

October 27, 2009

Meeting Opened: 7:32 P.M.
Members Present: William Morris, Chairman; Carol Johnson, Clerk; Richard Bringhurst;
Claire Wolfram

Others Present: Robert Higgins, Paul & Katie Thurston, Abutters – 156 Baker Street
Atty. Phil Macchi – Legacy Lane

MOTION: made by Richard Bringhurst that the Board of Health approves the minutes of the October 13, 2009 meeting as presented. Seconded by Carol Johnson. VOTE: 4-0-0 UNANIMOUS.

Lisa Procaccini:

MOTION: made by William Morris that based on her past prior service as an associate member the Board of Health write a letter of endorsement to the Board of Selectmen regarding the request made by Lisa Procaccini to become a full voting member of the Board of Health. The Board hopes that the selectmen will take favorable action on her request. Seconded by Claire Wolfram. VOTE: 4-0-0 UNANIMOUS.

Abutters & Neighbors – 156 Baker Street:

On behalf of abutters and neighbors of 156 Baker Street, Robert Higgins, 2 Carriage Lane, addressed the Board of Health regarding concerns they have about stock piled construction debris (soil, gravel, asphalt) on the property, diversion of storm water onto Baker Street from the site and the collection of storm water in tire trenches on the property. Owner of the property, Paul Thurston said that he was unaware of the neighbor's concerns until Deputy Health Agent Gail Nixon called him last Thursday (10/22/09). Mr. Thurston said that the site is permitted as a construction site and anything stored there is legally stored. He said that the asphalt was removed today and that the remaining materials will be used for final grading and completion of the sewer connection which contractor Paul Podgurski hopes to complete by November 14, 2009, Thanksgiving at the latest. Mr. Thurston said that at that time any remaining materials will be removed from the site. Mr. Thurston then read the following statement for the record:

As some of you know, my wife and I have applied for a Comprehensive Permit under MGL 40b, so we may develop the property known as 156 Baker St. The development corporation, is known as 5th Fairway Development, LLC and has a principal place of business at 10 Riverside Place, Walpole. Recently, 5th Fairway Development received conditional approval from the Town of Walpole to build eighteen condominium units. Unfortunately, some of the conditions that were placed on the approval are burdensome and make the project uneconomic, so we have begun litigation against the Town of Walpole in the Housing Appeals Court. For this reason and others, we are not at liberty to discuss the actual proposal or development, so if you have any questions about the development they will need to be addressed by Town Counsel, Ilana Quirk. Our Attorney is Wayne Dennison of Brown Rudnick.

The owners of record are my wife and I who hold the property as tenants by the entirety, for B&T Realty Trust. Upon receiving proper notice from the Town of Walpole that we needed to either install a new Title 5 system or connect to the town's sewer, we began the engineering. Accordingly, we designed a sewer and water main extension of the property, sufficiently sized to handle any future development. Accordingly, the Town's Engineer Maggie Walker, Superintendent Rick Mattson and the Sewer & Water Commissioners approved the stamped engineered drawing for the water and sewer mains. Upon receiving Town approval, our contractor, Podurski Corp. applied for and received all necessary permits to perform the water and sewer infrastructure work. Upon completing the utility infrastructure, we were instructed to cease with the final connection until some engineering and conveyance issues were finalized. Our Attorney, Dan Hill who represents us in these matters has also advised us not to discuss any of these pending issues.

Respectfully, my wife and I came here tonight to inform the Board of Health that we believe that some people with ulterior motives are trying to influence the Board of Health with disinformation, in an attempt to slander us or to fabricate evidence so it can be used against us in future litigation. Please be advised that we will defend ourselves accordingly against any frivolous or slanderous action.

Respectfully, we recognize that the Board of Health has certain jurisdiction over ensuring that this property becomes Title 5 compliant. To mitigate any concerns, we have continued to have the existing cesspool monitored as per our previous order.

With regard to any construction related issues, we feel this project is presently under the control of the Town Engineer and the Water & Sewer Department. To date, we have not received any notices from either department regarding any construction related issues.

William Morris said that Mr. & Mrs. Thurston have demonstrated to the Board of Health due diligence regarding Title V compliance for 156 Baker Street and more recently the removal of the asphalt pile resulting from the construction of the sewer connection. The other issues posed here tonight by residents are not Board of Health issues but rather issues to be addressed by Town Council, Planning Board and the Town Engineer. The Board can only urge, because of the ongoing litigation, that the Thurston's make every effort to have the sewer connection completed and any remaining debris removed from the site by Thanksgiving.

Definitive Subdivision Plan – Legacy Lane:

MOTION: made by Claire Wolfram that the Board of Health's comments to the Planning Board regarding the Definitive Subdivision Plan Legacy Lane are: the Board has no problem with the plan as presented and is very pleased to see sidewalks and outside lighting included on the plan. Seconded by Carol Johnson. VOTE: 4-0-0 UNANIMOUS.

New Business:

Communities Putting Prevention to Work – Grant Program:

The Board reviewed Robin Chapell's response to the Massachusetts Department of Public Health's Communities Putting Prevention to Work Grant Program.

State Ethics Law:

The Board received information pertaining to Chapter 28 of the Acts of 2009 which made sweeping changes to the Massachusetts conflict of interest law and impacts all municipal employees and Board and Committee members.

Walpole Food Inspection Report:

The Board of Health reviewed the annual Walpole Food Inspection Report for July 1, 2008 through June 30, 2009. The Board also reviewed letters sent to the managers of Leo's Pizzeria and Taco Bell commending their staff for the good job they are doing in the restaurants to maintain compliance.

Fall Schedule:

MOTION: made by William Morris that due to the close proximity of the Board's scheduled monthly meetings to the Thanksgiving and Christmas holidays, the Board of Health will meet only on the second Tuesday of each month for November and December 2009. The Board of Health grants to the Health Director the authority to approve all routine matters that may come in front of her during the Board's abbreviated fall schedule. Seconded by Richard Bringhurst. VOTE: 4-0-0 UNANIMOUS.

Old Business:

Season & H1N1 Flu:

The Health Director updated the Board of Health regarding H1N1 cases in Walpole and anticipated shipments of seasonal and H1N1 flu vaccine.

MOTION: made by William Morris to adjourn. Seconded by Claire Wolfram. VOTE: 4-0-0 UNANIMOUS.

Meeting Closed: 8:55 PM

CLERK

