



Kayla Davis
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Town of Mattapoisett Board of Health

16 Main Street
P.O Box 434
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Carmelo Nicolosi
Board Member

Russell Bailey
Board Member

Kenneth Dawicki
Board Member

MEETING MINUTES

DATE: May 26, 2021

TIME: 10:13 a.m.

Location: Zoom Meeting: In person at Mattapoisett Council on Aging

<https://zoom.us/j/98330930589?pwd=UjI5WmZlZXFqdDdBbnJDR05Ta2FPZz09>

Meeting ID: 983 3093 0589

Passcode: 751395

Mobile Call In: +1 646 876 9923 US

If anyone in the audience is recording or video-taping, they need to acknowledge such currently. All items within the meeting agenda are subject to deliberation and vote(s) by the Board of Health.

BOARD PRESENT: Carmelo Nicolosi, Russell Bailey, Ken Dawicki

Present at location: Gabby Almeida, Marianne DeCosta, Julie Craig, Pat Charyk, Bob Field Bob Malm

Virtual Participants: Marilou Newell, Emily Field, Dave Davignon, Jackie, Dana Nilson, Jeffrey Humphrey, Rick Charon, 1-508-904-0260, Wanderer MLN, Guest, MYates, Hugh Kelly

NOTES

- 1) Discussion with Mattapoisett Public Health Nurse regarding Covid-19. Tabled

Discussion picked up again when Emily Field arrived at meeting. She stated that the mask order will be lifted on May 29th, with some other restrictions lifted. More and more people are vaccinated and there are just a few isolated cases. Vaccine will be offered to 12+ children maybe through the Rochester Fire Department and the State Mobile Unit. They may come to ORRHS. If there are any homebound people, they can be vaccinated by the Mobile Unit as well.

- 2) Discussion regarding Harbor Days. Tabled

Emily Field stated that she has had discussions with the Mattapoisett Lions Club and will stay in touch as the Guidance and State Regulations are fluid. Because of a technical issue at the last meeting the vote that was taken to allow the Lions Club to have Harbor Days was voided. The Chairman doesn't feel that a vote is necessary.

3) 218 North Street- Bob Field representing Charles and Patricia Tate. Proposed to upgrade septic system. The variances requested are:

- a. 310 CMR 15.405(1)(H)- 1' reduction in the required separation to seasonal high groundwater (4' required, 3 Provided)

Bob Field from Field Engineering presented the project. The septic failed and this is an upgrade, with one variance needed. It is assessed as a 2 Bedroom. Before 2005 it was assessed as a 3 Bedroom. There is a room on the first floor was planned and used in the past as the third bedroom.

Questions from the Board? none

Questions from the Public? None

Motion to Approve the plan as presented by Mr. Bailey

Seconded by Mr. Dawicki Roll call Vote 3-0-0

4) Lot #88 Map #3 Aucoot Road- Schneider, Davignon & Leone, Inc. representing Robert H. Malm. Proposed constructing a complete F.A.S.T de-nitrification treatment unit. The variances requested are:

- b. 10.01- Leaching Area Setback to a Wetland- Install the leaching area 75 ft from the edge of a bordering vegetated wetland/ island bank of an intermittent stream (drainage ditch) rather than the 100 ft minimum requirement.

David Davignon presented the project. Proposal is to build a 3-bedroom house on the Southern part of the property. The perc test passed, and it follows Title V Regulations. The leaching area for the de-nitrification system is proposed to be within 75' of the edge of bordering wetlands/island bank of an intermittent stream (drainage ditch). Rather than the 100' minimum requirement.

Mr. Nicolosi asked the Public to state if they are here for this hearing. Mr. Jeffrey Humphrey, Mr. Dan Nilson, Jonathan Craig and Hugh Kelly on Zoom and Julie Craig, Pat Charyl and Robert Malm in person.

Mr. Humphrey began by asking that if neighbors are opposed to the project, does that make a difference to the Board. Mr. Nicolosi stated that the Board takes into account everything that has to do with the variances. Mr. Humphrey wanted to know what the Board members interpretation of the Law is. Mr. Nicolosi said that he would like to wait until the discussion by the Board to see after the evidence is presented.

Jonathan Craig (77 Aucoot Rd) said that the appeal is to wetland delineation, to reject the area outside the buffer zone.

Hugh Kelly stated that his family owns #96, #82 and #84 Aucoot Rd. There is a concern of constant encroachment of wetlands. Any variances will become a problem.

Julie Craig (77 Aucoot Rd) The system can be moved further away from the wetlands, to the North. They have filed an appeal to DEP for the Conservation ruling. The "River" is shown on USGS map withing 200' of edge of system.

Pat Charyl (92 Aucoot Rd) She will be much more comfortable if the system was relocated to the North side of the property. She thinks that should be the only option.

Robert Malm, the owner of the property addressed the Board and the abutters. He said that there is a 6 acre parcel that his mother had purchased. His sister wanted to find out what was buildable land. There is 300' frontage

so there is a possibility to have 2 buildable lots. Sister sold her interest to Mr. Malm. The idea was to subdivide in the future and have 2 lots. That is why he wants to place the septic/leaching field where it is proposed. If there is sewer installed of course there won't be a problem.

Questions from the Board?

Ken Dawicki stated that he is creating his own hardship as there is another place on the lot that it can be placed. Dave Davignon from Schneider, Davignon and Leone.

Carmelo Had the Board intended to allow project withing 100' there would no be a need for a variance.

Mr. Davigno stated that the client wants the ability to develop the property and leave the option to sell that lot if needed.

Carmelo. What were looking at is a plan for one lot and cannot make a future decision. The lot has the ability to locate the system outside of the buffer zone.

Mr. Malm stated that if no future development is allowed then it devalues his land. It is important for the Board to consider the future, he cannot count on sewer. If the Board had 2 lots in the future would the Board consider a variance?

Mr. Nicolosi said no, and Mr. Dawicki said that in that case he would also be creating his own hardship. Mr.

Bailey suggested that in the future there may be new technology that would be equal to the 100' setback.

Mr. Davignon stated that Mr. Bailey made his point that a 50' setback with de-intrification is better than 100' with none.

Ms. Craig noted that he Buzzards Bay Coalition is not here today so there is no one who can speak for them.

Yes, De-nitrification is better, but double that because of future development may not be good.

Motion to Approve plan as presented. was made by Mr. Dawicki

Seconded by Mr. Bailey Voted 0-3-0 defeated

5) 7 Acorn Lane- Charon Associates Inc, Richard Charon representing Michael Florio. Proposed repair of the sewage disposal system. The variances requested are:

- c. Section 15.211 to allow the leaching facility less than 10 feet from the garage slab on grade foundation. (Proposed=7 feet)
- d. Section 15.255 to allow the over dig to be less than 5 feet on all sides. (Proposed= 2 feet on west side and 1 foot at southwest corner)
- e. Section 15.105 to allow one test pit.

Mr. Nicolosi recused himself as he works at Charon Associates

The acting Chairperson was turned over to Mr. Dawicki

Mr. Charon presented the project. Proposed septic repair with three variances. Leaching less than 10' from garage. Over dig to be less than 5' on all sides, and to allow 1 test pit

Mr. Dawicki said that the project is pretty cut and dried

Questions from Board? None

Questions from Public? None

Motion to Approve plan as presented. was made by Mr. Bailey

Seconded by Mr. Dawicki Voted 3-0-0

The Chairmanship was turned back over to Chairman Nicolosi.

6) Lot #56 Map #14 Brandt Island Road- Schneider, Davignon & Leone, Inc. representing Stephen J. Napolitano. Proposed constructing a complete F.A.S.T de-nitrification treatment unit. The variances requested are:

- f. 10.01- Leaching Area Setback to a Wetland- Install the leaching area 72 ft from the edge of a bordering vegetated wetland/ island bank of an intermittent stream (drainage ditch) rather than the 100 ft minimum requirement.

Marcia Yates, who is an abutter, her property is North of this property. She asked to have the floor because she has to leave the meeting. Ms. Yates said that she's never had issues with the water on her property and she wants to know who is responsible if she gets water after this house is built. How can a house be built when it is so close to a River.

Mr. Nicolosi said that changes were made in some Regulations at the last meeting, but the Town Administrator said that it needed to be run by the Town Counsel. So Mr. Nicolosi felt uncomfortable voting on this because one of the changes might affect the outcome of this hearing. Mr. Davignon said he would like to present the project. As the Board has the Authorization to approve the project, and he does not a continuance.

The property has been owned since 1987 and Mr. Napolitano met zoning is as a buildable lot. Have perc test, the leaching area is 72' from stream.

Questions from Board?

Mr. Nicolosi reiterated that he'd prefer to wait until a month from now to see if the Regulations are valid.

Mr. Dawicki asked what is the size of the proposed culvert construction.

Mr Davignon stated that is will be 2 12' ADS pipes at the low point

Mr. Napolitano stated that there is a house North of lot 56 built In the 80's that the drainage outlet runs parallel to Brandt Island Rd. There is a lower elevation at that outlet.

Mr. Nicolosi stated that he would be more comfortable waiting to hear from Town Counsel. He asked Mr. Davignon to consult with his client to see if it's possible for him to go before the Board on June 23rd. He and his client agreed.

This also applies to Lot #57

Motion to Continue Lot #56 Map #14 Brandt Island Road Mr. Bailey
Seconded by Mr. Dawicki Voted 3-0-0

Motion to Continue Lot #56 Map #14 Brandt Island Road Mr. Bailey
Seconded by Mr. Dawicki Voted 3-0-0

7) Lot #57 Map #14 Brandt Island Road- Schneider, Davignon & Leone, Inc. representing Ralph M. Cotelleso. Proposed constructing a complete F.A.S.T de-nitrification treatment unit. The variances requested are:

- g. 10.01- Leaching Area Setback to a Wetland- Install the leaching area 72 ft from the edge of a bordering vegetated wetland/ island bank of an intermittent stream (drainage ditch) rather than the 100 ft minimum requirement.

Mr. Davignon would like to have this meeting opened up for this lot.

Chairman Nicolosi said that the Agent position has been posted and there is a Memorandum of Understanding for inspector that may be called upon in the interim.

Also there was a minor accident at the Transfer Station on Saturday, June 22.

Motion was made to approve Minutes from the May 2th, 2021 meeting by Mr. Bailey.
Seconded by Mr. Dawicki Voted 3-0-0

Next Meeting: June 23, 2010. at 10:00 am
Will use the same set up at COA with Zoom

Adjourn:

Motion to Adjourn was made at 11:38 by Mr. Dawicki
Seconded by Mr. Bailey Voted 3-0-0

Carmelo Nicolosi _____

Kenneth Dawicki _____

Russell Bailey _____