

November 7, 2017

Meeting opened: 7:32 P.M.  
Members Present: Carol Johnson, Clerk; Richard Bringhurst; Richard Beauregard;  
Mona Bissany  
Member Absent: William Morris, Stephan Schaub  
  
Others Present: Jack McChesney – 255 Bullard Street, Septic Variance  
Michael Lawler – Walpole Country Club, Tobacco Sales Violation  
Don Seaburg, P.E. – 32 Chandler Avenue, Septic Variance  
Liz Barrows – 189 Union Street, Union Square Village

**MOTION:** made by Richard Bringhurst that the Board of Health accepts the minutes of the October 10, 2017 meeting as amended. Seconded by Mona Bissany. VOTE: 4-0-0 UNANIMOUS.

Septic Variance Request – 255 Bullard Street:

**Documents/Exhibits – Emails from George Collins, P.E. and Jack McChesney regarding variance request (on file Health Department).**

Home owner Jack McChesney, 255 Bullard Street, addressed the Board requesting a variance from Title V and Board of Health Septic Regulations and allow the existing four bedroom septic system installed in 2002 (as a repair to the existing house) to remain and service a new three bedroom home he is building to replace the existing home (which will be razed). The Health Director said that under Title V new construction requires a greater design flow than was calculated for the 2002 repair and that Board of Health regulations require a 50% increase of the leach area. Mr. McChesney said that he has maintained and pumped his system regularly over the past 15 years and that the system passed a recent Title V inspection (on file Health Dept.). Mr. McChesney acknowledged that his current system only has a design flow of 448 gallons per day and does not meet the required 495 gallons under Title V but would like to avoid the expense of replacing a functioning system for such a small difference in flow rate.

**MOTION:** made by Richard Beauregard that the Board of Health supports granting the variance request from Title V Regulations and allow the existing septic system at 255 Bullard Street to be used for the proposed new construction, knowing that the rating of 448 gallons per day is tested to, versus the required 495 gallons per day. The variance is granted with the following conditions:

- 1) The septic design plan indicates the number of bedrooms as three (3).
- 2) A deed recording limiting the number of bedrooms to three (3) is filed with the Registry of Deeds, Dedham, MA and the original recorded form filed with the Health Department.
- 3) The Health Department confirms that there is no garbage grinder installed on site.
- 4) A deed recording not to install a garbage grinder is filed with the Registry of Deeds and original recorded form filed with the Health Department.

Seconded by Mona Bissany. VOTE: 4-0-0 UNANIMOUS.

Septic Variance Request – 32 Chandler Avenue:

**Documents/Exhibits-Glossa Engineering variance request dated 10/27/17; proposed septic design plan (on file Health Dept.).**

John Seaburg, P.E., addressed the Board regarding the Septic Variance request, 310 CMR 15.211 – allow the soil absorption system to be less than 20 feet (13.1 feet) from a foundation wall, for the failed septic system at 32 Chandler Avenue.

**MOTION:** made by Mona Bissany that the Board of Health approves the variance request to allow the soil absorption system to be less than 20 feet (13.1 feet) from a foundation wall. Seconded by Richard Beauregard. VOTE: 4-0-0 UNANIMOUS.

Tobacco Control Violation – Walpole Country Club:

**Documents/Exhibits – Notice to appear dated 10/19/2017; tobacco compliance check form dated 10/9/2017.**

Michael Lawler, Walpole Country Club, apologized to the Board of Health for the tobacco (cigar) sale violation. Mr. Lawler said that the employee that made the sale is a good employee and has been employed at the club for five years. Mr. Lawler said that

the violation was a “teaching moment” for him and that purchase age signs have been posted and all the employees retrained on procedures to follow when making a tobacco sale which includes requiring IDs. Mr. Lawler said that the only tobacco product sold at the club is cigars and that 99% of the sales are made through membership accounts and not cash. Carol Johnson said that the Board of Health takes tobacco compliance very seriously and preventing access to people under 21 important to the Board. Ms. Johnson said that the Board appreciates the actions taken to prevent a future violation from happening and reminded Mr. Lawler that a second offense would result in a greater fine and longer suspension.

Notice of Intent- 48 Emerald Way (lot 7) & 52 Emerald Way (lot 8):

**Documents/Exhibits – Notice of Intent (on file Conservation Commission): Health Director’s summary.**

The Board of Health reviewed for comment the Notice of Intent – 48 & 52 Emerald Way, to construct two single family homes with associated utilities and driveways within the 100 foot buffer zone. No work was proposed within the 25 foot no alteration zone.

**MOTION:** made by Richard Beauregard that regarding the Notice of Intent – 48 Emerald Way, lot 7 and 52 Emerald Way, lot 8, the Board of Health’s comments to the Conservation Commission are that the Board strongly opposes any construction within the buffer zone and in particular lot 8 and recommends that construction on that lot be resituated in order to avoid any of the buffer zone. Seconded by Mona Bissany. VOTE: 4-0-0 UNANIMOUS.

Notice of Intent- Jarvis Farm, Map 48, Lot 10:

**Documents/Exhibits – Notice of Intent (on file Conservation Commission): Health Director’s summary.**

The Board of Health reviewed for comment the Notice of Intent – Jarvis Farm, to install for conservation purposes a 250 foot boardwalk, 20’x20’ observation deck and a trail linking the recreation area and the Town Forest.

**MOTION:** made by Mona Bissany that regarding the Notice of Intent – Jarvis Farm, Map 48, Lot 10, the Board of Health has no specific concerns with this Notice of Intent. Seconded by Richard Beauregard. VOTE: 4-0-0 UNANIMOUS.

Request for Determination – 17 Rose Marie Lane:

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

The Board of Health reviewed for comment the Request for Determination – 17 Rose Marie Lane, to remove and replace an existing deck and stairway located within the 25 foot buffer zone.

**MOTION:** made by Richard Bringhurst that with respect to request for comment from the Conservation Commission regarding the Request for Determination – 17 Rose Marie Lane, the Board of Health has no concerns. Seconded by Richard Beauregard. VOTE: 4-0-0 UNANIMOUS.

Request for Determination – 44 Emerald Way (lot 6) & 40 Emerald Way (lot 5):

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

The Board of Health reviewed for comment the Request for Determination - 44 & 40 Emerald Way to construct two single family homes and associated utilities. All work on the lots shall occur outside the bordering vegetated wetland area.

**MOTION:** made by Mona Bissany that the Board of Health has no concerns regarding the Request for Determination – 44 & 40 Emerald Way. Seconded by Richard Bringhurst. VOTE: 4-0-0 UNANIMOUS.

Definitive Subdivision Plan Revised – 388 North Street, Pine Acres:

**Documents/Exhibits-Definitive Subdivision Plan revised (on file Planning Board); Health Director’s summary.**

The Board of Health reviewed for comment the Revised Definitive Subdivision Plan – 388 North Street, Pine Acres, a 4 lot cul-de-sac subdivision and roadway on 3.36 acres. Proposed lots 1, 2 and 3 are within the 100’ buffer zone. The revised plan indicates the addition of a single street light at the entrance of the proposed subdivision.

**MOTION:** made by Mona Bissany that regarding the Revised Definitive Subdivision Plan – 388 North Street, Pine Acres, the Board of Health reiterates comments made at our July 18, 2017 meeting concerning new construction within the buffer zone, sidewalks extending around the entire cul-de-sac and additional street lighting in the development. Seconded by Carol Johnson. VOTE: 4-0-0 UNANIMOUS.

Special Permit – Burns Ave, Case #23-16 & Special Permit Off Union Street, Case #22-17, Union Square Village:

**Documents/Exhibits – Special Permit Applications (on file Zoning Board of Appeals); Jack Conroy’s email; Liz Barrows letter dated 11/2/2017, Health Director’s summary.**

Board of Health members reviewed for comment the ongoing Board of Appeals case Special Permits – Burns Avenue, Case #23-16 and Union Street, Case #22-17, Union Square Village, and the correspondence from Jack Conroy (email) and Liz Barrows (letter) addressing environmental concerns they have regarding the site and its development. Liz Barrow addressed the Board of Health about protecting the habitat of the wildlife in the area and the potential for contamination of two brooks, Traphole and Pickerel, which are in close proximity to the proposed development. Ms. Barrows said she fears that the preliminary soil samples of the site submitted to the Town do not adequately reflect the potential environmental hazardous waste on the site, which she suspects may have been used by Bird & Sons Company as a dump site. A concern that was also made in Mr. Conroy’s email to the Board. The Health Director said that the town cannot order a developer to look for a contaminant on a site that may not exist, however, if during development of a site any questionable soils or material are found the project will stop and the area evaluated and any issues resolved safely. Ms. Chapell said that there are ways to safely close a contaminated site while a cleanup occurs.

**MOTION:** made by Richard Beauregard that the Board of Health’s comments to the Zoning Board of Appeals regarding Special Permits – Burns Avenue, Case #23-16 and Union Street, Case #22-17 are that both the Conservation Commission Order of Conditions and Board of Appeals Conditions be closely followed and maintain during the project. The Board asks that the history of the site be evaluated, looking for any potential historical contamination. Also, that during construction the site is closely monitored for hazardous materials of any kind and suggests that due to the significant concern of the site, to consult an LSP (Licensed Site Professional) to randomly evaluate the site during the project. Seconded by Mona Bissany. VOTE: 4-0-0 UNANIMOUS.

Special Permit – 71 Harvard Street:

**Documents/Exhibits – Special Permit Application (on file Zoning Board of Appeals); Health Director’s summary.**

The Board of Health reviewed for comment the Special Permit – 71 Harvard Street to allow an in-law suite to be added to an existing home.

**MOTION:** made by Richard Beauregard that regarding the Special Permit –71 Harvard Street the Board of Health has no concerns. Seconded by Mona Bissany. VOTE: 4-0-0 UNANIMOUS.

New Business:

730 South Street:

Board of Health members reviewed an order issued on October 17, 2017, to Mr. & Mrs. Reardon to vacate, 730 South Street, Unit #2, until such time the house is professionally cleaned and sanitized and subsequently re-inspected by the Walpole Board of Health. Ms. Chapell said that she re-inspected the property on October 23, 2017 and that the tenants were allowed to return.

**MOTION:** made by Richard Beauregard to adjourn. Seconded by Mona Bissany . VOTE: 4-0-0 UNANIMOUS. Meeting Closed: 9:08 P.M.