

Town of Stoughton

BOARD OF HEALTH MEETING MINUTES

Andrew M. Tibbs, Chair ♦ Steven Snyder, Vice Chair ♦ Richard Parolin ♦ Ellen Epro ♦ Michael Varner

The Stoughton Board of Health held this meeting on Thursday January 9, 2025 at 6:00 p.m. In accordance with the Governor's order allowing public bodies to hold open meetings in person, remotely or in a hybrid fashion extended to March 31, 2025, the meeting was conducted both in person at Town Hall, 10 Pearl Street, Stoughton, MA 02072, 3rd floor Yaitanes conference room— and by remote participation via Google Meets.

Members present:

Mr. Andrew Tibbs, Chairman	Mr. Steven Snyder, Vice Chair
Mr. Richard Parolin	Mrs. Ellen Epro
	Mr. Michael Varner

Also Present:

Lawrence Perry, Town Sanitarian, Sean Leahy Asst. Town Sanitarian
Attorney Brian Winner, Town Counsel, Attorney Richard Nylen for 1156 Park Street.

Chairman Tibbs called the meeting to order at 6:03 p.m., announcing it is being conducted both in person at Town Hall and virtually via Google meets as posted.

Mr. Tibbs read the first item on the agenda;

I. Variance and Extension Requests

A. 1305 Washington Street – Septic Tight Tank install / Sewer extension project / update

Mr. Tibbs asked if anyone was present representing 1305 Washington St. Hearing no response, he asked Mr. Perry for an update. Mr. Perry explained the installer renewed his DWIP permit today and applied for and was granted the construction permit as well. They began work there today. Mr. Perry said the engineer had a conflict and could not attend tonight's meeting, but he did request a 30-day extension.

Mr. Parolin asked whether it was possible this project could be done in 30 days.

Mr. Perry said it's feasible, weather permitting as it's only a tight tank being put in and installing piping.

Mr. Parolin made a motion to grant a 30-day extension. Mr. Varner seconded.

On the vote:

Mr. Parolin – yes	Mr. Varner – yes	Mr. Snyder – yes	Mrs. Epro – yes
Mr. Tibbs – yes	Motion passed 5-0		

Mr. Tibbs asked about the Sewer extension plan. Mr. Perry said the engineer is almost done with a concept plan for the sewer extension. He said when it's done, it would be a private shared sewer. When it's complete and paid for by the private investors, it will be submitted to the engineering department for their review. If it meets engineering approval, the town will take it over. If not, it will remain a private sewer.

B. Whiting Way Condo Association – Request for discussion, annual dumpster permit fee.

Mr. Perry informed the Board this is a result of a complaint due to the increase in the annual dumpster permit fee. He let the complainant know it would have to go in front of the 5-member Board of Health at a meeting.

Ms. Margaret Chase of 20 Whiting Way introduced herself as a resident and trustee. She along with another trustee were present. Ms. Chase explained this is a 6-unit condominium located on a private way. They have a 4 cu yard dumpster and monitor it very closely, having it emptied weekly. There has never been a complaint about the dumpster. She asked the Board if there is a way to waive the fee, or at least give clarification on what the permit fee is for. Ms. Chase described other town fees the condo association has incurred over the years which are not related to the Board of Health. She said the increased dumpster fee prompted her to try to eliminate some of the town fees.

The Board members explained the dumpster fee is paid by all privately owned properties that are not eligible for town trash pickup and require dumpsters. The town requires fees because there is a cost to operating and fees offset the cost. Fees cover administrative costs and costs to cover inspections due to complaints.

Mr. Tibbs said we appreciate you coming and speaking to us, but the Board is not in a position to approve this request tonight. He suggested Ms. Chase put in a written request and explain why it is a hardship. Ms. Chase said it's not a hardship, she just doesn't understand why they must pay a fee each year.

It was suggested to cut down on costs, the condo association have the hauler empty the dumpster bi-weekly. It was mentioned in some cases, residents of private ways are able to bring their trash receptacles to the main road for pick up, but this would be for the Public Works department to determine.

C. 1643-1647 Central Street – Commercial Dumpster

Mr. Leahy recalled the owner of the property was before this Board in 2024 when they had to install a grease trap. At that time, there was also a non-conforming dumpster. The owner is looking into installing a dumpster pad and paving the lot. Over the holidays the dumpster was overflowing and the doors would not shut. We received a complaint and the owner and tenant were contacted. They dealt with the issue right away. Their neighboring business is relocating and the owner wants to wait until the neighbor moves before paving. Mrs. Epro said it sounds like the problem was taken care of and it's no longer an issue. Mr. Tibbs asked Mr. Leahy to get an update on the timeline for updating the dumpster and paving the lot.

D. 1156 Park Street – Kelley's Mobile home park permit / applications received

Mr. Tibbs said we got a flurry of information right before the meeting so he's not sure where we stand. Mr. Winner, town counsel was present virtually and he also received the information at the last minute. He mentioned Attorney Nylen., for the applicant is on the call. Mr. Winner told the Board he received the applicant's submission in response to the first peer review letter. He forwarded this to the Board. Zenith (the peer reviewer) had requested a clearer copy of a pdf which he was able to provide to them.

Mr. Winner spoke about a conversation he and Mr. Nylen had on the phone earlier in the day where he relayed to Mr. Nylen there are still a number of areas where opinions differ. The peer reviewer's response was that a number of materials are insufficient or incomplete. Mr. Winner suggested to Mr. Nylen it would be beneficial to have the peer reviewer and the mobile park engineer(s) sit down and iron out some issues. Mr. Winner said he doesn't feel it's practical to discuss the substance of the peer reviewers report at this time, unless the Board wishes to do so.

Mr. Nylen addressed the Board next saying when this process began it was with the hope of making progress such as we've made so far by working through a lot of the issues. He said he agrees with Mr. Winner regarding not discussing recent communication from the peer reviewer tonight since he hasn't had a chance to read it. Mr. Nylen stated he clearly agrees it would be helpful to get the lawyers out of the way and have the professionals work through the technical points. He said engineers are usually able to resolve or reduce things. He hopes the Board will authorize the peer reviewer to sit down with the Mobile Park's engineer(s). Mr. Nylen mentioned there was concern by members of the Board that he wasn't going to cooperate and would drag this on. He said he has made every payment for the peer reviewer to

town counsel the next day. He is hopeful the Board will authorize the peer reviewer to sit down with the engineer(s) in hopes of working out issues.

Mr. Tibbs said a technical meeting with the engineer is something this Board has been asking for. He has seen the recent peer review letter, but won't get into it, because not everyone has seen it. He believes there are technical issues that will benefit from a meeting of the engineer(s) and peer reviewer. He mentioned there are fewer issues than when we started this process.

Mr. Tibbs stated he is happy a meeting will take place now and he'd like it to happen in the next couple of weeks and in advance of the next meeting.

Mr. Tibbs' other concern is that we've been limiting the scope to the distribution system. In the end we will need an approvable plan of the entire design (collection and distribution) as it works together. Mr. Tibbs mentioned having said this before at a previous meeting. He added, if the engineer and peer reviewer are to get together they should consider the plans as they relate to a whole working unit.

Mr. Parolin asked if the engineer would be available in the next couple of weeks.

Mr. Nylen said he'll make the right people available.

Mr. Parolin made a motion to have the engineers meet in the next couple of weeks at town hall and Mr. Perry be included in case any additional information is needed. If the meeting does not take place in 2 weeks' time, the Board moves forward with having the courts take over.

Mr. Winner asked for clarification and he said in order to make the most of the meeting he will volunteer to work with Mr. Perry to provide administrative support to help the meeting go more smoothly.

Mr. Snyder asked if progress is being made and if it's being made on a timeline that is acceptable to everyone. He asked what is the greatest amount of time this should take. Mr. Nylen responded he doesn't know how long it should take as he hasn't seen the most recent response from the reviewer.

Mr. Tibbs said progress is being made.

Mr. Nylen wanted to say they are working expeditiously. He doesn't like the second part of Mr. Parolin's motion. He said that may have made sense six months ago, but there is no health threat at this time. There is no advantage to having this drag on. They are paying for a peer review, pumping regularly and paying consultants. He thinks they've demonstrated in the last few months they are working in good faith to get this done.

Mr. Parolin stated there is a motion on the table.

Mr. Tibbs repeated Mr. Parolin's motion and welcomed a second. Hearing no second he said the motion does not pass.

Mr. Snyder made a motion to continue on at this pace and the Board be continually updated on progress at the next meeting. A meeting between the engineers will take place in the next two weeks at a mutual location. Mr. Varner seconded.

On the vote:

Mr. Parolin – yes

Mr. Varner – yes

Mrs. Epro – yes

Mr. Snyder – yes

Mr. Tibbs – yes

Motion passed 5-0

Mr. Tibbs said the Board received applications for the Mobile Park and Dumpster permits. He said both were incomplete. Mr. Perry explained both applications require supporting information which is stated on the forms, and is missing from both applications. Mr. Tibbs said the Board can't move on these until the applications are complete.

Mr. Snyder asked if the Board typically accepts hand drawn sketches as was provided on the dumpster permit application. Mr. Perry said the dumpster location is temporary due to construction anyway. He added the current dumpster is nonconforming and needs to be replaced.

Ms. Sharon Kaye, a resident of 1156 Park St. expressed frustration that the project has been going on for 6 years. She mentioned she has only seen the engineering company at the park once. She asked if anyone has been out there to take a look at it.

Mr. Snyder said we can't change the past, but progress is being made now. We are on a path to resolve this. Mr. Tibbs said we appreciate your comments and we are doing the best we can to resolve this.

II. Sanitarian Update

A. 464 Canton Street – Housing /failed residential septic / legal issues occupant/owner

Mr. Perry heard from the owner today who informed him the tenant is expected to move out at the end of January. The owner has an agreement with an installer who is expected to begin work when the tenant has moved.

B. 32 Washington Street – Housing issues at mixed use property

Mr. Leahy said this is another court case and the last he heard there was an upcoming court date. The office has not heard back for a re-inspection.

III. Correspondence

A. Commercial Dumpster Policy

Mr. Perry said he had emailed this policy to the Board members after the last meeting. Mr. Tibbs commented that it looks good and welcomed questions or comments from Board members.

Mr. Parolin asked if this is regarding a 4 cu yard dumpster or a 2 yard.

Mr. Perry replied this is in regard to all regulated dumpsters. He clarified a 2 cu yard dumpster was discussed earlier tonight due to a complaint. If there is a complaint, we can regulate the 2 yd. dumpsters.

Mr. Tibbs asked if the Board wanted more time to review this. With no response, he welcomed a motion. Mrs. Epro made a motion to approve the Commercial Dumpster Policy. Mr. Snyder seconded.

On the vote:

Mr. Snyder – yes	Mrs. Epro – yes	Mr. Varner – yes	Mr. Parolin – yes
Mr. Tibbs – yes	Motion passes 5-0		

Mr. Parolin made a motion to adjourn. Mr. Snyder seconded.

On the vote:

Mrs. Epro – yes	Mr. Varner – yes	Mr. Parolin – yes	Mr. Snyder – yes
Mr. Tibbs – yes	Motion passed 5-0		

Meeting adjourned at 7:06 p.m.

DOCUMENTS USED DURING MEETING

1. Email from Eric Dias to Lawrence Perry re: corrective actions made at 1305 Washington St. from Lawrence Perry cc'd to James Conlon, Jackson Macomber, Sean Leahy

2. Email from Margaret Chase, trustee of Whiting Way condominiums to Lawrence Perry request to discuss with the Board of Health and/or waiver re: Dumpster policy and increased fee
3. 1156 Park Street applications for Mobile Home Park and Dumpster permits
4. Commercial Dumpster Policy – 1 pg. Draft version