

March 12, 2013

Meeting Opened: 7:32 P.M., Room 112, Town Hall  
Members Present: William Morris, Chairman; Carol Johnson, Clerk; Richard Bringhurst;  
Claire Wolfram; Lisa Procaccini; Richard Beauregard

**MOTION:** made by Carol Johnson that the Board of Health accepts the minutes of the February 12, 2013 meeting as written. Seconded by Claire Wolfram. **VOTE:** 4-0-1.  
4 – in favor – Carol Johnson, Richard Bringhurst, Claire Wolfram; Lisa Procaccini  
1 – abstained – William Morris

**Town of Walpole Tobacco Sale Regulations:**

**Documents/Exhibits – Walpole Tobacco Sale Regulations Chapter 795.**

William Morris said that after listening to Dr. Hartman's (Westwood Pediatrics) compelling argument, at the October 9, 2012, meeting, regarding the public health benefits of further limiting youth access to tobacco products by increasing the purchase age to 21 the Board held a public hearing on the matter in January 2013. It was decided at that meeting to schedule the topic for consideration at the February 12, 2013 meeting, but was rescheduled (pending a full Board) until tonight. Board members reviewed a letter dated March 11, 2013, from the National Association of Tobacco Outlets, Inc. (NATO) which expressed their position against increasing the purchase age of tobacco products. Board members discussed how raising the purchase age to nineteen (19) would definitely impact access for High School students and hopefully eliminate under age students from obtaining tobacco products purchased by upper classmen.

**MOTION:** made by Carol Johnson that increasing the purchase age to 19 makes sense. Taking under consideration what people ages 18, 19, 20 are able to do (vote, military service, etc.) the Board questions whether increasing the age to 21 at this time is feasible. The Board of Health therefore proposes increasing the purchase age for tobacco products in the Town of Walpole to 19 years of age. Seconded by Claire Wolfram.

**DISCUSSION:** Richard Bringhurst questioned whether phasing in a purchase age of 21 over the next 5 or 6 years, by increasing the purchase age one year, in two year increments, should be considered. Health Director Robin Chapell suggested that the Board consider revisiting the subject in a year or two to re-exam increasing the purchase age further. Lisa Procaccini said she supported increasing the age from 18 to 19 in order to keep legal access from High School students and out of the schools, but had conflict with an increase beyond 19. Claire Wolfram said she felt 19 does sent a message to the public that the Board of Health is looking at the issue.

**AMENDED MOTION:** made by Carol Johnson that the Board of Health increase the legal age to purchase tobacco products in the Town of Walpole to 19 years of age, and that the Board will revisit the issue in mid 2015 to consider further action. Seconded by Claire Wolfram. **VOTE:** 5-0-0 **UNANIMOUS.**

Request for Determination – Lot 5 Warren Lane:

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

The Board of Health reviewed for comment the Request for Determination – Lot 5 Warren Lane, requesting whether a Notice of Intent must be filed with the Conservation Commission in order to construct a single family home with associated utilities and grading outside the 100 foot buffer of vegetated wetland.

**MOTION:** made by Claire Wolfram that the Board of Health has no comment regarding the Request for Determination – Lot 5 Warren Lane. Seconded by Carol Johnson. VOTE: 5-0-0 UNANIMOUS.

Notice of Intent – Lot 9 Warren Lane:

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 Warren Lane, to build a single family home with associated utilities and grading. The applicant is requesting permission to remove fill, dredge or alter an area subject to protection under the Wetland Protection Act. A wet land replication area is depicted on the plan.

**MOTION:** made by William Morris that the Board of Health's comments to the Conservation Commission are: that the Board is not in favor of any new construction in the 100 foot buffer of vegetated wetlands and would urge the Conservation Commission not to approve construction in the buffer zone. Seconded by Lisa Procaccini. VOTE: 5-0-0 UNANIMOUS.

Notice of Intent – Lot 8 Warren Lane:

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 8 Warren Lane, to build a single family home with associated utilities and grading. The applicant is requesting permission to remove fill, dredge or alter an area subject to protection under the Wetland Protection Act. A majority of the house is in the 100 foot buffer.

**MOTION:** made by William Morris that the Board of Health's comments to the Conservation Commission are: that the Board is not in favor of any new construction in the 100 foot buffer of vegetated wetlands and would urge the Conservation Commission not to approve construction in the buffer zone. Seconded by Lisa Procaccini. VOTE: 5-0-0 UNANIMOUS.

Zoning Board of Appeals Special Permit – 8 Emily Lane:

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

The Board of Health reviewed for comment a Special Permit Application requesting that an existing accessory building may be used to store materials associated with electrical work.

**MOTION:** made by Carol Johnson that the Board of Health's comment to the Zoning Board of Appeals is: the Board has no concerns regarding the Special Permit 8 Emily Lane. Seconded by Claire Wolfram. VOTE: 5-0-0 UNANIMOUS.

Zoning Board of Appeals Zoning Variance – Case #04-13 Pilgrim Way:

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

The Board of Health reviewed for comment an application for variance to subdivide an existing lot into two new lots off Pilgrim Way. The lots do not have the required the 125 foot frontage and 100 foot diameter circle, Zoning By-law Section 6B.

**MOTION:** made by William Morris that the Board of Health's comment to the Zoning Board of Appeals is: the Board's only concern regarding Lot 2 B& C is that any construction on Lot C does not encroach upon the bordering vegetated wetland area which appears to be 1/3 of the proposed lot. Seconded by Richard Bringham. VOTE: 5-0-0 UNANIMOUS.

Planning Board – Medical Marijuana Temporary Moratorium:

Documents/Exhibits – Public Hearing Notice; Legal Notices Walpole Times 2/21/13; 2/29/13.

The Health Director said that the Planning Board's public hearing on the proposed Spring Town Meeting, Zoning Article 35, addresses the implementation of a one year temporary Medical Marijuana Moratorium for dispensing medical marijuana in the Town of Walpole. Ms. Chapell said the moratorium will allow the town time to better understand regulations that the State will have in place by April 1<sup>st</sup> and establish appropriate zoning for a dispensary should an application for one be filed with the town. William Morris voiced concern that a moratorium was a way for the Town to delay taking action on a new law that the voters of Massachusetts and the Town of Walpole clearly supported and did not support a moratorium. Carol Johnson thought a moratorium afforded the town the time to establish regulations that best serve the community.

Claire Wolfram questioned what exactly will be accomplished during the year long moratorium.

**MOTION:** the made by Claire Wolfram that the Board of Health supports a temporary Medical Marijuana Moratorium. The Board of Health does question at this time what governing Town Boards will accomplish within the moratorium and requests that the appropriate regulations are established within the year, if not sooner. Seconded by Richard Bringhurst.

**DISCUSSION:** William Morris said that the voters have spoken and that the Town needs to take action. Mr. Morris said that he feels the moratorium is simply a delay tactic to avoid implementing the will of the people.

VOTE: 4-1-0.

4 – in favor – Carol Johnson, Richard Bringhurst, Claire Wolfram; Lisa Procaccini

1 – opposed – William Morris

New Business:

Department of Public Health Mini Grant:

The Board of Health reviewed the \$500 Massachusetts Department of Public Health Mini Grant Application, which if awarded, will help fund the Elm Street School garden project.

**MOTION:** made by Carol Johnson that the Board of Health approves the Department of Public Health Mini Grant Application, in the amount of \$500, to be used for the purchase of fencing, garden tools, etcetera for the Elm Street School garden project. Seconded by Lisa Procaccini.

VOTE: 5-0-0 UNANIMOUS.

Nomination Animal Inspector:

Documents/Exhibits – Commonwealth of Massachusetts Animal Inspector nomination papers.

**MOTION:** made by Lisa Procaccini that the Board of Health re-nominate John Spillane as Animal Inspector for the Town of Walpole effective May 1, 2013 through April 30, 2014.

Seconded by Carol Johnson. VOTE 5-0-0 UNANIMOUS.

Old Business:

Tobacco Regulations – Westwood Board of Health:

The Board of Health reviewed the recently adopted Tobacco Sale Regulations for the Town of Westwood, which increased the purchase age of tobacco products to 19 years.

Walpole Coalition for Alcohol and Drug Awareness:

The Health Director informed the Board of Health that the award ceremony for the CADA video contest was postponed until the first Board of Selectmen meeting in April. Ms. Chapell also said that management at the Preserve Apartments has graciously agreed to host at the complex's club house a coalition meeting.

Fluoridation of Public Water Supply:

Ms. Chapell said that the Water Sewer Commission voted to decrease the amount of fluoride in the public water supply from 1 parts per million to .7 parts per million. Board of Health members questioned whether a lesser amount would provide the same benefit and asked the Health Director to look into what concentration is recommended to achieve optimal results.

Medical Reserve Corps 6<sup>th</sup> Annual Meet & Greet:

The Health Director said that the annual MRC Meet & Greet is May 1<sup>st</sup>, 2013 and will be held this year at Conrad's in Walpole.

**MOTION:** made by Carol Johnson to adjourn. Seconded by Lisa Procaccini. VOTE: 5-0-0 UNANIMOUS.

Meeting Closed: 8:35 P.M.