



Public Meeting

Judge Welsh Meeting Room

Thursday
December 15, 2011
4:00 p.m.

Members Present: Laurie Delmolino, Joe DeMartino,
and Elizabeth Williams.

Members Absent: Ken Janson, John Livingstone,
and Mark Phillips.

Staff: Brian Carlson Health & Env Affairs Mgr

Joe DeMartino conducted the meeting and called it to order at 4:00 p.m.

Public Comments

There were none.

Old Business

Discussion: 6 Nelson Ave

ACO Request

6 Nelson Avenue – ACO Request:

Motion: Move to continue the ACO discussion until the January 5th meeting.

Motion: Laurie Delmolino, Seconded: Elizabeth Williams Vote: 3-0-0

Motion: Move to not allow an extension of the ACO beyond the January 5th date.

Motion: Elizabeth Williams Seconded: Laurie Delmolino Vote: 3-0-0

New Business

Title 5 Variance Request

Victor DePoalo -170 Bradford Street

Brian Carlson reported that the applicant had not done the required abutter notice so there was not going to be a hearing on 170 Bradford Street. Mr. DePoalo stated he will be sending out the abutter notice and that he wanted to take this opportunity to give a preview of what will be coming before the Board at the January 5th meeting. There will be variances requested and the abutters will be notified. The plan and application have been turned in.

Joe DeMartino wondered how the construction had begun; he thought you needed a septic plan in order to get a building permit. Victor said that he did 19 West Vine and he found out it was a bigger deal than he thought it was because there was a cesspool.

Victor said that he is looking for direction and by January 7th the building will be fully enclosed. He didn't realize that he needed a septic plan.

Joe said that we're just having the discussion because we can't have a full hearing; however, there must be a public hearing. He asked Victor, "Did you expand the footprint of the building?" Answer was yes.

Brian can't make a finding because they did the building first and the only way to get around this is by pleading hardship.

Victor also offered to hook up to the sewer when its available.

Victor will return after the proper notifications have happened for a full hearing on his variances, etc.

Appeal Health Agents Decision

JJR Realty, LLC – Trash pick-up at 16 Harry Kemp Way

Mr. John Reis is the owner of this property and he took advantage of a ruling 12 or 13 years ago – when he bought the property – to turn the large four bedroom house on the property into three units – one unit into a two bedroom unit and the other two bedrooms each became an affordable one

bedroom apartment. Thus, the property, when purchased by John had seven units on it – six were free standing cottages. There are – with the aforementioned renovation – now nine units on this property which means it can't qualify for Town trash pick-up.

After a great deal of discussion of this problem, Joe and the other Board members decided that they needed a whole lot more information on how this came about. Joe also felt that any decision might be precedent setting – thus the matter has to be researched. Joe said – perhaps it makes sense to ask the town manager, or the Board of Selectmen, or the DPW, or the town counsel, for an opinion. Brian said that his finding was based on the complaints and regulations. John said that the whole driveway has been blocked and we're in the process of opening it up to Harry Kemp Way - so where it was picked up before will no longer be an issue. He's also willing to wait out the investigation.

Motion: Move to postpone this decision until the January 19th meeting after we have had an opportunity to get an opinion from the above mentioned sources.

Motion: Betty Williams Seconded: Laurie Delmolino Vote: 3-0-0

Appeal Health Agents Decision

Henryk Tyska – Trash storage at 54 Harry Kemp Way

Brian Carlson said that on November 10th - based on the complaints of an abutter - he issued a Order to Correct to Mr. Tyska of 54 Harry Kemp Way. There are 2 adjacent condo complexes on 2 separate parcels and – bottom line – Mr. Tyska insisted on putting his trash in front of 50-52 Harry Kemp Way.

Many letters were read into the record. Joe, after reading all the letters, said that people shouldn't be allowed to put their trash in front of someone else's property. After a bit more discussion, the following motion was made:

Motion: Move to deny the request for a reversal of the health agent's decision.

Motion: Betty Williams Seconded: Laurie Delmolino Vote: 3-0-0

Approval of Minutes

Motion: Move to approve the minutes of the November 17th minutes.

Motion: Betty Williams Seconded: Laurie Delmolino Vote: 3-0-0

Acting Health Agent Report

Brian reported that the new hire in the Health Department will be starting January 3rd. Her name is Morgan Clark. Her title will be Public Health and Safety Officer. .

Board Members' Statements

There were none.

Adjournment happened at 5:30 p.m.

Respectfully submitted,
Evelyn Rogers Gaudiano

Approved by _____ **on** _____, 2011.
Joe DeMartino, Vice Chair