

May 16, 2017

Meeting opened: 7:30 P.M.
Members Present: William Morris; Chairman, Carol Johnson, Clerk; Richard Bringhurst; Richard Beauregard; Mona Bissany; Stephan Schaub
Others Present: John Glossa, P.E. – Septic Variance, 80 Carl Road
Tracy DeRoma – Animal Permit, 76 Coolidge Road

MOTION: made by Carol Johnson that the Board of Health accepts the minutes of May 2, 2017 meeting as amended. Seconded by Richard Bringhurst. VOTE: 4-0-1.
4 – in favor – William Morris, Carol Johnson, Richard Bringhurst, Mona Bissany
1 – abstained – Richard Beauregard

Tobacco Control Violation – Gulf Station, 975 Boston Providence Hwy:
Documents/Exhibits – Notice to appear dated 5/3/2017; tobacco compliance check form dated 4/29/17.

MOTION: made by William Morris to open the public hearing Gulf Station Tobacco Sales Violation: Roll Call: Richard Bringhurst – aye; Mona Bissany – aye; Carol Johnson – aye; Richard Beauregard – aye; William Morris – aye. 7:35 PM.

The Board of Health noted that neither Mr. Nsar nor a person representing him was present at tonight's hearing.

MOTION: made by William Morris to close the public hearing Gulf Station Tobacco Sales Violation: Roll Call: Richard Bringhurst – aye; Mona Bissany – aye; Carol Johnson – aye; Richard Beauregard – aye; William Morris – aye. 7:38 PM.

William Morris stated that the Board of Health is very disappointed that Mr. Nsar failed to appear at tonight's meeting. Mr. Morris said that the hearing will be continued until the Board's June 20, 2017 meeting and that if Mr. Nsar or his representative fails to appear at that meeting additional fines and/or suspension may be imposed.

Septic Variance Request – 80 Carl Road:
Documents/Exhibits-Glossa Engineering variance request dated 5/2/17; proposed septic design plan (on file Health Dept.).

John Glossa, P.E., addressed the Board regarding the Septic Variance request, 310 CMR 15.104 & 105 – allow the system to be designed and constructed without a percolation test as allowed by DEP policy, for the failed septic system at 80 Carl Road.

MOTION: made by Richard Beauregard that the Board of Health has no reservations granting the variance request, 310 CMR 15.104 & 105, allowing the local upgrade of the failed system at 80 Carl Road to be designed and constructed without a percolation test. Seconded by Carol Johnson. VOTE: 5-0-0 UNANIMOUS.

Animal Permit Application – 76 Coolidge Road:
Documents/Exhibits – Animal permit application (on file Health Department)

The Board of Health reviewed the Animal Permit application to house six or less chickens at 76 Coolidge Road. Animal Inspector, John Spillane, found no issues with the request to house 6 chickens at that property during his site inspection.

MOTION: made by Mona Bissany that the Board of Health approves the animal permit to house six or less chickens at 76 Coolidge Road. Seconded by Carol Johnson. VOTE: 5-0-0 UNANIMOUS.

Lifeguard Variance Hilltop Preserve:
Documents/Exhibits – 2017 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 strongly objects to granting this variance request.

MOTION: made by Richard Beauregard that regarding the Hilltop Preserve's variance request, the Board of Health supports granting the variance to raise the limit of swimmers to the State's allowed limit of 25 swimmers per lifeguard. 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-Homes at Swan Pond:

Documents/Exhibits – 2017 Lifeguard Variance applications (on file Health Dept).

The Board of Health reviewed the lifeguard variance request for the Homes at Swan Pond Condominiums upper adult only pool.

MOTION: made by Mona Bissany regarding the request from the Homes at Swan Pond to operate the adult only upper 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 the Homes at Swan Pond submit to the Town of Walpole Board of Health a standard indemnification agreement. Seconded by Carol Johnson. VOTE: 5-0-0 UNANIMOUS

Lifeguard Variance – LA Fitness:

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

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

MOTION: made by Richard Bringhurst 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 William Morris. VOTE: 4-1-0.

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

Preliminary Subdivision Plan Approval – 26 Baker 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 – 26 Baker Street, to subdivide an existing single residential lot into two single residential lots.

MOTION: made by William Morris that regarding the Preliminary Subdivision Plan – 26 Baker Street, the Board of Health is not in favor of granting a waiver for constructing a subdivision without street lights or sidewalks because both are necessary to promote healthy and safe outdoor activities. Also, that the potential owners are aware that if the street is not accepted as a public way that they will be required to bring their trash and recycling out to Baker Street for collection. Seconded by Mona Bissany. VOTE: 5-0-0 UNANIMOUS.

Site Plan Approval, Case #17-02 (revised) – Liberty Village, 1034 East Street:

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

The Board of Health reviewed for comment the Site Plan Approval, Case #17-02(revised) – 1034 East Street, to demolish and remove the existing buildings and construct a mixed-use building. The ground floor will include 14,008 s.f. of commercial space, uncovered parking and parking structure with four stories of residential apartments (152 units) above.

MOTION: made by Carol Johnson that regarding Liberty Village, 1034 East Street, the Board of Health is pleased to see that comments/concerns made at our March 7, 2017 meeting to the Planning Board regarding the proposed project have been addressed. The Board of Health is still concerned however about the lack of a safe play area for the children living in the complex and would like to see that concern addressed as well. Seconded by Mona Bissany. VOTE: 5-0-0 UNANIMOUS.

Site Plan Approval, Case #16-12 – 95 West Street, Plan #2:

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

The Board of Health reviewed for comment Site Plan Approval – 95 West Street, Case #16-12, Plan #2, to construct a 6 story multi-use building that will contain commercial office/retail space, a parking garage and 192 apartments.

MOTION: made by Carol Johnson that the Board of Health’s comment to the Planning Board regarding Site Plan Approval – 95 West Street, Plan #2, is to reiterate concerns made at our March 21, 2017 meeting to the Planning Board about the lack of a safe play area for the children living in the complex and would like to see that concern addressed. Seconded by Richard Beauregard. VOTE: 5-0-0 UNANIMOUS.

Notice of Intent – 763-765 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 – 763-765 Main Street, to remove a deteriorated frame structure located at the rear of an existing building and replace it with new construction identical to the original structure’s size and location.

MOTION: made by Mona Bissany that the Board of Health’s comment to the Conservation Commission regarding the Notice of Intent – 763-765 Main Street, is that we have no concerns with this plan. Seconded by Richard Bringhurst. VOTE: 5-0-0 UNANIMOUS.

Variance Request – 173 Pemberton Street:

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

The Board of Health reviewed for comment the Variance Request – 173 Pemberton Street, to allow 100 +/- feet of frontage where 125 feet of frontage is required.

MOTION: made by Mona Bissany that regarding the Variance Request – 173 Pemberton Street, the Board of Health has no specific concerns at this time. Seconded by Carol Johnson. VOTE: 5-0-0 UNANIMOUS.

Old Business:

Household Hazardous Waste Day Collection:

Ms. Chapell said that she greatly appreciated all the help from resident volunteers, Siemen’s Green Team, William Morris and Carol Johnson and thanked them for making this year’s collection (even in the rain) run smoothly.

Walpole High School 2017 Film Festival:

Ms. Chapell said that she attended the Walpole High School 2017 Film Festival, May 9th, at the High School. Ms. Chapell said that the movie topics varied from sci-fiction to comedy, and that one entry, “172”, was a very moving documentary about the heroin crisis in Massachusetts. Ms. Chapell said that she was very impressed with all the student film makers and this year’s entries.

MOTION: made by William Morris that the Board of Health would like to recognize the efforts of all the students who participated in this year’s film festival, but in particular that group of students that worked on the film “172” highlighting the issues surrounding the opiate crisis in this state. The Board of Health thanks them for bringing additional attention to this very serious concern we all have and commends them for their efforts. Seconded by Mona Bissany. VOTE: 5-0-0 UNANIMOUS.

MOTION: made by Carol Johnson to adjourn. Seconded by Richard Bringhurst. VOTE: 5-0-0. Meeting Closed: 8:20 P.M.