

# 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 April 17, 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 June 30, 2027, the meeting was conducted both in person at Town Hall, 10 Pearl Street, Stoughton, MA 02072, 3<sup>rd</sup> floor Yaitanes conference room– and by remote participation via Google Meets.

### **Members present:**

Mr. Andrew Tibbs, Chairman      Mr. Richard Parolin  
Mrs. Ellen Epro                      Mr. Michael Varner

**Member Absent:** Mr. Steven Snyder, Vice Chairman

### **Also, Present:**

Lawrence Perry, Town Sanitarian, Sean Leahy Asst. Town Sanitarian  
Mr. John Stagnone, resident

**Present virtually:** Attorney Brian Winner, Town Counsel, Attorney Richard Nysten for 1156 Park Street. Mr. Nyles Zager, Professional Engineer, Zenith Consulting, Mr. Matt Hughes, WIN Waste Director of Environmental Compliance

Chairman Tibbs called the meeting to order at 6:01 p.m., announcing it is being conducted both in person at Town Hall and virtually via Google meets as posted. Mr. Tibbs mentioned there is a full agenda this evening and there were requests for the Board to take item III. B, Town Counsel update out of order.

On Mrs. Epro's motion and Mr. Varner's second, the Board voted 4-0 to address the item first.

On the vote:

Mrs. Epro – yes                      Mr. Parolin – yes                      Mr. Varner – yes                      Mr. Tibbs – yes

Mr. Tibbs acknowledged Attorney Brian Winner, town counsel being present and invited him to speak.

### **III. Town Counsel Update**

#### **B. 1156 Park St. – Kelley's Manufactured home septic project**

Attorney Brian Winner briefed the group on where this stood from the previous meeting. He described it as moving on to phase II of the project. At the Board's request, he invited Mr. Nyles Zager; project engineer from Zenith Consulting (ZCE) to attend tonight's meeting.

Atty. Winner said Mr. Nysten, attorney for 1156 Park St. and their consulting group, along with Nyles Zager and ZCE agree in principle on half of the system. He said with the Board's blessing they will continue to work with ZCE and the owner/applicant's team for the installation of the SAS (Soil Absorption System). This will lead towards the completion of a fully integrated system that would qualify for a certificate of compliance.

Atty. Winner said the plan is to figure out a process that will become Zenith's next scope of services. After multiple conversations with Atty. Nylen, they came to an agreement on the best way to proceed. The two attorneys asked Zenith to engage with the installer and others on their team to start that process as well. Mr. Winner said Atty. Nylen will provide Mr. Zager (Nyles) with the sequence of events that occurred and why they occurred during the constructed portion of the system already completed. In doing so, Nyles can be comfortable with whether the system was constructed properly and in compliance because everything will have to be integrated at some point. It is necessary to have the assurance of knowing before the project continues, that what is in the ground right now and installed is in fact done correctly.

Attorney Richard Nylen, for 1156 Park St. addressed the Board. He summarized his expectation as; once they had the SAS (soil absorption system) approved he feels permitting would be next and would eventually result in a certificate of compliance being issued. Atty. Nylen said after the last meeting it was apparent the Board members needed assurance of what has been built to date is in order before continuing this project.

Mr. Nylen confirmed what Atty. Winner said earlier regarding their agreement to provide a sequence of events of what has been built underground to ZCE and Nyles Zager. Atty. Nylen told the Board they do have the certification and approval from the conservation commission.

Mr. Nyles Zager, project engineer from Zenith Consulting Engineers (ZCE) introduced himself and offered to answer any questions from the Board.

Mr. Tibbs thanked Nyles for coming and called on Mr. Parolin who had a question.

Mr. Parolin asked if Nyles Zager had met face to face with the engineer who actually drew up the plans for this project. He stated the Board voted to have a face-to-face meeting take place. Nyles said he met with Mr. Garner, owner of the company that created the plans and the installer.

Atty. Winner told the Board the in person meeting was scheduled, but it never took place due to a scheduling conflict. Mr. Parolin stated it feels like the Board's wishes are being ignored.

Atty. Winner said in the interest of continuing progress, it was decided to have the group meet virtually.

Mr. Tibbs asked if Nyles has seen a fully integrated plan that shows both parts of the project will work together. Nyles said he has not seen a fully integrated plan. He told the group so far he has viewed an asbuilt of the tankage. He said there are two phases to this; the tanks and the conveyance methods of those tanks and pumps to get it to the Nyles field. He went on to explain, then you have the leeching field itself, the presby system which we have fully reviewed and we are in agreement with the plans that are before you now as far as that goes.

Atty. Nylen said Nyles Zager will be fully involved and there every step of the way.

Mr. Tibbs said it sounds like plans are in place and Attorneys Nylen and Winner have both stated they want to make sure Nyles is comfortable with the project. If Nyles is comfortable, through him, the Board will be comfortable. Mr. Tibbs asked for a time line of what is to be expected.

Atty. Nylen said the burden is on his team to provide a time line of a sequence of events to Nyles.

Mr. Tibbs said the Board expects an update at their next meeting. Atty. Nylen asked about the mobile park permit, which is due to expire at the end of May. Mr. Tibbs replied that will be taken up in May.

### **III. 100 Page St. C& D Facility**

Mr. Tibbs said we have been considering a request for a simple change to the site assignment, as well as looking at the next steps to fully update the site assignment. He referred to Atty. Winner for an update.

Atty. Winner said after the last meeting he and Mr. Matt Hughes, WIN Waste Director of Environmental Compliance connected. Matt Hughes is present tonight virtually. Atty. Winner spoke of communicating several times with Mr. Matt Hughes regarding WIN Waste's requests for modification. Atty. Winner is satisfied their request is not a major modification. He asked Mr. Hughes to provide further documentation to the Board outlining their request to add 150 tons of MSW to the current approved waste that their facility handles.

Mr. Hughes agreed that he would get that to the Board as soon as possible.

Mr. Winner touched on plans the Board discussed at a previous meeting to form a committee to work on updating the site assignment. He mentioned Mr. Perry has reached out to prospective individuals to gauge interest. He has not had any responses yet, but will keep trying.

Mr. Parolin asked the Board to have this modification approved as part of updating the entire site assignment. He said updating the current site assignment has been put off for years, so we should get it done and approved.

Mr. Tibbs said he hears Mr. Parolin, but he would like to make some progress first and then review the rest. Hearing no other questions, Mr. Tibbs moved on to the next item on the agenda.

#### **I. Variance /Extension Requests**

##### **A. Bishops Landing Condominiums – Lifeguard variance request**

Ms. Kelly McMorow representing the condominium attended virtually. She explained the difficulty in hiring lifeguards is the reason for the variance request.

Mr. Tibbs asked if Ms. McMorow was aware of the Board's stipulations around lifeguard free pools. He stated they must have specific signage and a direct line of communication to emergency services department. Entrances to the pool must be locked when not in use. An adult must be out of the pool at all times while people are in the pool.

Ms. McMorow said they are aware of all the rules and have them all in place.

In response to Mr. Parolin's comment, Mr. Leahy confirmed he would perform their pool inspection prior to issuing the permit to open the pool.

Mr. Parolin made a motion to approve the lifeguard variance. Mrs. Epro seconded.

On the vote:

Mr. Parolin – yes

Mrs. Epro – yes

Mr. Varner – yes

Mr. Tibbs – yes

Motion passed 4-0

##### **B. 1305 Washington St. – Huggard & Ewing – Septic Tight Tank Install**

Mr. Perry told the Board he was out there earlier in the day. The tank is in, the main sewer pipe is connected and back filling was to be done today. He said they do need another month extension because it will take a couple weeks to finalize the AS built and do paving and grading.

He explained they had a water main break, which caused some damage and slowed things down. He recommended giving them another month to finalize it.

Mr. Tibbs welcomed a motion

Mrs. Epro made a motion to extend this for another 30 days. Mr. Parolin seconded

On the vote:

Mr. Parolin – yes

Mrs. Epro – yes

Mr. Varner – yes

Mr. Tibbs – yes

Motion passed 4-0

The Board members expect an update on the plans to connect to town sewer at the next meeting.

### **C. 756 Washington St. – KPA Restaurant dumpster pad variance**

Mr. Perry said he has been trying to get a status update on when the parking lot will be paved which is when the dumpsters are supposed to be brought into compliance and the concrete pads installed.

Mr. Yves Urio, owner of Olivio's Restaurant was in attendance. He told the Board he understood from his landlord the property owners of the new building under construction expect to have the paving done in a month or maybe two.

The Board discussed sending a non-compliance letter to the owner informing them the Board wants a request in writing if an extension is needed, or it will start issuing fines for being not being in compliance.

Mr. Perry will draft a letter and send it out to the owner.

Mr. Parolin said to notify the owner they have seven days from the date of the letter to respond and request an extension. Mrs. Epro seconded.

Mr. Tibbs confirmed the owner of 756 Washington St. has 7 days from the date of the letter to respond in writing to request and extension. If received within 7 days a 30-day extension will automatically be granted. If a request is not received within 7 days, the Board will start fining him daily.

On the vote:

Mr. Parolin – yes

Mrs. Epro – yes

Mr. Varner – yes

Mr. Tibbs – yes

Motion passed 4-0

## **II. Request for Discussion: Blight / Unsafe Properties – John Stagnone**

Mr. Stagnone, a resident of Stoughton addressed the Board in person. He thanked Chairman Tibbs for allowing him time on the agenda. Mr. Stagnone referred to links he provided to Mr. Perry for the Board's information regarding a program through the Atty. General's office on revitalizing blighted properties. Another link was to the town of Chelmsford's eCode, which addresses graffiti. Mr. Stagnone spoke of his concern on buildings around town, which are in disrepair. He suggested a task force could be created to address those properties.

Mr. Perry explained the Board of Health is typically involved in a case when there is an occupied building, which needs to be condemned. In such a case, the occupants are given notice to vacate. At that point, it is pretty much out of the Board of Health's hands. The Building Commissioner and tax attorneys then get involved to determine at what point the building has to come down.

Mr. Stagnone mentioned there might be grants to assist residents in making necessary improvements. He said blighted properties create a safety hazard and bring down the value of surrounding properties. He

mentioned an option in some cases is putting a property into receivership. Mr. Stagnone said he is a realtor and a receiver in the metro-west area.

Mr. Perry told him the Board had a presentation by Alan Hope, a receiver several months ago when they considered going in that direction with a property in town. The Board wrapped up the discussion and Mr. Stagnone thanked them and left the meeting.

#### **IV. Sanitarian Update**

##### **A. 1165 Park St. – RJ O’Connell for Chateau Restaurant**

Mr. Perry said the restaurant is now connected to town sewer and there will be no more updates. They still have a grease tank, which needs to be pumped twice a year, as opposed to weekly as they had been pumping prior to connecting to Phase I Park St. Town sewer project. They will not be fully connected until Phase II of the Park St. sewer project is complete. Mr. Perry suggested this item no longer needs to be on the agenda.

##### **B. 464 Canton St. – Housing / Failed residential septic system / Legal issues**

Mr. Perry said the septic system is 90% complete. The installer is waiting for the soil to settle before paving. There have been recent complaints about no heat and hot water. Mr. Perry has an appointment with an attorney tomorrow about this.

##### **C. 330 Monk St. – Housing / Zoning / Building / Storm Water code violations**

Mr. Leahy told the Board a cease and desist order was issued and the Board has a copy in their agenda packets. He said there have been ongoing non-compliance issues with this property for years. Twelve separate letters were issued between code enforcement, building, fire and the board of health. The ownership was transferred from the son back to the mother so the mother is technically the owner. Mr. Leahy said after meeting with town counsel they are moving forward with legal action against the parties involved due to all the violations. The town gave the owner one week to remove the camper, which has been occupied off and on. The owner denies it, but there is evidence it is occupied. There are also illegal structures with no permits and potential illegal apartment(s) in the basement. If the camper or any of the structures are remaining starting on Monday (April 21) next week, fines they will be fined daily by the town.

##### **D. Apt. 5B Morton Square – Housing code violations and repairs**

Mr. Leahy said after he put this issue on the agenda, the property owner took quick action and made repairs. He re-inspected the site Monday and confirmed everything was repaired. Mr. Leahy has issued them a compliance letter stating there are no further issues as of now.

#### **V. Correspondence**

##### **A. Norfolk County Mosquito Control aerial application notice - 04/10/2025**

Mr. Tibbs said there will be helicopter sightings that always creates a lot of interest, particularly on social media. He said they do notify people at least 6 hours prior to the application. Mr. Tibbs said they drop pellets in the wetland, so it is not actually a pesticide spray.

##### **B. Open Meeting Minutes from March 13, 2025**

Mr. Parolin made a motion to approve the minutes with any corrections and deletions.

On the vote:

Mrs. Epro – yes

Mr. Parolin – yes

Mr. Varner – yes

Mr. Tibbs – yes

Motion passed 4-0

Mr. Parolin made a motion to adjourn. Mrs. Epro seconded.

On the vote:

Mrs. Epro – yes

Mr. Parolin – yes

Mr. Varner – yes

Mr. Tibbs – yes

Motion passed 4-0

Meeting adjourned at 7:07 p.m.

## **DOCUMENTS USED DURING MEETING**

1. Bishop's Landing Condominium Seasonal Pool application, pool rules and lifeguard variance application – 11pgs.
2. Email communication between Lawrence Perry and John Stagnone who requested time on this agenda – 2pgs.
3. Cease and Desist order issued to Marilucia Galvao dated 4/11/2025 – 2pgs.
4. Norfolk County Mosquito Control notice regarding Aerial lava application dated 4/10/2025 – 1pg.
5. Open Session minutes of March 13, 2025 - 4pgs.

Open session minutes of March 13, 2025 approved at this meeting.