

TOWN of HINGHAM

BOARD OF HEALTH

Board of Health Public Meeting

April 20, 2022

A posted public meeting of the Town of Hingham, Board of Health (the Board) was held in the North Hearing Room, Hingham Town Hall, 210 Central Street, Hingham, Massachusetts.

Dr. Shilts called the meeting to order at 7:04 p.m.

Members Present

Kirk Shilts, D.C., Chair

Peter Bickford, Member

Elizabeth Eldredge, M.D., Member

Staff Present

Susan Sarni, Executive Health Officer

Chairman's Message

Dr. Shilts reminded everyone that we are meeting these two-consecutive weeks to provide applicants whose projects have defined time constraints for obtaining our suggestions.

Agenda

Dr. Shilts removed the meeting minutes of April 14, 2022 as they have not been completed.

Thereafter a motion was made by Dr. Eldredge, seconded by Mr. Bickford and VOTED (unanimous);
to set the meeting's agenda as amended.

Preliminary Subdivision Discussion

261 Gardner Street

Spokesperson: Joseph & Abby Cincotta, applicant

- Dr. Shilts reviewed the process of a preliminary subdivision that the Board must write a letter listing our comments to the applicant by certified mail within 45-days of this discussion.
- Dr. Shilts said the preliminary plan does not show if any private wells are next to the property which could prohibit the siting of septic systems.
- Dr. Shilts asked how many bedrooms would be included in the subdivision. Mrs. Cincotta said the subdivision will have three (3), three-bedroom new dwellings and an existing three-bedroom dwelling.
- Mr. Bickford stated concern for the soils in that area, mentioning that the abutter has a mounded system. He also mentioned that the drainage might be an issue due to topography slopes and the impervious area added to the site.
- A member of the public said there was a prior subdivision planned for this site in 1960 that may have been permitted.

Thereafter, the EHO will provide a letter to applicant and the Hingham Planning Board describing issues about potable/non-potable well proximity, the twelve (12) bedroom capacity for the four (4) total lots, potential soil conditions, and nitrogen loading.

Lot Division Discussion

21 Leavitt Street

Spokesperson: Jim Magner, owner

- Ms. Sarni said the property has a 4-bedroom dwelling under construction on a 30,887 sq. ft. lot. The lot is non-compliant to the town's septic regulations. The homeowner would like to give 2,314 sq. ft. of land to his neighbor at 25 Leavitt St.
- Ms. Sarni said the 25 Leavitt St. property supports a 5-bedroom dwelling on only a 10,456 sq. ft. lot and is also non-compliant.
- Mr. Magner said the Planning Board endorsed the ANR lot division on April 11, 2022.
- Ms. Sarni said she sent an email to the Planning Board and the applicant on 3/25/22 identifying the violations that would occur to the town's septic regulations from the proposed lot division.
- Dr. Shilts said the land transfer puts the homeowner's property into worse compliance to our septic regulations and fails to put the neighbor's lot into compliance either – it's just making things worse.
- Mr. Magner said the land transfer was to give his neighbor more yard space, and to erect a fence along this new division line.
- The Board discussed the option of an easement rather than a lot division.
- Mr. Magner said if an easement could do the same thing, he would explore this avenue.
- A member of the public said a Brookline case law said the consequence to making a lot purposely less compliant would not only adversely affect the donor lot but the receiving lot as well. Both homeowners suffer.

Thereafter, a motion was made by Dr. Shilts, seconded by Mr. Bickford and VOTED (unanimous);
to schedule a meeting with Town Counsel to discuss litigation strategy in lot divisions that place the donor lot into non-compliance or greater non-compliance to septic safety regulations.

Hingham Well Regulations Update

Dr. Shilts suggested tabling this matter.

Executive Health Officers (EHO) Report:

Inter-Department Application Processes

- Ms. Sarni described the various time-periods for Board comment with various planning and zoning applications.
- Dr. Eldredge would like to meet with the Planning Board to discuss the different types of applications and the process of approval. She feels that we need better communication between the Boards.
- Dr. Shilts said this would also be the opportunity to address the chapter 40B local permitting process suggested reforms that Dr. Eldredge is currently drafting.

Scheduling

The next meeting was tentatively scheduled for May 12, 2022 at 7:00 p.m.

Adjournment

The April 20, 2022, public meeting of the Hingham Board of Health adjourned at 8:57 p.m.

Respectfully submitted,
Susan Sarni, MPH, EHO

Documents reviewed during the Public Meeting:

- *Posted agenda 4/20/22*
- *Preliminary Subdivision, 261 Gardner St, 4/8/22*
- *21 Leavitt St, ANR Plans, revised 12/16/21*
- *21 Leavitt St, Planning Board draft minutes 4/11/22*
- *21 Leavitt St, Planning Board Agenda Summary Memorandum, 4/11/22*
- *21 Leavitt St, Septic works construction approval letter, 5/14/21*
- *Handout, BoH Responsibilities Under State and Local Planning and Zoning Regulations*