

March 22, 2016

Meeting Opened: 7:31 P.M., Room 112, Town Hall
Members Present: William Morris; Chairman; Carol Johnson; Clerk; Richard Bringham (7:34); Richard Beauregard; Mona Bissany

Others Present: Alberto Dayaa, Marcus (employee) – Quick Stop Gulf Station
Fran Kinahan – Palumbo Liquors
Steve Hassett, P.E. – Morse Engineering

MOTION: made by Carol Johnson that the Board of Health approve the minutes of the March 8, 2016 meeting as presented. Seconded by Mona Bissany. VOTE: 4-0-0 UNANIMOUS.

Tobacco Control Violation – Quick Stop Gulf Station, 745 Main Street:

Documents/Exhibits – Notice to appear dated 3/3/2016; tobacco compliance check form dated 2/29/16.

William Morris said that the Board of Health takes tobacco sale compliance very seriously and that the Board strongly believes and supports preventing juveniles from smoking. Mr. Morris said that historically the Board has been proactive in preventing youth access to tobacco products and last year increased the purchase age of tobacco products to 21 years. Mr. Morris asked store owner, Alberto Dayaa, what action has been taken in his store to prevent future violations. Mr. Dayaa said that Marcus, the employee with him tonight, made the sale and apologized to the Board for the violation. Marcus also apologized and stated that he was distracted by another person in the store at the time of the purchase and admitted to using the override feature on the register to make the sale. Mr. Dayaa said that Marcus is his best employee and has worked for him for years without any problems. Mr. Dayaa said he has since modified the register system so that a birth date must be logged in to make a sale and that the override feature on the register has been disabled. Mr. Morris thanked Mr. Dayaa for recognizing the seriousness of the violation and for requiring that the employee who committed the violation attend tonight's hearing. Mr. Morris said that the Board of Health is pleased with the actions he has taken to prevent a second violation and reminded Mr. Dayaa that a second or third violation within a three year period will result in more cumulative fines and suspensions and possibly even the revocation of his tobacco permit. The Health Director confirmed that the violation fine has been paid and the two day tobacco sales suspension completed.

Tobacco Control Violation – Palumbo Liquors:

Documents/Exhibits – Notice to appear dated 3/3/16; tobacco compliance check form dated 2/29/16.

Mr. Morris said that the Board of Health is disappointed that a business (liquor store) whose customer base must be 21 or older, and that business is obligated to enforce that restriction, would have a tobacco sale violation. Store Manager, Fran Kinahan apologized to the Board for the violation and said that the employee who committed the violation was suspended from work for two days. Mr. Kinahan said that since the violation the internal procedure for tobacco sales now requires employees request and scan IDs for all customers under the age of 40. Mr. Morris said that the Board of Health takes tobacco sale compliance very seriously and does not want to see Mr. Kinahan before the Board again

because of a second offense. The Health Director confirmed that the violation fine has been paid and the two day tobacco sales suspension completed.

Septic Variance – 315 Bullard Street:

Documents/Exhibits – Morse Engineering variance request dated 3/9/2016 & Proposed Septic Design Plan (on file Health Dept.).

Steve Hassett, P.E., addressed the Board of Health regarding the setback variance request from the Town of Walpole Septic Regulations for the proposed septic system at 315 Bullard Street.

MOTION: made by Mona Bissany that regarding the variance request for the proposed septic system at 315 Bullard Street, the Board of Health grants the request from the Town of Walpole Septic Regulations, Section 767-3(4), pending the final approval of the proposed septic design plan by the Health Department, and allows the leach field to be located 111 feet and the reserve area 100 feet from the vegetated wetlands. Seconded by Richard Bringhurst. VOTE: 5-0-0 UNANIMOUS.

Request for Determination – Right of Way, Keolis Commuter Service:

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

The Board of Health reviewed for comment an application asking the Conservation Commission to determine whether wetland delineation along Keolis Commuter Service Right-of- Way is accurate.

MOTION: made by Carol Johnson that the Health Board’s comment to the Conservation Commission is that we have no issues with Keolis Commuter Service request. Seconded by Richard Beauregard. VOTE: 5-0-0 UNANIMOUS.

Land Disturbance Permit – Off Pleasant St. Parcels 54 & 63:

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 – Off Pleasant St., Parcels 54 & 63, for a proposed 12 unit condominium complex consisting of 6 duplex buildings, with associated driveway/parking, utilities and serviced by town water/sewer.

MOTION: made by Richard Beauregard that regarding the Conservation Commission’s request for comment on the Land Disturbance Permit – Off Pleasant Street, Parcels 54 & 63, the Board of Health is pleased to see sidewalks and light posts included on the plan for healthy outdoor living, and reiterates that the Town does not manage trash and recycling for condominiums, so that the concrete pad area indicated on the plan for trash and recycling services will be managed by the condominium complex. Seconded by Richard Bringhurst. VOTE: 5-0-0 UNANIMOUS.

Special Permit – Verizon Wireless:

Documents/Exhibits – 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 to allow Verizon to install a canister antenna on a utility pole located near 85 Boston Providence Highway.

MOTION: made by William Morris that the Board of Health’s comment to the Zoning Board of Appeals is that we have no issues with the antenna installation. Seconded by Carol Johnson. VOTE: 5-0-0 UNANIMOUS.

Zoning Variance Request – 71 Pocahontas Street:

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

The Board of Health reviewed for comment the Zoning Variance Request – 71 Pocahontas Street, to allow height and side yard setback variances for the construction of a deck and garage to an existing home.

MOTION: made by Richard Bringhurst that with respect to the request for comment from the Zoning Board of Appeals for the Variance Request – 71 Pocahontas Street, the Board of Health has no concerns. Seconded by Mona Bissany. VOTE: 5-0-0 UNANIMOUS.

Notice of Intent – 23 & 27 Production Road:

Documents/Exhibits – Notice of Intent (on file Conservation Commission).

The Board of Health reviewed for comment the Notice of Intent 23 & 27 Production Road, to construct a 40,500 square foot office/warehouse on 3.45 acres; a portion of the proposed building is within the 100 foot buffer zone.

MOTION: made by Carol Johnson that regarding the Notice of Intent – 23 & 27 Production Road, the Board of Health reiterates comments previously made that the Board does not support new construction within the 100 foot buffer zone and requests that adequate lighting is provided in the office/warehouse area in order to protect public safety. The Board also notes that dumpsters are indicated on the plan and would encourage recycling services are provided as well. Seconded by Richard Beaugard. VOTE: 5-0-0 UNANIMOUS.

Notice of Intent – 24 & 28 Production Road:

Documents/Exhibits – Notice of Intent (on file Conservation Commission).

The Board of Health reviewed for comment the Notice of Intent - 24 & 28 Production Road, to construct a 40,500 square foot office/warehouse building on 2.64 acres, a portion of the proposed lot is within the 100 foot buffer zone.

MOTION: made by Carol Johnson regarding the Notice of Intent – 24 & 28 Production Road, the Board of Health reiterates comments previously made that the Board does not support new construction within the 100 foot buffer zone, strongly urges that recycling services are provided along with the proposed dumpster and requests that adequate lighting in the area is provided. Seconded by Richard Beaugard. VOTE: 5-0-0 UNANIMOUS.

Request for Modification (refile) – Olmsted Estates:

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

The Board of Health reviewed for comment the refiled Request for Modification – Olmsted Estates, which reflects recommendations made by Town Engineer, Maggie Walker.

MOTION: made by Carol Johnson that the Board of Health has no additional comments beyond what was previously said at our February 9, 2016 meeting. Seconded by Richard Beaugard. VOTE: 5-0-0 UNANIMOUS.

New Business:

Commendation - Deputy Health Agent, Melissa Marinelli:

On behalf of the Board of Health William Morris thanked Melissa Marinelli for her exemplary work as Walpole’s Deputy Health Agent and specifically for the leadership skills exhibited in planning and executing this year’s Coalition for Alcohol and Drug

Awareness video contest. Mr. Morris said that the Board appreciates all her hard work and fantastic job making the event such a success.

MOTION: made by William Morris that the Board of Health commend Melissa Marinelli for all her hard work on this year's Coalition for Alcohol and Drug Awareness Video Contest. Seconded by Richard Beauregard. VOTE: 5-0-0 UNANIMOUS.

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

Meeting Closed: 8:10 P.M.