April 28, 2015

Meeting Opened: 7:33 P.M.
Members Present: William Morris, Chairman; Carol Johnson, Clerk; Richard Bringhurst (7:36); Richard Beauregard; Mona Bissany

Others Present: Atty. Jay Peabody; Christian Farland, Thompson Farland, Inc.; Molly Cote, Sage Environmental; Ismail Fenni, Al Marhama Islamic Cemetery; John Hasenjaeger, Economic Development Committee; Ken Fettig, Sewer & Water Commission; Town Residents

MOTION: made by Carol Johnson that the Board of Health approve the minutes of the March 24, 2015 meeting as amended. Seconded by Mona Bissany. VOTE: 4-0-0 UNANIMOUS.

Public Hearing Continued – Al Marhama Islamic Burial Service:
MOTION: made by William Morris to open the public hearing regarding Al Marhama Islamic Burial Service: Roll Call: Mona Bissany – aye; Carol Johnson – aye; Richard Beauregard – aye, William Morris – aye 7:35 PM.
William Morris said that the February 24, 2015 public hearing was continued to allow the applicants time to respond to questions and concerns expressed at that hearing and asked that all comments made, or questions asked, are directed to the Board of Health. Mr. Morris said that the Board of Health will not vote on the matter at tonight's meeting. Attorney Jay Peabody, Al Marhama Islamic Burial Service, addressed the Board of Health regarding his correspondence dated 4/21/2015 to the Board addressing questions brought up at the February 24, 2015 public hearing and subsequent memo dated March 2, 2015 from Health Director, Robin Chapel. Mr. Peabody said that Molly Cote, Sage Environmental and Ismail Fenni, Al Marhama Burial Service, are expected, but delayed in traffic. In an effort not to delay the meeting, William Morris opened the hearing up for comments and asked if anyone was present for comment from a town board or committee.

- John Hasenjaeger, PHD – on behalf of the Economic Development Committee addressed the Board and questioned the siting of a tax exempt cemetery in a Highway Commercial Zone District stating that it is incompatible with the Town's Zoning By-laws because the purpose of such zoning is to create tax revenue for the town.
- Ken Fettig – on behalf of the Sewer and Water Commission addressed the Board with concerns the Commission has about what end of life treatments/chemicals the deceased may have received prior to death and the potential for soil and ground water contamination. Mr. Fettig asked the Board to consider the various medications used in nursing homes that he submitted for review.
- Kenneth Southwood – voiced concerns about how decomposing bodies interned in a green cemetery could impact the Neponset River (which runs through Walpole) and recreational outdoor activities along the river such as fishing, and boating.
- William Hamilton – reiterated concerns voiced to the Board at the February 24, 2015 public hearing and the importance of protecting the School Meadow Brook Well and that the economic viability of a community relies on its water supply.

- Tim Hempton – reiterated concerns voiced at the February 24, 2015 public hearing about how "cause of death" can be verified considering HIPAA laws in place, and that once the cemetery's protocol is established how and what will be disclosed to the town considering there is no law mandating this practice.

Mr. Peabody addressed the Board and said that that the applicant is aware of the concerns expressed by residents and abutters and the applicant is open to concrete liners. Environmental studies done by Thompson Farland Inc. and Sage Environmental regarding soil data, mapping for test holes, test hole finding, soil logs, along with license information are all included in the documents (Exhibit A) submitted to the Board for review. Also, that a cemetery is an appropriate use in a Highway Business District under the Zoning By-laws. Mr. Peabody said that the cemetery is a non-governmental entity, and as a private cemetery will be managed and maintain as outlined in the Al-Marhama Protocol and Cemetery Guidelines (Exhibit B) and that Massachusetts General Law does require a long term maintenance plan and that enforcement is under the state's jurisdiction. Ismail Fenni addressed the Board stating that Al Maharma Islamic Burial Service is a non-profit community service that is managed by volunteers and funded through private donations. Mr. Fenni said that the overall appearance of the cemetery will be park like and provide a service to the community. Mr. Fenni said that plots will be mapped in rows of two with plot markers on each gravesite and walkways throughout so that loved ones may visit gravesites. Molly Cote, Sage Environmental, addressed the Board about environmental testing done on the site in relation to ground water levels, the direction ground water in the area flows, and locations of private drinking/irrigation wells.

- Attorney Gerald Blair– reiterated concerns expressed at the February 24, 2015 hearing and submitted to the Board for review water levels that were measured at the Cook's monitoring wells (2222 Boston Providence Hwy) by the Walpole Water Department on 4/22/15. Mr. Blair also submitted to the Board the abutters Supplemental Opposition Memorandum, as well as, information obtained online about Al Marhama services. Mr. Blair also asked what disaster preparedness protocol is in place.
- Danielle Donaldson – suggested that more scientific studies need to been done in order to obtain more information about the impact cemeteries have on communities.
- Harry Nouns – questioned whether any other green cemeteries have been sited near a municipal water supply in Massachusetts. Molly Cote responded that in 2009 the Town of Wayland approved such a cemetery within a Zone II Water Resource Protection Area.
- Joanne Damish – said that the town's water supply is an important issue and urged the Board of Health to use due diligence to protect it.
- Christopher Valley – question how many residents of Walpole are Muslim. Mr. Fenni responded that currently 30 families reside in Walpole.
- Jon Cook – questioned whether a burial would go forward if water was found during the excavation of a burial plot. Mr. Fenni said that the deceased would not be interned in an unsuitable plot.
- Ed Walker – said that he is opposed to the project and asked that the Board of Health rule on the side of caution.
- Kate Graham – said that the cemetery is a bad idea and asked what testing is done to determine what disease a person has died from.
- Arthur Cook – reiterated concerns about the project and questioned whether test pit data disclosed about the site is correct considering recent test of monitoring wells on his property indicated water at 4'6".

- John Hasenjaeger suggested finding an alternative site for the proposed cemetery and offered the applicant the Economic Development Committee's assistance possibly expediting the process. Mr. Peabody said that the proposed site for the cemetery has already been purchased by the applicant.

William Morris acknowledged Town Administrator, Jim Johnson and Sewer and Water Superintendent, Rick Mattson in the audience and asked for any comments they may have. Jim Johnson said as a resident the safety of the town's water is important to him and that the suggestion of possibly finding an alternative sites something to consider. William Morris said the Board of Health takes all comments seriously and will carefully evaluate the information and site studies presented here tonight and thanked the applicant and all present for attending tonight's public hearing.

MOTION: made by William Morris to close the public hearing regarding Al Marhama Islamic Burial Service: Roll Call: Richard Bringhurst – aye; Mona Bissany – aye; Carol Johnson – aye; Richard Beauregard – aye, William Morris – aye 10:05 PM.

Lifeguard Variance – Redwood Mews:

Documents/Exhibits – 2015 Lifeguard Variance application (on file Health Dept.).

The Board of Health reviewed the lifeguard variance request for Redwood Mews Condominiums.

MOTION: made by Carol Johnson that the Board of Health grants the request for a lifeguard variance at Redwood Mews Condominiums for the 2015 pool season, subject to the receipt of the standard indemnification agreement with the Town of Walpole Board of Health and that the appropriate warning signs are posted around the pool area. Seconded by Richard Beauregard. VOTE: 5-0-0 UNANIMOUS.

Lifeguard Variance Homes at Swan Pond (upper pool):

Documents/Exhibits – 2015 Lifeguard Variance applications (on file Health Dept).

The Board of Health reviewed the lifeguard variance request for the Homes at Swan Pond Condominiums upper pool.

MOTION: made by Carol Johnson that regarding the request from the Homes at Swan Pond to operate the adult only upper pool without a lifeguard the Board of Health grants the request. The Board of Health requires that the appropriate warning signs are posted around the pool and that the Homes at Swan Pond submit to the Town of Walpole Board of Health a standard indemnification agreement. Seconded by Richard Beauregard. VOTE: 5-0-0 UNANIMOUS.

New Business:

Tobacco Regulations:

The Board of Health reviewed the draft tobacco regulations:1) Restricting the Sale of Tobacco Products; 2) Prohibiting Smoking in Workplaces & Public Places and made minor changes.

MOTION: made by William Morris that after reviewing the draft regulations Restricting the Sale of Tobacco, and Prohibiting Smoking in Workplaces & Public Places, the Board of Health requests that a public hearing be schedules for the May 12, 2015 meeting to obtain public input on the proposed regulations. Seconded by Mona Bissany. VOTE: 5-0-0 UNANIMOUS.

Due to the late hour the Board of Health tabled all other matters requiring their attention until their May 12, 2015 meeting.

MOTION; made by William Morris to adjourn. Seconded by Richard Bringhurst. VOTE: 5-0-0 UNANIMOUS.

Meeting Closed 10:28 PM