

February 25, 2014

Meeting opened: 7:30 P.M., Room 102, Town Hall
Members Present: William Morris, Chairman; Carol Johnson, Clerk; Richard Bringhurst; Claire Wolfram Lisa Procaccini; Mona Bissany
Members Absent: Richard Beauregard

Others Present: Town Residents ó Public Hearing Medical Marijuana Regulations
John Glossa, P.E. ó Septic Variance - 28 Bubbling Brook Road;
Definitive Subdivision Plan - 44 Bubbling Brook Road

MOTION: made by Richard Bringhurst that the Board of Health approves the minutes of the February 11, 2014 meeting. Seconded by Lisa Procaccini.

VOTE: 3-0-1.

3 - in favor ó William Morris, Carol Johnson, Richard Bringhurst, Lisa Procaccini
1 - abstained ó Claire Wolfram

Public Hearing Medical Marijuana Sales Regulation Draft:

Documents/Exhibits – Medical Marijuana Regulations Draft.

MOTION: made by William Morris to open the public hearing regarding the draft regulations for Medical Marijuana Sales in the Town of Walpole. **Roll Call: Richard Bringhurst ó aye; Lisa Procaccini ó aye; Carol Johnson ó aye; Claire Wolfram ó aye; William Morris - aye. 7:35 PM.**

William Morris addressed everyone present stating that the purpose of tonight's public hearing is to gain input regarding proposed Board of Health Medical Marijuana Sales Regulations. Mr. Morris said that the regulations, in conjunction with the Massachusetts Department of Public Health Regulations (MDPH), will allow for oversight and enforcement on a local level. Mr. Morris said that at this time no applicant has applied to establish a dispensary in the Town of Walpole but that the Board of Health wants regulations in place should that change. Mr. Morris said that no vote will be taken at tonight's hearing and that all comments will be taken under advisement. Mr. Morris said that the Board will schedule the matter again for its March 11, 2014 meeting, at which time a vote may be taken. Health Director, Robin Chapell, said that a copy of the draft regulations has been sent to Department of Public Health Attorney, Cheryl Sahbara, but as of tonight's meeting Ms. Sahbara has not responded. Ms. Chapell also said that she may obtain input as well from Town Council. Resident Pat O'Donnell questioned whether there would be any financial gain for the town if a dispensary is established here. Ms. Chapell said that communities in other parts of the country that have established Medical Marijuana Dispensaries have experienced increased costs relating to security issues and that any fees associated with Board of Health regulations would cover departmental expenses such as plan reviews, inspections, etc. Another resident asked where in town dispensaries will be allowed to operate. Ms. Chapell said that the Zoning Board proposed and Fall Town Meeting approved Industrial Area Zoning for any proposed Medical Marijuana Dispensary. Ms. Chapell said that MDPH is the governing agency and issuing agent of dispensary permits and that no town in Massachusetts can ban Medical Marijuana Dispensaries from their communities. Ms. Chapell said that of the 35 dispensaries allowed within the state this first year of the new law, twenty plus applications have been approved by MDPH. William Morris thanked everyone present for their questions and comments.

MOTION: made by William Morris to close the public hearing. Roll Call: Richard Bringhurst ó aye; Lisa Procaccini ó aye; Claire Wolfram ó aye; Carol Johnson ó aye; William Morris aye. 7:52 PM.

Local Upgrade Approval Septic Variance ó 28 Bubbling Brook Road:
Documents/Exhibits – Glossa Engineering variance request dated 2/19/14 & Proposed Septic Design Plan (on file Health Dept.).

The Board of Health reviewed the septic variance request for a proposed septic upgrade for a failed septic system at 28 Bubbling Brook Road.

MOTION: made by Lisa Procaccini that regarding the request for local upgrade approval for the failed septic system at 28 Bubbling Brook Road the Board of Health grants the following septic variances: 310 CMR 15.104 and 105 ó Percolation Testing ó allowing the soil absorption system to be designed and installed without a percolation test as allowed by DEP policy; 310 CMR 15.211 ó Minimum setback distances ó allow the soil absorption system to be less than 25 feet (6.15 Feet) from an irrigation well; 310 CMR 15.211 ó Minimum setback distances ó allow the soil absorption system to be less than 50 feet (20.55 feet) from bordering vegetated wetlands. The Board of Health also requires that a deed restriction is filed with the Registry of Deeds stating that the irrigation well is for underground irrigation only and that no spigot is allowed. Seconded by Richard Bringhurst. VOTE: 5-0-0 UNANIMOUS.

Notice of Intent ó Lot 6 & 8 Lady Slipper Drive:

Documents/Exhibits – Notice of Intent (on file Conservation Commission); Deputy Health Agent's summary.

The Board of Health reviewed for comment the Notices of Intent ó Lots 6 & 8 Lady Slipper Drive, to construct a single family home on each of the lots located within the High Oaks Estates subdivision. The entire proposed houses and most of the drives would be in the 100 foot buffer of vegetated wetlands.

MOTION: made by William Morris that regarding the Notice of Intent Lot 6 & 8 Lady Slipper Drive the Board of Health is not in favor of any new construction within the 100 buffer of vegetated wetlands. Seconded by Carol Johnson. VOTE: 5-0-0 UNANIMOUS.

Notice of Intent ó 35 & 39 Lester Gray Drive & Lot 142 High Oaks Court:

Documents/Exhibits – Notice of Intent (on file Conservation Commission); Deputy Health Agent's summary.

The Board of Health reviewed for comment the Notices of Intent ó 35 & 39 Lester Gray Drive & 142 High Oaks Court (High Oaks Estates subdivision), to construct single family homes the majority of which would be located in the 100 foot buffer of vegetated wetlands. Drywells have been proposed for roof runoff.

MOTION: made by William Morris that regarding the Notices of Intent 35 & 39 Lester Gray Drive and Lot 142 High Oaks Court the Board of Health is not in favor of any new construction within the 100 buffer of vegetated wetlands. Seconded by Lisa Procaccini. VOTE: 5-0-0 UNANIMOUS.

Notice of Intent ó Rockland Federal Credit Union ó 564 Main Street:

Documents/Exhibits – Notice of Intent (on file Conservation Commission); Deputy Health Agent's summary.

The Board of Health reviewed for comment the Notice of Intent ó Rockland Federal Credit Union, to construct a new bank at 564 Main Street. Portions of the construction (100 ó 200 foot area) would be within a riverfront area protected under the Wetlands Protection Act and the Walpole Wetland Protection By-law.

MOTION: made by Richard Bringhurst that with respect to the request for comment from the Conservation Commission regarding the Notice of Intent-Rockland Federal Credit

Union the Board of Health has no specific concerns at this time. Seconded by Lisa Procaccini. VOTE: 5-0-0 UNANIMOUS.

Special Permit Application ó 119 Pleasant Street:

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

The Board of Health reviewed for comment the Special Permit Application ó 119 Pleasant Street, to allow a single family home to be converted into three one bedroom apartments.

MOTION: made by Claire Wolfram that the Board of Health’s comment regarding the Special Permit Application is at this point the Board has no concerns with allowing the single family home at 119 Pleasant Street to be converted into three one bedroom apartments. Seconded by Carol Johnson. VOTE: 5-0-0 UNANIMOUS.

Definitive Subdivision Plan ó 44 Bubbling Brook Road:

Documents/Exhibits – Definitive Subdivision Plan (on file Planning Board); Deputy Health Agent’s summary.

The Board of Health reviewed for comment the application for a 3 lot subdivision to be located at 44 Bubbling Brook Road (1 lot would be 44 Bubbling Brook) portions of two of the lots are in Westwood and these lots would be connected to Westwood’s sewer system.

MOTION: made by Carol Johnson that the Board of Health’s comment to the Planning Board is we see no issues with the plan presented and therefore have no comment at this time. Seconded by Claire Wolfram. VOTE: 5-0-0 UNANIMOUS.

Land Disturbance Permit ó Keaney Estates:

Documents/Exhibits – Land Disturbance Permit Application (on file Conservation Commission); Deputy Health Agent’s summary.

The Board of Health reviewed for comment the Land Disturbance Permit Application - Keaney Estates, to construct a four lot subdivision on 4.3 acres located off Moosehill Road. The filing is required in accordance with the town’s Storm Water Management and Erosion Control By-law.

MOTION: made by Lisa Procaccini that the Board of Health has no comment at this time regarding the Land Disturbance Permit Application ó Keaney Estates. Seconded by Carol Johnson. VOTE: 5-0-0 UNANIMOUS.

New Business:

New Health Department Technician:

The Health Director informed the Board of Health that Joseph Lai has submitted his letter of resignation. Ms. Chapell said that his visa to remain in the United States had recently expired and though he is in the process of applying for an extension to date it has not been approved. Ms. Chapell said that Melissa Marinelli has since been hired to fill the vacant position and started in the office on Monday. William Morris asked Ms. Chapell to extend a warm welcome to Melissa on behalf of the Board of Health.

Old Business:

Walpole Tobacco Sales Regulations:

Mona Bissany updated Claire Wolfram, who was not present at the last Board of Health meeting, about implementing the Tobacco21 initiative in Walpole by increasing the purchase age to 21 and in doing so further delaying youth access to cigarettes. Ms. Bissany said again, that most minors (under 18) obtain cigarettes from 18 ó 20 year olds who may legally purchase tobacco. Claire Wolfram said that she feels education about the

detrimental impact smoking has on both a person's health and appearance can have just as powerful an influence on a person's decision not to smoke as limiting access can. William Morris said that the Board of Health takes tobacco control and youth access very seriously and increased the purchase age to 19 in an effort to minimize High School students' access to cigarettes. William Morris went on to say that he questions the effectiveness of the Tobacco21 initiative until it is adopted state wide. Ms. Wolfram said, and other Board members agreed, that increasing the purchase age to 19 was a good place to start and supported the Board's original decision to revisit the matter again in 2015.

MOTION: made by William Morris that with regard to the Town of Walpole Tobacco Regulations specifically as it relates to adopting the T21 initiative and raising the purchase age of tobacco products to 21, the Board of Health reaffirms its original 2013 decision to consider any additional action on the matter in 2015. Seconded by Carol Johnson. **VOTE:** 5-0-0 UNANIMOUS.

Correspondence:

Social Host By-law - Attorney General's approval of Social Host By-law with the caveat that no administrative recoupment expense may be implemented.

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

Meeting Closed: 9:00 P.M.