

**VIRTUAL
SHERBORN
BOARD OF HEALTH MEETING
MINUTES
May 17, 2023**

Members Present: Daryl Beardsley, Vice Chair, Matt Bevers, MD, PhD, Julie Dreyfus, Diana Hoek, and Rebecca Hunnewell, MD

Members Absent: None

Others Present: Matt Michel, Eli Adams, Misael Barchinski, Jeanne Guthrie, Courtney Ek, Tom Trainor, and Mark Oram, Agent.

By a roll call vote:

Member Dr. Bevers – Present

Member Ms. Dreyfus – Present

Member Ms. Hoek - Present

Member Dr. Hunnewell – Present

Vice Chair Ms. Beardsley - Present

This VIRTUAL meeting came to order at 7:06 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) Head Home a/k/a Healthy Buddha Treats – Residential Kitchen Permit #F23-36

(2) Minuteman Kettle Corn Inc. – 1-Day Mobile Food Vendor Permit #TF23-41

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

Member Dr. Bevers – AYE

Member Ms. Dreyfus – AYE

Member Ms. Hoek - AYE

Member Dr. Hunnewell – AYE

Vice Chair Ms. Beardsley – AYE

The motion passed, and the agenda was amended.

APPROVED 5-0

2. **Reorganization of the Board** – Dr. Bevers nominated Ms. Beardsley to be Chair for the coming year, and Ms. Dreyfus seconded. By a roll call vote:

Member Dr. Bevers – AYE

Member Ms. Dreyfus – AYE

Member Ms. Hoek – AYE

Member Dr. Hunnewell – AYE

Member Ms. Beardsley – AYE

The motion passed and Ms. Beardsley is now Chair.

AGREED 5-0

Ms. Beardsley nominated Dr. Bevers as Vice Chair for the coming year, and Ms. Dreyfus seconded. By a roll call vote:

Member Dr. Bevers – AYE
 Member Ms. Dreyfus – AYE
 Member Ms. Hoek – AYE
 Member Dr. Hunnewell – AYE
 Chair Ms. Beardsley – AYE
 The motion passed and Dr. Bevers is now Vice Chair.

AGREED 5-0

The Board reviewed a list of their other appointments. Ms. Beardsley noted that Casual/Supplemental Health Agent Ethan Mascoop has not performed any work for the Board since 2018, and she felt that his position would be covered by a shared services agreement to be discussed later in this meeting (see #3 of these Minutes). She noted that Mr. Mascoop’s focus is on housing issues. Dr. Bevers, noting that since he has not worked for the Board for 5-years, it would be fine to terminate the employment agreement. The remaining appointments were reviewed:

Health Agent (including enforcement) – Mark Oram
 Food-Camp Inspector – Thomas Curran
 Animal Inspector – Kimberly Morrow (nominated by BOH and appointed by MDAR)
 Burial Agent – Jaclyn Morris
 BOH Administrator – Ellen Hartnett
 BOH Administrative Assistant – Jean Greco
 Groundwater Protection Committee Representative – Barton Kunstler
 Local Emergency Planning Committee Representative – Ellen Hartnett
 DPH Region 4AB Emergency Preparedness Agent – Ellen Hartnett

A motion was made to confirm the above-noted appointments with indefinite terms, and it was seconded.

By a roll call vote:

Vice Chair Dr. Bevers - AYE
 Member Ms. Dreyfus – AYE
 Member Ms. Hoek – AYE
 Member Dr. Hunnewell – AYE
 Chair Ms. Beardsley – AYE

The motion passed and the appointments were confirmed.

AGREED 5-0

3. **State Action for Public Health Excellence (SAPHE) Memorandum of Understanding for shared services** (see Minutes of 3/1/23, 2/15/23, 2/1/23-#13, 1/18/23-#14, and 12/21/22-#10) – Ms. Beardsley stated that the Town of Needham is the lead agency for the “Charles River Public Health District”, which includes Medfield, Dover, and potentially Sherborn. She noted that Needham is doing the administrative oversight work (the “heavy lifting”). Ms. Beardsley noted that she has attended some meetings of this group, as has Town Administrator Jeremy Marsette. She stated that the Board needs to indicate their willingness to participate in this group, and state if they are in agreement with having the Town Administrator sign the Memorandum of Understanding.

Dr. Bevers wondered if Town Counsel had reviewed the document. Ms. Beardsley indicated that the Town Administrator had planned to attend this meeting for this topic but has a Select Board meeting at the same time; he would have been able to answer that question and address and changes needed for the MOU. Ms. Beardsley explained that having the MOU signed would allow Sherborn to participate in this group. She noted that while Dover and Sherborn are similar, the other 2 towns are not, and she stated that the MOU recognizes that. Ms. Beardsley stated that it might be possible, through this group, for Dover and Sherborn to share a Public Health Nurse. She stated that while Dover has budgeted for such a position, Sherborn’s portion would be covered by this grant for at least the first year.

Ms. Beardsley asked for a motion to (1) endorse Sherborn's participation in the SAPHE program by entering into a shared services arrangement with the Charles River Public Health District, and (2) support the Memorandum of Understanding with said District, as shall be finalized and managed by the Sherborn Town Administrator. Such a motion was made and seconded. By a roll call vote:

Vice Chair Dr. Bevers – AYE

Member Ms. Dreyfus – AYE

Member Ms. Hoek – AYE

Member Dr. Hunnewell – AYE

Chair Ms. Beardsley – AYE

The motion passed, with the Board in unanimous agreement. **AGREED 5-0**

4. **Farm Pond 2023 Bathing Beach Permit #BB23-01** – Jeanne Guthrie was present for this discussion. Dr. Bevers noted that Farm Pond has had a few algae blooms in the past several years, but the clarity is at 7-meters at this time. The Agent stated that he will schedule his inspection next week, noting that he checks the sanitation of the bathrooms, and he stated that the drinking water cannot be used until a passing water analysis is received. Ms. Guthrie stated that the water bubbler has been turned on, and it will be tested for quality next week. With regards to the geese, Ms. Guthrie stated that last year, the guards visited the grounds at 5:00am with their dogs, and motion-sensor sprinklers were also used. This year, resident Steve Petty is the Reservation Manager.

Dr. Hunnewell asked, when evaluating the testing for Farm Pond, if it is frequently tested for nitrogen. The Agent responded that the state requirement for the beach water is either E. coli or enterococci – not nitrates. The drinking water, however, will be tested for nitrates.

A motion was made to approve the 2023 Farm Pond Bathing Beach Permit conditional to a passing inspection and appropriate drinking water analysis being received. The motion was seconded. By a roll call vote:

Vice Chair Dr. Bevers – AYE

Member Ms. Dreyfus – AYE

Member Ms. Hoek – AYE

Member Dr. Hunnewell – AYE

Chair Ms. Beardsley – AYE

The motion passed and the permit was approved with conditions. **APPROVED 5-0 with conditions**

5. **25 Bear Hill Road, Eli Adams – Building Application #23-10** (see Minutes of 5/3/23 and 7/20/16) – Owner Eli Adams was present with his builder, Misael Barchinski. It was noted that the owner is planning to add a finished basement room. The existing 4-bedroom septic system is an Innovative/Alternative Technology, and does not allow for additional design flow. The room count was reviewed:

- 2nd floor – 4-bedrooms, including 1 room with exclusive access through one of the bedrooms, making it a suite;
- 1st floor – 4 rooms;
- Basement – the plans show one playroom, and no longer includes adding a bathroom. A set-tub will be added to the existing laundry area.

Dr. Hunnewell stated that she did not believe this is consistent with state law. She sees the kitchen and family room as two separate spaces, and the 2nd floor closet as a full room (even though the only access is through a bedroom). She asked if the septic system has the capacity for all of this flow, and stated that the Board should treat every person fairly and consistently. Dr. Hunnewell felt the Board should require the homeowner to upgrade their septic system. Ms. Dreyfus noted that the ceiling/roof slants in the 2nd floor closet, noting that it is not a full 7-foot ceiling. Ms. Beardsley stated that she believes Sherborn is more

stringent than the state in how we count bedrooms. She stated that bedrooms should provide privacy, and that this count is consistent with what the Board has approved many times.

A motion was made to authorize the Agent to approve the plans, conditional to receipt of the appropriate plans matching what was reviewed tonight in order to clear up any questions, and it was seconded. By a roll call vote:

Vice Chair Dr. Bevers – AYE

Member Ms. Dreyfus – AYE

Member Ms. Hoek – AYE

Member Dr. Hunnewell – NAY

Chair Ms. Beardsley – AYE

The motion passed, with Dr. Hunnewell opposed.

APPROVED 4-1

6. **19 Dopping Brook Road, Matthew Michel – Building Application #22-66** (see Minutes of 5/3/23 and 2/5/20) – Owner Matthew Michel was present. The Agent stated that the basement was finished without permit, per the Building Commissioner. The floorplans were reviewed:

- 2nd Floor – 4-bedrooms
- 1st Floor – 5 rooms (the existing sunroom is heated)
- Basement – plans are labeled as a recreation room / Mr. Michel stated that it will include a laundry room and dry storage (in addition to the recreation room).

In order to reduce the room count on the 1st floor to 4-rooms, Mr. Michel stated that updated plans have been sent to the Building Commissioner showing the entire wall removed between the Great Room and Kitchen, so it will be all one open space. Ms. Beardsley noted that they are functionally different spaces, and Mr. Michel responded that the peninsula in the kitchen will be removed, and the island extended. The kitchen table will go to the current Great Room space, and the living area will be in the existing sunroom. Ms. Beardsley stated that updated plans should remove the icons for furniture (sofas) in the Great Room space. Dr. Bevers stated that he would like to see updated plans. After further discussion, he asked if the Board would be comfortable authorizing the Agent to approve the revised plans if they are submitted as discussed.

A motion was made to authorize the Agent to approve revised plans following review with the Chair and Vice-Chair, if necessary. The basement floorplan should reflect the finished rooms as they exist. The motion was seconded. By a roll call vote:

Vice Chair Dr. Bevers – AYE

Member Ms. Dreyfus – AYE

Member Ms. Hoek – AYE

Member Dr. Hunnewell – AYE

Chair Ms. Beardsley – AYE

The motion passed, and the Board was in agreement.

AGREED 5-0

7. **Massachusetts Coastal Railroad (MCRR) 2023 Vegetation Control Program, 2023 Yearly Operational Plan** (see Minutes of 5/3/23) – Ms. Beardsley noted that to control vegetation along the right-of-way, herbicides are proposed, and that sometimes they use mechanical means. Public Water Supply wells are shown on the maps, but they may not be obligated to show private wells. She stated that they have provided the Board with an opportunity to provide comment, and she felt the Board should not remain silent. Ms. Beardsley stated that comments she would like to make include:

- Although Sherborn doesn't have a lot of public water supplies, the population served by private wells along the entire right-of-way would far exceed a public water supply threshold;
- A lot of Sherborn's soils are sandy;

- Sherborn draws water from bedrock fractures; and
- We work hard to protect our water supply.

Dr. Hunnewell felt it was a great idea to think of it as a collective group of water supplies. She asked if we could get input or assistance from the Department of Public Health since Sherborn is 100% private wells. She wondered if we could find out if there is a division that is particularly interested in helping small towns.

Ms. Dreyfus stated that she read the document, and stated that if a private well is identified and it is 50-feet from the railroad, there is no spraying. If the private well is between 50-100-feet, there is limited spraying. She noted that not all private wells have been identified. She stated that the Groundwater Protection Committee looked at this last Wednesday, and they were planning to draft a letter. She asked if the Board has ever co-endorsed a letter put together by another Committee? Ms. Beardsley wondered if multiple letters would be better or if a single letter from multiple Boards/Committees would be better. She noted that we have until June 9th at 5:00pm to comment.

Groundwater Protection Committee Chair Tom Trainor stated that the GWPC is definitely drafting a letter of concern, stating they have found many wells within the right-of-way. He recommended that the Board of Health, Groundwater Protection Committee, and Conservation Commission all write individual letters.

Ms. Beardsley commented that she also wants to check on the specific herbicides that were mentioned, noting that one mentioned does not break down quick once it is in the soil. Dr. Bevers noted the need for better data regarding the location of all the wells in town. Mr. Trainor reiterated his recommendation for separate letters, stating that a greater volume of concern would be better than just more signatures on one letter.

Ms. Beardsley will draft a letter for review by the Board at the next meeting.

8. **Procedures for Public Hearing on Proposed Regulations Changes – 6/7/23** (see Minutes of 5/3/23, 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) – Dr. Bevers stated that the Board has been working hard over the past year to review the regulations. He noted that a 2-minute time limit on public comment is traditional. Additionally, if a comment has already been made, it should not be made again. Both Ms. Beardsley and Dr. Bevers felt the Board should vote separately on each proposed change. Dr. Hunnewell asked if a significant change is proposed at the Public Hearing, would the Board vote that proposal? The Agent stated that what was advertised should be what is discussed and voted.

Ms. Dreyfus asked about the typical cut-off time for the meeting and Dr. Bevers responded that there is no typical cut-off time, we will just see how it goes.

9. **2023 Schedule of Meeting Dates – August meeting** – The Administrator stated that she will be on vacation during the week of the August meeting (8/16), and she asked if the Board would be willing to reschedule that meeting. Dr. Bevers noted that he was also unavailable for that meeting. Ms. Hoek stated that she can also not attend that night. Following additional discussion of proposed alternate dates, a motion was made to cancel the August 16th meeting and post a meeting for August 23rd. The motion was seconded. By a roll call vote:

Vice Chair Dr. Bevers – AYE

Member Ms. Dreyfus – AYE

Member Ms. Hoek – AYE

Member Dr. Hunnewell – AYE

Chair Ms. Beardsley – AYE

The motion passed and the meeting was rescheduled.

AGREED 5-0

10. **Minutes** – The Minutes of 5/3/23 were discussed. No edits were proposed. A motion was made to approve these Minutes as written, and it was seconded. By a roll call vote:

Vice Chair Dr. Bevers – AYE

Member Ms. Dreyfus – AYE

Member Ms. Hoek – AYE

Member Dr. Hunnewell – AYE

Chair Ms. Beardsley – AYE

The motion passed, and the Minutes were approved as written. **APPROVED 5-0**

11. **2023 Temporary Mobile Food Vendor Permit – Minuteman Kettle Corn Inc.** of Worcester - #TF23-41 – This vendor will be at Dowse Orchards on 6/16/23. It was noted that the Food Inspector has recommended approval of this temporary permit conditional to the vendor’s compliance with all applicable laws, and such a motion was made and seconded. By a roll call vote:

Vice Chair Dr. Bevers – AYE

Member Ms. Dreyfus – AYE

Member Ms. Hoek – AYE

Member Dr. Hunnewell – AYE

Chair Ms. Beardsley – AYE

The motion passed and the permit was approved with condition. **APPROVED 5-0 with condition**

12. **2023 Residential Kitchen Permit – Head Home (a/k/a Healthy Buddha Treats) – F23-36** – This application was reviewed. It was noted that the level of sodium in the water is 27.6 mg/L, and there is low pH (5.7). The Agent stated that he advised the applicant that she should be aware of the pH. If she has any issues with her pipes she should consider a filter or use bottled water. He stated that as it relates to her food facility, there is no issue as she has stated that she does not use water in her preparation. The Food Inspector has recommended approval conditional to his satisfactory inspection and her compliance with all applicable laws. A motion was made to approve this permit conditional to the Food Inspector’s inspection and the applicant’s compliance with all applicable laws. Additionally, the Food Inspector shall verify that no water is used in the prepared foods. The motion was seconded. By a roll call vote:

Vice Chair Dr. Bevers – AYE

Member Ms. Dreyfus – AYE

Member Ms. Hoek – AYE

Member Dr. Hunnewell – AYE

Chair Ms. Beardsley – AYE

The motion passed and the permit was approved with conditions. **APPROVED 5-0 with conditions**

13. **6/7/23 Agenda Items** were discussed.

- 7:15pm – Bedrock Disruption Permit review – 39 Wildwood Drive
- 8:00pm – Public Hearing on Proposed Regulations Changes
- Review of Chair’s draft letter regarding the Railroad Vegetation Plan

Ms. Beardsley noted that Nick Rodenhouse of the Open Space Committee would like to meet briefly with the Board of Health, and she suggested this could be tentatively included. Dr. Bevers suggested that it be pushed to the June 21st meeting.

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

By a roll call vote:

Vice Chair Dr. Bevers – AYE

Member Ms. Dreyfus – AYE
Member Ms. Hoek – AYE
Member Dr. Hunnewell - AYE
Chair Ms. Beardsley – AYE
This virtual meeting adjourned at 8:51 PM.

Respectfully Submitted,



Ellen J. Hartnett
Administrator

DOCUMENTS REVIEWED AT THE VIRTUAL 5/17/2023 MEETING
(All items stored in the Board of Health files unless otherwise noted)

1. **Reorganization of the Board –**
 - 5/9/23 memorandum from BOH Administrator
2. **19 Dopping Brook Road –**
 - Building Application #22-66, with proposed and existing floorplans
 - 7-7-2020 Certificate of Compliance
 - NEW plans received 5-4-2023 from building commissioner
 - Status email received 5-4-23 from building commissioner
3. **25 Bear Hill Road –**
 - Building Application 23-10 – denied 4-20-23
 - Floor plans for existing 1st floor, 2nd floor, and basement
 - Photographs of 1st floor, 2nd floor, and basement spaces
 - Septic information
4. **2023 BOH meeting schedule**
5. **Farm Pond –**
 - 2023 Bathing Beach Permit application BB23-01
 - 5/8/23 beach water analysis report
6. **Massachusetts Coastal Railroad –**
 - 2023 Yearly Operational Plan
7. **Public Hearing for proposed regulations changes –**
 - Procedure for Public Hearing
 - Proposed changes to Regulation I, II, and III for 6/7/23 Public Hearing
8. **2023 Temporary Mobile Food Vendor Application –**
 - Minuteman Kettle Corn Inc. of Worcester - #TF23-41
9. **2023 Residential Kitchen Application –**
 - Head Home (a/k/a Healthy Budda Treats) of Sherborn - #F23-36
10. **State Action for Public Health Excellence (SAPHE) –**
 - Shared Services Memorandum of Understanding with the Charles River Public Health District
11. **Minutes –**
 - 5/3/23 Board of Health meeting Minutes