

TOWN of HINGHAM

BOARD OF HEALTH

Board of Health Public Meeting

April 18, 2019

A posted public meeting of the Town of Hingham, Board of Health (the Board) was held in the Central South meeting room, Hingham Town Hall, Hingham, MA.

Dr. Shilts called the meeting to order at 7:08 p.m.

Members Present:

Kirk Shilts, D.C., Chair

Peter Bickford, Member

Elizabeth Eldredge, M.D., Member

Staff Present:

Susan Sarni, MPH, Executive Health Officer (EHO)

Paul Brogna, P.E., Consulting Engineer

Agenda:

Dr. Shilts reviewed the posted agenda with the Board.

Thereafter, a motion was made by Dr. Shilts, seconded by Mr. Bickford and VOTED (unanimous);
to approve the agenda as drafted.

Minutes:

The Board reviewed the draft minutes from the March 13, 2019 public meeting.

Thereafter, a motion was made by Mr. Bickford, seconded by Dr. Eldredge and VOTED (unanimous);
to approve the March 13, 2019 meeting minutes as drafted.

Septic System Construction Permit Application:

35 Lazell Street

Spokesperson: Terry McSweeney, project engineer

Mr. McSweeney presents to the Board seeking variances from the Hingham Supplemental Septic regulations including a setback variance to a private water supply source for a residential dwelling.

- Mr. McSweeney discussed plans for a repair to the septic system of a 4 bedroom dwelling consisting of a Singular Model 960 TNT Individual Home Aerobic Wastewater Treatment Plant.
- The proposed treatment will give less than 10 mg/l of Nitrogen at the property line.
- The applicant is asking for three variances from the supplementary regulations, including the setback to private potable well existing 42.0 ft. required 250ft.
- The applicant is also asking for variances from septic system's separation to groundwater.

Thereafter, a motion was made by Mr. Bickford, seconded by Dr. Eldredge and VOTED (unanimous);

to grant variances from Hingham Supplementary Rules and Regulations for VI.6, VI.9 and VI.12; conditional on adherence to customary septic construction requirements, and plans dated 3/29/19.

Septic System Construction Permit Application:

90 Ward Street, Flexible Residential Development

Spokespersons: George McGoldrick, applicant & John Cavanaro, project engineer

The applicant returns to the Board proposing a Flexible Residential Development (FRD) to divide 6.2 acres into three (3) new residential lots connected to a common septic system. The applicant is seeking numerous variances from the Hingham Supplementary Rules and Regulations.

- Each lot will be a Form A lot with proper frontage on Ward Street.
- The Conservation Commission has approved the project.
- A shared septic system is proposed to serve three 4-bedroom single family homes, a total of 12 bedrooms.
- Mr. Cavanaro said the existing property's design flow is 1,319 gpd and 1,320 gpd is being proposed. Mr. Brogna said according to Title 5, the application is still for new construction.
- Mr. Cavanaro said the existing potable wells at 90, 100 and 104 Ward St. will be abandoned and these properties connected to municipal water. Mr. McGoldrick said there is a significant cost to connect to municipal water, which is also in question due to next week's Town Meeting Article to purchase the water company.
- Ms. Sarni said the existing potable well at 70 Ward St. is planned for abandonment pending approval of a 40B project presently in housing court.
- Mr. Bickford said he has been on the Board for 18-years and 12-years on the Planning Board before that. He recalls how residents had to fill their swimming pools with drinking water because of contaminated private wells due to inadequate protections from septic systems.
- Dr. Shilts said granting a setback variance to a potable well for this FRD and the abandonment of three other neighboring wells will affect the Board's current understanding that this area is a Nitrogen Sensitive Area per Title 5 definitions.
- Ms. Shumbata at 104 Ward St is in support of the project. Residents from 10 and 17 Autumn Circle expressed support for the project too. The Board also received letters of support from twelve abutters.
- Mr. Goldrick said his pending purchase and sales agreement with the 90 Ward St. property owner will expire in 1-week and he will be forced to abandon the project if the Board doesn't approve the project tonight. He said the property owner has already given him two extensions and he is unlikely to get another.

The Board recessed at 8:50 p.m. for two-minutes

- Dr. Shilts suggested the applicant seek an additional extension from the property owner, and if unobtainable, the Board would consider scheduling a hearing for next Thursday.
- Mr. Bickford said he would not be able to attend this potential meeting, and expressed his opposition to permit potable well setback variances for new construction.

Thereafter, a motion was made by Mr. Bickford, seconded by Dr. Eldredge and VOTED (unanimous);

To postpone this application for up to sixty (60) days.

Septic System Construction Permit Application:

220 Summer Street

Spokespersons: Phillip Austin, owner/applicant & Gary James, project engineer

The applicant returns to the Board proposing a new sewage disposal system for a new 4-bedroom dwelling on a new ANR lot. The applicant seeks numerous variances to the Hingham Supplementary Rules and Regulations.

- The proposal includes installing an advanced technology Perc Rite drip system.
- The variances involve to soil to groundwater conditions VI.9 and VI.12(a).
- Mr. James said current roadway drainage issues will be addressed in the proposed plan which has been approved by the Planning Board and DPW.
- Mr. Brogna said the degree of mounding from the proposed system would be negligible. He said the Board expressed concerns over this issue because of the highly-visible location of the property within the community.
- Ms. Sarni said the peer review engineer for the Planning Board suggested a professional and the Conservation Commission determine if the property contains a regulatory wetland.
- Dr. Shilts said a private wetland scientist should assess the property and the Conservation Commission determine if the body of the lot is a wetland area or not. He said if determined it is not a wetland, he would support granting the two variances with typical conditions. Ms. Sarni and Mr. James identified known independent private wetland scientists who could perform the assessment.

Thereafter, a motion was made by Dr. Eldredge, seconded by Mr. Bickford and VOTED (with Dr. Shilts abstaining); **to grant variances VI.9 & VI.12 from the Hingham Supplemental Septic Regulations for plans dated 4/2/19, conditional on a letter from an acceptable private wetland scientist determining that the site does not contain a wetland along with approval from the Conservation Commission, and adherence to customary septic construction and FAM requirements for this type system.**

Septic System Construction Permit Application:

73 Abington Street

Spokesperson: Jesse Johnson, project engineer

The applicant proposes to construct a new septic system to support three warehouse facilities. The applicant seeks numerous variances to the Hingham Supplementary Rules and Regulations.

- The applicant is looking for relief from sections VI.3, VI.9 & VI.12a.
- Mr. Johnson said the septic system will comply with Title 5 rules for offices consisting of 20 employees generating 802.5 gpd of effluent.
- Ms. Sarni said the Board's directive from the previous meeting about reserve area construction would mean the applicant will excavate to the bottom of the reserve and replace the soils.
- Mr. Johnson said the septic mound will be about 4 ft but not visible to any abutting homeowner.
- Mr. Brogna said the supplemental regulations provide a more lenient waiver from the 200 foot building/SAS distance requirement (VI.3) in commercial applications.
- Mr. Johnson said he will add a note to the plans to show all private wells within 500 ft. of the septic disposal system.

Thereafter, a motion was made by Dr. Eldredge, seconded by Mr. Bickford and VOTED (unanimous);

to grant variances from the Hingham Supplemental Septic regulations sections VI.3, VI.9 and VI.12 for revised plans dated 4/25/19 conditional on adherence to customary septic construction requirements.

Cellar Floor to Groundwater Variance Request:

1 & 2 Jordan Way

Spokesperson: Gary James, project engineer

The applicant is seeking a variance from Hingham Supplementary Rules and Regulations to construct a full cellar within 18 inches of groundwater.

- Mr. James said rock ledge removal is required to construct these two basements.
- Mr. James said the plan is to use a Buithene Membrane waterproof system, which he knows is the Board's recommended waterproofing system.

Thereafter, a motion was made by Mr. Bickford, seconded by Dr. Eldredge and VOTED (unanimous);

to grant a variance from the Hingham Supplemental Septic regulations section VI.14 for plans dated 4/3/19, conditional on use of the WR Grace Buithene Membrane waterproof method, and adherence to customary construction requirements.

Animal Regulations Update:

The Board reviewed town counsel recommendations concerning proposed updates to the "Regulation Governing the Keeping of Animal and Fowl" regulations.

Thereafter, a motion was made by Mr. Bickford, seconded by Dr. Eldredge and VOTED (unanimous);

to approve, as amended, the draft Regulation Governing the Keeping of Animal and Fowl regulation for public posting and to schedule a public hearing for promulgation of the updated regulation for Thursday, 5/16/19.

Areas Dependent on Private Wells Nitrogen Loading Determination:

Discussion postponed

EHO Report:

• **Animal Facility Permit Application, 60 Manatee Road:**

Ms. Sarni said the homeowner asked for another delay for submitting their application.

Thereafter, the Board granted an additional 1-month extension for the homeowner to obtain an Animal Facility Permit.

• **Derby Street Shoppes Septic System Construction Repair:**

Ms. Sarni said the Derby Street Shoppes is working on their Financial Assurance Mechanism. She said the DEP approved a groundwater discharge permit for 54,000 gpd, and they are currently working on a chemical audit for all the mall's retailers and food establishments.

Scheduling:

The next public meeting is scheduled for Thursday May 16, 2019 at 6pm.

Adjournment:

The meeting adjourned at 11:25 p.m.

Respectfully submitted,
Susan Sarni, MPH

Documents reviewed during the Public Meeting:

- *Meeting agenda, 4/18/19*
- *Draft meeting minutes, 3/13/19*
- *Report from EHO regarding 35 Lazell Street, dated 4/16/19*
- *Letter from Cavanaro Consulting regarding 90 Ward Street, dated 4/9/19*
- *Report from Mr. Brogna regarding 90 Ward Street, dated 4/10/19*
- *Letter from Aquarion Water Company regarding 90 Ward St., dated 4/11/19*
- *Report to Hingham Planning Director Savage-Dunham from Chessia Consulting Services regarding 220 Summer St., dated 3/21/19*
- *Letter to Philip Austin from Independent Environmental Consultants, Inc. regarding 156 East St. (220 Summer St.), dated 10/13/17*
- *Report from EHO regarding 220 Summer Street, dated 4/17/19*
- *Report from EHO regarding 73 Abington Street, dated 4/17/19*
- *Report from EHO regarding 1 & 2 Jordan Way, dated 4/17/19*
- *Report from Mr. Brogna regarding 1 & 2 Jordan Way, dated 4/9/19*
- *Newspaper Commentary: Protecting our aquifer by Peter Bickford, online posting 4/15/19*