

**TOWN of HINGHAM**  
**BOARD OF HEALTH**

Board of Health Public Meeting

**January 4, 2023**

A posted public meeting of the Town of Hingham, Board of Health (the Board) was held in the East Hearing Room, Hingham Town Hall, 210 Central Street, Hingham, Massachusetts. Mr. Bickford called the meeting to order at 7:32am

**Members Present**

Peter Bickford, Chair  
Elizabeth Eldredge, M.D., Member  
Rosemary Byrne, N.P., Member

**Staff Present**

Susan Sarni, Executive Health Officer  
Elizabeth Nee, Health Agent

**Public Meeting Minutes**

The Board reviewed the draft meeting minutes of November 4, 2023.

Thereafter, a motion was made by Mr. Bickford, seconded by Dr. Eldredge and VOTED (roll call); **to approve the Public Meeting Minutes of November 4, 2022, as amended.**

*Members in favor: Eldredge, Byrne and Bickford*

*Members opposed: none*

**Action Items**

**213-215 Cushing Street, Hingham, MA Definitive FRD Plan, Crocker Engineering Group**

For the Applicant, Bristol Brothers, Corp., Attorney Jeff Tocchio, Drohan, Tocchio and Morgan  
Representative for Crocker Engineering, Ms. Taylor Corsano  
John Chessia, PE, Chessia Consulting Services, LLC

- The proposed plans presented are a modification to existing approved plans from 1965. The property limits have been changed for this application. The Board of Health approved A Preliminary Flexible Residential Development (FRD) application concept on March 3, 2022, for a 22-bedroom condominium development, which included the existing single family home.
- Attorney Tocchio informed the Board that this is a contrast to the development at LeClair Drive, which is north to the backside of this land.
- Ms. Corsano presented the layout for this project and confirmed that this remains the same as previously reviewed. The existing entrance off Cushing Street will remain along with the location of the proposed septic systems primary and reserved areas, the setbacks to the wetlands, location of basins, and 50ft of frontage and property lines comply.

- Attorney Tocchio updated the Board that the applicant is now proposing individual lots instead of a condominium. This will introduce variances in both Title 5 and Hingham Supplementary Rules and Regulations.
- Mr. Chessia reiterates that this was previously approved by the Board as a FRD, which included 8 total units, 22 bedrooms, the existing dwelling at 215 Cushing St. and a proposed shared septic system design.
- The proposed change to individual lots would require variances. There would need to be an additional review with the new proposed setbacks, lot lines, Title 5 and the Board would also need to determine if this would be a shared system. A letter from Weir River would be needed, Title 5 data to be provided and Mr. Chessia would have to look a little more into Plymouth River, which is to the west of this area and is protected.
- Mr. Chessia said the soil to the south of this lot is good which is where the primary is proposed. The north where the reserve is proposed has some ledge. Overall, the soils are good for a shared septic system and the design can meet 22 bedrooms.
- Mr. Bickford recaps that the Board approved 8 lots, 22 bedrooms for a common condominium association. Now, the applicant is proposing individual lots that have to meet our requirements. Some of these lots do not meet the 12,500 square foot rule and there is concern for adding onto these dwellings or putting in pools in the future.
- Dr. Eldredge indicated that she spent many hours reviewing these plans. Most of these will not meet the 12,500 sq. ft. per bedroom requirement. Dr. Eldredge restated the time she put into this review and if they do not get the approval of this Board, the Planning Board cannot approve this.
- Attorney Tocchio pointed out that he did not expect these comments from the Board and from a public health perspective we have all the aggregated land area and the FRD is a plug around the subdivision.
- Attorney Tocchio respected their feedback but did not agree. He and his team will go back, regroup, and think about filing an extension.
- Ms. Sarni detailed the 45 days allowed and discussed the Title 5 variances and the impact it may have on their decision.
- Dr. Eldredge and Mr. Chessia both commented that they do not have an issue with applying for an extension.
- Mr. Thomas Patch, a resident of Hingham, spoke to the Board indicating that the 45-day decision timeline lies with the Planning Board not the Board of Health. The applicant needs to go to the Planning Board to ask for the 45 days/extension. The bigger issue lies within the zoning mechanism and modifying zoning which is a special permit process and the Planning Boards review of smaller lots and subdivision.
- Mr. Patch stated that in public health there is not a difference between interior artificial lot line and exterior lot lines.

- Mr. Patch also acknowledged that the shared system under a condominium association is still one ownership. In addition, the Board cannot approve or disapprove this agenda item because there is not an updated application.
- Mrs. Byrne stated although she was not a member of the Board when the decision was made she agrees with the other Board members' comments on this matter.
- Dr. Eldredge expressed concerns that it is important for the Board to keep control now, enforcing the regulations and moving forward for the future with new construction.
- Mr. Bickford will write a recommendation to the Planning Board.

Thereafter, a motion was made by Dr. Eldredge, seconded by Mrs. Byrne, and VOTED (roll call); **to disapprove the plan presented to the Board. The Board will forward a letter to the Planning Board stating the individual ownership is unacceptable and half the proposed lots do not meet the Hingham Supplementary Rule and Regulations, Section VII.G. The preliminary FRD was designed as condominiums and approved by the Board on March 22, 2022.**

*Members in favor: Eldredge, Byrne and Bickford*

*Members opposed: none*

#### **Fee for Farmers' Market**

- Ms. Sarni spoke on behalf of the Farmer's Market and for the department.
- The Farmer's Market is 41 weeks out of the 52-week calendar year.
- Previous discussion was that the Farmers' Market fee was going to be increased to \$200.00 from the onetime fee of \$75.00.
- Mr. Mark Cullins sent a letter to the Board and disagreed with the new increase. Ms. Sarni looked into the matter further and found that Mr. Cullins had increase their fees. This identified the pushback from Mr. Cullins to why he did not want the Health Department to increase their fees.
- Ms. Sarni suggested to the Board that new applicants for the Farmer's Market would be a onetime fee of \$200.00 for new vendors and renewal applications will be \$125.00.

Thereafter, a motion was made by Dr. Eldredge, seconded by Mrs. Byrne, and VOTED (roll call); **to approve the fee increase for the Farmer's Market in 2023 from the original \$75.00 annual fee to \$125.00 for annual renewals and \$200.00 annual fee for new applicants.**

*Members in favor: Eldredge, Byrne and Bickford*

*Members opposed: none*

## Discussion

### **Recycling Regulation Change**

- After previous discussion with the Board, Ms. Sarni is requesting to eliminate Section VI: C from the Recycling and Dumpster Requirements for Residents and Businesses within the Town of Hingham, which were revised and approved by the Board on July 20, 2017. The change was from the licensed Rubbish Haulers submitting an itemized report of their tonnage of all recyclables collected from quarterly reporting to having the report submitted to the Board on an annual basis by December 31<sup>st</sup>. To date, this itemized report of the hauler's tonnage as never been requested or used for any data.

Thereafter, a motion was made by Dr. Eldredge, seconded by Mrs. Byrne, and VOTED (roll call); **to eliminate Section VI: C from the Recycling and Dumpster Requirements for Residents and Businesses within the Town of Hingham, which were revised and approved by the Board on July 20, 2017.**

*Members in favor: Eldredge, Byrne and Bickford*

*Members opposed: none*

### New Business

No new business brought before the Board.

## EHO REPORT

### Health FY24 Budget

- Ms. Sarni gave an overall view of the copy of the Health FY24 Budget that members received in their packet. Recapped the opioid grant and although this is noted on the budget it is not part of the Health Department's yearly budget and the state made a ruling that this cannot be spent until Town Meeting has voted.

### Contract Social Worker Position

- This is budgeted for 20 hours and now looking to add 15 hours from the opioid grant. This is a blend together community outreach for services with opioid housing and assistance. If approved at town meeting this full time position will be include in the FY24 budget.

### What is the Definition of New Construction?

- Mr. Bickford is concerned that people are taking small lots and building larger homes. Need to discuss further what percentage of the house is being remodeled regarding square footage and bedrooms.

## Scheduling

The next meeting is scheduled for February 16, 2023 at 7:45am.

## **Adjournment**

The public meeting of the Hingham Board of Health adjourned at 8:55am.

Respectfully Submitted,  
*Elizabeth Nee, Health Agent*

### ***Documents reviewed during the Public Meeting:***

- *BOH of Health Meeting Agenda*
- *Board of Health Public Meeting Minutes from November 4, 2022*
- *Letter from Mr. John Chessia, PE, Chessia Consulting Services, LLC dated December 10, 2022*
- *Summary of Issues for Board of Health 213 & 215 Cushing Street, Mr. John Chessia. PE*
- *Farmers Market 2023 Fee Summary*
- *Recycling & Dumpster Requirements for Resident and Businesses within the Town of Hingham, Summary*
- *FY24 Budget Presentation, Health Department, December, 2022*