

TOWN of HINGHAM

BOARD of HEALTH

Board of Health Public Meeting

05/27/26 A posted public meeting of the Town of Hingham, Board of Health (the Board) was held in the East Hearing Room, 3rd floor, Hingham Town Hall, 210 Central Street, Hingham, Massachusetts. Dr. Eldredge called the meeting to order at 7:16pm.

Members Present

Elizabeth Eldredge, M.D., Chairperson
Rosemary Byrne, N.P., Member
Mark Lundin, Member

Staff Present

Susan Sarni, Executive Health Officer
Elizabeth Nee, Health Agent

Public Meeting Minutes

The Board reviewed the drafted meeting minutes of March 25, 2026

Thereafter, a motion was made by, Mr. Lundin seconded by Ms. Byrne and VOTED (roll call); **to approve the Public Meeting Minutes from March 25, 2026, as drafted.**

Members in favor: Byrne, Eldredge, Lundin

Members opposed: none

Items for Vote

156 CJC Hwy, Chief Justice LLC: violations of the Minimum Standards of Fitness for Human Habitation, State Sanitary Code, and Massachusetts State Environmental Code, Title 5. Vote to determine whether the dwelling is unfit for human habitation and to order it secured and vacated.

Mr. Brenda Sullivan of Merrill Engineering represented the applicant, Mr. Frederick Butts.
Attorney Brown also represented Mr. Butts.

- Mr. Sullivan told the Board that he did not have the final as-built plan requested at the March 25, 2026 meeting; however, the system passed the Title 5 inspection. The remaining deficiency was excessive soil cover over the installed system, which was being corrected. Al Emanuello, the installer/excavator, was removing the soil and planned to hydroseed the area the following day. Mr. Sullivan stated that the septic system was functioning properly, the work was approximately 80% complete, and he requested an extension for submission of the as-built plan and review by John Chessia, the Board of Health's contract engineer.
- Attorney Brown acknowledged the outstanding requirements and stated that he was not excusing the delay. He requested a three- to four-week extension to complete the work without having the house declared unfit for habitation.
- Mr. Lundin noted that the Conservation deadline for final site plans was May 21st. He stated that the Board was trying to coordinate systematically with all departments and that it was difficult to determine what had been completed because the Health Department had received several as-built plans while site work remained unfinished.
- Dr. Eldredge noted that this was the third meeting on the issue and that Mr. Butts had had two months to correct it.

- Mr. Lundin asked about the status of the other permits. Mr. Butts stated that plumbing, electrical, fire, and gas permits were complete and that only Health and Building approvals remained.
- Attorney Brown stated that the matter before the Board did not make the house unfit for habitation.
- Ms. Byrne stated that Mr. Butts was living in the house without a Certificate of Compliance (COC) and that no one else in town was living in a home without one.
- Dr. Eldredge stated that Mr. Butts was living in the house illegally.
- Mr. Sullivan stated that only three weeks had been available because snow had previously delayed the work.
- Ms. Sarni informed the Board that she had issued Mr. Butts three orders earlier in the year and that the issue had continued for years. She stated that Mr. Butts was in violation of 105 CMR 410: Minimum Standards of Fitness for Human Habitation (State Sanitary Code, Chapter II) and Title 5.
- Mr. Sullivan clarified that the as-built plans were correct. Mr. Lundin questioned how they could be accurate when the grading was off and the excavator was still moving soil on the lot.
- Dr. Eldredge confirmed that this was the third time the matter had come before the Board and stated that requiring Mr. Butts to vacate the property would ensure the work was completed.
- Attorney Brown asked the Board, if it intended to order the property vacated, to allow additional time for the other occupants to move out.
- Ms. Sarni referred the Board to her document outlining the steps following a vote to condemn. She stated that, if the Board voted to condemn the property, the Building Commissioner and HPD would receive copies and HPD would monitor the property.

Thereafter, a motion was made by Dr. Eldredge, seconded by Mr. Lundin, and VOTED (roll call); **to issue an order to Condemn, Vacate, and Secure the dwelling at 156 Chief Justice Cushing Highway, Hingham, MA, effective June 1st at 8:00 a.m.**

Meadows Condominium Association, 1 Floret Circle: Lifeguard Variance. Representatives: residents Mr. James Sheridan, Craig Hartnett, and Vicki Donlan.

- Mr. Sheridan informed the Board that, in 2015, Meadows board members and Bruce Chapman, Executive Health Officer, developed regulations for a lifeguard waiver, and the association has complied with those requirements since then.
- Mr. Sheridan reviewed the pool's history, noting that the association has not had to call 911, has not previously appeared before the Board of Health for any pool-related matter, and continues to use a buddy system. Each swimmer signs in and out using a pool log.
- For anyone under age 21 to use the pool area, two adults must be present. Children who cannot swim must wear "swimmies" or a flotation vest.
- Before the pool opens for the season, the association sends updated pool rules to all residents and requires each resident to sign a waiver acknowledging that no lifeguard is on duty.
- The pool area includes a phone, AED, and first aid kit.
- The residents stated that typically, the door remains open while the pool is occupied. The Board members reminded the residents that the gate must be closed at all times around to the pool to prevent access by individuals who are unable to swim safely.
- Fewer than six people typically use the pool each day.
- Seven children live in the community, including two two-year-olds and one infant. Diapers are not allowed in the pool.
- One renter with children is expected to move out later in the year, and another renter's children do not live there full time.
- Mr. Sheridan provided a sketch of the pool, which is 3 feet deep in one area and 5 feet deep in another.
- Dr. Eldredge stated that if children will use the pool, a lifeguard is required, regardless of whether the children are renters or permanent residents.

Thereafter, a motion was made by Ms. Byrne, seconded by Mr. Lundin, and VOTED (roll call); **to allow Ms. Susan Sarni, Executive Health Officer, to approve the 2026 pool permit for the Meadows Condominium Association pool, provided that no person under age 21 may access or use the pool area without a certified lifeguard present.**

Scheduling:

The next meeting in-person meeting is scheduled for TBD

Adjournment

The public meeting of the Hingham Board of Health adjourned at 8:39pm

Thereafter, a motion was made by Ms. Byrne, seconded by Mr. Lundin, and VOTED (roll call); to adjourn the Board of Health meeting @ 8:39pm.

Respectfully Submitted,
Elizabeth Nee, Health Agent

Documents reviewed during the Public Meeting:

- *BOH of Health Meeting Agenda*
- *Board of Health Public Meeting Minutes*
- *Meadows Condominium Association 2026 Application for Lifeguard Waiver (supporting document)*
- *List of Hingham Pool Permits/Waivers*