January 13, 2015

Meeting Opened:	7:31 P.M., Room 112, Town Hall
Members Present:	William Morris, Chairman; Richard Bringhurst; Richard Beauregard; Mona Bissany
Members Absent:	Carol Johnson
Others Present:	John Glossa, P.E. – 3 Raymond Drive Phillip Macchi – 1148 Washington Street Bakula Patel – Subway Restaurant, Walpole Mall Attorney Robert Nislick – Party City, Walpole Mall

MOTION: made by Richard Bringhurst that the Board of Health approve the minutes of the December 9, 2014 meeting as drafted. Seconded by Mona Bissany. VOTE: 4-0-0 UNANIMOUS.

Septic Variance – 3 Raymond Avenue:
Documents/Exhibits – Glossa Engineering variance request dated 12/23/14 & Proposed Septic Design Plan (on file Health Dept.).
John Glossa, P.E., addressed the Board of Health regarding the septic variance request for the septic upgrade of a failed septic system at 3 Raymond Avenue.
MOTION: made by Mona Bissany that the Board of Health has no specific concerns at this time and approves the variance to allow a soil absorption system to be designed without a percolation test for the failed septic system at 3 Raymond Avenue. Seconded by Richard Bringhurst. VOTE: 4-0-0 UNANIMOUS.

Drain Variance – 1148 Washington Street:
Documents/Exhibits – Phillip Macchi variance request dated 12/23/14; variance request application MA Division of Professional Licensure; Board of Health letter of support dated 12/23/14 (on file Health Dept.).
Phillip Macchi, 1148 Washington Street, addressed the Board of Health regarding his variance request to install a custom 80 inch bathroom drain instead of the standard 68 inch. Mr. Macchi said that he met with the Massachusetts Board of State Examiners of Plumbers and Gas Fitters, January 7, 2015 at which time they approved his request.
MOTION: made by William Morris that the Board of Health supports the drain variance request, 1148 Washington Street, to allow a custom drain 80 inches in length to be installed rather than the current 68 inch standard. Seconded by Richard Beauregard. VOTE: 4-0-0 UNANIMOUS.

Public Revocation/Suspension Hearing – Subway Restaurant, Walpole Mall:
Documents/Exhibits – Order to Appear dated 12/15/14; 11/15/14; 12/13/14 Inspection Reports; Wind River Service Report grease trap 12/16/14 (on file Health Dept.).
MOTION: made by William Morris to open the public hearing regarding Subway Restaurant's failure to correct repeat violations. Roll Call: Richard Bringhurst – aye; Mona Bissany – aye; Richard Beauregard – aye; William Morris – aye. 7:46 PM.
Restaurant owner, Bakula Patel, addressed the Board of Health about actions she has initiated to address repeat violations regarding choke saver certification, a pest control agreement and routine maintenance of the grease trap and hood exhaust. Board of Health members and Health Director, Robin Chapell, expressed grave concerns that on two separate occasions in December Ms. Patel failed to attend scheduled meetings with Deputy

Health Agent, Melissa Marinelli. That after 60 days from the initial inspection (11/15/14) and repeated attempts by the Health Department to work with Ms. Patel to correct these violations there is still no evidence that anything is in place to permanently correct them. William Morris said he is concerned that these violations are not being taken seriously and reminded Ms. Patel that a food establishment permit is not a right but a privilege. Ms. Marinelli said that an inspection conducted on Monday, January 12, 2015, found no pest control contract, choke saver certifications or hood cleaning documentation on site. Ms. Patel said that the current store manager's employment has been terminated and that a choke saver class is scheduled with Lisa Berger in February. Ms.Patel said she will schedule staff from her Boston store (who are certified) to cover shifts in Walpole and that for now she personally will oversee the daily operations of the restaurant. Also, that the exhaust hood has been cleaned but she did not forward documentation to the Health Department or bring it with her tonight. She also said she has contacted Mall Management about a pest control agreement but has not yet received a response back. Mona Bissany said that the Board understands that it will take time to have employees certified in choke saving, but needs to know someone from another store will be in Walpole immediately. Richard Beauregard asked that considering its importance will an employee(s) with certification be available for all shifts tomorrow (Wednesday). Attorney Robert Nislick, on behalf of Party City, Walpole Mall, addressed the Board about ongoing litigation with Ms. Patel regarding odor complaints (baking bread) employees at the abutting Party City store have made to Party City's corporate office. Ms. Patel said that a ventilation system to address that issue has been purchased and that Service Solutions is scheduled to install it Thursday, January 15, 2015.

MOTION: made by William Morris regarding Subway #31135, located at the Walpole Mall, and its failure to comply with inspection reports and Health Department requests to address serious violations, the owner of that establishment Ms. Bakula Patel is hereby ordered to provide satisfactory documentation to the Health Department office no later than 10:00am, Friday, January 16, 2015, that the grease traps and hood exhausts have been properly cleaned and serviced, that on the premise there is an employee with choke saver certification for all hours of operation, that the mop sink area is properly cleaned and that an agreement with a pest control company has been established. If that documentation is not in the Health Department by 10:00am her permit to operate will be suspended as of 12:01pm, January 16, 2015 and the restaurant closed. The store will remain closed until such time Ms. Patel provides documentation that all the violations have been addressed; a re-inspection conducted by the Health Department and a representative from Subway's corporate office appears before the Board of Health. Should Ms. Patel provide all that documentation and an inspection shows compliance the permit to operate will not be suspended and the establishment subject to more frequent inspections going forward. Seconded by Richard Bringhurst. VOTE: 4-0-0 UNANIMOUS.

MOTION: made by William Morris to close the public hearing. Roll Call: Richard Bringhurst – aye; Mona Bissany – aye; Richard Beauregard – aye; William Morris – aye. 8:10 PM.

Request for Determination – 4 Heather Lane:

Documents/Exhibits – Request for Determination(on file Conservation Commission); Deputy Health agent's summary.

The Board of Health reviewed for comment the Request for Determination as to whether the proposed plan to connect a single family home at 4 Heather Lane to town sewer is subject to the Wetland Protective Act.

MOTION: made by Richard Beauregard that regarding the request for comment from the Conservation Commission concerning the Request for Determination - 4 Health Lane the Board of Health has no specific comments. Seconded by Richard Bringhurst. VOTE: 4-0-0 UNANIMOUS.

Request for Determination – 160 Elm Street:

Documents/Exhibits – Request for Determination(on file Conservation Commission); Deputy Health agent's summary.

The Board of Health reviewed for comment the Request for Determination as to whether the proposed plan to connect an existing commercial building located at 160 Elm Street to town sewer is subject to the Wetland Protective Act.

MOTION: made by Mona Bissany that the Board of Health's comment to the Conservation Commission regarding the Request for Determination – 160 Elm Street is that we have no specific concerns at this time. Seconded by Richard Beauregard. VOTE: 4-0-0 UNANIMOUS.

Notice of Intent – Lot 2 Atlantic Court Extention:

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 – Lot 2 Atlantic Court to construct a single family home with a portion of the property within the 25 foot no alteration zone, all construction is outside the 100 foot buffer.

MOTION: made by William Morris that the Board of Health notes that the construction is outside the 100 foot buffer zone and therefor have no specific comments at this time for the Conservation Commission. Seconded by Richard Bringhurst. VOTE: 4-0-0 UNANIMOUS.

Land Disturbance Permit – Atlantic Court Extension:

Documents/Exhibits – Land Disturbance Permit (on file Conservation Commission); Deputy Health agent's summary.

The Board of Health reviewed for comment the Land Disturbance Permit – Atlantic Court Extension to extend Atlantic Court and construct four single family homes with associated driveways and utilities.

MOTION: made by William Morris that the Board of Health's comments to the Conservation Commission regarding the Land Disturbance Permit – Atlantic Court Extension are that the Board is pleased to see that a sidewalk is included on the plan to help promote healthy lifestyles and strongly recommends that street lighting also be included to address healthy and safe activities in the area. Seconded by Richard Beauregard. VOTE: 4-0-0 UNANIMOUS.

Sign Variance – 300 Boston Providence Highway:

Documents/Exhibits – Variance Request (on file Zoning Board of Appeals); Deputy Health agent's summary.

The Board of Health reviewed for comment a Variance Request – 300 Boston Providence Hwy, The League School, to install a subtly illuminated building sign.

MOTION: made by Richard Bringhurst that with respect to the request for comment by the Zoning Board of Appeals the Board of Health has no objections to allowing an internally illuminated building sign at 300 Boston Providence Highway. Seconded by Mona Bissany. VOTE: 4-0-0 UNANIMOUS.

Amendment to Increase Fuel Storage:

Documents/Exhibits – Amendment Increase Fuel Storage; Deputy Health agent's summary.

The Board of Health reviewed for comment an amendment to increase Fuel Storage at Cumberland Farms, 1340 Main Street. Deputy Health Agent, Melissa Marinelli, said she spoke with Deputy Fire Chief, Mike Laracy about the plan and Deputy Laracy said the tanks proposed are standard and that the Fire Department had no issues with the request.

MOTION: made by Richard Beauregard that the Board of Health's comment to the Board of Selectmen is that we have no objections to increased fuel storage at Cumberland Farms, 1340 Main Street. Seconded by Richard Bringhurst. VOTE: 4-0-0 UNANIMOUS.

Special Permit – 119 Pleasant Street:

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

William Morris(abutter) recused himself from comment. The Board of Health reviewed for comment the Special Permit – 119 Pleasant Street to allow the conversion of a nonconforming single family home into a three family home with added parking (6 spaces).

MOTION: made by Mona Bissany that the Board of Health comments to the Zoning Board of Appeals regarding the Special Permit – 119 Pleasant Street are that the Board has no specific concerns except that the pavement for the six additional parking spaces does not exceed the impervious cover limit allowed. Seconded by Richard Bringhurst. VOTE: 3-0-1.

3 – in favor – Richard Bringhurst, Richard Beauregard, Mona Bissany

1 – abstained – William Morris

Correspondence:

KMK Cleaners – 641 Main Street – The Board of Health congratulated KMK Cleaners on their 2014 Most Valuable Pollution Prevention Award from TURI at UMass Lowell.

Site Plan Approval – 1429 Main Street

Special Permit Decision – 1429 Main Street

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

Meeting Closed: 8:35 P.M.

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CLERK