

PRESENT: David Davignon, Inspector
Robert Medeiros, Clerk
Joseph Correia, Health Agent
Wanda Hamer, Senior Clerk

ZOOM: Thomas Fortin, Chairman
Andrew Bobola, Bldg Commissioner

ABSENT: Patrick Hannon, Asst Agent

5:10 P.M. R. Medeiros motion to open, T. Fortin seconded the motion. Roll call vote, 3 yes. Mr. Fortin attended remotely by phone due to issues with his computer using Zoom.

APPOINTMENT

Harold Perry, 181 Mattapoisett Road, was present to appeal an order issued April 11, 2023. Mr. Perry spoke and didn't understand why he is not allowed to cut and share wood to his neighbor, Bob Conklin, brother in law, Barry McKay, and his son, Shane Perry.

Agent Correia gave some input about conversations that had already happened with himself and the Building Department, Jim Marot as well as letters that were sent to Mr. Perry about the cease & desist. He also spoke about moving the wood pile to the other side of his property because of the quantity of wood that was being processed.

Andy Bobola, Building Commissioner explained how he assessed the situation relative to how much wood is coming in and how it is stored. He based it on his experience with wood and determined that if a single family home was heating their house exclusively by wood only, they would use an average of 3.1 cord per year (according to national average). He stated that the amount of truck loads and cutting and splitting, goes way above a single home. In his opinion this activity is noisome and obnoxious - this means sight, sound and smell. On numerous occasions he witnessed a blue haze from oil, very loud noise, this is a lot of activity on ones' property.

R. Medeiros agreed with A. Bobola about the amount someone burns and how much should be on ones' property. R. Medeiros repeated what was said at Mr. Perry's property about moving the wood pile and being courteous to your neighbor. R. Medeiros suggested everyone should cut on their own property. Mr. Perry said everyone does. Mr. Perry said he moved the wood pile to the other side to be off the property line, only splits the wood on his property and eliminated the chainsaw all together because he cuts it up somewhere else. He said that he only has weekends to split the wood. He does it on Saturday only to try to satisfy everyone. The splitter has a muffler on it and it isn't loud, Barry has the splitter and it can be brought by tomorrow for the board members to look at it.

T. Fortin would like to mention that he agrees with R. Medeiros that the amount of wood that is stockpiled on the property is way too much to be shared. D. Davignon asked Mr. Perry how much, at one time, has ever been stored on the property. Mr. Perry said 15 cord of wood at one time. Harry takes 5, Barry takes 5, Bob takes 3 and Shane takes 2 cord of wood and all the wood is stored at 181 Mattapoisett Road. T. Fortin voiced his opinion and agrees with the letter that was sent out and should be abided by. Wood for anyone else that doesn't live at this address they need to have the wood delivered to whomever it belongs to and stay on their own property. D. Davignon couldn't comprehend the noise that Mr. Souza is witnessing. Mr. Perry said he stopped the chainsaws that was the noise.

R. Medeiros would like to settle this tonight. Mr. Bobola would like to simplify this, if the 5 families that receive wood are accountable to get their own wood. He is having a hard time processing that the wood cutting is happening constantly and not just in the fall season. The happening of all this activity is unheard of.

More discussion ensued about the wood going to the houses of the people that use it and all processing of the wood being done on their own properties. Mr. Perry now has the wood delivered to his work K.R. Rezendes and he cuts it there on Saturday and now brings it to his house in a 1 ton truck and only splits on his property. Mr. Perry admits he does not cut on the holidays or Sundays anymore.

Bob Conklin, 175 Mattapoissett Road, spoke about not having money for oil, therefore, he burns to heat his house from about October and on. 3.1 cord of wood is unrealistic for him. Bob now cuts and splits wood on his own property due to the letters from the town.

Barry McKay, Middle Road, has tried to cut, split the wood process with no noise issues at his house and when they bring it back to Harry's house the police get called. He only does it at his house because of the letter sent to Harry Perry.

Mary Duperre, 182 Mattapoissett Road, neighbor across the street only sometimes hears the noise.

D. Davignon explained it doesn't matter if it's one person or ten people calling to complain, everyone matters it's still a nuisance. Agent Correia spoke to say that this comes down to "timing" for example in the summer and when everyone is outside and windows open. The quantity and not cutting at home for long periods of time and now the log splitter is on Bob's side of the house which was discussed in May 2020 to put it as far over as possible away and in a reasonable time frame. R. Medeiros agreed that summer time is a tough time to do noisy things. Cut and split 5 cord of wood and be done with that stuff till the next year. Take care of yourself and not the next guy. You are the one taking the heat right now, not them.

Discussion ensued about cutting the wood in the Fall and stacking the wood so it would be ready for the next season. Mr. Bobola explained that by agreeing to do this in the Fall and if you wrap in a black tarp it will season in 3 months. If Mr. Souza calls to complain about any activity in the Fall, we will not do any enforcement order during those months because it is anticipated that wood cutting will happen this time. We just need cooperation from everyone.

Nicholas Gomes, Attorney for Mr. Souza spoke about private nuisance in a matter of law and how the town is a right to farm community but this is just not the case and irrelevant. He supplied the board with red folders of the entire case and asked the board to keep that in record for any future use, if needed. Mr. Gomes also asked the Board to have some restrictions to the wood processing which comes down to "amount, timing & frequency". This should help with the interference to Mr. Souza's home life.

Mr. Bobola would like everyone to just stop the finger pointing and if all this activity was allowed in the Fall months all of this activity now will go away. Rules are made up for a reason, let's be civil to one another.

D. Davignon's thoughts are that he is not ready to release the cease & desist until Agent Correia can sit with both parties and come up with a plan that is agreeable and then the board will make a decision. Mr. McKay would like to bring some of Mr. Perry's wood to his house 2/3 cord of wood, the board would like him to hold off until the board can come up with a plan agreed between both parties and then the board will make a final decision at the next meeting. Mr. Perry asked if he could use his Bobcat on his property once in a great while. The Board said within reason not to just drive it to drive it.

CORRESPONDENCE

Community Nurse and Home Care Statistics for April 2023. R. Medeiros made a motion to place on file, T. Fortin seconded the motion. Roll call vote 3-0 yes.

Bristol Mosquito Control – **FYI**- chemical information on spraying (spray requests taken after Memorial Day @ 508-823-5253 & spraying **starts** 1st week in June)

APPROVE SEPTIC DESIGN PLANS

5 Pershing Avenue – Ronald & Claire Camara
Septic repair plan.

6 Mason Street – Luis & Paula Franco
Septic repair plan.

39 Keene Road – AMN Estate Holdings, LLC
Septic repair plan

6 Garrison Lane – Antonio & Ana Lima
Septic repair plan, 1. Waiver for a groundwater reduction from 4 ft. utilizing Presby type system. 2. Waiver to utilize a candy cane type vent and no effluent filter on outlet tee of tank.

232 Leonard Street – Mark & Filomena Yuilee
Septic repair plan. 1. Use of one deep observation hole rather than two.

T. Fortin made a motion to approve the 5 above plans as read, R. Medeiros seconded the motion. Roll call vote 3-0 yes.

352 Main Street – Frank Joseph Jr.
Septic repair plan. T. Fortin made a motion to approve the plan as read with a stipulation that Agent Correia monitor the installation of the construction work. R. Medeiros seconded the motion. Roll call vote R.M, yes T. F. yes, D.D. no. passes 2-1. D. Davignon not voting on plan as his copy of the plan was unreadable and could not review the plan.

APPROVE MINUTES

April 11, 2023 T. Fortin made a motion to approve the minutes, R. Medeiros seconded the motion. Roll call vote 3-0 yes.

REORGANIZE

David M. Davignon from Inspector to Chairman. R. Medeiros made the motion, T. Fortin second. Roll call vote R.M. "yes", T. F. "yes", D. D. "no". passes 2-1. Robert Medeiros from Clerk to Inspector. T. Fortin made motion, D. Davignon seconded the motion. Roll call vote passes 3-0. Tom Fortin from Chairman to Clerk. D. Davignon made motion, R. Medeiros seconded the motion. Roll call vote passes 3-0.

6:53 P.M. R. Medeiros recused himself from the meeting not to return.

6:57 P.M.

ADJOURNMENT INTO EXECUTIVE SESSION NOT TO RECONVENE

Executive Session under G. L. c, A§ 21 (a) (3) to discuss strategy with respect to litigation (P. J. Keating) if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares and the Board will not return to public session.

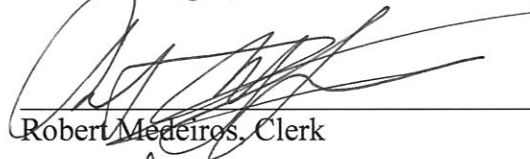
D. Davignon made the motion, T. Fortin seconded the motion. Roll call vote passed 2-0.

APPROVED

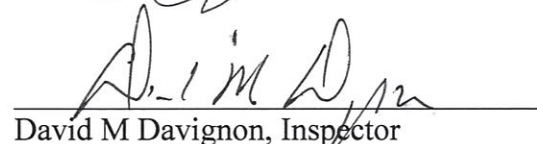
6/13/23



Thomas J Fortin, Chairman



Robert Medeiros, Clerk



David M Davignon, Inspector