

May 21, 2019

Meeting opened: 7:30 P.M.  
Members Present: William Morris, Chairman; Richard Bringhurst; Richard Beauregard; Mona Bissany; Stephan Schaub  
Member Absent: Carol Johnson

Others Present: Brendan Croak, Cheryl Cavanaugh – Hershman Pond  
John Glossa, Sal Musto – Lot 38 West Street

**MOTION:** made by Mona Bissany that the Board of Health approves the minutes of the May 7, 2019 meeting as amended. Seconded by Richard Bringhurst. VOTE: 4-0-0 UNANIMOUSLY.

Pilot Program – Swimming at Hershman Pond, Jarvis Farm:

Recreation Director, Brendan Croak, addressed the Board regarding a four day, weekend swimming, pilot program in July at Jarvis Farm. Mr. Croak reviewed with the Board terms for the pilot program, safety protocols and projected cost. Aquatics Director, Cheryl Cavanaugh, reviewed what the swimmable area of the pond will be and lifeguard ratio to swimmers. Mr. Croak and Ms. Cavanaugh said that water clarity is a challenge when operating a natural body of water for swimming and if at any time it is determined unsafe swimming may be suspended/canceled.

**MOTION:** made by William Morris that regarding the weekend swimming pilot program at Jarvis Farm, Hershman Pond, the Board of Health has reviewed the rules of operation and supports the 1 lifeguard per 10 swimmer ratios proposed. The Board would also urge other Town Departments, Water & Sewer and Public Works, to take steps to remove the dark sediment from the pond floor in order to improve water visibility. Seconded by Mona Bissany. VOTE: 4-0-0 UNANIMOUS.

Special Permit & Variance – Case #07-19, 13 McKinley Avenue:

**Documents/Exhibits – Special Permit & Variance (on file Zoning Board of Appeals): Deputy Health Agent's summary.**

The Board of Health reviewed for comment Special Permit & Variance, Case #07-19 – 13 McKinley Avenue, to construct a covered porch to an existing home and allow the porch to be less than 30 feet (20.63 ft.) from a street.

**MOTION:** made by Mona Bissany that the Board of Health's comment regarding Special Permit & Variance – Case #07-19, 13 McKinley Avenue, is that the Board has no specific concerns at this time. Seconded by Richard Beauregard. VOTE: 4-0-0 UNANIMOUS.

Special Permit – Case #08-19, 11 Yonkers Place:

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

The Board of Health reviewed for comment Special Permit, Case #07-19 – 11 Yonkers Place, to construct a 1,385 square foot in-law suite to an existing home.

**MOTION:** made by Mona Bissany that the Board of Health's comment regarding Special Permit – Case #08-19, 11 Yonkers Place, is that the Board has no specific concerns at this time. Seconded by Richard Bringhurst. VOTE: 4-0-0 UNANIMOUS.

Notice of Intent – 80 Carl Road:

**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 – 80 Carl Road, to construct a one bedroom addition with an attached breezeway, two car garage and deck to the existing home. Proposed activities will take place within the 100 foot buffer zone.

**MOTION:** made by William Morris that the Board of Health's comments regarding the Notice of Intent – 80 Carl Road, are that the Board does not support new construction within the 100 foot buffer zone. That being said, the Board does note that the septic system installed in 2017 was designed for a four bedroom house, if the proposed addition increases the number of bedrooms or rooms that could be used as a bedroom the existing system will need to be modified to support that increase. Seconded by Mona Bissany. VOTE: 4-0-0 UNANIMOUS.

Notice of Intent – 38-1 West 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 – Lot 38-1 West Street, to construct a 13,200 square foot commercial building, grading, parking, utilities and landscaping across the street from but within the 100 foot buffer of vegetated wetlands.

**MOTION:** made by Richard Beauregard that the Board of Health’s comment regarding Notice of Intent – 38-1 West Street, is that the Board has no specific concerns. Seconded by Mona Bissany. **VOTE: 4-0-0 UNANIMOUS.**

Order of Conditions Modification Request – Burns Avenue:

**Documents/Exhibits – Order of Conditions Modification Request (on file Conservation Commission): Deputy Health Agent’s summary.**

The Board of Health reviewed for comment the Order of Conditions Modification Request – Burns Avenue, to proceed with the removal and clearing of trees, construction debris, i.e. metals, tires, asphalt, etcetera, in an area approximately 83,000 square feet.

**MOTION:** made by Richard Beauregard that the Board of Health’s comments regarding the Order of Conditions Modification Request – Burns Avenue, are to reiterate comments made at our March 5<sup>th</sup> and April 2<sup>nd</sup> meetings, that we are concerned about the proposed construction within the 100 foot buffer zone. That we have concerns about safety and request proper outdoor lighting, sidewalks and stop lights at the intersection of Burns Avenue and Pleasant Street. The Board also recognizes that the Fire Department will address emergency vehicle access to the proposed cul-de-sac. The Board supports additional clean-up of the property and would also like to make a comment that keeping a portion of the unit’s affordable stay in perpetuity. Seconded by Mona Bissany. **VOTE: 4-0-0 UNANIMOUS.**

Special Permit & Variance – Case #09-19, Route 1 & Hilltop Drive, Lot 31:

**Documents/Exhibits – Special Permit & Variance (on file Zoning Board of Appeals): Deputy Health Agent’s summary.**

The Board of Health reviewed for comment Special Permit & Variance, Case #09-19 – Route 1 & Hilltop Drive, Lot 31, to construct a “drive-in” coffee shop and install a sign using LED lighting.

**MOTION:** made by William Morris that the Board of Health’s comment regarding Special Permit & Variance – Case #09-19, Route 1 & Hilltop Drive, Lot 31, is that the Board has no specific concerns. Seconded by Mona Bissany. **VOTE: 4-0-0 UNANIMOUS.**

Land Disturbance Permit – Route 1 & Hilltop Drive, Lot 31:

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

The Board of Health reviewed for comment Land Disturbance Permit – Route 1 & Hilltop Drive, Lot 31, to construct 40’ x 90’ convenience store and drive thru coffee shop; five gas pumps with a 13.2 x 25.5 canopy and two diesel pumps with a 20’x 21’ canopy.

**MOTION:** made by William Morris that the Board of Health has no comment regarding the Land Disturbance Permit – Route 1 & Hilltop Drive, Lot 31. Seconded by Mona Bissany. **VOTE: 4-0-0 UNANIMOUS.**

Site Plan Approval Case #19-04 & Special Permit, Case #19-05 – Route 1 & Hilltop Drive, Lot 31:

**Documents/Exhibits – Site Plan Approval & Special Permit (on file Planning Board): Deputy Health Agent’s summary.**

The Board of Health reviewed for comment Site Plan Approval & Special Permit – Route 1 & Hilltop Drive, Lot 31, to construct 40’ x 90’ convenience store and drive thru coffee shop; five gas pumps with a 13.2 x 25.5 canopy, two diesel pumps with a 20’x 21’ canopy, underground storage tanks and an on-site septic system.

**MOTION:** made by William Morris that the Board of Health’s comments to the Planning Board regarding Site Plan Approval, Case #19-04 and Special Permit, Case #19-05 – Route 1 & Hilltop Drive, Lot 31, are that additional review by the Health Department will be required for any retail/food establishment plans and permits, review and approval by the Health Department of the septic design plan and a review of the specifications of the underground fuel storage tanks. Seconded by Richard Beauregard. **VOTE: 4-0-0 UNANIMOUS.**

Site Plan Approval, Case #19-03 – 160, 170, 180 Main Street, New Pond Village:  
**Documents/Exhibits – Site Plan Approval (on file Planning Board): Deputy Health Agent's summary.**

The Board of Health reviewed for comment Site Plan Approval – 160, 170, 180 Main Street, to construct a thirty-nine unit three story addition to an existing building, four cottage-style buildings on the north side of property, relocate an existing driveway and parking area and install a new storm water management system.

**MOTION:** made by Mona Bissany regarding Site Plan Approval, Case #19-03 – 160, 170, 180 Main Street, the Board of Health reiterates comments made at our March 19, 2019 meeting, that we are strongly opposed to new construction within the 100 foot buffer zone, of which two of the proposed cottage style buildings are located. The Board does not have a concern regarding the proposed three story addition to an existing building and would like to encourage that recycling services are provided if not already planned. Seconded by Richard Beauregard. VOTE: 4-0-0 UNANIMOUS.

Site Plan Approval, Case 19-06, Special Permit Case #19-07 – Lot 38 West Street:  
**Documents/Exhibits – Site Plan Approval, Special Permit (on file Planning Board): Deputy Health Agent's summary.**

The Board of Health reviewed for comment the Site Plan Approval and Special Permit – Lot 38-1 West Street, to construct a 13,200 square foot commercial building, grading, parking, utilities and landscaping across the street from but within the 100 foot buffer of vegetated wetlands.

**MOTION:** made by Richard Beauregard regarding Site Plan Approval, Case #19-06 and Special Permit Case #19-07 – Lot 38 West Street, the Board of Health has no specific concerns with the project other than to require annual reporting and storage information of any toxic and a hazardous materials on the property. Seconded by Mona Bissany. VOTE: 4-0-0 UNANIMOUS.

New Business:

Lifeguard Variance Alta Easterly Apartments:  
**Documents/Exhibits – 2019 Lifeguard Variance applications (on file Health Dept.).**

The Board of Health reviewed the lifeguard variance request for Alta Easterly Apartments to allow 1 lifeguard per 25 bathers.

**MOTION:** made by Mona Bissany that regarding the Alta Easterly Apartments variance request, the Board of Health grants the variance for one lifeguard per 25 bathers as allowed under State Lifeguard Regulations. Seconded by Richard Bringham. VOTE: 4-0-0 UNANIMOUS.

Lifeguard Variance Hilltop Preserve:  
**Documents/Exhibits – 2019 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.

**MOTION:** made by Mona Bissany that regarding the Hilltop Preserve variance request, the Board of Health grants the variance for one lifeguard per 25 bathers as allowed under State Lifeguard Regulations. Seconded by Richard Beauregard. VOTE: 4-0-0 UNANIMOUS.

Lifeguard Variance-Redwood Mews Condominiums:  
**Documents/Exhibits – 2019 Lifeguard Variance applications (on file Health Dept.).**

The Board of Health reviewed the lifeguard variance request for 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 considering their past history of compliance. The Board of Health does require 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 Richard Bringham. VOTE: 4-0-0 UNANIMOUS.

Board of Health Tobacco Sales Regulations:

**MOTION:** made by William Morris that the Board of Health adopts the revised Town of Walpole, Board of Health Regulations Restricting the Sale of Tobacco Products as written, capping the number of tobacco permits allowed to 23 effective May 30, 2019, and restricting the sale of mint, menthol and spearmint flavored tobacco products with the exception of 21+ tobacco shops effective August 1, 2019. Seconded by Mona Bissany. VOTE: 4-0-0 UNANIMOUS.

**MOTION:** made by William Morris to adjourn. Seconded by Richard Beauregard.  
**VOTE:** 4-0-0 UNANIMOUS. Meeting Closed: 8:45 P.M.