

BOARD OF HEALTH  
One Liberty Lane  
Norfolk, MA 02056

Meeting Minutes

**Date of Meeting: Tuesday, March 27, 2018**

**Town Hall Meeting Room 124**

**Board of Health Members Attending**

Chairman:	Tom Gilbert
Clerk:	Frances Sullivan
Member:	Jeff Kane
Admin. Asst:	Betsy Fijol
Others:	Wade Saucier/Health Agent

Tom Gilbert called the meeting to order at 7:00 p.m.

**Public Hearings**

**7:30 p.m. - Proposed amendment to the existing “Regulation of the Norfolk Board of Health Restricting the Sale of Tobacco Products” to prohibit the sale tobacco products in any retail establishment that operates or has a health care institution within it, such as a pharmacy.**

Tom Gilbert called the public hearing to order at 7:30 pm and read the notice of hearing into the public record.

Walter Byron, Vice Chair of the Planning Board, said that the Planning Board strongly disagrees with the proposed amendment and feels that it is discriminatory in that the Board is pointing it at one particular business in town.

Jeff said that he too feels that this singles out one business town. Jeff said that the Board has already restricted the sale of tobacco products to anyone under the age of 21 in town and feels this is over regulating.

Fran commented that as of November 2017, 160 municipalities in Massachusetts have banned the sale tobacco products in health care institutions. Fran said that a pharmacy is a health care institution and it is incompatible with the mission of a health care institution to sell a product that causes over 400,000 preventable deaths each year and millions of dollars in medical expenses.

Cheryl Sbarra, Director of Policy and Law for the Massachusetts Association of Health Boards, said that as of March 7, 2018, almost 74% of the population in the state is covered by the regulation that prohibits the sale of tobacco in pharmacies. Ms. Sbarra said that there are 112 Walgreens in Massachusetts that exist in municipalities that prohibit the sale of tobacco products

in pharmacies. She said that the state legislature is considering a bill on this and was told that this will probably pass within the next 4 weeks or so.

Larry Sullivan, 3 Margaux's Way, said that the American Pharmacists' Association has called for an end to license renewals of pharmacies that sell tobacco products. He said that the Board of Health is charged with oversight of the public health of the residents of the Town of Norfolk.

Beth Jackson, 27 Wildwood Rd, said that is the Board's job to protect the public health and asked the Board to do that with this regulation.

Peter Chipman said that he was a Board of Health member when the first tobacco regulations in this area were created. Mr. Chipman said that Walgreens fills a very large need after the Norfolk Pharmacy closed their doors and feels this regulation would compromise a very important business in the town.

Doug Koza, retired physician, said that he had a conversation with one of the managers at Walgreens who was aware of the hearing and said that Walgreens sells \$200 worth of cigarettes a day.

Mr. Gilbert said that CVS has voluntarily given up selling cigarettes in their pharmacies in 2014.

Fran moved to close the public hearing for the proposed amendment to the existing "Regulation of the Norfolk Board of Health Restricting the Sale of Tobacco Products" to prohibit the sale tobacco products in any retail establishment that operates or has a health care institution within it, such as a pharmacy. Jeff seconded the motion. The motion carried unanimously.

### **New Business**

#### **Norway Farms Subdivision Nitrogen Aggregation Plan**

Mr. Gilbert called the hearing to order at 7:00 pm for the Norway Farms Subdivision Nitrogen Aggregation Plan.

Rick Goodreau from United Consultants presented the plan for a proposed 14 lot subdivision on a cul de sac off Medway Street. He explained that the site consists of 22.29 acres of land and is located within a Zone II of the Gold Street town well. The development of the property as an Open Space Development has allowed for a reduction of the lot sizes between 20,091 and 89,630 square feet. The 14 lots are proposed to have single family houses with on-site septic systems which will be designed for four bedrooms. The open space consists of 513,837 square feet of land area. To comply with the 440 GPD per 40,000 square feet of land area, the credit land will need to have 202,910 square feet of land area for Lots 1-7 and 10-14.

Wade said that there is sufficient nitrogen credit land for the subdivision. Wade commented that ground water movement flows to the west towards Crystal Lake, portions of Lake Street, Medway Street, and large areas of wetland. Wade said that the homes on Lake Street are subject to private wells for their potable water source which may be possible sensitive receptors.

Jeff commented that the wells on Lake Street are sensitive receptors and it is paramount that the Board protect the ground water quality in any Zone II in the town. Jeff said that he would like to see a ground water quality standard equation done on this area.

Wade said a mass balance analysis is a calculation showing that the nitrogen level leaving the edge of the property where it goes to the sensitive receptor does not exceed 10 parts per million.

Rob Cain, owner of the property, commented that most of the wells in that area are artesian wells and not in the groundwater. Mr. Cain said that an open space subdivision was designed at the suggestion of the Planning Board in order to reduce trees and soil removal.

Jeff moved to require the applicant to provide a mass balance equation on the project. Fran seconded the motion. The motion carried unanimously.

The discussion will be continued to the next meeting.

### **Update on The Preserve at Keeney Pond Subdivision's Nitrogen Credit Land**

Wade explained that the Preserve at Keeney Pond Subdivision was created in 1997 and in 2007, three parcels of land described as Parcels A, B & C were transferred to the Town of Norfolk's Conservation Commission. In 2016, a Confirmatory Deed was filed to provide Title 5 Nitrogen Loading Credit Land for the benefit of facility land located in the subdivision. Wade said that a portion of the 48 lot subdivision is within the Zone II of the Gold Street well and from the total number of lots, 17 are located in the Zone II, nitrogen sensitive area. From those 17 lots, 3 were transferred to the Conservation Commission, leaving 14 lots within or partially located in the Zone II. Of those 14 lots, 7 are entirely in the Zone II and 7 are partially in the Zone II. The 7 lots that are partially in the Zone II, 5 of them have enough square footage land to support a Title 5 septic system. This leaves 9 lots that can benefit from the Title 5 Nitrogen Loading Credit Land plan.

Wade said that the subdivision received nitrogen credit land through the Conservation Commission, Board of Selectmen and Town Council actions.

### **Abbyville 40B Development/17 Lawrence Street Discussion**

The Board discussed a Notice of Audit Findings and Notice of Noncompliance that was issued by the MassDEP dated 11/17/17. Fran said that she attended a Board of Selectmen meeting the prior evening and was told the town is going to hire a Licensed Site Professional (LSP). She commented that there are concerns from the neighbors and they are looking for the parameters for testing their wells. The Board will continue this discussion at the next meeting.

### **Meeting Minutes**

Comments: Fran moved to accept the 1/30/18 meeting minutes. Jeff seconded the motion. The motion carried, 3-0.

**Next Meeting**

The next meeting was scheduled for May 3, 2018.

**Adjournment**

The meeting adjourned at 9:00 pm.

Respectfully submitted,

  
Frances Sullivan/Clerk