



**TOWN OF HINGHAM**  
**BOARD OF HEALTH**  
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 Email: HealthDirector@Hingham-Ma.com

**APPLICATION FOR A VARIANCE/DIVERGENCE**

From Title 5 of the State Environmental Code 310 CMR Section 15.00 and/or the Hingham Board of Health's Supplementary Rules and Regulations for the Disposal of Sanitary Sewage.

Now comes the applicant, City Point Capital who petitions the Board of Health for a divergence/ variance from:

1. Code/Section: V.K. To allow the use of percolation tests that are greater than 2 years old.

Proposed: 12-27-19                      Required: 03-10-20                      Existing:

2. Code/Section:

Proposed:                                      Required:                                      Existing:

3. Code/Section:

Proposed:                                      Required:                                      Existing:

of Title 5 310 CMR/ the Town of Hingham Supplementary Rules ' and Regulations for the Disposal of Sanitary Sewage for the Subsurface Sewage Disposal System located on property at 220 Summer Street and ask that the Board make the following findings of fact in accordance with the provisions of law:

1. That the literal enforcement of the provisions of Title 5 of the State Environmental Code and/or the provisions of the Hingham Board of Health's Supplementary Rules and Regulations for the Disposal of Sanitary Sewage would do manifest injustice for the following reasons:  
 The requirement to perform additional tests would only further delay the ability of the applicant the ability to continue with the proposed construction planning for the dwelling. The permit application has been pending in front of the board for nearly a year. the injustice would be that the time passing reviewing the application has resulted in the requirement for additional tests.
2. That the same degree of environmental protection required under Title 5 and the Hingham Board of Health's Supplementary Rules and Regulations for the Disposal of Sanitary Sewage can be achieved without strict provision from which the variance is sought for the following reasons:  
 The soil in the area of the proposed SAS has not changed and has not been disturbed since the tests were completed in December of 2019. The system was approved in June of 2020, but has been under consideration by the board since early 2021. The system as designed meets all of the other requirements of the regulations.

All requests must be accompanied by the Plan required by these Regulations.

Note: The law does not permit the Board to grant a variance unless both Requirements set forth in 310 CMR 15.20 and/or Section of the Hingham Board of Health's Supplementary Rules and Regulations for the Disposal of Sanitary Sewage are satisfied.

Both the findings above must be answered in detail. Attach additional sheets if necessary.

March 10,2022

Gary D. James, P.E.

DATE:

Respectfully submitted by:

