

TOWN of HINGHAM BOARD OF HEALTH

Board of Health Public Meeting

September 14, 2021

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. Shilts called the meeting to order at 7:04p.m.

Members Present

Kirk Shilts, D.C., Chair

Peter Bickford, Member

Elizabeth Eldredge, M.D., Member

Staff Present

Susan Sarni, Executive Health Officer

John Chessia, Consultant Engineer

Chairman's Message

Dr. Shilts reminded everyone that face coverings are required within Hingham Town Hall.

Agenda

Dr. Shilts asked if there was any new business item for the agenda; Ms. Sarni said there wasn't.

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

- The Board reviewed the draft meeting minutes of July 15, 2021.

Thereafter, a motion was made by Dr. Eldredge, seconded by Peter Bickford and VOTED (unanimous);
to approve the Public Meeting Minutes of July 15, 2021 as drafted.

- The Board reviewed the draft meeting minutes of July 22, 2021.

Thereafter, a motion was made by Dr. Shilts, seconded by Dr. Eldredge and VOTED (unanimous);
to approve the Public Meeting Minutes of July 22, 2021 as amended.

Septic Works Construction Permit Application

5 Popes Lane

Spokesperson: Jeff Hassett, project engineer

- The proposed project is to demolish an existing 4 bedroom home on an extensive 24.3 acre lot and construct a new 5 bedroom house, which entails an expansion of use.
- The applicant seeks relief from the Hingham Supplemental Septic Regulations (SSR) sections VII(J) and VII(M) which involve inadequate soil depth parameters, and section V(L) which is about the architectural scale of the submitted plans.
- The plans show proposed mounding of the septic system of 3' to 4' from added fill. The Board discussed potential grading that would change the shape of the mound to a slope.

- An existing dug well on the property will be decommissioned. A second well on the property will be used for domestic water.
- Municipal water will be extended to the property for a fire hydrant only.
- The plan will be amended to move to roof drain diffusers further from the septic system to comply with the 50' setback requirement.
- The applicant will dig a test pit under the proposed basement floor to demonstrate at least 18" of setback from any observed ground water.
- The section of Accord Brook at this location is downstream from the Fulling Mill pond location and therefore not considered a surface water supply.

Thereafter, a motion was made by Dr. Shilts, seconded Dr. Eldredge by and VOTED (unanimous); **to grant a septic construction work permit to the applicant of 5 Popes Lane, noting that the region of Accord Brook that abuts the property is not a surface water supply consistent with the Hingham Supplemental Septic Regulation definitions, and to grant three (3) variances from said regulations Sections V(L), VII(J) and VII(M); conditional on the soil absorption system (SAS) having appropriate blending into the existing grade to the East to mitigate mounding which must be approved by the EHO on final inspection, and having a test pit dug under the proposed basement floor demonstrating at least 18" setback between any observed groundwater and the proposed basement floor, and a revision to the plans demonstrating ample setback between the roof drain diffusers and the SAS, and that the existing well to the Southwest be abandoned, and conduct well water testing of the existing well to the Northeast, and the final wetland boundary not place the proposed project into non-compliance, and built according to plans dated 8/19/21, as revised, and compliance to the customary standards the Board requires with all septic system construction permits.**

Cellar Floor/Groundwater Variance Application

4 Jordan Way

Spokesperson: John Woodin, applicant

- The applicant seeks a variance from the SSR section VII(P), where with any new construction the bottom of the cellar floor must be at least 18 inches above the maximum groundwater elevation.
- There is extensive rock ledge present at this location.
- This variance has been granted to other homes in the same subdivision conditional on adequate basement waterproofing.

Thereafter, a motion was made by Dr. Eldredge, seconded by Peter Bickford and VOTED (unanimous); **to grant a variance from the Hingham Supplemental Septic Regulations section VII(P) as designed on plans dated 10/3/21 employing the WR Grace Waterproof System as diagramed on the plans, and compliance to the customary standards the Board requires with all septic system construction permits.**

Flexible Residential Development Preliminary Review

213/215 Cushing Street

Spokespersons: Jim Bristol, applicant; Jeff Tocchio & Gabe Crocker, project engineer

- The applicant presents to the Board with architectural plans for a proposed Flexible Residential Development (FRD) showing eight (8) single family dwellings on approximately 7.48 acres of land.
- The property at 215 Cushing St. currently consists of 0.47 acres land with an existing 4-bedroom single family dwelling which will be remodeled rather than replaced.
- The project is intended as a condominium complex with the two properties being consolidated into one.

- The Board has 35 days to submit comments to the Planning Board with a Preliminary FRD application.
- Dr. Shilts questioned how the project meets the purpose of an FRD, where the application is void of any written information beyond a hand-full of architectural drawings. Dr. Shilts read the five purposes of a FRD from the Hingham Zoning Bylaw.
- The applicant said a more comprehensive application was submitted to the Planning Board. Ms. Sarni said she couldn't tell if she received all of the information from the Planning Board.
- Atty. Tocchio said that excluding the existing 215 Cushing St. lot, the project demonstrates five (5) potential new residential lots on a proposed cul-de-sac that conform to existing zoning (the "Convention Yield"). He said the FRD bylaw allows the applicant to increase the number of actual dwellings to seven (7) as long as one (1) of the two bonus dwellings is set aside for low income.
- Atty. Tocchio said the total land with the project is 326,036 sq. ft., which at 12,500 sq. ft. per bedroom equates to 26 total bedrooms he stated is the 'convention (septic) yield' for the project.
- Dr. Shilts said Atty. Tocchio's use of total land as the numerator in his septic yield calculation is not even how State chapter 40B applications are viewed. He said what comprises this total land is essential to assess septic yield.
- Dr. Shilts said the septic yield for a FRD in Hingham is based off the septic load for a project that is in conformance with the Town's local existing zoning and septic regulations (SSR). He said the Board historically has assessed FRDs by knowing what can be build by right first, and then proceed to grant variances from septic regulation in acknowledgment to the FRD's demonstrated public good.
- Dr. Eldredge said the applicant should provide test-pit results to determine if the land is even able to support septic systems. The Board consensus was to require at least one percolation test from each of the five new residential lots to better understand the project's convention septic yield.

Thereafter, a motion was made by Dr. Eldredge, seconded by Mr. Bickford and VOTED (unanimous); **to notify the Hingham Planning Board that the Board cannot provide written recommendations on the 213/215 Cushing Street preliminary FRD application based on the information presented, and the Board requests that the Planning Board extend the 35-day preliminary review period to give the Board the opportunity to complete its preliminary assessment with written recommendations to the Planning Board; and that the Board also notes that the applicant supports this recommended extension.**

Mr. Bickford left the meeting.

Chapter 40B Hingham Permitting Process Discussion

A motion was made by Dr. Shilts, seconded by Dr. Eldredge and VOTED (unanimous with Mr. Bickford absent); **to table the discussion on this agenda item.**

Executive Health Officers (EHO) Report:

- **COVID-19 Update**

Ms. Sarni briefly reviewed portions of her written EHO report that includes a decline of positive Covid-19 cases in Hingham. She reported that Hingham Public Schools are pool testing staff & students 5-days a week.

- **Influenza**

Ms. Sarni reported that Hingham received 100 doses of influenza vaccine which will be delivered to our Town's homebound and immuno-compromised residents similar to last year.

- **Delegation to the EHO of Certain Variances from the State Food Code**

Ms. Sarni will reschedule this matter for the next meeting.

- **Private Well Regulations Update**

Ms. Sarni provided the Board with a draft copy of the Town's Private Well Regulations with updated language for future discussion.

- **Public Health Grant**

Ms. Sarni reported that Hingham, along with Hull, Cohasset & Weymouth, received a joint \$300,000 regional grant for public health initiatives.

- **Hingham Public Social Worker Position**

Ms. Sarni reported she is in the process to fill this open position.

Scheduling

The next meeting was tentatively scheduled for October 12, 2021 at 6:00 p.m.

Adjournment

The September 14, 2021, public meeting of the Hingham Board of Health adjourned at 10:15 p.m.

Respectfully submitted,
Susan Sarni, MPH, EHO

Documents reviewed during the Public Meeting:

- *Posted agenda for 9/14/21*
- *Draft meeting minutes of 7/15/21*
- *Draft meeting minutes of 7/22/21*
- *5 Popes Lane Chessia letter (and synopsis), dated 8/31/21*
- *5 Popes Lane variance request, 9/2/21*
- *4 Jordan Way DWCP application, 8/3/21*
- *4 Jordan Way architectural plans, revised 8/3/21*
- *4 Jordan Way septic variance request, 8/18/21*
- *213/215 Cushing St. Flexible Residential Development architectural plans, dated 8/17/21*
- *Hingham Zoning By-Law – June 2020 (pgs 59-60)*
- *Hingham Well Regulations draft update, 7/10/19*