TAKEN / CONTINUED TO 5/17/23

3. **195 Western Avenue, Silverwood Farm – Jonathan Hodson-Walker** (see Minutes of 9/21/22, 3/17/21, 6/19/19, 2/6/19, 12/19/18, 12/5/18, 10/17/18, 10/3/18, 9/19/18, 9/5/18, 3/15/14, 2/19/14, 6/5/13, 7/18/12, 4/11/13, 11/4/09, 10/21/09, 10/21/98, 9/16/98, 9/2/98, 8/19/98, 5/6/98, 4/15/98, 2/4/98, and 12/3/97) – Mr. Hodson-Walker was present. The Agent stated that the outstanding issues to be discussed include:

- The Well – The Agent stated that water test results have been submitted, as well as information on a water filter (to reduce the level of manganese). He stated that after the filter is installed, another water analysis for manganese is required (after the filter) to ensure the filter works properly to reduce the level of manganese to the acceptable level.
- The connection of the produce barn to the existing septic system (Septic Alteration #19-55) – The Agent noted that when all outstanding work is completed, he will need to conduct an inspection of the well apron and final grades for the septic work.
- The use of the Produce Barn building for events – The Agent reported that he spoke with the Building Commissioner who advised that the barn can only be used as a produce barn and only by the existing farmhands due to new safety and fire codes that require sprinklers. No outside public or private events can be held in the barn, and the bathrooms in the barn can only be utilized by the existing farmhands. All events must be under the tent, and porta-potties must be made available.

The Agent stated that before any food permits are issued, they will be passed on to the Building Commissioner for his review to determine if the proposed event can be held onsite (other than in the barn).

Food Inspector Tom Curran noted that he conducted a preliminary food establishment inspection last evening, to acclimate himself with the barn space. Going forward, he stated that he would vet each food establishment application with the Building Commissioner. Two such applications have been received to date for events scheduled in June. Mr. Hodson-Walker commented that he worked hard to get the outstanding required water testing completed, and he had nothing further to add to the discussion at this time.

The Chair noted that the Planning Board would be holding a Public Hearing on Silverwood Farm’s site plan to authorize Farm events on 5/16/23. Comments for the Planning Board include (1) that the barn is not currently a public event space due to its current status with the Building Commissioner, (2) Use of

the kitchen and bathrooms within the barn are not allowed by the public – porta-potties required, and (3) Additional water testing for manganese (after the filter) is required to be submitted to the Board of Health.

Ms. Beardsley commented that she reviewed Silverwood Farm’s website and asked about one photo regarding corporate events. Mr. Hodson-Walker responded that it was an historical photo, agreeing that the barn cannot be used for such events. He stated to meet all of the requirements to be allowed to use the barn for such events would be prohibitively expensive.

Mr. Hodson-Walker stated that he is working toward having the site (Silverwood Farm) receive a site Food Permit, and that he spoke about the requirements with the Food Inspector last evening. He will be moving forward with that.

4. **“Septic 101 for Sherborn Homeowners”** – Groundwater Protection Committee Chair Tom Trainor stated that the GWPC is offering this webinar next Tuesday, May 9, 2023 from 7:00 – 9:00pm. He stated that there are currently 65 people registered for this virtual program, and he encouraged residents to sign up to attend. Registration information can be found on the front page of the town website. Mr. Trainor stated that the program will be recorded and posted on the GWPC website. Dr. Vitale suggested also posting a link on the Board of Health website.

5. **19 Dopping Brook Road, Matthew Michel – Building Application #22-66** (see Minutes of 2/5/20) – The Agent stated that this house is served by a 4-bedroom septic system, but the total room count could be going up to 10 rooms. He noted that the basement room had been finished without a permit. Dr. Vitale suggested that this discussion be continued to the next meeting when a full Board will be present.

NO ACTION TAKEN / CONTINUED TO 5/17/23

6. **13 Course Brook Road, Nathan Berkowitz and Veronika Bulkin – Septic Replacement #21-30** (see Minutes of 3/29/23, 9/21/22, 8/18/21, 6/2/21, 5/19/21, and 5/5/21) – The Agent reported that the pre-construction conference with the septic system installer, design engineer, and himself was held *today*. The installer stated that the septic installation would start by the end of next week. He stated that the electric fence surrounding the leaching area that was required by the Board to prevent livestock from walking over the system is not in the installer’s contract. The Agent stated that he would remind the owner of this requirement, and will keep the Board informed.

7. **Proposed asphalt recycling business on Sherborn border** – Ms. Beardsley provided a summary of the Groundwater Protection Committee’s 4/12/23 meeting when a former Sherborn resident gave a presentation about an application before the Holliston Planning Board for an asphalt recycling business in Lowland Industrial Park. Ms. Beardsley stated that there is a light industrial park in the Lowland Street area and there are plans by an owner to include activities around asphalt recycling. She felt that is not necessarily a bad thing, but stated it is all about how they manage the materials, which is very unclear at the moment. She noted that any kind of waste or wastewater or stormwater runoff containing materials carried away from the materials being recycled should be reviewed. Holliston is working on it, but she has not heard anything further. Tom Trainor noted that the entire area in East Holliston is in the Zone 2 of the Holliston Public Water Supply, and he stated that they have uses, such as asphalt recycling and other manufacturing, that he didn’t think was allowed in a Zone 2. Mr. Trainor stated that he thinks this will be on an upcoming Holliston Planning Board meeting.

8. **2023 Temporary Food Establishment Applications – Sherborn Library Fair – 5/13/2023** – The following food vendor applications were reviewed:

- (1) **Wicked Fruitful, LLC** of Upton - #TF23-28
- (2) **The Farm at Baptist Common** of Templeton - #TF23-29

- (3) **Nutty Bird Granola** of Worcester - #TF23-30
- (4) **Everything Jalapeno and Not** of Milford – Mobile Food Vendor #TF23-31
- (5) **T.C. Scoops** of Holliston – Mobile Food Vendor #TF23-40

Food Inspector Tom Curran stated that he has been in conversation with those running the Library Fair, and he stated there were no pressing concerns. He recommended approval of the above-noted applications. A motion was made to approve the vendors listed above, and it was seconded. By a roll call vote:

Vice Chair Ms. Beardsley – AYE
Member Dr. Hunnewell – AYE
Chair Dr. Vitale – AYE

The motion passed and permits were approved for the vendors listed above.

APPROVED 3-0

9. **2023 Mobile Food Vendor Application, Kona Ice of Framingham / Natick - #F23-32** – The Food Inspector recommended approval of this annual permit, conditional to the vendor providing notice to the Board of Health of the dates when they will be in town, as well as the locations. Such a motion was made and seconded. By a roll call vote:

Vice Chair Ms. Beardsley – AYE
Member Dr. Hunnewell – AYE
Chair Dr. Vitale – AYE

The motion passed and the permit was approved with condition. **APPROVED 3-0 with condition**

10. **2023 Food Establishment Permit, Sweet Meadow Farm - #F23-27** – The Food Inspector noted that this permit allows the owner to offer pizza from a Natick licensed establishment, and he recommended approval. A motion was made to approve this application as presented, and it was seconded. By a roll call vote:

Vice Chair Ms. Beardsley – AYE
Member Dr. Hunnewell – AYE
Chair Dr. Vitale – AYE

The motion passed and the permit was approved.

APPROVED 3-0

11. **2023 Mobile Food Vendor Application, Bird's Nest Italian Street Food - #TF23-33** – It was noted that this application is for a 6/2/23 event at Pine Hill School. A motion was made to approve this application as presented, and it was seconded. By a roll call vote:

Vice Chair Ms. Beardsley – AYE
Member Dr. Hunnewell – AYE
Chair Dr. Vitale – AYE

The motion passed and the permit was approved.

APPROVED 3-0

12. **2023 Annual Mobile Food Vendor Application, Big Ts Jerky House - #F23-39** – The Food Inspector noted that we are still waiting for the required fee. A motion was made to approve this application as submitted, conditional to receipt of the required fee and conditional to the owner notifying the Board of Health of the dates they will be in town and the locations. Such a motion was made and seconded. By a roll call vote:

Vice Chair Ms. Beardsley – AYE
Member Dr. Hunnewell – AYE
Chair Dr. Vitale – AYE

The motion passed and the permit was approved with conditions. **APPROVED 3-0 with conditions**

13. **Mobile Food Vendors at Little League Parade on 4/29/23** – It was noted that the Food Inspector previously approved the issuance of temporary, 1-day mobile food vendor permits for two food trucks at the little league parade:

- (1) **Mr. Gourmet of Saugus – TF23-35**, and
- (2) **Grandy’s Ice Cream of Walpole – TF23-37**

A motion was made to ratify the Food Inspector’s previous approval of these two food trucks for 4/29/23 and it was seconded. By a roll call vote:

Vice Chair Ms. Beardsley – AYE

Member Dr. Hunnewell – AYE

Chair Dr. Vitale – AYE

The motion passed, and the previous approvals were ratified.

Previous Approval Ratified 3-0

14. **2023 Recreational Day Camp For Children – Sweet Meadow Farm, 111 Coolidge Street - #C23-01** – Food/Camp Inspector Curran reviewed that he has been discussing this application with the camp director Julie Tofte, and stated that he would be meeting with her to review all of the submitted documents. He recommended approval of this permit as submitted, conditional to a satisfactory review of the documents, and such a motion was made and seconded. By a roll call vote:

Vice Chair Ms. Beardsley – AYE

Member Dr. Hunnewell – AYE

Chair Dr. Vitale – AYE

The motion passed and the permit was approved with condition.

APPROVED 3-0 with condition

15. **Minutes** – The Minutes of 3/29/23 were discussed, and Dr. Vitale and Dr. Hunnewell had no comments. Ms. Beardsley noted that she had one “very tiny” edit. A motion was made to approve the Minutes as amended, and it was seconded. By a roll call vote:

Vice Chair Ms. Beardsley – AYE

Member Dr. Hunnewell – AYE

Chair Dr. Vitale – AYE

The motion passed and the Minutes were approved as amended.

APPROVED 3-0 as amended

16. A **2023 Disposal Works Installer Permit renewal application** was received from **R. Moreshead Excavating Inc.** from North Attleboro - #I23-23 – The Agent recommended approval of this renewal permit, conditional to a pre-construction conference with the installer, design engineer, and himself prior to any work beginning, and such a motion was made and seconded. By a roll call vote:

Vice Chair Ms. Beardsley – AYE

Member Dr. Hunnewell – AYE

Chair Dr. Vitale – AYE

The motion passed and the permit was approved with condition.

APPROVED 3-0 with condition

17. A **2023 Disposal Works Installer Permit renewal application** was received from **R. Paul Luttazi** of Dover - #I23-24 – The Agent recommended approval of this renewal permit, conditional to a pre-construction conference with the installer, design engineer, and himself prior to any work beginning, and such a motion was made and seconded. By a roll call vote:

Vice Chair Ms. Beardsley – AYE

Member Dr. Hunnewell – AYE

Chair Dr. Vitale – AYE

The motion passed and the permit was approved with condition.

APPROVED 3-0 with condition

18. **Ethics / Open Meeting Law Training** – It was noted that this virtual training session, which will also include the Conflict-of-Interest Law and Public Records Law, is being put on by Town Counsel. It is scheduled for May 15, 2023 at 6:30 PM. Ms. Beardsley noted that this training is recommended, noting that Chris Petrini and Heather White of Petrini Law (Town Counsel) will be presenting, and they will take questions.

19. **Massachusetts Coastal Railroad (MCRR) 2023 Vegetation Control Program, 2023 Yearly Operational Plan** – Dr. Vitale noted receipt of this document, sent to the Sherborn Conservation Commission and copied to the Board of Health. Ms. Beardsley stated that she reviewed the document, and stated that it had more information and detailed plans than we have received in the past. She stated that she was not sure if the Board had the ability or desire to comment on the herbicides being applied, noting that she was disturbed to see some of the chemicals being applied. While they have some setbacks, as well as some no application areas and limited application areas, she would like to ask them to minimize the use of some chemical(s).

Dr. Hunnewell stated that she doesn't know how to educate people, noting there is often a lack of awareness or even denial that it is never going to affect us. She stated it might be worth having some exposure to the general public because there might be some interest. Dr. Vitale stated that this is totally out of the Board of Health's regulatory purview, and Ms. Beardsley asked if there was a role for the Board to flag for the State that this is something we worry about. Dr. Hunnewell stated that, without a regulatory purview, the Board's main role is education – what is the significance of owning a well – and she felt that, due to many factors, the Board must educate people.

Ms. Beardsley stated that she would like this topic added to the 5/17/23 agenda, noting that she envisions the Board letting the bureau that oversees this know that we are concerned. Dr. Hunnewell stated that it is important for people to be informed so if a catastrophe happens, they can't say "you never told us".

20. **Proposed Regulations Changes – 6/7/23 Public Hearing** (see Minutes of 3/29/23, 3/15/23, 3/1/23, 2/15/23, 2/1/23-#11 and #14, 1/4/23-#6 and #8, 12/7/22, 11/16/22, 11/2/22, 10/5/22, 9/21/22, 9/7/22, 7/20/22, 6/1/22, 5/18/22, and 4/6/22) – The Administrator reported that the Legal Notices for these proposed changes to the regulations will be published in the 5/18/23 and 5/25/23 issues of Hometown Weekly, stating that the publication of the first notice is required to be at least 2-weeks prior to the Hearing.

21. **Chair's Statement** – Dr. Vitale stated that he wanted to go rogue a little on this, his last agenda, because he knows that with the Administrator's attention to detail, it will be memorialized in the Minutes into perpetuity. He stated how grateful he is to have had an opportunity to serve on this Board, and commented that what has so stood out is just the exceptional service that we, as a town, get from Ellen, Mark, Tom, and Jean, and the many people who are navigating a situation where the answer is "no" and we are trying to get to "yes", to work with property owners and homeowners in periods that are fraught. He stated that what has stood out for him is the legacy of good fortune the Town of Sherborn has, extending back literally decades, of the attention, the conscientiousness, the reliability, and the quiet work these employees do on our collective behalf that, too often, goes unacknowledged. He felt there was no better way to close out his 6-years on the Board than with an expression of gratitude to the people who support the Board, noting that so often what gets communicated at dinner parties and other places is that people are disappointed, and so he wanted to make sure there was some place where a big "Thank you" was shared with these people. "We have been so lucky to have you supporting us."

With his typical humor Dr. Vitale noted, for future Board members Diana and Julie, that there really is a gavel. Even if all the meetings are on Zoom, they should know that the gavel is somewhere.

Ms. Beardsley stated that she supported Dr. Vitale's comments about the staff, saying that they are amazing. She noted that being on the Board of Health is not an easy job, but it is much easier because we have people who are excellent, trustworthy, and good thinkers. Dr. Vitale stated the Board has much to be grateful for.

The Administrator thanked Dr. Vitale for his kind words. Health Agent Oram thanked Dr. Vitale for his time on the Board, commenting that he has a great way of expediting meetings. He also thanked the outgoing Chair for his medical knowledge, especially during COVID, as well as for his sincerity and his humor.

22. **Adjournment** – A motion was made to adjourn the meeting, and it was seconded.

By a roll call vote:

Vice Chair Ms. Beardsley - AYE

Member Dr. Hunnewell – AYE

Chair Dr. Vitale – AYE

This virtual meeting adjourned at 8:13 PM.

Respectfully Submitted,



Ellen J. Hartnett
Administrator

cc: Town Clerk; and File.

[cc: via email to: Planning Board; Conservation Commission; Board of Assessors; Select Board; Fire Chief; Building Inspector; and Mark Oram, Agent]

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DOCUMENTS REVIEWED AT THE VIRTUAL 5/3/2023 MEETING
(All items stored in the Board of Health files unless otherwise noted)

1. **195 Western Avenue, Silverwood Farm –**

- Planning Board memorandum dated 4/26/23 re: site plan review to authorize Farm Events, including application, 4/11/23 letter from GLM Engineering, and site plan of land dated 2/16/23 prepared by GLM Engineering
- Septic Alteration / New Well (for Produce Barn) plan #09-42/43, drawn by Paul Saulnier, P.E. and approved 10/21/09 (well) and 11/4/09 (septic)
- Water analysis report for VOCs from Nashoba Analytical dated 4/21/23 and received 4/24/23
- Water analysis report comprehensive panel from Nashoba Analytical dated 4/6/23 and received 4/24/23
- Applications for food events scheduled at Silverwood Farm (6/4/23 Multi-family graduation party, 6/17/23 wedding (Sirloin Catering TF23-38), and 6/24/23 wedding (Bird's Nest Italian Street Food TF23-25)
- BOH meeting Minutes of 9/21/22, 3/17/21, and 6/19/19
- Photos of Silverwood Farm barn taken 5/2/23
- Food Establishment Inspection Report for Silverwood Farm – 5/2/23

2. **Asphalt recycling business in Holliston** –
 - 4/8/23 from Melinda O’Neill regarding this proposed business on Sherborn border and GWPC water concerns discussed at their 4/12/23 meeting
3. **19 Dopping Brook Road** –
 - Building Application #22-66 with proposed and existing floor plans
 - Septic system replacement plan #19-119, approved 2/5/20 for 4-bedrooms (with Title 5 variances)
4. **Railroad Right-of-Way** –
 - Massachusetts Coastal Railroad (MCRR) 2023 Yearly Operational Plan
5. **2023 Disposal Works Installer Permit renewals** –
 - R. Moreshead Excavating Inc. of Attleboro – I23-23
 - R. Paul Luttazi of Dover – I23-24
6. **2023 Food Establishment Permit applications** –
 - Kona Ice of Framingham/Natick – Mobile Food Vendor #F23-32 (annual)
 - Wicked Fruitful LLC of Upton – TF23-28 (5/13/23)
 - The Farm at Baptist Common of Templeton – TF23-29 (5/13/23)
 - Nutty Bird Granola of Worcester – TF23-30 (5/13/23)
 - Everything Jalapeno and Not of Milford – TF23-32 (5/13/23)
 - Sweet Meadow Farm, 111 Coolidge Street – F23-27
 - Bird’s Nest Italian Street Food of Boylston – TF23-33 (6/2/23)
 - Big Ts Jerky House of Worcester – F23-39 (annual)
 - T.C. Scoops of Holliston – TF23-40 (5/13/23)
7. **2023 Mobile Food Vendors (for ratification)** –
 - Mr. Gourmet of Saugus (food cart) – TF23-35 (4/29/23)
 - Grandy’s Ice Cream of Walpole – TF23-37 (4/29/23)
8. **2023 Recreational Camp for Children** –
 - Sweet Meadow Farm, 111 Coolidge Street – C23-01
9. **Minutes** –
 - BOH meeting Minutes of 3/29/23
10. **Regulations Review Public Hearing** –
 - Final notice detailing proposed changes to Regulations I, II, and III
11. **25 Bear Hill Road** –
 - Building Application #23-10 (denied 4/20/23), including floor plans and photographs of 3 levels
 - 2016 Septic Certificate of Compliance
 - 7/21/16 Variance Hearing letter
12. **Ethics/OML training seminar** –
 - Memorandum re: 5/15/23 seminar with Town Counsel
13. **“Septic 101 for Sherborn Homeowners”** –
 - GWPC memorandum regarding 5/9/23 webinar with RCAP Solutions