

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

Board of Health Public Meeting

**June 20, 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. Dr. Eldredge called the meeting to order at 7:51am.

**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 of the meeting minutes of May 12, 2023.

Thereafter, a motion was made by Dr. Eldredge, seconded by Ms. Byrne and VOTED (roll call); **to approve the Public Meeting Minutes of May 12, 2023, as amended.**

*Members in favor: Eldredge, Byrne*

*Members opposed: none*

**Action Items:**

**5 Woodbine Lane, Expansion of Use**

**Representative, Brendan Sullivan, PE, Merrill Engineer and Applicant, Patrick Blair, Harborview Development**

- 5 Woodbine Lane is currently a 2 bedroom dwelling. The applicant is seeking expansion of use. 5 Woodbine is adding a second lot to increase the total lot area to 51,006 S.F. The land would be given from 29 Jones Street. This would have enough land to be a 4 bedroom per the 12,500 sq. ft. regulation per bedroom.
- Mr. Sullivan, representative for the applicant, is asking for approval contingent on the Planning Board's approval.
- This will be considered new construction and per the Board, there will be no conditions or variances for new construction applications.
- Dr. Eldredge stated that she had been told that there are issues with this lot(s).
- Mr. Sullivan explained that there were some issues that have since been addressed and he resubmitted the Form A with the requested changes.
- Mr. Blair explained that he is looking for this approval so that he can get all the permits lined up before purchasing this lot.
- Mr. Brennan, PE, consultant for the Town of Hingham, briefed the Board of his findings in reviewing the proposed septic plan. He referred to his May 17, 2023 letter and the most recent comments in the May 30, 2023 letter and based on his review the proposed septic system will comply.
- Mr. Tom Patch commented to the Board that the plan before them is not the plan that is before the Planning Board showing one lot. The Board was reviewing the original plan showing two lots.

- Mr. Steven Overlee, owner of the property at 148 Leavitt Street, expressed concerns that if the proposed system failed it could run onto his property.
- It was discussed and there did not seem to be any reason for concerns with Mr. Overlee's lot.
- The Board decided not to go forward in addressing this agenda item until the Planning Board has reviewed the most recent FORM A and requested the applicant to get on the agenda for the next meeting with the Board of Health.

**Oak Development, Septic Installation Discussion at 95 Martins Lane, Hingham, MA**  
**Mr. PJ Atonik, Owner of Oak Development, Hingham, MA**

- Ms. Sarni explained the site at 95 Martins Lane is a tough site due to ledge in World's End.
- Ms. Sarni was notified that there was possible ledge being chipped away in the location of the new leaching field.
- A Stop Work Order was issued by the Board of Health on March 23, 2023, for the entire site on all work on 95 Martins Lane consisting of installing/building any permanent structures. The Board directed the Executive Health Officer and Consulting Engineer to conduct a site visit to determine ledge and groundwater along with the Design Engineer. The applicant will be required to pay the consulting engineer's fees for review.
- The main issue was the Ms. Sarni was not notified of components not going in the location of the approved plan. She asked the Board, in moving forward with this applicant, to allow one of the PE town consultants to oversee any future jobs with Oak Development LLC.
- Mr. Atonik explained that he was aware of the ledge at this site and discussed it with Mr. Terry McSweeney, PE for the applicant. Mr. McSweeney said the proposed location that was approved should be fine.
- He stated that his installer, Mr. Joy put the tank in the wrong location because he was looking at an old plan. It was not done for any other reason. Mr. Joy was not aware there was a new plan or any other changes. This location still met the required setbacks.
- Mr. Atonik noted that once he was aware that there was a complaint by a neighbor and Ms. Sarni, Mr. McSweeney and Mr. Chessia came on site and he worked with all the parties to resolve the error. At this time, a new system has been put in and does comply.
- Ms. Sarni stated that the concern is that she was not notified that they had hit ledge, installed a tank 20 ft. from the design location and installed a pipe back filled with rocks and tree stumps. Ms. Sarni, moving forward, does not want to be responsible in reviewing any future plans for Mr. Atonik.
- Mr. Atonik affirmed that Ms. Sarni was asking him to hire a 3<sup>rd</sup> party consultant to review future plans at his expense. He does not feel he should have to pay for this review and the EHO should be required to review.
- Mr. Atonik continued to explain that this was a mistake, never intentional or malicious and cannot understand why this is causing such an expense on his end. He continued to note that if a neighbor had not complained in the end Mr. McSweeney would have caught the error during his final inspection.
- The Board explained to Mr. Atonik that Title 5 and Hingham Supplementary Rules and Regulations require that when there is a change in the approved plan he is to contact the Executive Health Officer and that he should have known this. After further discussion, it was decided by the Board and agreed by the Executive Health Officer to monitor future jobs by Mr. Atonik, who is aware of his responsibility as the owner of the lot.

## Discussion

### **Revision to Tobacco Regulations, Discussion with Tobacco Enforcement Officer**

- Ms. Kathleen Mahoney, South Shore Tobacco Coordinator, introduced to the Board a drafted version of Prohibiting the Sale of Tobacco Products and Nicotine Delivery Products to Minors. This version was drafted to closely mirror the state's changes and bring Hingham into updated compliance. The changes were highlighted throughout the document and Ms. Mahoney went into each section to explain to the Board the proposed changes to the regulation.
- Ms. Mahoney also asked the Board to make a decision on the number of days an establishment would be given for suspension under Section 8 Violations. It was decided to research what other towns are doing under this section of the regulation. Ms. Mahoney will check into this and will reach out to us once she has updated information.
- Ms. Sarni reported to the Board that the opioid grant money is a revolving account and the Hingham Public Schools are looking for money and at this time, the funds are for the entire town.

## New Business

- No new business.

## EHO REPORT

### Scheduling

The next meeting is scheduled tentatively scheduled for either Tuesday, July 25th or Wednesday of 26<sup>th</sup>. Date and time will be determined.

### Adjournment

The public meeting of the Hingham Board of Health adjourned 9:15am

Respectfully Submitted,  
*Elizabeth Nee, Health Agent*

### Public comment

Mr. Patch wanted to reiterate to the Board that they should make sure the plans that they are reviewing match the plans that are being recorded.

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

- *BOH of Health Meeting Agenda*
- *Board of Health Public Meeting Minutes from May 12, 2023*
- *Letter from PGB Engineering, LLC, to Ms. Sarni from Mr. Brennan, dated May 30, 2023*
- *Drafted Version for the Town of Hingham Regulation, "Prohibiting the Sale of Tobacco Products and Nicotine Delivery Products to Minors"*