

Town of Stoughton

BOARD OF HEALTH MEETING MINUTES

Andrew Tibbs, Chair ♦ Richard Parolin ♦ Ellen Epro ♦ Michael Varner ♦ Michael Taylor

The Stoughton Board of Health held this meeting on Thursday July 24, 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, 3rd floor Yaitanes conference room— and by remote participation via Google Meets.

Members present:

Mr. Andrew Tibbs, Chairman Mrs. Ellen Epro Mr. Michael Varner Mr. Michael Taylor

Member Absent: Mr. Richard Parolin

Also, Present:

Lawrence Perry, Town Sanitarian, Sean Leahy Asst. Town Sanitarian, Mr. Tom Calter, Town Manager
Mr. Matt Hughes, Director of Environmental Compliance Win Waste, Mr. Chris Karras, VP of Operations, Win Waste

Present virtually: Attorney Brian Winner, Town Counsel, Attorney Seth Salinger, for 1156 Park St.

I. Public Hearing: 100 Page St. C&D Facility: Minor Modification Request

(continued from June 23, 2025)

Chairman Tibbs called the meeting to order at 6:02 p.m.

He announced the first order of business is the continued public hearing from June 23, 2025. He did not believe any additional materials were presented on this item since the last meeting.

Attorney Brian Winner said at the last meeting several questions were left pending. He acknowledged Mr. Matt Hughes from Win Waste's presence. Mr. Hughes confirmed he did not have any new materials to present at this time.

Chairman Tibbs opened it up for public comments.

Christina F., a resident of Seaver Street, calling on behalf of family members who live in the area of North Stoughton said she was not able to attend the previous meeting and asked to be brought up to speed on what is being proposed in that area. Mr. Tibbs said Win Waste's request is to transform part of the 800 tons per day they are allotted as construction debris to 150 tons of that to municipal solid waste.

Christina F. asked if this would bring additional truck traffic to the area. She said there is already overwhelming truck traffic in that area. Mr. Tibbs said trucks are supposed to use a prescribed route and Win Waste assured us they will monitor this. Christina wanted it to be on record that she is opposed to this.

Lisa Lyons, a resident from precinct 2 said she is concerned bringing in municipal waste will cause much more odor in that area than the current construction debris. Chairman Tibbs noted this was discussed at the previous meeting and Win Waste does plan to use odor control technology. He asked Mr. Matt Hughes to address Ms. Lyons concerns.

Mr. Hughes said they do have chemicals to counteract odor and there are processes to move the waste through quickly to its final destination so it is not sitting there for long periods.

Mr. Tibbs mentioned there are concerns with vectors (bugs, rodents, etc.)

Mr. Hughes said they would have pest control companies come in on a weekly basis and set traps as they do at their other sites accepting municipal waste. He said the waste materials are stored inside buildings away from doorways as well so rodents and other vectors cannot get access to it.

Mr. Varner asked Mr. Hughes if he had an update of what type of odor control chemicals would be used. Mr. Hughes referred to other Win Waste sites where odor control is used and said they are successful. He did not know the name of the product, but said it is a commonly used commercial product. Mr. Tibbs asked Mr. Hughes to research the product name and send it to him. *Later in the meeting, Mr. Hughes informed the Board the odor control commercial product is “verry cherry”

Mr. Mark Sankevich, a resident of Walters Way addressed the Board with his concerns on procedural issues. He said the site where Win Waste is located is town owned and under the jurisdiction of the Stoughton Redevelopment Authority (SRA). He said two members of the SRA testified they were not notified of this request. He added the notice was minimal at best and neighbors and others who may have an interest with that area were not notified. Mr. Sankevich said he would submit to the Board this is not a minor modification. He went on to say because construction waste and municipal solid waste materials are different and handled differently this is not a minor modification. He said this would require a new application which would trigger a traffic access study, a suitability report and it would cure any notice issues.

Mr. Sankevich spoke of the current landfill crisis and mentioned the town’s agreement with SEMASS, which will expire in a few years. He asked where the negotiations with the SEMASS are currently.

Mr. Sankevich spoke of the possibility of the town’s trash going to privatization and mentioned several negative consequences. He then stated the benefits of keeping the trash collection within the town.

Mr. Tibbs responded he does not think anyone is talking about privatizing the trash collection.

Mr. Tom Calter, Town Manager addressed the Board, stating he doesn’t disagree with many of the comments the previous speaker made, however he believes the speaker is conflating two separate issues. The Town Manager said he appreciates that the person is well informed, but he is not sure what some of his concerns have to do with this application. Mr. Calter went on to say while the jurisdiction is with this Board, the Select Board is monitoring it. He added the distribution is the Select Board’s and his decision. He said there are no plans to make any changes in the short term, or perhaps not at all.

Mr. Calter said they have commissioned a study on the entire municipal waste market in order to understand what the implications are regarding the capacity within the United States. Mr. Calter said it is incumbent upon us to study the situation and determine our options and what would happen if we do nothing at all. Mr. Calter mentioned several towns have built multi-million dollar transfer stations. He said this town cannot afford to keep spending and borrowing money. He referred to major expenses the town has incurred over recent years. Mr. Calter said approving this request would provide the town with access to a “free” local transfer station, which is crucial for managing future waste disposal challenges.

He added they have been very candid with the DPW letting them know, we are looking at the market, we are looking at what to do strategically long term and we are not doing anything in the short term except holding information sessions and looking at the market conditions and what the risks of doing nothing are.

Mr. Chris Sankevich, the DPW shop steward, questioned if a contract would be put in place for tipping fees for the Stoughton DPW, arguing that the town should receive something in return for the permit.

Mr. Calter responded that the negotiation of contracts was not within the purview of the Board of Health's site assignments, and that Win Waste, with its multiple facilities can offer benefits to the town by allowing local dumping and tolling for transport, saving on fuel and time.

Mr. Varner asked about the average tonnage the facility now receives and suggested they are at capacity due to having trucks waiting in the street.

Mr. Chris Karras, VP of Operations for Win Waste said they currently average between 500 to 700 tons of construction debris per day. He said after the last meeting they looked closely at the numbers and can confirm there is a rush first thing in the morning especially during the busy season, April to October. Trucks unload from the previous night. He spoke of a second rush during the day but said the process is much smoother than you would think with their staff monitoring the trucks. They make every effort to move them right through so they are able to get back out on the road.

Mr. David Lurie of Robinette Road asked whether any companies would be excluded. He questioned if SE MASS wanted to bring in municipal waste, would they be allowed to. He suggested opening it up to competition. He also has the same concern previous speakers mentioned regarding truck traffic and odors.

Mr. Karras responded this site assignment is currently with Win Waste. Suggesting the lease is through 2028.

Ms. Roberta Harback, a resident and member of the SRA responded there is a dispute regarding when the lease is up. She and Mr. Karras confirmed that is a legal issue.

Ms. Lyons said she is in agreement this is not a minor modification. She said it would be beneficial to find a balance between comments made from previous speakers. She suggested putting this topic before more people so as not to appear to slip it under the covers. She appreciated the Town Manager's comments on looking ahead and Mr. Lurie's ideas on allowing competition.

Mr. Mark Sankevich read from a page defining a major modification, which is an alternative use of a site.

Mr. Hughes responded stating this is not an alternative use of the site since waste is waste. He explained going before the Board of Health is not the final process. He said Win Waste still has to file with the Department of Environmental Protection (DEP) but they first have to get by the BOH.

Mr. Tibbs explained this hearing was posted as required with even additional postings. He said we have kept this hearing open and will continue to do so. He added we received advice from town counsel regarding it being a minor modification and unless and until we receive different legal advice, we will operate under that assumption. Hearing no further comments, Mr. Tibbs welcomed a motion to continue the public hearing.

On a motion made by Mr. Varner to continue the public hearing to the next meeting and seconded by Mrs. Epro, the Board voted 4-0 to continue the hearing to the Board's August meeting. Date to be determined.

On the vote:

Mrs. Epro - yes Mr. Taylor - yes Mr. Varner - yes Mr. Tibbs - yes

II. Tobacco Fine Appeal: 37 Dykeman Way – Leaf N' Legend – flavored tobacco product sales violation 6/30/2025

The owner is appealing a fine issued for selling flavored tobacco products on June 30, 2025.

Mr. Tibbs asked if there was anyone in attendance for this appeal. The owner, Mr. Asim Iftikhar spoke. He said the product was nicotine pouches, which because they did not contain tobacco, he thought they were allowed, as the regulation did not clearly mention them, despite understanding the product-contained nicotine. He requested the Board reduce the fine to a warning. Mr. Tibbs read aloud the regulations, which did prohibit the sale of nicotine products in pouch form. After a brief discussion, and confirming the products have been removed, the Board voted to reduce the fine to \$250. They acknowledged the owner's misunderstanding. Mr. Tibbs cautioned the owner; do not make us regret it, please.

Mr. Varner made a motion to reduce the fine to \$250. Mr. Taylor seconded

On the vote:

Mr. Taylor – yes

Mrs. Epro – yes

Mr. Varner – yes

Mr. Tibbs - yes

III. Variance / Extension Requests

A. 58 Crescent Ave – PMP Consulting Inc. – Septic property line setback variance request

Mr. Tibbs asked if anyone in attendance wished to speak on this matter. Hearing no response, Mr. Tibbs said with abutters having been duly notified and hearing no objections, he welcomed comments from the Board.

Mr. Varner made a motion to approve the variance request. Mrs. Epro seconded.

On the vote:

Mr. Taylor – yes

Mrs. Epro – yes

Mr. Varner – yes

Mr. Tibbs - yes

B. 1044 Park St. – Blue Hills Health & Rehab – Sewer /Food Permit extension request

Taylor Grimes, Director of Operations for Alpha Healthcare, representing 1044 Park Street (Blue Hills Health and Rehabilitation), requested a three-month extension for their sewer and food permits. He explained the historical difficulties with previous management and current efforts to obtain quotes for the sewer connection, with two quotes received and a third pending. The board voted to extend the permits for three months, acknowledging the progress made by the new management.

Mr. Varner made a motion to approve the variance request. Mrs. Epro seconded.

On the vote:

Mr. Taylor – yes

Mrs. Epro – yes

Mr. Varner – yes

Mr. Tibbs - yes

C. 966 Park St. – Stoughton Adult Medical Daycare Ctr. - Sewer /Food Permit extension request

Mr. Johnny Chun attended representing the facility. He told the Board he has just gotten permission from the town for a sewer connection. Mr. Perry confirmed they had a meeting with engineering yesterday. Mr. Chun asked for a 60-day extension saying the plans have been designed and he is expecting to get a commitment soon from a contractor who is licensed with the town. He expects things to move quickly

Mr. Taylor made a motion to approve the extension for 60 days. Mr. Varner seconded.

On the vote:

Mrs. Epro – yes

Mr. Taylor – yes

Mr. Varner – yes

Mr. Tibbs - yes

D. 756 Washington St. – KPA Restaurant dumpster pad variance request (continued from 6/12/2025)

Mr. Tibbs invited anyone present for this address or adjoining properties to come forward. There was no response. Mr. Perry noted the lack of a formal construction timeline or plan from the owner, Billy Piazza, and the ongoing use of the space for active construction with multiple dumpsters.

Addressing the lack of communication and potential fines, the Board discussed the difficulty in obtaining a plan or timeline from Mr. Piazza, the property owner. Mr. Leahy confirmed the owner is invited to attend the BOH meetings every month. Mr. Tibbs proposed sending a formal certified letter to Mr. Piazza, requesting his appearance at the next meeting with a written timeline or construction plan, or he would be subject to fines.

Mr. Perry will send a certified letter as directed, strongly suggesting Mr. Piazza appear at the next meeting with the requested construction time line or the Board will discuss initiating fines.

Mr. Varner made a motion to continue this to the next meeting to allow Mr. Piazza to appear with a formal construction plan and a time line or the Board will discuss imposing fines.

Mrs. Epro seconded.

On the vote:

Mr. Taylor – yes

Mrs. Epro – yes

Mr. Varner – yes

Mr. Tibbs - yes

E. 1156 Park St. – Kelley's manufactured home (continued from 6/12/2025)

1. Park License extension request
2. Septic Project update

Attorney Brian Winner, town counsel summarized the status of the septic project at 1156 Park Street, noting a dispute arose after construction began years ago, leading to appeals to superior court that are currently pending. The Board enlisted his services and firm to resolve the dispute, seeking to install a compliant system.

Eventually the parties engaged an independent third party reviewer from Zenith Consulting Engineers (ZCE) to assess the proposed septic system. Atty. Winner reported that the peer reviewer resolved numerous issues related to the distribution side of the system, and an agreement was reached on that plan. The peer reviewer also assessed the already constructed portions of the system to ensure compliance and integration.

Atty. Winner highlighted three points from Zenith's June 10th comment letter: minimum setbacks, groundwater table buoyancy calculations, and the existing tank size of 4,000 gallons versus the required 4,260 gallons. He noted that variances or modifications would be needed to address these issues. Attorney Winner said the park has new counsel and welcomed Attorney Salinger.

Attorney Seth Salinger newly on board, representing the mobile park stated it is his client's understanding the collection system has been operational for two years without incident, and they believe all questions from the Board and peer reviewer have been answered. They assert that the system is fully Title V compliant, including setbacks, buoyancy, and tankage, and the leaching field design has been approved.

Atty. Salinger stated his client requests immediate reinstatement of the construction permit to install the leaching field. They indicated that the current delays have cost the trust a significant amount of money and are no longer tenable. Atty. Salinger also noted that the stay on the litigation expires soon, and without permit reinstatement, they would return to court.

Mr. Tibbs noted that the Board had not received variance applications for issues highlighted in the June 10th letter, and stated that the construction permit had expired, requiring a new application, not just reinstatement. Atty. Salinger maintained that the permit is viable and can be reinstated without a new application.

Mr. Tibbs expressed disappointment with the shift back to a more acrimonious approach, emphasizing the Board's efforts to work in good faith. Atty. Winner pointed out that returning to litigation would halt progress for several months, as court proceedings involve record reviews and arguments, a process that is lengthy and not ideal for resolving technical septic system issues.

Mr. Tibbs clarified that a construction permit is issued for three years, with a possible one-year extension if requested before expiration, and there is no provision for reinstatement. He also stated that the board has never received a complete approvable plan that integrates both the collection and Presby system.

Atty. Salinger countered that a complete plan exists and Niles (from ZCE) has it. The Board discussed approving a motion to extend the park's license to operate until the end of the calendar year, which is the regular expiration date.

On a motion by Mr. Varner and seconded by Mr. Taylor, it was voted 4-0 to extend the mobile park permit to December 31, 2025.

Mr. Tibbs clarified that the applicant's reluctance to apply for a new permit, instead seeking reinstatement of an expired one, is the primary holdup. He offered to waive the construction permit fee if an approvable application is submitted. He let Atty. Salinger know, a permit application can be completed in about 30 minutes.

Atty. Salinger acknowledged the motion but reiterated that the permit fee was not the client's main concern, indicating the issue remains the need for reinstatement rather than a new application.

Atty. Salinger affirmed his intention to confer with his client and communicate with Atty. Winner to find a mutually acceptable resolution.

Mr. Tibbs expressed willingness to work collaboratively, stating they would be happy to move forward if an approvable permit application is received. Atty. Winner confirmed the board's desire for them to continue engaging with Niles from ZCE and Atty. Salinger to facilitate a resolution.

On the matter of extending the mobile park's permit to operate, Mr. Varner made a motion to extend the park license through the end of December 2025. Mr. Taylor seconded.

On the vote:

Mr. Taylor – yes Mrs. Epro – yes Mr. Varner – yes Mr. Tibbs - yes

Ms. Susan Abner, a resident of the mobile park expressed frustration with the ongoing delays, questioning why a new permit application cannot be submitted immediately to avoid further monthly postponements.

F. 10 Pearl Street – Town Hall Dumpster enclosure setback variance request

Mr. Bill Roth, town planner requested a setback variance for the town hall's dumpster pad at 10 Pearl Street. He explained that the variance is necessary due to planned renovations, including consolidating driveways and creating pocket parks, which make adhering to standard setbacks impossible while maintaining vehicle circulation around the building.

Mr. Roth detailed plans for a masonry wall enclosure with brick facing for the dumpster, designed to match the building and improve aesthetics. He confirmed that the adjacent single-family property owner was consulted and is fine with the dumpster enclosure, as their primary concern is their wall.

On a motion made by Mr. Varner to approve the town hall dumpster setback variance was made, seconded by Mr. Taylor, the Board approved 4-0

On the vote:

Mr. Taylor – yes Mrs. Epro – yes Mr. Varner – yes Mr. Tibbs - yes

Mr. Perry noted the previous location of the dumpster was approximately 5 feet off the line, and the new plan effectively returns it to a similar position but with improved screening.

Mr. Roth expressed his interest in having ongoing discussions with the Board with other matters related to code enforcement, building, and zoning departments regarding conflicting regulations, such as those for chickens, and expressed a desire to comprehensively review and resolve these conflicts.

IV. Sanitarian Update

A. Huggard & Ewing tight tank & sewer connection update

Mr. Perry provided a brief update on 1305 Washington Street, suggesting a one-month continuance for a more thorough update after meeting with the engineering department regarding the sewer and tight tank. He said no complaints have been received, and water service to a non-conforming building was shut off.

V. Correspondence

- A. Open meeting minutes from June 12, 2025
- B. Public hearing minutes from June 23, 2025

On a motion made by Mrs. Epro and seconded by Mr. Varner, it was vote 2-0 to approve the minutes of June 12, 2025 with any deletions or corrections. Note: Mrs. Epro and Mr. Varner were 2 of the 3 members who attended this meeting, so they represent a quorum.

On the vote:

Mrs. Epro – yes Mr. Varner – yes Mr. Tibbs – no vote Mr. Taylor – no vote

On a motion made by Mrs. Epro and seconded by Mr. Varner, it was so voted 3-0 to approve the minutes of June 23, 2025 with any deletions or corrections.

On the vote:

Mrs. Epro – yes Mr. Varner – yes Mr. Tibbs - yes Mr. Taylor – no vote

C. Mr. Steven Snyder's retirement.

The Board acknowledged Steve Snyder's retirement, thanking him for his many years of service and extending their sincerest wishes.

On a motion made by Mrs. Epro and seconded by Mr. Varner, to adjourn the meeting at 8:04 p.m. it was so voted 4-0 to adjourn.

On the vote:

Mrs. Epro – yes Mr. Varner – yes Mr. Tibbs - yes Mr. Taylor – yes

DOCUMENTS USED DURING MEETING

1. Letter dated May 7, 2025 from Win Waste Innovations requesting a minor site assignment (2 pgs.)
2. Leaf N Legend's Cease & Desist order to pay a \$1,000 fine and 2 pages of photos depicting the product (4 pgs.)
3. 58 Crescent Ave - LUA documents included is 1 pg. map of area and 4 pg. LUA application
4. Letter from 1044 Park St. requesting to appear before the Board to ask for an extension to sewer connection and food permit – 1 pg.
5. Email dated June 9, 2025 from tenant, Kelly Francois of 756 Washington St. re: dumpster variance at 752-756 Washington St.
6. Variance application and plan (2pgs.) for Dumpster to be located at 10 Pearl St., town hall
7. 1 pg. letter from Steven Snyder announcing his retirement
8. Open session minutes of June 12, 2025 – 4 pgs.
9. Public hearing minutes of June 23, 2025- 4 pgs.

Open session minutes of June 12, 2025 and June 23, 2025 approved at this meeting.