

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

Board of Health Public Meeting

**September 29, 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 7:30am.

**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 August 30, 2023.

Thereafter, a motion was made by Mrs. Byrne, seconded by Ms. Byrne and VOTED (roll call); **to approve the Public Meeting Minutes as drafted.**

*Members in favor: Eldredge, Bickford, Byrne*

*Members opposed: none*

**Action Items:**

**222 South Pleasant St., New Construction, Applicant: Ryan Sillary**

Representative for the Applicant: Anthony Stella P.E., Site Engineering Consultants, Inc.

- Mr. Stella recapped that there is currently a single family dwelling on this property that will be demolished and a dwelling will be built with a new proposed septic system.
- The items that were requested by the Board have been addressed and plans have been updated and therefore no variances will be needed.
- The variance request for VII.F.7 has now been eliminated bringing the setback to a minimum of 53ft. and the roof drain collection system has been eliminated from the front side of the new home and will drain onto the ground surface which is shown on the site plan.
- The proposed septic system has been relocated and modified to eliminate any variances.
- The pool house was relocated and the distance between the force main exiting the pool and the wetlands is 102.5ft.
- Mr. Chessia requested that they provide a letter from Weir River Water Company.
- Ms. Sarni stated that the application still need Mr. Sillary's signature.

Thereafter, motion was made by Dr. Eldredge, seconded by Ms. Byrne, and VOTED (roll call); **to approve the proposed septic system as designed 222 South Pleasant St as designed 9/11/23 including all of the sheets listed on John Chessia, P.E. letter dated 9/22/23 as listed within this motion.**

**“Site Plan for Proposed Residence at 222 South Pleasant Street Hingham, MA 02043” dated 09/19/2022, excepting Sheets 5 and 6 dated 06/08/2022, consisting of 8 sheets with various revisions as listed below:**

- **Sheet 1 Existing Conditions last revised 11/30/22**
- **Sheet 2 Layout & Materials last revised 09/11/23**

- **Sheet 3 Utilities Plan last revised 09/11/23**
- **Sheet 4 Grading & Drainage last revised 09/11/23**
- **Sheet 5 Septic System Details last revised 09/11/23**
- **Sheet 6 Septic System Details last revised 06/14/23**
- **Sheet 7 Site Details last revised 12/14/22**
- **Sheet 8 Site Details last revised 12/14/22**

The plans were prepared by Site Engineering Consultants, Inc. Reduced size plans: “Site Plan for Proposed Residence at 222 South Pleasant Street Hingham, MA 02043 Test Pit Ties” dated 09/19/2022, last revised 06/13/23 prepared by Site Engineering Consultants, Inc. (*not resubmitted*) “Site Plan for Proposed Residence at 222 South Pleasant Street Hingham, MA 02043 Abutting Septic System and Well Locations” dated 06/08/2023 prepared by Site Engineering Consultants, Inc. (*not resubmitted*)

*Members in favor: Eldredge, Bickford, Byrne*

*Members opposed: none*

**#2, #3 and #5 Vineyard Lane, New Construction, 261 Gardner St., Applicant: Joseph Cincotta**

Representative for the Applicant: Terence McSweeney, P.E., McSweeney Associates

- Mr. McSweeney presented the proposed single family, 3 bedroom dwellings septic plans with some minor changes in response to the plan review letter by Mr. John Chessia dated 9/8/23.
- This application is before the Board to request variances from the Hingham Supplementary Rules and Regulations, Section VII.J, VII.M (1) and the applicant may require a variance from Section V.L.9.
- From Section VII.J, he is requesting the construction of the system be installed where there is less than 6ft of naturally occurring permeable material existing between the bottom of the soil absorption system and season high groundwater. This is requested for all 3 lots. For the depth of suitable material for the lots are as follows: Lot #2 will be 4.6ft, #3 will be 5.1ft and #5 will be 4.1ft.
- Mr. McSweeney reminded the Board that they approved the variance in regards to the drainage system in 2006 for an abutter, Old Derby Animal Clinic.
- Mr. Bickford asked about mounding for this subdivision.
- Mr. McSweeney reassured the Board that this would not be happening and that the grading would be managed.
- Mr. Cincotta spoke to the Board and confirmed that all the grading meets the T5 requirements. He has also spoke to the neighbors and they are happy with this new proposed subdivision.
- Mr. Cincotta, Mr. Chessia and Mr. McSweeney discussed the location of the test pits. Mr. Chessia discussed that the machine they had on site for digging the test pits was larger bucket so the size on plan are not correct. He recommends marking the test pits on the plan make it more realistic. However, in agreement with Mr. McSweeney, the findings will be less than 2 mpi perc rate; there was discussion whether to do it at time of excavation.
- Mr. McSweeney completed the calculations for the Nitrogen loading for this location using the official Town of Hingham Board of Health Nitrogen Loading spreadsheet. He noted that the 10mg/L threshold does not apply to these particular lots because that are not mapped within a Zone II.
- Mr. McSweeney found in doing his calculations that there is a discrepancy to what the numbers concluded to what Hingham provides on the spreadsheet. For example, with the lawn area is underestimated within Hingham’s calculation but with Terry’s calculation including the lawn area are as follows: Lot #2 was 10.6 Hingham’s calculation and he got 30.85, Lot #3 was 10.1 Hingham’s calculation and he got 26.5 and Lot #5 was 10.1 Hingham’s calculation and Terry got 25.6.
- Mr. Bickford reiterated his concerns for the mounding. Mr. McSweeney asked if he would want a retaining wall and not for Title 5 purposes but for landscape. Mr. Bickford did not feel it was necessary.
- Mr. Chessia requested not only the test pits be added to the plan and the septic profile. Also, Lot 2 to have a condition to modify the setbacks to the drainage around the roof site plan and the site plan and that they are all on the same plans matching.
- Mr. Cincotta stated that he would make sure that all the revisions be all on one plan.
- This needs further discussion for the Board to review the discrepancies found within the Nitrogen Loading Chart.

Thereafter, motion was made by Dr. Eldredge and seconded by Ms. Byrne and VOTED (roll call); **to continue the review of the proposed septic plans for the 261 Gardner subdivision at the next Board of Health meeting pending the additional information from the test pits to be conducted for the reserve and the primary and the two changes recommended by Mr. Chessia.**

*Members in favor: Eldredge, Bickford, Byrne*

*Members opposed: none*

## **Tobacco Regulations**

- Ms. Sarni explained to the Board the drafted Tobacco Regulations are in the final stages and will be ready for a vote after a few questions are answered and updated information is inserted into the final draft per the Board.
- Discussion regarding a question from Dr. Eldredge regarding the age of the clerk who sells tobacco and should there be a requirement age such as 21. For example, Stop and Shop has a clerk over 21 complete the transaction of alcohol. Should they be doing this for tobacco sales. This question will be sent to Kathleen Mahoney, Director of the South Shore Tobacco Collaborative.
- Section 8. Violations ensures that compliance of the regulation pertaining to the sale or distribution of all tobacco products. The fines have been updated to comply with the state regulations but it is up to the town to determine the amount of days to pull the tobacco license on the establishment. It was determined by the Board as follows:

### **Section 8. Violations:**

It shall be the responsibility of the Permit Holder and his or her Business Agent to ensure compliance with all sections of this regulation pertaining to the sale or distribution of Tobacco Products or Nicotine Delivery Products. A violator of this regulation shall receive penalties as provided under MGL Ch. 270 §6 and 105 CMR 665.00, for violations of the sections of this regulation the violator shall receive:

- a. In the case of a first violation, a fine of one thousand dollars (\$1,000.00) shall be issued and, additionally, if the violation is a sale of a tobacco product to a person under the age of 21, the Tobacco Product Sales Permit shall be suspended per 105 CMR 665.040(d), for 7 consecutive business days.
- b. In the case of a second violation within thirty-six (36) months of the date of the current violation, a fine of two thousand dollars (\$2,000.00) shall be issued and the Tobacco Product Sales Permit shall be suspended for 14 consecutive business days.
- c. In the case of three or more violations within a thirty-six (36)-month period, a fine of five thousand dollars (\$5,000.00) shall be issued and the Tobacco Product 15 Sales Permit [shall/may] be suspended for 30 consecutive business days.

Thereafter, a motion was made by Dr. Eldredge, seconded by Ms. Byrne and VOTED (roll call); **to update the drafted Tobacco Regulations requested and correct any other highlighted matter and to vote to adopt at the next Board of Health meeting.**

*Members in favor: Eldredge, Bickford, Byrne*

*Members opposed: none*

## **Discussion**

### **New Business**

No new business

## **EHO Report**

- The flu shot budget was \$3600.00 for 40 of high dose and 60 of regular doses.
- This was expensive for the outcome and would like the Board to consider not spending the funds this way but to increase the number of hours for the public health nurse. She could be utilized to work on major issues such as mental health, MAVEN and public health outreach. Looking to increase her hours from 23.5 to 25 hrs. a week.
- Ms. Sarni explained she would need to go Advisory for this request and is looking for the Board's input.

- Teresa informed us that local pharmacy would also be willing to come to a location and dispense the flu vaccine free if we were getting a larger response.

### **Scheduling**

The next meeting is scheduled for October 19, 2023 at 7:30am.

### **Adjournment**

The public meeting of the Hingham Board of Health adjourned at 8:54am

Respectfully Submitted,  
*Elizabeth Nee, Health Agent*

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

- *BOH of Health Meeting Agenda*
- *Board of Health Public Meeting Minutes*
- *Site Engineering Consultants, Inc.*
- *Supplemental Review, Proposed Septic System, 222 South Pleasant St., Chessia Consulting Services, LLC*
- *261 Gardner Street Lots, Summary of Issues*
- *2, 3 & 5 Vineyard Lane, Letter from Terence McSweeney, McSweeney Associates, Inc.*
- *Proposed Septic System Plan, 2 Vineyard Lane, Hingham, MA*
- *Proposed Septic System Plan, 3 Vineyard Lane, Hingham, MA*
- *Proposed Septic System Plan, 5 Vineyard Lane, Hingham, MA*
- *261 Gardner Street, 2,3 & 5 Vineyard Lane, Letter from John Chessia, Chessia Consulting Services, LLC*
- *Drafted Tobacco Regulations: Prohibiting the Sale of Tobacco Products and Nicotine Delivery Products to Minors*
- *September 2023 Public Health Nurse Update*