

TOWN of HINGHAM

BOARD OF HEALTH

Board of Health Public Meeting

May 16, 2019

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

Dr. Shilts called the meeting to order at 6:11 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 April 18, 2019 public meeting.

Thereafter, a motion was made by Mr. Bickford, seconded by Dr. Eldredge and VOTED (unanimous);
to approve the April 18, 2019 meeting minutes as drafted.

Board Reorganization:

Dr. Shilts called for nominations for the position of Board chair for the upcoming term.

Dr. Shilts nominated Dr. Eldredge. No other nominations were offered.

Thereafter, a motion was made by Mr. Bickford and VOTED (unanimous);
to elect Dr. Eldredge as chairperson for the 2019/20 term.

Public Hearing:

Regulations Governing the Keeping of Animals and Fowl

The Board reviewed the proposed changes to the animal regulations.

- The Animal Control Officer will be involved in the permitting process.
- The updated regulations will have clearer information about dog kennels.
- The updated regulations will have a Fines and Penalties section.
- The updated regulations will be posted on the town website.
- The updated regulations will be effective on June 1, 2019.

- No public comments to the proposed changes were received.

Thereafter, a motion was made by Mr. Bickford, second by Dr. Eldredge and VOTED (unanimous);
to promulgate the updated Regulations Governing the Keeping of Animal and Fowl effective June 1, 2019.

Proposed Flexible Residential Development (FRD):

90 Ward Street

Spokespersons: John Cavanaro, project engineer; Larry Mayo & George McGoldrich, applicant

Mr. Cavanaro presents to the Board seeking six (6) variances from the Hingham Supplemental Septic regulations for a proposed FRD involving new construction.

- The application is continued from the prior meeting.
- Mr. Cavanaro presents a revised plan that rather than involving new construction, is considered a repair to the existing septic system. The revised plan still involves three new residential dwellings, but now a pair of 4-bedroom homes and a single 3-bedroom house, for a total of eleven (11) bedrooms, one less than before.
- Mr. McGoldrich stated there is less septic flow from this plan versus the existing conditions and therefore better environmental protection.
- Mr. Cavanaro said the new plan also includes alternative technology denitrification.
- Mr. Cavanaro said the FRD proposal is 71% open space which has much less clearing of the natural landscape than a traditional subdivision. He said the FRD also offers 22,560 sq ft per bedroom.
- Mr. Cavanaro said the existing private well on the property will be eliminated.
- The Board reviewed and discussed the definition of “New Construction” per Title 5 regulation 310 CMR 15.002 with Mr. Brogna. Mr. Cavanaro accepted the Board’s consensus that the proposal actually involves new construction.
- Dr. Shilts said where the proposal involves new construction, denitrification technology would likely require yet another variance, and the use of technology doesn’t trump the non-complying potable well to septic system setback.
- Mr. McGoldrich said there is municipal water available to supply the project but there is a gap in the water main in front of 100 & 104 Ward St. He suggested setting aside funds to connect these two dwellings when municipal water is available. He said the cost to fill the gap and connect the two water mains is around \$300,000 which is too costly to finance the project.
- Many of the neighbors attending the meeting spoke in support of the proposed FRD.
- Mr. Zagora at 70 Ward St. stated his property owner has no intention of eliminating their potable well. Dr. Shilts said the Viking Lane 40B project approved by the Zoning Board includes this 70 Ward St. property and will be supplied by municipal water - so the potable well at 70 Ward St. would no longer be applicable. Dr. Shilts said he is less concerned about the 70 Ward St. private well because of the 40B project plans for the property and where municipal water is available to the property at any time.
- Mr. Shilts suggested the owners of 100 & 104 Ward St., supported by the Board, approach the Hingham Water Commissioners to determine how these two properties can be connected to municipal water, including possible utility easements, since Aquarion no longer controls our water system.
- Ms. Sarni said the potable well to septic system setback distance at both 100 & 104 Ward St. don’t meet the state Title 5 minimal setback. She said drinking water quality at these two dwellings is a public health concern.
- Ms. Shumbata at 104 Ward St. said she is comfortable will either connecting town water or retaining her private well. She said she supports the FRD proposal.
- Mr. Casey at 17 Autumn Circle supports the FRD and stated there is an untapped aquifer across the street.

- Ms. Hickey stated that Mr. McGoldrich has stepped up to solve the concern of 90 Ward St. being for sale, and said this project is critical to the Ward St. neighborhood.
- Mr. Bickford said he insists on environmental protection for any potable well in Hingham and will not support any project that puts any private well water supply into non-compliance with our regulations.

Thereafter, a motion was made by Dr. Shilts, seconded by Mr. Bickford and VOTED (majority) w/ Mr. Bickford opposed; **to GRANT variances from the Hingham Supplementary Rules and Regulations sections VI.2, VI.3, VI.5, VI.6, VI.9 & VI.12(a) for plans dated 5/9/19, as amended from removing the proposed Singular advanced technology and permitting up to twelve (12) total bedrooms, CONDITIONAL to the abutting residence at 100 Ward St. converting to municipal water and letter from its property owner attesting to do so, and the abutting residence at 104 Ward St. converting to municipal water and letter from its property owner attesting to do so, and the applicant establishing an escrow account of sufficient funds to be maintained by the Town to connect 100 Ward St. and 104 Ward St. to the municipal water system from the public way, and an second escrow account of sufficient funds for the potential purchase and installation of a reverse osmosis or ultraviolet light whole-house water treatment system for the residence at 70 Ward St., if requested, and the effluent force main be double-walled constructed with at least a 1% uphill slope for proper reverse drainage, and adherence to all customary septic construction requirements.**

Furthermore, the Board REQUESTS the Hingham Water Commission allow the property owners of 100 Ward St. and 104 Ward St. an expedient and affordable connection to the municipal water system to protect their respective inhabitants from on-site private water supply wells that do not and cannot meet required state and local public safety standards.

Definitive Subdivision Approval (Modification):

3 Crane Lane

Spokespersons: Greg Morse, project engineer

The applicant returns proposing a modification to the approved subdivision off of lower Gardner St. (formally called "Red Tail Lane"). The proposal involves returning to a subsurface storm water dispersal system instead of a surfaced retention basin.

Thereafter, a motion was made by Mr. Bickford, seconded by Dr. Eldredge and VOTED (unanimous); **to approve the proposed modification on plans dated 5/3/19 for the approved subdivision.**

Animal Facility Permit:

60 Manatee Road

Spokespersons: none

The Board renewed its discussion of a required animal facility permit for this location.

- Dr. Shilts is concerned the homeowner has yet again chosen to skip the meeting.
- Mr. Bickford is concerned about the quantity of reptiles inside the dwelling.
- Dr. Eldredge is concerned about the health of all animals that may be at this location.

Thereafter, a motion was made by Dr. Shilts, seconded by Mr. Bickford and VOTED (unanimous); **to inform the homeowner of the updated animal regulations, and conduct an animal facility inspection by June 1, 2019.**

Supplementary Septic Rules and Regulations Update:

The Board discussed further updating section XI(M)(3) to include a less burdensome Reserve Area construction requirement based on the Board's recent approvals.

Thereafter, a motion was made by Dr. Shilts, seconded by Dr. Eldredge and VOTED (unanimous);
to amend the draft Supplementary Septic regulation and post the revision on the Town's website.

Executive Health Officer (EHO) Report:

Ms. Sarni's reviewed her EHO report with the Board.

- **Health Department Budget and Staffing**

Ms. Sarni recommended the Health Dept. decrease this year's influenza vaccine purchase to 100 doses. She said only about 30 doses are needed for uninsured and homebound and most at risk purposes. Insured town employees could then utilize the remaining doses. Dr. Shilts suggested establishing an enterprise fund with funding coming from influenza immunization insurance reimbursements to support prevention and education relative to immunizations.

Thereafter, a motion was made by Dr. Shilts, seconded by Dr. Eldredge and VOTED (unanimous);
to establish an immunization enterprise fund.

Ms. Sarni recommended decreasing the public health nurse position to 23.5 hours on Monday, Tuesday and Thursday and increasing the Social Worker position to 20 hours per week, Tuesday and Wednesday effective immediately.

Thereafter, a motion was made by Dr. Eldredge seconded by Dr. Shilts and VOTED (unanimous);
to approve changing the public health nurse position to 23.5 hours/week, and the social worker position to 20 hours/week.

Staff Reports:

- **Public Health Nurse Report**

The Board reviewed a 5/15/19 report.

- **Social Worker Report**

The Board reviewed an April 2019 report.

- **Food Inspector Report**

none

Correspondence:

The Board reviewed a 5/7/19 Patriot Ledger newspaper article titled: "Report details shortcomings at local public health agencies"

Scheduling

The next meeting is tentatively scheduled for Thursday, June 20th at 6 p.m.

Adjournment

The meeting adjourned at 9:34p.m.

Respectfully submitted,
Susan Sarni, MPH

Documents reviewed during the Public Meeting:

- *Meeting agenda, 5/16/19*
- *Draft meeting minutes, 4/18/19*
- *Regulations Governing the Keeping of Animals and Fowl, dated 5/16/19*
- *Report from Mr. Brogna RE: 90 Ward Street, dated 5/10/19*
- *J. Cavanaro email RE: 90 Ward St., dated 5/15/19*
- *Atty. L. May letter RE: 90 Ward St., dated 5/9/19*
- *Letter from J. Silverio RE: 90 Ward St, dated 5/14/19*
- *Report from Mr. Brogna RE: 3 Crane Lane, dated 5/12/19*
- *Supplementary Septic Rules and Regulations, dated 5/7/19*
- *Public Health Nurse Report, May 2019*
- *Social Worker Report, April 2019*
- *Newspaper article "Report details shortcomings at local public health agencies", dated 5/7/19*