

June 19, 2018

Meeting Opened: 7:30 P.M.
Members Present: William Morris, Chairman; Carol Johnson, Clerk; Richard Bringhurst; Richard Beauregard; Mona Bissany; Stephan Schaub; Katherine Barrett
Others Present: Bernard & Anne Barcelo - 92 County Street
Mark Abarbanel – Sam’s Package Store
John Glossa – 16 Wendy Street

MOTION: made by William Morris that the Board of Health accepts the minutes of the April 17, 2018 meeting as amended. Seconded by Richard Bringhurst. VOTE: 4-0-1.
4 – in favor – William Morris, Richard Bringhurst, Richard Beauregard, Mona Bissany
1 – abstained – Carol Johnson

MOTION: made by Mona Bissany that the Board of Health approves the minutes of the May 1, 2018 meeting as amended. Seconded by Richard Bringhurst. VOTE: 4-0-1.
4 – in favor – Carol Johnson, Richard Bringhurst, Richard Beauregard, Mona Bissany
1 – abstained – William Morris

Animal Permit Complaint – 92 County Street:

Carol Johnson updated Board members about what was said at the May 15, 2018 meeting regarding Mr. & Mrs. Barcelo, 84 County Street, complaint against their neighbor Mr. Palumbo, 92 County Street, regarding the impact his construction projects, irrigation systems and the number of animals (poultry, ducks, guinea hens) Mr. Palumbo has on his property, in particular the water/sludge runoff from his property migrating onto their property and the guinea hens on the property. Ms. Johnson said that, Mr. Palumbo’s Attorney, Michael Sams, who was present, stated that the water runoff is due to the land’s topography not anything Mr. Palumbo does on his property and that Mr. Palumbo has an active Animal Permit with the Town.

Mrs. Barcelo, addressed the Board regarding their ongoing complaint concerning water runoff from 92 County Street draining onto their property and that Mr. Palumbo is housing more chickens, ducks, and pigeons than his Animal Permit allows. Mr. Barcelo submitted to the Board for review pictures he had taken indicating areas of his property impacted by runoff. Ms. Chapell said that she and Animal Inspector, John Spillane conducted a site visit of Mr. Palumbo’s property when the complaint was made in May and found the property to be in order and that the animals and pens appeared to be well maintained. Ms. Chapell said that at that time Mr. Palumbo was told to remove the guinea hens from the property, which he has. Mr. Morris requested that John Spillane increase monitoring of 92 County Street and if animal violations are found Mr. Palumbo may be required to appear before the Board of Health for a revocation hearing. Mr. Morris told Mr. & Mrs. Barcelo that if there is a concern to call the Health Department and it will be investigated.

Tobacco Sales Violation – Sam’s Package Store 1st offense:

Documents/Exhibits – Notice to appear dated 4/18/2018; tobacco compliance check form dated 4/14/2018.

Store owner, Mark Abarbanel, apologized to the Board of Health for the tobacco sale violation and took full responsibility for being the person who made the sale. Mr. Abarbanel said that he and all his employee are TIPS trained and that his store has a good record of compliance. He said that he had no explanation, other that he made a mistake and that it will not happen again. William Morris said that the Board of Health takes tobacco compliance very seriously and preventing access to people under 21 very important to the Board. Mr. Morris thanked Mr. Abarbanel for appearing before the Board and that the Board does not want to see him here again for a second offense.

Tobacco Sales Violation – Cumberland Farms, Walpole Mobil, Main Street Mobil 1st offense; Gulf Station Quick Stop 2nd offense:

MOTION: made by William Morris that because irregularities occurred during the compliance check of three establishments the Board of Health concurs with waiving the number of days tobacco sales were to be suspended. Seconded by Carol Johnson.
VOTE: 5-0-0 UNANIMOUS.

Lifeguard Variance Hilltop Preserve:

Documents/Exhibits – 2018 Lifeguard Variance applications (on file Health Dept.).

The Board of Health reviewed the lifeguard variance request for Hilltop Preserve Apartments to allow 1 lifeguard per 25 bathers. Carol Johnson said that she objects to granting this variance request.

MOTION: made by William Morris that regarding the Hilltop Preserve's variance request, the Board of Health grants the variance for one lifeguard per 25 bathers as allowed under State Lifeguard Regulations. Seconded by Richard Bringhurst. VOTE: 4-1-0.

4 - in favor – William Morris; Richard Bringhurst; Richard Beauregard; Mona Bissany
1 - opposed – Carol Johnson

Lifeguard Variance-Redwood Mews Condominiums:

Documents/Exhibits – 2018 Lifeguard Variance applications (on file Health Dept.).

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

MOTION: made by William Morris regarding the request from Redwood Mews Condominiums to operate the pool without a lifeguard the Board of Health grants that request. The Board of Health requires that the appropriate warning signs are posted around the pool and that Redwood Mews submit to the Town of Walpole Board of Health a standard indemnification agreement. Seconded by Carol Johnson. VOTE: 5-0-0 UNANIMOUS

Lifeguard Variance Fairfield Inn, 630 Boston Providence Highway:

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

The Board of Health reviewed the lifeguard variance request for Fairfield Inn.

MOTION: made by William Morris that the Board of Health votes to continue the current lifeguard variance which requires that a CPO (Certified Pool Operator) is available on site at all times the pool is open, warning signs are posted around the pool, children under the age of 16 shall not use the pool without the supervision of an adult, guests using the pool check in at the front desk prior to entering the pool area, someone on staff and present is CPR Certified during all hours the pool is open and that a standard indemnification agreement with the Town of Walpole Board of Health is submitted. Seconded Richard Bringhurst. VOTE 5-0-0 UNANIMOUS.

Lifeguard Variance – LA Fitness:

Documents/Exhibits – 2018 Lifeguard Variance application (on file Health Dept.).

The Board of Health reviewed the lifeguard variance request for LA Fitness.

MOTION: made by William Morris that the Board of Health votes to continue the current arrangement with LA Fitness regarding the lifeguard variance, which requires that a CPO (Certified Pool Operator) is available on site at all times the pool is open, warning signs are posted around the pool, children under the age of 16 shall not use the pool without the supervision of an adult, barriers are placed in the pool area to prevent pool access during routine maintenance/ repair and that a standard indemnification agreement with the Town of Walpole Board of Health is submitted. Seconded by Mona Bissany. VOTE: 5-0-0 UNANIMOUS.

Site Plan Approval, Special Permit Application, 18-07 – 505 South Street:

Documents/Exhibits – Site Plan Approval, Special Permit Application (on file Planning Board); Deputy Health Agent's summary.

The Board of Health reviewed for comment the Site Plan Approval and Special Permit – Case #18-07, 505 South Street to expand an existing parking lot.

MOTION: made by Carol Johnson that the Board of Health has no issues with the plan as presented. Seconded by Mona Bissany. VOTE: 5-0-0 UNANIMOUS.

Site Plan Approval – 1327 Main Street:

Board of Health made no comment, Planning Board decision June 6, 2018.

Revised Site Plan Approval – 763 - 765 Main Street:

Documents/Exhibits – Revised Site Plan Approval (on file Planning Board); Deputy Health Agent's summary.

The Board of Health reviewed for comment the revised Site Plan Approval to allow the construction of a 50 ft. x 36 ft. addition to the rear of an existing building in the location of a recently demolished portion of the building.

MOTION: made by Richard Beauregard that the Board of Health's comments regarding the revised Site Plan approval 763-765 Main Street are that the Board has no concerns with the plan. Seconded by Mona Bissany. VOTE: 5-0-0 UNANIMOUS.

Traffic Peer Review & Storm Water Review – 767-777 East Street:

Documents/Exhibits – Traffic Peer Review & Storm Water Review (on file Planning Board); Deputy Health Agent's summary.

The Board of Health reviewed for comment the Traffic Peer Review and Storm Water Review for the proposed Age Qualified Village located at 767 – 777 East Street.

MOTION: made by William Morris that regarding the Traffic Peer Review and Storm Water Review for Worthington Green, 767-777 East Street, the three recommendations outlined in the peer review are appropriate and the Board is in complete agreement regarding driveway stop signs, sidewalks and clear traffic sight lines. Seconded by Richard Bringham. VOTE: 5-0-0 UNANIMOUS.

Site Plan Approval, Special Permit Application 18-09 – Renmar Ave. & West St.:

Documents/Exhibits – Site Plan Approval, Special Permit Application (on file Planning Board); Deputy Health Agent's summary.

The Board of Health reviewed for comment Site Plan Approval and Special Permit Application – Renmar Ave. & West St. to construct 105 single family detached condominium homes, clubhouse/property maintenance facility on 55+ acres. The total impervious area percentage for the project is 16.2% where a maximum of 15% is allowed.

MOTION: made by Richard Beauregard that regarding Site Plan Approval and Special Permit Application - Renmar Ave. & West St. the Board of Health strongly opposes new construction within the wetlands and 100 foot buffer zone of vegetated wetlands. The Board has no concerns with the small increase of impervious cover, 16.2%, where a maximum of 15% is allowed. Seconded Mona Bissany. VOTE: 5-0-0 UNANIMOUS

Revised Definitive Subdivision Plan (#5) – Nichols Pond Lane:

The Board of Health reviewed for comment Revised Definitive Subdivision Plan – Nichols Pond Lane to construct an 11 lot subdivision on 13.1 acres of undeveloped land off East Street.

MOTION: made by William Morris that the Board of Health's comments to the Planning Board regarding the Definitive Subdivision Plan – Nichols Pond Lane are that because of the Board's long standing concern about construction within the 100 foot buffer zone the Board approves the plan contingent on construction not occurring within the 100 foot buffer zone, and the Board's earlier recommendation that the sidewalk extend around the entire cul-de-sac to encourage health outdoor activities. Seconded by Richard Bringham. VOTE: 5-0-0 UNANIMOUS.

Preliminary Subdivision Plan – Renmar Ave & West Street:

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

The Board of Health reviewed for comment the Preliminary Subdivision Plan to subdivide an existing 55+ acre lot with a single-family home on it into two lots. Lot 2 is within the wetlands area.

MOTION: made by Mona Bissany that the Board of Health's comments to the Planning Board regarding the Preliminary Subdivision Plan – Renmar Ave. & West Street is that the Board is opposed to new construction within the wetland area and 100 foot buffer zone which proposed Lot 2 is within. Seconded Carol Johnson. VOTE: 5-0-0 UNANIMOUS.

Preliminary Subdivision Plan – 767-777 East Street:

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

The Board of Health reviewed for comment the Preliminary Subdivision Plan – 767-777 East Street, to subdivide an existing 15.81+ acre lot into two lots. Both of the proposed lots are within the wetlands.

MOTION: made by William Morris that regarding the Preliminary Subdivision Plan – 767-777 East Street, the Board notes that both proposed Lot 1 and Lot 2 are within the wetlands. The Board of Health has strong objections to building within the 100 foot buffer zone of vegetated wetlands and even stronger objections to construction within the wetlands and would urge the Planning Board to reject the plan as submitted. Seconded by Mona Bissany. VOTE: 5-0-0 UNANIMOUS.

Water Sewer System Capacity Analysis – 767-777 East Street:

Documents/Exhibits – Water Sewer System Capacity Analysis (on file Planning Board); Deputy Health Agent’s summary.

The Board of Health reviewed for comment the Water Sewer System Capacity Analysis for Worthington Green, 767-777 East Street.

MOTION: made by Carol Johnson that the Board of Health has no comment. Seconded by Mona Bissany. VOTE: 5-0-0 UNANIMOUS.

Traffic Study – 1350 North Street:

The Board of Health reviewed for comment the traffic study conducted by Gillon Associated for the proposed daycare at 1350 North Street.

MOTION: made by William Morris that the Board of Health’s comments to the Planning Board regarding the Traffic Study – 1350 North Street are that we question the inbound and outbound trip generation numbers during morning and evening peak hours given the fact that this is a proposed 100 slot daycare center. The Board feels that the number of cars dropping off and picking up children during those hours will be significantly higher than indicated. Seconded by Richard Bringhurst. VOTE: 5-0-0 UNANIMOUS.

Notice of Intent – Lots 10 – 14 Kilronan Park :

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 – Lots 10 – 14 Kilronan Park, Roscommon Subdivision, to construct single family homes with grading, driveways and utilities within the 100 foot buffer of vegetated wetlands.

MOTION: made by Carol Johnson that the Board of Health’s comment to the Conservation Commission regarding the Notice of Intent – Lots 10 – 14 Kilronan Park, is that the Board strongly opposes any new construction within the 100 foot buffer of vegetated wetlands. Seconded by Mona Bissany. VOTE: 5-0-0 UNANIMOUS.

Notice of Intent – Lots 1 & 3 Portland Way :

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 – Lots 1 & 3 Portland Way, to construct single family homes with grading, driveways and utilities within the 100 foot buffer of vegetated wetlands.

MOTION: made by Carol Johnson that the Board of Health’s comment to the Conservation Commission regarding the Notice of Intent – Lots 1 & 3 Portland Way, are that the Board strongly opposes any new construction within the 100 foot buffer of vegetated wetlands and suggests moving the houses on the lots so that they are outside the buffer zone. Seconded by Mona Bissany. VOTE: 5-0-0 UNANIMOUS.

Notice of Intent – Lot 9 Emerald Way :

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 9 Emerald Way to construct a single family home with grading, driveway and utilities within the 100 foot buffer of vegetated wetlands.

MOTION: made by Mona Bissany that the Board of Health’s comment to the Conservation Commission regarding the Notice of Intent – Lot 9 Emerald Way is that the Board strongly opposes any new construction within the 100 foot buffer of vegetated wetlands. Seconded by Carol Johnson. VOTE: 5-0-0 UNANIMOUS.

Abbreviated Notice Resource Area Delineation – Summer Street, Broken Arrow Estates:

The Board of Health reviewed for comment the Abbreviated Notice of Resource Area Delineation to subdivide land off Summers Street into 10 buildable lots.

MOTION: made by Richard Beauregard that regarding the Abbreviated Notice Resource Area Delineation – Summer Street the Board of Health does not have enough information to comment at this time. Seconded by Mona Bissany. VOTE 5-0-0 UNANIMOUS.

Septic Variance – 16 Wendy Street:

Documents/Exhibits – Glossa Engineering variance request dated 5/25/18 & Proposed Septic Design Plan (on file Health Dept.).

John Glossa, P.E., addressed the Board of Health regarding local upgrade approval for a failed septic system at 16 Wendy Street, requesting that the septic system may be designed and constructed without a percolation test as allowed by DEP policy, and allow the leach bed to be less than 50 feet from vegetated wetlands.

MOTION: made by Mona Bissany that regarding the variance requests for the failed septic system at 16 Wendy Street, the Board of Health grants the request to allow the soil absorption system to be designed and installed without a percolation test as allowed by DEP policy and allows the soil absorption system to be less than 50 feet (26.08 feet) from bordering vegetated wetland. Seconded by Carol Johnson. **VOTE: 5-0-0 UNANIMOUS.**

New Business:

Board of Health 2018 Summer Schedule:

MOTION: made by William Morris that the Board of Health will meet one time only during the months of July and August: July 10, and August 14, 2018. The Board grants to the Health Director the authority to approve all routine matters that may come before her during the abbreviated schedule and the discretion to postpone any decision that she may feel require the Board of Health's involvement and approval. Seconded by Carol Johnson. **VOTE: 5-0-0 UNANIMOUS.**

Public Health Nurse:

The Health Director informed the Board of Health that Public Health Nurse, Alyssa Kaiser recently displayed information about Mosquito and Tick Safety at the Library and also partnered with the Recreation Department to install sunblock lotion dispensers at the public pools in town.

Correspondence:

Reorganization Board of Selectmen
Summer Schedule Planning Board
Conservation Commission Negative Determination – Lot 1 Lost Brook Trail
2017 Water Quality Report
Planning Board Site Plan Approval – 1327 Main Street

MOTION: made by William Morris to adjourn. Seconded by Mona Bissany. **VOTE: 5-0-0 UNANIMOUS.** Meeting Closed: 8:56 P.M.