



# TOWN OF SALISBURY

## BOARD OF HEALTH

JOHN W. MORRIS, DIRECTOR

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JILL TAPPER  
DANIEL RICHARD  
RON LAFFELY  
SUE RING  
DENISE PETERSON

**April 6, 2021**

### **BOARD OF HEALTH MEETING MINUTES**

**7:00 PM    Salisbury Town Hall**

**Board Members Present:**

Ron Laffely, Dan Richard, Denise Peterson, Jill Tapper

**Board Members Absent:**

Sue Ring

**Staff:**

John Morris-Health Director

*Meeting called to order at 7:00 PM.*

**Minutes**

March 2, 2021 minutes to be approved.

**(Mr. Laffely)** makes a motion to accept the minutes as written. **(Ms. Peterson)** seconds that motion. 4 in favor, 0 opposed. Motion carries and is passed

**Violation Appeal – 193 Atlantic Ave. (Continuance)**

**(Mr. Morris)** refers to the March 2nd meeting when the Board made some determinations which were outlined in the letter dated March 4, 2021 to Attorney DiAdamo. After that meeting, Mr. Morris provided the Board and the attorney with a packet of information. Mr. Morris states that the Town Attorney is not aware of any pending litigation between the Town and Mr. Iannuccillo that would prevent the Board of Health from taking enforcement. He continues that there is also information from the Building Commissioner that the owner did apply for a building permit for a (4) unit building. However, per the Commissioner, the application is substantially incomplete and needs further review. Mr. Morris states it is anticipated the application will be denied because it is not allowed in the district. The owner can then appeal to the ZBA at

that point. Mr. Morris also states that per the ZBA Admin, there have been no filings with the ZBA or Conservation Commission yesterday (April 5, 2021) at 4:06PM.

**(Mr. Morris)** continues explaining the inspection report from his on-site visit on March 18<sup>th</sup>. He discusses the issues with the existing dwelling there and also the collapsed building on a trailer. He states his belief is that the current owner believes there is some type of grandfathered protection. He states that while in the field, he told Attorney DiAdamo that they can go to court to get a court order for protection if they feel that way. Mr. Morris states the property has to get cleaned up; he refers to the pictures he had sent out.

**(Mr. Richard)** summarizes the current discussion stating the owner applied for a building permit which will be denied as it is non-confirming. It will be formally denied as it is not zoned for a (4) unit building. As it has not been rejected yet, he cannot go to Zoning.

**(Mr. Richard)** states there is no reason to put more time into this. The court filings have been done since 2015; the Town's legal counsel states the existing building on the property will not give you protection for more units there. **(Mr. Richard)** states the Board wants to resolve this.

**(Atty DiAdamo)** states that Town Counsel did not address the fact that the lawsuit remains open; he states there is an active lawsuit. Copies of that paperwork has been provided to the Board.

**(Atty DiAdamo)** discusses the report of the March 18<sup>th</sup> inspection. He and his client have no issue with the repairs on the cottage. Their issue is moving the material that they believe maintains their rights. He inquires that since it has been there for '25" or so years, at what moment does it become an attractive nuisance. His client is willing to rewrap it, fence it in or put a new tarp on it etc. It is no different than it has been for decades.

**(Mr. Richard)** inquires as to what is the ultimate goal in the next 30 days. **(Atty DiAdamo)** states that since there is a partial response from the Building Inspector, the client may end up back in court to deal with this issue. He states this is separate from the Board of Health. He states his client will be doing work on the outside of cottage per the Director's request. He will then ask a court to allow his client to either A) leave that other material on the property; properly secured or B) as an alternative, get a declaration from the court stating that his client will maintain any rights they have and they are only removing the debris for BOH reasons. He has to ask the court immediately; within 30 days.

**(Ms. Peterson)** inquires if the repairs pertain to the exterior only. **(Mr. Richard)** confirms the existing standing structure and the other materials on the trailer needs to be brought up to standard.

**(Mr. Morris)** repeats the violations for the record and states he only inspected the exterior. The order relates to the mound of debris -that is piled up on trailer and the dwelling unit has to be brought up to compliance. The debris has to be removed. The attorney can then ask for an injunction to have that stay there or remove it; the court can say they have protective status. Mr. Morris states his opinion that the Court will not frown upon the Health Department to clean up a blighted property.

**(Mr. Morris)** notes the audience on ZOOM.

Audience member: **Don Egan**, 195 Atlantic Ave. **Mr. Egan** states his name was mentioned a few times at the last meeting. He wants to point out that the narrative mentioned about a conversation between himself and the neighbors was completely false. He did provide a letter to the Board and understands it will be entered into the record. He states the mischaracterization was uncalled for and incorrect.

Audience member: **S. O'Connor**, Atlantic Ave. (lives next door to the property) states the property has been the same way for 25 years and has never been corrected. The summer cottage which was a shack, was in horrible condition and it is now a pile of debris with a tarp over it. The condition has changed from really bad to worse.

**(Mr. Iannuccillo)** states that, for the record, he and his contractor had spoken to the Building Inspector and then the contractor pulled a permit. He was told it was OK to fold in the 4 walls and was granted the permit providing the contractor put a tarp over it and fence it in. He states he complied with what the town wanted.

**(Atty DiAdamo)** states they are eager to get this property cleaned up and get a fully functioning structure on there.

**(Atty DiAdamo)** asks in terms of timing what is the amount of time to comply with these issues. Mr. Morris responds that (30) days is not unreasonable to come into compliance for the exterior. Atty DiAdamo responds that is sufficient.

**(Ms. Peterson)** states she is still stuck on the fact that Mr. Morris has not been allowed inside the home. If the outside gets fixed, can we then get access for inside?

**(Mr. Morris)** responds that he can gain access if he is denied through the court.

**(Mr. Richard)** states the matter right now is to bring the existing structure into compliance and remove the trailer of debris as there are (3) structures on top of it.

**(Mr. Laffely)** comments/inquires how piling (3) building onto a trailer would grandfather the footprint. Once the footprint is gone, you lose your right to build there.

**(Mr. Morris)** responds that according to Town Counsel in 2015, this has been resolved.

**(Mr. Iannuccillo)** makes a statement that the Town required that the structure be put on pilings. He states he complied with the Town. and gives the history of how the structures ended up on the trailers.

**(Mr. Richard)** states the owner can pursue other legal avenues but the matter before the Board today will be decided.

### **Motion:**

**Mr. Laffely** makes a motion to proceed with the Notice of Violation and Order of Corrections and move to the next step within (30) days.

**(Atty DiAdamo)** asks if this motion is referencing the March 18<sup>th</sup> order; Mr. Laffely states that no, it is the January 21<sup>st</sup> original order. Mr. Morris then shares the March 18<sup>th</sup> order and explains that the 1/21/21 correspondence is an order that mentions receivership and the other is the inspection report (3/18/21).

**Final motion made by Mr. Laffely.** He states that in reference to the (2) documents, the first is the Notice of Violation Order and Correction, dated January 21, 2021 and the second is the Health Inspection Report dated March 18, 2021, the owner should proceed to make the corrections needed on this site within (30) days or the Board will pursue receivership through the Attorney General's Office. **Ms. Peterson seconds this motion.**

**(Atty DiAdamo)** states in looking at the January 21<sup>st</sup> order, it mentions many 'CMR's'. His client wants to make sure what exactly he is being asked to do and that he comply.

**(Mr. Richard)** states the March 18<sup>th</sup> paperwork clarifies what has to be done. **(Atty DiAdamo)** confirms that is the information his client will focus on.

**VOTES:** Mr. Richard and Ms. Tapper vote in favor of the motion. Motion passes. All unanimous. 4-0.

### **Director's Report**

**Covid-19 update.** The collaborative has been working at Amesbury High School. He and Kate and Rich from his office have been working every weekend. Approximately 2,340 doses are administered. Clinics are planned for the next several weeks and probably well into June and July. We will probably work with school age children before next Sept.

**Housing update.** Mr. Morris states he is waiting for (9) cases to be scheduled. These court cases will begin again the first week in May. These are criminal cases; owners have not complied with the renewal of habitability notices or provided other paperwork.

Also, the Town will send out a letter to owners of rental home/vacation homes. They must register with the state. They pay the state and then the state sends back a portion

to the Town. An owner has to register yearly. If they don't rent, they don't pay the tax but they still have to register.

**Receivership:** The Assistant Attorney General that the Town used to work with has moved on to Mass Housing. Our new contact is Tara Ruttle(?). She will assist the Town with about 4 or 5 properties. Mr. Morris states he and the Building Commissioner have cleaned up 30-40 properties. Those who rent in Salisbury like the fact that houses are inspected when they rent.

**Correspondence** None

**Public Comments** None


**(Ms. Petersen)** motions to adjourn; Mr. Richard, Ms. Tapper and Mr. Laffely vote in favor to adjourn, 0 opposed.

Meeting is adjourned at 7:40 PM

Date: 6/1/21

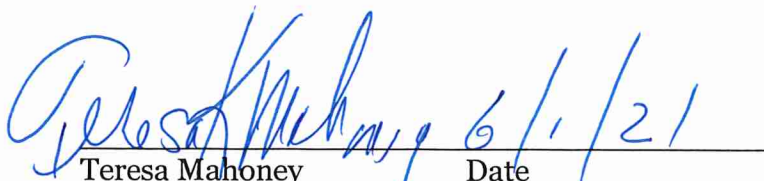
  
Daniel Richard

  
Ron Laffely

  
Denise Peterson

  
Jill Tapper

Respectfully submitted by Teresa Mahoney

 6/1/21  
Teresa Mahoney Date