

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, June 29, 2023 at 6:00 p.m. In accordance with Governor Baker’s declaration of June 16, 2021 and recently extended to March 31, 2025, the meeting was conducted both in person at the Fitzpatrick room, 1st floor - Town Hall, 10 Pearl Street, Stoughton, MA 02072 and by remote participation via Google Meets.

Members present:

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

Absent: Mr. Steven Snyder, Vice Chair

Chairman Tibbs called the meeting to order at 6:00 p.m. and announced it is being conducted both in person and virtually. He read the first item on the agenda.

I. Variance / Extension Requests

A. Hampton Inn – Page Street – Indoor Lifeguard Variance request

Mr. Steve Altieri, general manager of the hotel was present to request a variance to operate the year round pool without a lifeguard. He described the camera system the hotel which allows staff to view the pool from multiple locations in the hotel. The front desk has a tablet which is on and monitored at all times. Mr. Altieri said he monitors a camera to the pool from his office. These video capabilities allow viewing of the pool whenever it is open to guests. He said keys are required to enter the pool and guests entering the pool must be accompanied by an adult.

Mr. Parolin asked if there is a phone that can be directly connected to the fire department with the push of a button. Mr. Altieri said there is not, but he would look into the possibility.

Ms. Epro questioned the response time in the event of an emergency. She asked if hotel personnel are trained in CPR. Mr. Altieri responded that the pool is directly accessible from outside the hotel, Emergency responders would be able to enter the pool area from the outside. Mr. Altieri said at least one hotel employee on each shift is trained in CPR.

Mr. Parolin made a motion to approve the variance to operate without a life guard.
On the vote:

Ms. Epro – no Mr. Varner – yes Mr. Parolin – yes Mr. Tibbs- yes

B. 1165 Park St. – Chateau Restaurant renewal request for 2023-2024 Food Permit

Brian Dundon, site civil engineer from RJ O’Connell and Associates was in attendance representing the restaurant. Mr. Dundon stated as in the past the Chateau is requesting renewal of their food license permit along with approval for an extension of the current septic system under the tight tank condition. He added previously, the Board of Health has granted these renewals for six months and Mr. Dundon returned at that time to give an update.

He recalled telling the Board at the last meeting, the design drawings were near completion and ready to connect to the municipal sewer system currently being installed by the Town of Stoughton. Mr. Dundon said the drawings have since been completed and reviewed informally by the Engineering Department, Conservation Commission and Board of Health.

At the suggestion of the Town Engineer, they did make an application with the Conservation Commission. The Chateau attended Conservation Commission’s meeting in May of this year. Minor modifications Conservation requested have been done. The Chateau is scheduled to meet with Conservation again at their July meeting. Mr. Dundon mentioned the informal meetings with the town have been beneficial and he is confident they will be able to complete any other Conservation Commissions requirements.

Mr. Dundon said he is respectfully requesting the Board grant the six-month extension for a food permit and extending the septic system project.

Mr. Perry was in agreement that the Board grant the six-month requests until December. He asked Mr. Dundon if the restaurant was still pumping every two weeks. Mr. Dundon said although business has slowed down, the restaurant will continue to pump every two weeks.

Mr. Tibbs called for a motion on the six-month extension to the food license. Mr. Varner seconded. Mr. Parolin made a motion to grant the Food License until the December meeting

On the vote:

Ms. Epro – yes Mr. Varner-yes Mr. Parolin-yes Mr. Tibbs-yes

Mr. Parolin made a motion to grant the six-month extension for the current operation of the tight tank to the December meeting. Mr. Varner seconded

On the vote:

Ms. Epro – yes Mr. Varner-yes Mr. Parolin-yes Mr. Tibbs-yes

Mr. Tibbs told Mr. Dundon they have an extension for the Food Permit and for the Tight Tank Operation until the December meeting.

C. 1156 Park St. – Kelly’s Mobile Home septic install extension request

Mr. Perry told the Board he just received the plans that afternoon and not ahead of time as he requested. Because the plans were sent to the attorney rather than Mr. Perry, he hasn’t had a chance to review them yet. He mentioned the plans will need to be submitted to the Conservation Commission as well, which may cause a delay.

Mr. Perry said, due to the problematic history with previously provided plans and the lack of availability or willingness of the engineer to work with him, he and Town Counsel discussed

having a third party review the plans at a cost to the applicant. Mr. Perry said it is unheard of in this industry for a designer or engineer to not be willing to discuss changes with the person who reviews the plans. Mr. Perry said if the Board chooses, they may vote to have a third party review the plans rather than have Mr. Perry review them.

Mr. Matt responded that the plans were sent in as expected to town counsel who took a week to review. Town counsel then sent the plans to Mr. Perry. Mr. Matt said the plans have already been stamped and reviewed by certified engineers. He said they feel the submission of the plans don't require further review. He explained that there is only request, which is to change from a Good Flow system to the Presby System. Mr. Matt said it would be an extra burden on the trailer park owner to have a third party review the plans.

Mr. Tibbs asked what has been done since the last meeting. Mr. Matt replied they completed the grading and driveways, allowing residents access and egress to the driveways. All residents have their parking back. Mr. Matt said they've completed all the work that can be done.

Mr. Parolin made a motion to grant the extension for the trailer park until the next meeting. Mr. Parolin made a motion to authorize Mr. Perry, at his discretion to utilize a third party reviewer at a cost to the applicant. Mr. Varner seconded both motions.

On the motion to grant the extension for the trailer park until the next meeting:

Ms. Epro-yes Mr. Parolin-yes Mr. Varner-yes Mr. Tibbs-yes

On the motion to authorize Mr. Perry to utilize a third party reviewer at a cost to the applicant if he sees fit:

Ms. Epro-yes Mr. Parolin-yes Mr. Varner-yes Mr. Tibbs-yes

D. 354-360 Washington St. – Dumpster pad / setback variance request

Mr. Tibbs welcomed Mr. Bhaskar Ray, owner of the property who was attending via telephone. Mr. Ray explained the need for the variances due to the limited size of the area where the dumpster is located.

Mr. Parolin made a motion to grant the variances for six months. The Board agreed they would like to allow abutters to respond. Mr. Leahy will send out a letter notifying abutters so they have one more chance to respond.

Mr. Parolin made a motion to grant the extension for six months to allow abutters a chance to respond. Mr. Varner seconded. On the vote:

Ms. Epro-yes Mr. Parolin-yes Mr. Varner-yes Mr. Tibbs-yes

E. 909 Sumner St. – PAM Health – exterior grease trap / FE permit

Mr. Perry told the Board the applicant asked for an extension until October.

Mr. Carl (CJ) Daly, Regional Director of Operations at PAM Health attended via telephone.

Mr. Tibbs invited Mr. Daly to explain the reason for the extension request. Mr. Daly said the facility has continued frequent cleaning of the internal interceptors since the Board meeting in March. He explained they have engaged an architectural firm from the Stoughton area and are

progressing forward. The architecture submitted plans to Mr. Perry and the Engineering Department earlier this month. The extension request is to allow sufficient time for the plans to be approved and to retain a contractor to complete the project.

Ms. Epro asked when the project is expected to be complete. Mr. Daly responded that once they have a contractor committed, it's expected to be done by December 1st.

Mr. Parolin made a motion to approve the extension until December, provided the Board is given an update in September. Mr. Varner seconded.

Vote on the motion for the variance extension:

Ms. Epro-yes Mr. Varner-yes Mr. Parolin-yes Mr. Tibbs-yes

Mr. Tibbs explained the extension request is granted until December, provided an update is given in September showing progress is being made.

79 Canton St. – Prato Fino – exterior grease trap extension/ FE Permit

Mr. Perry said the plans are all approved by engineering and ready to go. He mentioned Eric Diaz, representing the applicant was in attendance via Google meets and is requesting a one-year extension. Mr. Tibbs asked Mr. Diaz to explain why they are requesting a one-year extension. Mr. Diaz, a registered professional engineer from Strong Point Engineering said they are having a hard time finding a company to complete the project in a timely manner. He said they requested a one-year extension in hopes of not wasting the Board's time by attending another meeting in six months if the situation is the same and more time is needed. He went on to say the project itself should not take more than a couple of days once they have a commitment from a contractor.

Mr. Parolin suggested that the Board approve the extension until December. If more time is needed, the applicant can request another six months. He asked Mr. Diaz to let Mr. Perry know if they do get a contractor before then. Mr. Parolin made a motion to approve the extension until December. Ms. Epro seconded.

On the vote:

Ms. Epro-yes Mr. Parolin-yes Mr. Varner-yes Mr. Tibbs-yes

F. 217 Washington St. – Amelia's exterior grease trap extension / FE Permit

Mr. Perry said they finally got their interior grease trap in, however the project is not finalized yet. The Engineering Department is still waiting for an AS Built plan from the engineer. The Building Department is waiting for plumbing permits, a final inspection and sign off. The trap is in the ground, but it isn't certified yet. He said it's 99% done.

Mr. Perry said the applicant just sent in the request today. Mr. Parolin stated he doesn't believe the Board should accept last minute requests, unless it is an emergency. Mr. Varner mentioned he has seen the project being worked on. Mr. Perry added it's just a matter of paperwork being completed.

Mr. Parolin said he will make a motion to approve this extension request for two weeks. Ms. Epro seconded. Mr. Tibbs called for a vote and said the extension would be for two weeks at Mr. Perry's discretion.

On the vote:

Ms. Epro-yes

Mr. Parolin-yes

Mr. Varner-yes

Mr. Tibbs-yes

II. Condemnation Hearing – Appeal

A. Housing Violations – 39 Brook St.

The Board voted to open the public hearing.

Mr. Perry summarized the circumstances requiring condemning the property. He said the Board of Health’s main focus is the condition of the building and the septic system being in failure. He stated the property has been in tax title for a couple of years. Mr. Perry added, there are multiple owners and they are not going to invest money to repair the property. Mr. Perry said residents have been ordered to vacate the property because it was deemed unfit for human occupancy. Mr. Perry said the residents are trying to find places to live and we sympathize with them, but the minimum safety standards of the building have not been met. Tonight they are asking the Board for a little more time and are also asking the Board to set a definite date as to when they must vacate the property.

Mr. Tibbs asked the owners to identify themselves if they wish to speak.

Ms. Mary Beswick and Mr. Robert Kelly, two of the owners of the property were in attendance

Ms. Beswick said the property was originally her family home. It was since passed down to her and her siblings and relatives of their generation. The property is passed down to the heirs of each generation and so on. She explained it’s difficult to know how many owners there are. She estimated there could be more than 40 owners at this time.

Mr. Kelly, owner and current resident of the home said he tried to keep up with maintenance through the years using money received from residents who pay rent. He said he charged lower rent to give people a break so they can afford to live there. Ms. Beswick stated one resident stopped paying rent about 2 years ago. Ms. Beswick said she and Mr. Kelly have tried to contribute to the cost of keeping up the house and making repairs, but it has been a struggle to keep up with the cost. Mr. Kelly said he has applied for senior housing and they require him to actually be homeless before they consider his status an emergency. One of the other residents has a small child and it is hoped that they will have assistance in finding housing.

Mr. Varner mentioned he had visited the site and estimates making repairs to bring the building up to code would be at least \$100,000.

Jessica McFaun a resident attending virtually stated the property is not safe. She mentioned animals living in the ceiling. Her boyfriend, who did not identify himself, but lives with her there attended the meeting in person.

After a brief discussion among Ms. McFaun, her boyfriend and the Board, Mr. Tibbs stated we are all in agreement that the property is not fit for human habitation. He welcomed a motion to uphold the condemnation order and require all residents to vacate the property within 14 days, maximum. Mr. Parolin made the motion. Mr. Varner seconded.

On the vote:

Ms. Epro – yes

Mr. Parolin – yes

Mr. Varner – yes

Mr. Tibbs- yes

Holly Earl a resident joined the meeting virtually at this time and explained she is hoping to get into housing in a nearby town. The Board wished her well. Mr. Perry will send a letter out the next day via constable and United States mail to each resident letting them know of the exact date they must vacate.

III. Sanitation Updates

A. 1305 Washington Street – Septic Install Project

Mr. Perry said the plans were approved and very recently the property has changed hands and the new owners would rather be connected to sewer. There is interest among the neighboring businesses as well to share the cost of connecting. This may be a matter of whether the Board wants to grant the extension while this is all worked out. Mr. Perry suggested an extension of 3 months. The Board will not be meeting in July.

Mr. Parolin made a motion to grant the extension of this project until September. Mr. Varner seconded. Chairman Tibbs said the Board expects to see progress by September.

On the vote:

Ms. Epro – yes Mr. Parolin – yes Mr. Varner – yes Mr. Tibbs- yes

B. Zachary’s Restaurant Closure - No Action Needed

The Board discussed the recent seizure of the business by the Department of Revenue due to unpaid taxes and the Board of Health posted an order closing the restaurant due to safety issues.

IV. Covid – 19

Mr. Tibbs said the emergency is over. Ms. Epro mentioned hearing there is a new Covid ward at the Beth Israel Hospital because due to a recent outbreak.

V. Correspondence

A. Minutes from May 19, 2023 meeting.

Ms. Epro noted a correction that needed to be made

Mr. Parolin made the motion to approve with corrections as stated.

Ms. Epro seconded

On the vote:

Ms. Epro-yes Mr. Parolin-yes Mr. Varner-yes Mr. Tibbs-yes

Motion to adjourn at 7:45

On the vote:

Ms. Epro – yes Mr. Parolin – yes Mr. Varner – yes Mr. Snyder – yes Mr. Tibbs- yes

Documents used during the meeting:

1. Life Guard Variance application - Hampton Inn – 449 Page St. to waive lifeguard requirement
2. RJ O’Connell letter re: Chateau Restaurant food permit renewal request and Tight Tank System Extension request

3. Email request from William Matt for Kelly's Trailer Park – 1156 Park Street to extend sept upgrade project
4. Email request from Bhaskar Ray to approve variances for dumpster at 354-360 Washington St.,
 - a. variance application
 - b. proposed diagram from universalfence.net
 - c. pest control invoice from Waltham Pest Control
5. Email from PAM Health requesting extension to deadline for installation of exterior grease trap
6. Appeal letter from Robert Kelley regarding the condemnation of 39 Brook St.
7. Photos of postings of legal orders at Zachary's Restaurant 1778 Washington St. ordered by the Department of Revenue and the Board of Health
8. Board of Health Minutes of May 19, 2023

Board of Health Minutes of May 19, 2023 – Approved – June 29, 2023