

TOWN of HINGHAM BOARD OF HEALTH

Board of Health Public Meeting

July 22, 2021

A posted public meeting of the Town of Hingham, Board of Health (the Board) was held in the Central South hearing room, Hingham Town Hall, 210 Central Street, Hingham, Massachusetts.

Dr. Shilts called the meeting to order at 7:29p.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 welcomed all back to meeting in person after what's been a long and difficult health pandemic. He reminded all unvaccinated individuals to maintain social distance and use a face covering.

Agenda

Dr. Shilts reviewed the draft agenda with the Board. Ms. Sarni did not have any new business item.

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

Public Meeting Minutes

June 10, 2021

Dr. Shilts reviewed the draft meeting minutes of 6/10/21 with the Board.

Thereafter, a motion was made by Mr. Bickford, seconded by Dr. Eldredge and VOTED (unanimous);
to approve the Public Meeting Minutes of June 10, 2021 as amended.

Semi Public Pool Lifeguard Waiver

Hewitts Landing Condominium

Spokesperson: Jill DeVito, property manager

Ms. DeVito is requesting an increase in unguarded time for their pool from 7:00p.m. to 9:00p.m.

- Ms. DeVito said anyone using the pool when a lifeguard is not present must have another individual with them for "buddy system" swimming. She said the requirement is currently in place.
- Ms. DeVito said only individuals with key FOB access that are 21 or older may enter the pool area for "buddy system" swimming.
- Dr. Shilts reviewed the condominium's 10-point rules for using the pool dated 4/27/21. Ms. DeVito agreed to corrective edits to their rules document.

Thereafter, a motion was made by Mr. Bickford, seconded by Dr. Eldredge and VOTED (unanimous);
to approve a lifeguard waiver for the Hewitts Landing Condominium semi-public pool from 10a.m. to 9p.m. adhering to the ten (10) rules for using the pool listed in a 4/27/21 letter, as amended.

Sewage Disposal Works Construction Permit Application

100 Industrial Park Road

Spokespersons: Kevin Hixson, developer & David Crispin, project engineer

- The application is continued from the May 20, 2021 meeting.
- Dr. Shilts read the outstanding comments from Board Consultant Engineer's (John Chessia) 21-page report dated 6/24/21.
- Mr. Chessia wrote the Presby treatment system was not approved by MA-DEP for upgrade or replacement of an existing system "unless the facility meets the siting requirements for new construction, including a reserve area". Mr. Crispin said MA-DEP does not currently require a reserve area when the Presby system installed as an upgrade/replacement. Dr. Shilts said our new supplemental septic regulation Financial Assurance Mechanism (FAM) requirement provides protection as would a reserve; he said the Board will review the system's current General Use Certification document (since 2014) and move ahead for now.
- Mr. Hixon confirmed the design flow being requested is 3,790gpd.
- Mr. Chessia wrote the Presby treatment system is not a typical treatment plant, and so influent and effluent monitoring are impractical. Ms. Sarni said a treatment plant will typically adjust its processes based on real-time testing of these two fluids. She said groundwater test well monitoring is essentially all we have. She recommended that testing should be more frequent than annual since this advanced treatment system is new to the Board.
- Mr. Chessia wrote that a Title 5 Divergence is need due to the depth of cover over the septic tank. Mr. Crispin said no alternative is available.
- Mr. Chessia wrote the required 175' from the treatment system to the storm drain is only 127'. Dr. Shilts noted the proposed stormwater infiltration system will provide containment to any surface discharge; and that both systems will be largely located under pavement.
- Mr. Chessia wrote the setbacks from the foundation to the septic system components are insufficient. Mr. Bickford said the building's slab foundation negates this concern.
- Mr. Chessia wrote there is insufficient soil depth to groundwater under the treatment system. Mr. Crispin said an upgrade with treatment allows for 2' less depth, and the most shallow depths were associated with a former reserve which is not being required.
- Mr. Chessia wrote that many of the stone and plumbing prohibitions with a standard mechanical treatment plant don't apply to this type of soil interface based treatment system.
- Mr. Chessia wrote that soil borings required with a plant are missing. Mr. Crispin noted that test pits should suffice, which the Board agreed.
- Mr. Chessia wrote about missing test pit ties. Mr. Crispin said these measurements were done electronically.
- Mr. Chessia wrote that flow equalizers are identified by MA-DEP but missing in the plan. Mr. Crispin said flow equalizers have been added, which will not restrict air flow, and the proposed does per day will be corrected to the minimal number as certified.
- Mr. Chessia wrote that septic treatment plants typically result in denitrification which this system does not provide. Dr. Shilts said the submitted nitrogen load analysis for the property is 3.6mg/l; therefore excessive nitrogen at the property line is not a concern.
- Mr. Chessia wrote that there is insufficient soil depth to groundwater without higher fill. Mr. Bickford said the proposed mound over the system will not be visually distracting and the Board has routinely granted this local variance in these scenarios.
- Mr. Chessia wrote that no FAM document or worksheet was provided. Mr. Hixson said he did not know that forms were available, which Ms. Sarni said she will provide. Dr. Eldredge said the standard 50% escrow would be appropriate for this applicant.

- Mr. Crispin said proposed rejuvenation piping would allow the system’s interface to dry-out after three weeks if there was a failure, and therefore possibly eliminating the need for a FAM. The Board’s consensus was that this is unproven and a FAM is needed.
- The applicant provided evidence of the Presby system being used in a variety of diverse locations, where flows will exceed 2,000 gpd, and where flow volumes fluctuate significantly during the year (Cummaquid Golf Club on Cape Cod & Mendon/Southwick Zoo).

Thereafter, a motion was made by Dr. Shilts, seconded by Mr. Bickford and VOTED (unanimous); **to grant a divergence from State Title 5 regulation 310CM R 15.221(7); and variances from the Hingham Supplemental Septic regulations section VII(F)(8); section VII(J); and consider the Presby Septic Wastewater Treatment System as “Alternative Technology” and therefore a “Plant” under the Hingham Supplemental regulations with therefore additional variances from section VII(J), (T), (U), & (V); section VIII(B); section VIII(D)(1), (4), (5), & (7); and section VIII(G)(1) & (2) where the required treatment plant effluent monitoring will instead consist of test well monitoring at a frequency of twice annually for three(3) years with the owner able to petition the Board for a decrease in frequency to once annually in perpetuity; and conditional on a Financial Assurance Mechanism and accompanying worksheet acceptable to the Board; and compliance to the customary standards the Board requires with all septic system construction permits.**

Discussion:

Chapter 40B Permitting Process in Hingham

Dr. Shilts asked the Board to identify concerns regarding how State Chapter 40B housing projects are permitted in Hingham. Examples include:

- Local regulation based on matters of health & safety should be given a higher weight of concern by the Zoning Board of Appeals (ZBA) when assessing local waiver requests by an applicant.
- Having the Town’s 40B coordinator working on behalf of the entire Town for the ZBA while simultaneously serve as a 40B project applicant is a conflict of interest.
- The BoH should have a dedicated meeting with an applicant when waivers are sought for health & safety regulations that involve the BoH.
- The ZBA should ask the BoH for possible alternative mitigation efforts when the ZBA is inclined to grant a local health & safety waiver prior to its issuance of a comprehensive permit.
- The Town should have a clearer and more defined local process for hearing, coordinating and documenting 40B applications among the various Town agencies.

Dr. Shilts reviewed the State regulation 760CMR 56.00 Comprehensive Permit: Low or Moderate Income Housing with the Board. Highlights include:

- Section 56.02 It is unfortunate that the state does not recognize the inherent disparity between a health & safety regulation and those that do not carry such material risk.
- Section 56.04 A tabular list of zoning requirements in the list of local waivers being requested should also include health & safety regulations too.
The preliminary site visit should include the BoH; and the BoH should be expected to comment on any health & safety regulation.
- Section 56.05 The ZBA should update its local process to include the BoH meeting with the applicant to hear their plans, and discuss alternatives, as well as explore possible mitigation measures so that the BoH may provide this information to the ZBA at its hearing.
- Section 56.05(3) The BoH should be provided notices that are timely appropriate and formatted.
- Section 56.05(5) The ZBA should utilize the expertise of the various town agencies’ municipal experts and experienced consultants before contracting its own favored consultant.

EHO Report:

- **COVID-19**

Ms. Sarni said the COVID-19 infection rate in Hingham is increasing as people return to normal activities. She said those most exclusively vulnerable are the unvaccinated who don't wear masks. She mentioned two informative Medscape.com articles about vaccines from Dr. Shilts as FYI.

- **Linden Ponds Residential Water Supply, Additional Treatment**

Ms. Sarni reviewed the MA DEP approval for Linden Ponds to add chloramination disinfection to its residential domestic hot water supply.

Scheduling

The next meeting was not scheduled.

Adjournment

The July 22, 2021, public meeting of the Hingham Board of Health adjourned at 10:04 p.m.

Respectfully submitted,
Susan Sarni, EHO

Documents reviewed during the Public Meeting:

- *Proposed agenda 7/22/21*
- *Draft meeting minutes of 6/10/21*
- *Letters from L. DeVito, RE: Hewitts Landing Pool, 4/27/21, 5/5/21 & 6/23/21*
- *Report from J. Chessia, RE: 100 Industrial Park Rd., 6/24/21*
- *Application for Variance/Divergence, RE: 100 Industrial Park Rd., 7/13/21*
- *Correspondence from Kevin Hixon, RE: 100 Industrial Park Rd., 5/27/21*
- *PPT Handout (11-pages) from D. Crispen, RE: 100 Industrial Park Rd., undated*
- *State regulation 760CMR 56.00 Comprehensive Permit; Low or Moderate Income Housing*
- *Medscape Article, FDA to Warn J&J Vaccine Can Increase Guillian-Barre' Risk: Media, 7/12/21*
- *Medscape Article, Chance that COVID-19 Vaccines are Gene Therapy? 'Zero', 7/16/21*
- *DEP letter to Linden Ponds, RE: Chloramines for Disinfection, 7/21/21*