

TOWN of HINGHAM BOARD OF HEALTH

Board of Health Public Meeting

September 20, 2016

A posted public meeting of the Town of Hingham, Board of Health (the Board) was held in the Central South Meeting Room, 210 Central St., Hingham, MA.

The meeting was called to order by Mr. White at 7:02 p.m.

Members Present:

Stephan White, Chairman
Peter Bickford, Member
Kirk Shilts, D.C., Member

Staff Present at Various Times:

Bruce Capman, R.S., Executive Health Officer
Andrea Benedetto, Administrative Assistant
Kathy Crowley, R.N., Town Nurse
Paul Brogna, P.E., Board Engineering Consultant

Agenda:

Mr. White reviewed the posted agenda with the Board. Mr. Capman said he would be providing a brief EHO report.

Thereafter, the meeting's agenda was accepted as amended.

Minutes:

The Board reviewed the draft minutes from August 23, 2016. Mr. White suggested a few changes to the 14 Richard Road section.

Thereafter, a Motion was made by Dr. Shilts and seconded by Mr. White and it was VOTED (unanimous); to approve the public meeting minutes of August 23, 2016 as amended.

50 Colonial Road – Nuisance Complaint:

Homeowner: Ms. Jeanne Morgan

The homeowner appeared before the Board regarding hazardous materials stored on her property.

- Ms. Crowley spoke to the history of the complaint regarding hazardous material and other refuse in the yard. She said the neighborhood is full of children and the property presents a public health risk. She said there have been numerous complaints from neighbors. Ms. Crowley said she has been working with the homeowner to rectify the problem for some time and gave Ms. Morgan until Labor Day to remove all dangerous items, but she has not complied.
- Ms. Morgan stated that the items belong to her son. She said her son has a medical disability and has been in the hospital and a nursing home. She said her son paid a friend to remove some items and she is planning to have a yard sale this weekend. Ms. Crowley expressed concern that most items will not be sellable in yard sale.

- Mr. White said the Hingham Transfer Station will not take rock salt and fuel, and that Ms. Morgan will need to have a hazardous waste company help with the clean up. Mr. Bickford thought the Town of Weymouth, where her son has residence, collects hazardous materials on an ongoing basis.
- Dr. Shilts inquired about the inside of the house, and whether the clutter conditions evidenced outside were also present inside. Ms. Morgan stated she is also trying to get rid of things inside house and that she does not consider herself a hoarder.
- Ms. Morgan said her other son can come next weekend after the yard sale to take everything away.
- Dr. Shilts suggested everything be removed within a month; and if her son cannot do it within that time, she will have to pay a company to have these items removed. Ms. Crowley said priority needs to be given to hazardous items first and more quickly.
- Ms. Crowley offered help from her and the Town's Health Agent to find services.
- Dr. Shilts asked Ms. Morgan if Ms. Crowley can have access to inside house to assure that her home is also safe. Ms. Morgan said she would not give Ms. Crowley access to her house.
- Mr. White asked that her son not bring anything to store at her house.
- Mr. Capman suggested reaching out to the senior center for additional services that could help.

Thereafter, a Motion was made by Dr. Shilts and seconded by Mr. Bickford and it was VOTED (unanimous); to order the homeowner of 50 Colonial Rd. remove all hazardous items from said property within two (2) weeks, and all other items identified by Mr. Capman by October 15, 2016, or the Board will order the homeowner responsible to have a professional remove everything by November 1st.

10 Cranberry Lane – Irrigation Well Variance:

Spokespersons: Terry and Colin McSweeney

The applicant is requesting a variance from Section 7.03 of the Hingham "Private Water Supply Regulations" to install an irrigation well within a required setback.

- Mr. McSweeney said the plan meets setback requirements to abutting properties but not to one of the properties' septic reserve area. Mr. McSweeney stated the abutting properties could do a Title 5 upgrade in the future without using the reserve area.
- Mr. White stated Title 5 requires a dedicated reserve area and the proposed well will put the neighbor's septic system out of compliance.
- Mr. McSweeney stated that the reserve area can be moved. He said a reserve area is required legally but may be of little or no use at the time the system would be replaced. Mr. McSweeney said he would not even look where the reserve area is if he was hired to do the Title 5 upgrade. He would look at the subject site and decide from there.

Thereafter, a Motion was made by Mr. Bickford and seconded by Dr. Shilts and it was VOTED (unanimous); to DENY the request for a variance.

14 Richard Road – Sewage Disposal System Works Permit Variance Request:

Spokespersons: Adam Brodsky; Dana Altobello; and Bob Gabriel

The Board renewed discussion on an applicant's request for a variance from the State Environmental Title-5 code and the Hingham Board of Health Supplemental Septic Regulations to construct a residential septic system for a new construction project.

- Mr. Brodsky restated the original request for a 268-foot setback from a tributary to a surface water supply rather than the required 400 feet.

- Mr. Altobello addressed an issue of controlling pollution caused by people once they move into this neighborhood. He said currently there are no stormwater treatment devices to capture pollutants that get into the catch basin and drain into Accord Brook. The applicant is proposing to install a modern stormwater treatment system to address this issue as mitigation toward the variance.
- He said the applicant's lot is at the end of the street where the catch basins flow to. He proposed installing a device that will treat the street's stormwater, and bring its quality up to current standards.
- Mr. Capman stated DPW has oversight over stormwater management once Planning and Conservation approve the plans.
- Dr. Shilts stated he is concerned about eventual homeowner encroachment onto the majority of the lot that would need to remain untouched even if it were fenced-off.
- Dr. Shilts said stormwater treatment would not offset septic nitrogen pollution. He said he was disappointed the applicant did not provide the nitrogen loading calculations under drought conditions as promised during the previous meeting.
- Mr. Bickford agreed with Dr. Shilts. He does not want to set a new precedent for other applicants. Mr. White stated the Board has never granted a setback variance like this before.
- Mr. Brodsky said Mr. Gabriel would like to withdraw his application. Dr. Shilts said once a valid variance request has been submitted to the Board, the Board may act on it at its discretion - and he would like to do so. Following discussion, Dr. Shilts rescinded this suggestion.

Thereafter, a Motion was made by Dr. Shilts and seconded by Mr. Bickford and it was VOTED (unanimous); to accept the applicant's withdrawal of this sewage disposal system application.

Seafood Raw Bar Permit Application - Trident Raw Bar and Galley, 23 Shipyard Drive:

Spokespersons: Owner Brian Houlihan; and manager Brian Donovan

The applicant is requesting a variance from the 1999 Food Code to serve raw oysters and clam meats to the public.

- The applicant is the new owner of what was previously Union Fish in the Hingham Shipyard. A building permit was just issued on 9/20/16.
- Mr. Capman said the applicant submitted a required Hazard Analysis, Critical Control Point (HACCP) plan for serving raw food that has known risk for human illness. He said the HACCP plan appears to be in order.
- The raw bar will be in an open area directly accessible to patrons, but if the same seafood was prepared in the kitchen, a permit would not be required.
- Oysters must be on ice from harvest to table and if properly stored, an oyster can last over a month. The applicant has two suppliers, one for local oysters and one for west coast oysters.
- The applicant also operates Bia Bistro in Cohasset, The Galley in Scituate, and Tinkers Son in Norwell.
- Mr. Donovan said there will always be a ServSafe trained manager onsite, and employees will never be left alone.
- Mr. Capman reviewed his letter supporting the variance with certain conditions.

Thereafter, a Motion was made by Dr. Shilts and seconded by Mr. Bickford and was VOTED (unanimous); to approve a variance from the 1999 Food Code, section 3-502.11, for 23 Shipyard Drive, DBA Trident Raw Bar and Galley, conditional to the seven (7) conditions outlined in Mr. Capman's letter dated 9/20/16.

Executive Health Officer's Report:

- **Tobacco Sales Compliance Checks:**

Mr. Capman reported that eighteen (18) Hingham establishments were checked, and no illegal sales of tobacco products to a minor (under 19) occurred.

- **Hingham Water Supply Quality Report:**

Mr. Capman reviewed Aquarion Water Company's 2015 report with the Board. Hingham's drinking water was found to have excessive levels of copper. He said Aquarion is currently under a state-mandated action order to control and monitor the levels of copper in the water supply.

- **Local Drought Conditions (update):**

Mr. Capman discussed this summer's unprecedented drought conditions. He said Hingham is in "Extreme Drought", the second most severe classification - and the worse conditions since the state adopted the federal government drought monitor program. Dr. Shilts said groundwater measurements in So. Hingham has shown a 37% reduction this summer. He said this follows a 62% reduction in groundwater due to diminished participation recharge last year and this winter. He said the groundwater level observed from a 300-year-old, 24-foot deep, 4-foot diameter dug well located in So. Hingham is currently twice (2x) as low (16-feet rather than 8-feet) compared to the typical spring's high-water mark.

Adjournment:

The September 20, 2016 public meeting of the Hingham Board of Health adjourned at 9:08 PM.

Respectfully submitted,
Andrea Benedetto, Executive Secretary