

September 14, 2010

Meeting Opened: 7:30 P.M., Room 112, Town Hall
Members Present: William Morris, Chairman; Richard Bringhurst; Claire Wolfram; Lisa Procaccini;
Carol Paul; Richard Beauregard; Jane Mitchell
Member Absent: Carol Johnson

Others Present: Aldo & Alfredo Palumbo; Anne & Bernard Barcello; Animal Inspector
John Spillane – Animal Permit 92 County St.
John Glossa, P.E. – 51 Pine Hill Drive
Atty. Phil Macchi – Walmart Expansion
Ann Marie Kannally – Biotech Regulations

MOTION: made by Richard Bringhurst that the Board of Health accepts the minutes of the August 17, 2010 meeting as printed. Seconded by Lisa Procaccini. VOTE: 4-0-0 UNANIMOUS.

Animal Permit Manure Management Plan – 92 County Street:

Documents/Exhibits – Health Director’s letter dated 8/18/10.

Aldo Palumbo was ordered to appear before the Board of Health at the August 17, 2010 meeting after he failed to remove all the chicken manure along a stone wall on his property. Mr. Palumbo said that the initial violation letter, dated 7/27/10, did not specify a specific area and that the remaining manure along the wall area was spread as fertilizer around fruit trees he has planted there. Mr. Palumbo’s son said that they responded immediately to Ms. Chapell’s July 27th violation letter and removed the guinea hens and manure from the property and thought they were in compliance when they received the order to appear. Animal Inspector John Spillane said that as of his inspection on 9/13/10 everything was in compliance and the property spotless. Mr. Barcello, 84 County St., said that an ongoing concern he has is that every spring Mr. Palumbo violates his animal permit and houses guinea hens on his property and asked that the Board address this repeat violation. Mr. Morris said that guinea hens are not allowed under Mr. Palumbo’s animal permit and warned him that any future violation would result in a revocation hearing for his animal permit. Mr. Morris said that the Board of Health walks a fine line when considering the rights of residents of the town who enjoy its rural aspect and house animals on their property and the rights of residents of the town who abut those properties. Mr. Morris said that the Board of Health does investigate complaints made by residents and that animal permit holders are obligated to abide by the town’s animal regulations.

Septic Variance – 51 Pine Hill Drive:

Documents/Exhibits – Glossa Engineering variance request dated 8/31/10 & Proposed Septic Design Plan (on file Health Dept) .

John Glossa, P.E. addressed the Board of Health regarding the septic variance request and the proposed septic upgrade for the failed septic system located at 51 Pine Hill Drive.

MOTION: made by Lisa Procaccini that the Board of Health grants septic variance CMR 15.212 – Depth to Ground Water - allowing the soil absorption system to be less than 4 feet (3.0 ft.) above the seasonal high groundwater table elevation for the failed septic system located at 51 Pine Hill Drive. Seconded by Claire Wolfram. VOTE: 4-0-0 UNANIMOUS.

Walmart Proposed Expansion:

Attorney Phil Macchi addressed the Board of Health regarding the proposed expansion plans for the Walmart store at 550 Providence Highway, which will include interior alterations, building expansion and associated changes to parking, grading, landscaping, drainage and utilities. Mr. Macchi also said that under Section 5-B.1 and 9:3.A of the Zoning By Laws a special permit would also be required to allow the expansion to be in excess of 20,000 square feet.

Zoning Board of Appeals Special Permit - Walmart:

Documents/Exhibits – Special Permit Application/Plan (on file Zoning Board of Appeals); Deputy Health Agent’s summary.

MOTION: made by Richard Bringhurst that with respect to the request from the Zoning Board of Appeals for comment on the Special Permit application for the Walmart expansion the Board of Health has no specific concerns at this time with this plan. Seconded by Lisa Procaccini. VOTE: 4-0-0 UNANIMOUS.

Site Plan Approval - Walmart:

Documents/Exhibits – Proposed Site Plan – Bohler Engineering (on file Planning Board); Deputy Health Agent’s

summary.

MOTION: made by Claire Wolfram that the Board of Health's comment to the Planning Board regarding the request for Site Plan Approval for the proposed Walmart expansion is the Board of Health has no issue with this request. Seconded by Lisa Procaccini. VOTE: 4-0-0 UNANIMOUS.

Land Disturbance Permit - Walmart:

The Board of Health did not review or comment on the Land Disturbance Permit as a decision had been previously made by the Conservation Commission at their September 8, 2010 meeting.

Abbreviated Notice of Intent – 58 Peach Street:

The Board of Health did not review or comment on the Abbreviated Notice of Intent as a decision had been previously made by the Conservation Commission at their September 8, 2010 meeting.

Request for Determination – 760 Main Street:

The Board of Health did not review or comment on the Request for Determination as a decision had been previously made by the Conservation Commission at their September 8, 2010 meeting.

Food Code Variance – The Meat House:

Documents/Exhibits – Variance request dated 8/20/10, The Meat House sample log.

The Board of Health reviewed a variance request from The Meat House to allow under Massachusetts State Requirements 3-501.19(A) and 105 CMR 590.004(H) and the Federal Food Code the use of time only, rather than time/temperature, as the control for certain foods used for free sampling. The Health Director said that she met with Eric Johnson co owner of The Meat House several time to establish a plan and consulted with other Health Departments that allow this practice. Ms. Chapell said that she is comfortable with this variance request.

MOTION: made by Lisa Procaccini that the Board of Health approves the variance request to allow The Meat House to use a maximum 3 hour time only control of free sampling, instead of time/temperature control, for various flavors of grilled chicken breast and wings, grilled turkey breast, grilled beef steak and tips and grilled pork. Seconded by Richard Bringhurst. VOTE: 4-0-0 UNANIMOUS.

Notice of Intent – Stone Street Clark's Pond:

Documents/Exhibits – Application to abate nuisance vegetation (on file Conservation Commission); Deputy Health Agents summary.

The Board of Health reviewed the application from the Town of Walpole to abate nuisance vegetation in Clark's Pond by means of "hydro-raking" and "drawdown" of the pond.

MOTION: made by William Morris that the Board of Health's comment to the Conservation Commission regarding Clark's Pond is that the Board has no objection to using "hydro-raking" and "drawdown" methods to abate nuisance vegetation in the pond. Seconded by Claire Wolfram. VOTE: 4-0-0 UNANIMOUS.

Old Business:

Tobacco Sale in Pharmacies Regulations:

Documents/Exhibits – Draft copy of proposed tobacco sales regulations.

The Health Director said that she hand delivered to retail establishments with pharmacies the final draft of the proposed regulations and a notice about the public hearing scheduled for the September 28, 2010 Board of Health meeting. Ms. Chapell said that Attorney Cheryl Sbarra, MAHB Tobacco Cessation and Prevention and Chronic Disease Prevention Program, will be present at the public hearing.

Biotech Regulations:

Documents/Exhibits – Draft copy of proposed Policies and Procedures to Administer Permits; draft copy of regulations.

The Board of Health made minor punctuation, language and spelling changes to the draft regulations. William Morris said that it is safe to say that the Policies and Procedures to Administer Permits and the Regulations for the Use of Recombinant DNA Technology and Biosafety Level 3 Materials have been minutely scrutinized and gone through an exhaustive review process to establish the comprehensive document before the Board of Health tonight. Mr. Morris said that input from the public hearing in April, communities with established biotech regulations in place, professionals in the biotech industry, Board of Health members and the Health Director have been an important part of this process. Mr. Morris said that it is important to have regulations in place before any actual action has occurred. Ann Marie Kannally addressed the Board questioning why some sections of Walpole's regulations mirror Cambridge's established biotech regulations and other sections excluded. Ms. Kannally also said that the regulations should require that the Town's regulating authority play a more active roll (unscheduled site inspections) and required more accountability of the biotech companies. Mr. Morris assured Ms. Kannally that the Board of Health takes the health and safety of the residents and workers of the Town of Walpole very seriously and will not hesitate to revisit any of the Board of Health's regulations if deemed necessary.

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MOTION: made by Claire Wolfram that the Board of Health approves with the changes presented here tonight the amended Regulations for the Use of Recombinant DNA Molecular Technology and Biosafety Level 3 Materials. Seconded by Lisa Procaccini.

DISCUSSION: the Board agreed on an effective date of September 23, 2010.

VOTE: 4-0-0 UNANIMOUS.

MOTION: made by Richard Bringhurst that the Board of Health adopts the Walpole Policies and Procedures to Administer Permits for the Use of Recombinant DNA Molecular Technology and Biosafety Level 3 Materials as presented effective September 23, 2010. Seconded by Claire Wolfram.

VOTE: 4-0-0 UNANIMOUS.

New Business:

B. M. I. Statistics:

Documents/Exhibits: B.M.I. statistics for grades 1 – 10 Walpole Public Schools.

The Board of Health reviewed the latest Body Mass Index (B.M.I.) statistics for students in Walpole grades 1 – 10. The Health Director said that she is on a School Wellness Committee, which formed several years ago, to promote, through education, better nutrition and physical activities for students both during and after school.

Correspondence:

Fall 2010 Town Meeting – Zoning Article

MOTION: made by William Morris to adjourn. Seconded by Richard Bringhurst **VOTE: 4-0-0 UNANIMOUS.**

Meeting Closed: 8:40 PM

CLERK