

Town of Hingham



Hingham Sewer Commission Meeting Minutes

November 19, 2020

Call to Order

Mr. Higgins called the meeting to order at 10:10 a.m.

Mr. Higgins read the following statement: "This meeting is being held remotely as an alternate means of public access pursuant to an Order issued by the Governor of Massachusetts dated March 12, 2020 suspending certain provisions of the Open Meeting Law. You are hereby advised that this meeting and all communications during this meeting may be recorded by the Town of Hingham in accordance with the Open Meeting Law"

Members Present

Robert Higgins, chair and Kirk Shilts

Member Stephen Harold was absent from the meeting.

Staff Present

Randy Sylvester, DPW Superintendent and Liz Welch, DPW/Sewer Office Administrator and Susan Murphy, Real Estate Counsel.

Agenda

Mr. Higgins reviewed the posted agenda with the Commission.

Vote: Dr. Shilts moved to approve the agenda as posted, seconded by Mr. Higgins and VOTED (roll call);

members in favor: Higgins and Shilts

members opposed: none

Meeting Minutes of October 29, 2020

The Commission reviewed the draft meeting minutes of 10/29/20.

Vote: Dr. Shilts moved to approve the minutes of September 24, 2020 as drafted, seconded by Mr. Higgins and VOTED (roll call);

members in favor: Higgins and Shilts

members opposed: none

Action Items:

Sewer Easements (general)

Atty. Murphy reported that she briefly reviewed the two submitted sewer easements for 27 Issac Sprague Drive and 6 New Towne Road and provided comments to both owners and their representatives. She also discussed these easements with Superintendent Sylvester. Atty. Murphy said there is some language that needs modifying. Mr. Sylvester said the easements should be more specific to the work being done and the Commission shouldn't give generic approval.

Mr. Higgins asked if there was language about the conditions of the easements being perpetual to the easement and to the property. Atty. Murphy explained that they will be perpetual but allow for future changes. The homeowner would have to come back to the Commission with specific improvements to the property and ask for changes.

- **27 Isaac Sprague Drive – Sewer Easement Request**

Representative: Trevor Byrne

This item is continued from a prior meeting.

Atty. Murphy said there should be more detail on the submitted plan. Mr. Sylvester will work with the homeowner to develop a final version. Atty. Murphy suggested language that the Commission could vote to forward this request but still allow her and Mr. Sylvester to complete the details.

Vote: Dr. Shilts moved that the Commission accept that certain Sewer Easement for the property at 27 Isaac Sprague Drive, reserving to the owners thereof the right to construct certain improvements thereon, and authorize the chair of the Commission to take all actions necessary to finalize the terms thereof, subject to the following conditions: (1) Prior to execution by the chair, receipt from the applicant of an exhibit plan to be attached to the easement showing the permitted improvements in the easement area, including design details of any structures, such as stairs or retaining walls, in form satisfactory to the sewer superintendent; final review of the form of easement by town counsel; and reimbursement to the Commission for legal fees in connection with preparation and review of the easement; (2) receipt by applicant of all other permits required for such work, including without limitation an order of conditions; (3) prior to commencement of any work within the easement area, the easement shall be recorded at applicant's expense, and evidence of such recording delivered to the Commission and; (4) any modifications to the approved plan for work in the easement area during or after construction shall be subject to review and approval by the Commission, seconded by Mr. Higgins and VOTED (roll call);

members in favor: Higgins and Shilts

members opposed: none

- **6 New Towne Drive – Sewer Easement Request**

Representatives: G. Crocker & D.J. MacKinnon

This item is continued from a prior meeting.

Atty. Murphy said there should be more detail on the submitted plan. She said the plan also needs to go to the Conservation Commission for approval as well. Atty. Murphy questioned the desired start date for the project; Mr. Crocker said the homeowners were hoping to get going this winter, weather permitting. Mr. Sylvester will work with the homeowner to develop a final version of the plan. Atty. Murphy suggested language that the Commission could vote to forward this request but still allow her and Mr. Sylvester to complete the details.

Vote: Dr. Shilts moved that the Commission accept that certain Sewer Easement for the property at 6 New Towne Drive, reserving to the owners thereof the right to construct certain improvements thereon, and authorize the chair of the Commission to take all actions necessary to finalize the terms thereof, subject to the following conditions: (1) Prior to execution by the chair, receipt from the applicant of an exhibit plan to be attached to the easement showing the permitted improvements in the easement area, including design details of any structures, such as retaining walls and driveway, in form satisfactory to the sewer superintendent; final review of the form of easement by town counsel; and reimbursement to the Commission for legal fees in connection with preparation and review of the easement; (2) receipt by applicant of all other permits required for such work, including without limitation an order of conditions; (3) prior to commencement of any work within the easement area, the easement shall be recorded at applicant's expense, and evidence of such recording delivered to the Commission and; (4) any modifications to the approved plan for work in the easement area during or after construction shall be subject to review and approval by the Commission, seconded by Mr. Higgins and VOTED (roll call);

members in favor: Higgins and Shilts

members opposed: none

27 Isaac Sprague Drive – Detached Structure Sewer Connection Request

Representative: Trevor Byrne

Mr. Higgins said the homeowner is requesting a secondary sewer connection to the sewer main from a proposed detached pool house on the property.

Dr. Shilts stated that the Sewer Rules and Regulations do not allow for a second sewer connection to a single property. The Commission would have to change the Regulation, and this would be a significant discussion for down the road. He said the Commission does not have the ability to grant this request.

Mr. Byrne explained that the only way to connect pool house to the main house would be to cross over the existing sewer main that is within the easement, which is not allowed. Mr. Byrne said that he owns the lot next door, 29 Isaac Sprague Drive, and could he connect the pool house from this lot. Mr. Higgins explained that each lot can only have a single connection dedicated to that lot.

Mr. Byrne stated that with a bathroom, he would like to use the pool house as an office as well. Dr. Shilts explained that by putting a bathroom into a detached 'office' it could be used as a bedroom which is the main concern. He said Mr. Byrne can either withdraw this request or the Commission would likely vote to deny the application for not having merit.

Mr. Byrne stated that he would like to withdraw the request.

Abatement

Ms. Welch reviewed with the Commission the sewer bill abatement for 24 Lincoln Street for \$173.04.

Vote: Dr. Shilts moved to approve the submitted abatement from 24 Lincoln Street for \$173.04; seconded by

Mr. Higgins and VOTED (roll call):
members in favor: Higgins and Shilts
members opposed: none

Discussion Items:

Hingham Sewer Rules and Regulation Changes

Mr. Higgins requested to postpone the Sewer Rules and Regulations update till the next meeting. Dr. Shilts agreed to postpone the discussion.

Scheduling

The next meeting is scheduled for December 17, 2020 at 10:00 a.m.

Adjournment

Vote: Dr. Shilts motioned to adjourn the meeting at 11:02 a.m., seconded by Mr. Higgins and VOTED (roll call);
members in favor: Higgins and Shilts
members opposed: none

Respectfully submitted,
Liz Welch
DPW Office Administrator

Documents reviewed during public meeting:

- *Meeting agenda for 11/19/20*
- *Draft meeting minutes of 10/29/20*
- *Email from Treavor Byrne dated 11/16/20*
- *Proposed Sewer Easement, 27 Isaac Sprague Drive*
- *27 Isaac Sprague Drive project plans, dated 3/30/20*
- *Proposed Sewer Easement, 6 New Towne Drive*
- *6 New Towne Drive driveway plans dated 10/3/19 & 11/18/20*
- *Sewer Rules and Regulations Draft Update, dated 10/8/20*