

**BRAINTREE BOARD OF HEALTH**

**MINUTES**

**December 15, 2016**

**IN ATTENDANCE:** Dr. Arthur Bregoli, Chairman  
Dr. Philip Nedelman, Vice-Chairman

**ALSO PRESENT:** Marybeth McGrath, Director of ML & I

Dr. Bregoli called the meeting to order at 7:00 pm.

**MINUTES:**

**Motion By:** Dr. Nedelman to approve the meeting minutes of November 3, 2016.  
**Second By:** Dr. Bregoli

**NEW BUSINESS:**

**1) Request for Variance: Irrigation Well (roadway & property line setbacks)-77 Joseph Road**  
Present: Chun Wang & Michael Morizio, property owners.

Ms. McGrath advised the Board that Ms. Wang is requesting to install an irrigation well on her property located at 77 Joseph Road. She advised that the well drillers are not able to get the well drilling equipment into the back portion of the property. The proposed well location will be 25.8 feet off of the roadway and 6.9 feet off of the side property line. It does meet the setback requirements to the other two property lines and to the dwelling. However, the proposed well location does not meet the 100 foot roadway setback requirement or the 25 foot property line setback requirement to one of the side property lines, which is why the property owner is requesting a variance.

Dr. Nedelman asked what the distance is from the closest neighbor's house foundation to the side property line variance is being sought.

Ms. McGrath and the property owners advised that it is close. She further advised that all of the direct abutters have been notified by certified mail. In addition, she advised that she sent a letter to all of the direct abutters inviting them to this meeting, including # 83 Joseph Road, which is the closest abutter.

Dr. Nedelman advised that he recalls some time ago, a similar request for an irrigation well on another Braintree property occurred. He asked who is liable if the abutting neighbor's foundation cracks as a result of the irrigation well drilling on this property.

Ms. McGrath advised that the well driller is required to have insurance. She also advised that it could be a civil matter between the property owners.

Mr. Morizio advised that the distance between the neighbor's property line and house foundation at 83 Joseph Road is more than the distance they have at 77 Joseph Road. He advised that between the neighbor's side property line and their house foundation that there is a double driveway and then the house on the property at # 83 Joseph Road, so the distance from the property line to their foundation is upwards of 20 feet at least.

Ms. McGrath advised that she did receive the receipt of proof of notification to the McKinnon's at 83 Joseph Road, and she did mail them a letter as well. She advised that she has had no contact from them regarding the proposed well installation.

Mr. Morizio also advised that it is impossible to meet the required setbacks, as the lots are only 80 feet deep.

Ms. McGrath agreed that the lots are small. She also advised that she believes the installation of irrigation wells will become more common, as this past summer/early fall due to drought condition, a complete ban on outside watering was imposed by the Town so, if this continues to be a weather patterns, she foresees an increase in the installation of irrigation wells.

Mr. Morizio advised that the drilling process is not disruptive to the soils, and it does not create big vibrations.

Ms. McGrath advised that it depends upon if there is ledge in the area, which she is uncertain of.

Ms. McGrath advised that the only neighbor that called is Mary Fitzgerald of 50 Nicholas Road, and of all the neighbors she would be the furthest away from the proposed well. She called to ask questions.

Ms. McGrath recommended approval of the variance request for the side property line and roadway setbacks.

**Motion By:** Dr. Nedelman to approve the variance requests.

**Second By:** Dr. Bregoli

## **2) Request from Covanta: Transfer Station Operation-Christmas and New Year's Day Holidays**

Ms. McGrath advised the Board that normally the Transfer Station is closed for specific holidays throughout the year. They normally are always closed for Christmas Day and New Year's Day.

This year the holidays for each of these days falls on December 26, 2016 and January 2, 2017. They are requesting that they be allowed to drop off area opened for residents to utilize.

Dr. Nedelman asked what was approved in the past.

Ms. McGrath advised that she remembers a similar request made.

**Motion By:** Dr. Nedelman to approve  
**Second By:** Dr. Bregoli

**INFORMATIONAL:**

**3) Future BOH Meeting Schedule (Handout)**

**Motion By:** Dr. Nedelman to adjourn  
**Second By:** Dr. Bregoli