

## HAMILTON BOARD OF HEALTH

WEDNESDAY, APRIL 9, 2014

**Present:** Board of Health members: Lindle Willnow, Susan Wilfahrt, Karen Zagorski, and Health Agent Leslie Whelan.

**Meeting Opened:** Lindle Willnow called the meeting to order at 7:00 p.m. at Hamilton Town Hall

### **Variance Request – 91 Woodbury Street**

Architect Heather Deschenes described plans to extend dining area in existing one-story addition built in 2005 (in Acorn house built in 1980s) out three feet that would change the distance to septic tank.

Discussion ensued about slab and cross wall that would match construction. Also addressed was blue stone patio. Contractor Fred Deschenes will hand dig to identify depth of wastepipe leaving house that is expected to be 4' below grade. Discussion addressed placing concrete footing below pipe and use of insulated sleeve for pipe in foundation wall. Also mentioned was that Building Inspector Charlie Brett and Health Agent Leslie Whelan would inspect before backfilling occurs.

Discussion ensued about if this variance were granted if it would set a precedent. Lindle Willow opined that the encroachment is on the tank versus the leaching field so there is less of a risk. Also since it has been 10 years since an inspection was done and this work would be encroaching on the tank, the Board would condition that the tank be inspected to ensure it does not leak and need replacement. Ms. Deschenes explained that tank had been pumped last week, the pumper had said it looked good, and she offered to have the pumper confirm in writing whether or not the tank was leaking.

Lindle Willnow moved that the Board of Health grant the variance for 91 Woodbury Street for extension of the home foundation within 10' radius of septic tank conditional upon providing a written assessment of the condition of septic tank and inspection during construction by Health Agent. Susan Wilfahrt seconded the motion. VOTE: Unanimous.

**Variance Request – 263 Linden Street**

Architect Matthew Cummings spoke to leaching field that is 15' to the house and there is a barrier membrane. There is an existing slab on grade for a mud room and slab for garage as well as solid slab for screened porch. The pre-existing non-conforming condition is that the basement is within the required offset from leaching field. The proposed project is to take screen porch down and build family room and mudroom extension on concrete piers (4' sections with round tubes) by removing existing slab and bulkhead.

Discussion ensued about concrete piers to hold structure and openings associated with them. Willnow mentioned the potential restriction of travel of leachate material from leaching field. Cummings said more soil is proposed versus impervious slab material that exists now. He suggested that consideration could be given to moving the septic tank farther from the house foundation since it is less than 1' away. Cummings mentioned that the proposal is not for a basement or slab on grade so the health code of 10' setback to tank does not apply to concrete pier wall.

Discussion addressed that the soil pipe would be located above footing for accessibility. In reviewing the proposal the Board did not consider the removal of the patio as an improvement to public health. Cummings said the distance to the leach field from the addition on piers is 5' and suggested cantilevering could be used to increase the distance to 8'. Also discussed was how the septic tank could be moved as far away as the slope on the property allows and to provide accessibility for pumpers so the system can be maintained. Discussion ensued about how new bulkhead would not be located within 10' of septic tank.

Cummings said there would be four piers on the end of the foundation and foundation extension/linear pier that comes out 12' from the house in the middle of the existing foundation. Willnow moved that the Board of Health approve the variance request subject to the foundation walls in a reduced buffer from leaching field 8' or less, piers would be within the 10' buffer, septic tank moved as far as possible from foundation walls within the limits of the slope of existing piping, new bulkhead relocated more than 10' from septic tank, and Health Agent to review revised plans for conformance. Wilfahrt seconded the motion.  
VOTE: Unanimous.

**Variance Request – 133 Gregory Island Road**

Dan Johnson described how homeowners are upgrading septic system. However, the system is in high groundwater being near Chebacco Lake which was identified during soil test done in the front yard where there was less than 4' of sand and gravel. He suggested using a Presby alternative system that would be increased by 25%. Discussion ensued about importance of designing the system to be environmentally sensitive being 100' from lake and 90' from wetland and that the effluent would be pre-treated. The variance requests are stated on the plan.

Willnow moved that the Board of Health accept the variance requests for 133 Gregory Island Road: reducing the offset from the bottom of the leaching area from the seasonal high water table from 5' to 4', reduce the depth of permeable soil from 4' to 2.3', and reduce the offset from the septic tank to the property line from 10' to 5'. Karen Zagorski seconded the motion. VOTE: Unanimous.

**Discussion – 21 North Street Additional Bedroom**

The Assessors notified the Board that there was a change in the number of bedrooms from two to three. There is a two-bedroom deed restriction since the septic system was designed for two bedrooms and the property is in Zone 2. The Assessors had determined that an office in the house has a closet (used to store electronic equipment) making it a third bedroom.

Home owner Jay Burnham said the brand new house on the lot has a deed restriction recorded for a two-bedroom septic system. He gave the Board photographs of the office with electronics storage closet and noted Title 5 definition of bedroom as a room with privacy used primarily for sleeping. Discussion ensued about the property owner filing for a tax abatement.

Whelan said the matter was before the Board since Director of Assessors Tina Zelano stated that the property owner had a three-bedroom house and the property is only allowed to be a two-bedroom house. Burnham described an amendment to the deed restriction since there was space on the second floor that was unfinished and noted that Whelan wanted to make certain that was never built out. He stated that the attic space is not finished, it is unheated and is not lighted. Discussion addressed how the deed restriction is in perpetuity. Whelan described how the Board uses Assessor's definition of bedroom when reviewing plans. Also, that assessed value of a property is based on square

footage not number of bedrooms. Also mentioned was the definition of a bedroom under Title 5. The Board and Burnham agreed there was no longer a need to continue reviewing the matter.

### **Discussion – One Bedroom Home Conversion**

Discussion ensued about 41 Lois Street that has a one bedroom septic system and Assessors consider it a two-bedroom home because enclosed porch has had heat and electricity added. Discussion addressed proposal to tear down the existing structure and replace it with a two-bedroom home. However, a one-bedroom deed restriction would be required on the home since existing septic system is rated for one bedroom and house is in Zone 2 and has 6,400 square feet which does not meet requirement for a two bedroom. A letter was sent to property owner from the Health Department on the matter.

Discussion was on if the Board of Health would require an inspection of the cesspool before Health Agent signs off on any modification. The proposal is to demolish the structure and rebuild it. Willnow suggested this would require an inspection and new plans that show any new foundation or change in footprint relative to setbacks for the existing system.

### **Discussion – Two Sample Tobacco Regulations**

The Board will review two regulations and provide completed checklist for next meeting discussion. Whelan noted that the existing rules have been superseded by state law associated with a smoke-free workplace (i.e., no smoking in restaurants and bars). Also mentioned was an email from Joyce Redford from tobacco control organization relative to consideration of changing legal age for tobacco use similar to alcohol use to 21 years old.

### **Discussion – Hair Salons and Wastewater**

Discussion ensued with Whelan relative to a letter she had sent to 6 Bay Road hair salon and her inspection of plumbing at the establishment relative to maintenance of tight tank, hair sinks (especially for drainage of chemicals into septic system) and hand sinks. In addition, Whelan reported that the alarm on the system would not test. Whelan will research Giraud's hair salon for status of tight tank and noted that Locksmyth's hair salon needs to install a tight tank.

**Discussion – Plastic Shopping Bags**

Discussion ensued about environmental impact of plastic shopping bags ending up in the ocean and that Manchester has a ban (as does Brookline and Martha's Vineyard; Marblehead is considering) on the use of these bags in their retail and food establishments. Also, if there should be a Town Meeting warrant article for voters to decide whether or not to ban use of plastic shopping bags in Town. Discussion addressed how Whelan had spoken to Town Manager Michael Lombardo relative to having the Board of Selectmen consider this proposal for a potential warrant article. Lombardo had received an opinion from Town Counsel Donna Brewer on the matter who said this would require a by-law. It was noted that there is no funding for enforcement if Town votes in favor of not using plastic shopping bags in Hamilton.

**Discussion – Tree Bon Fire**

Whelan reported on her discussion with Lombardo where community interest is waning for Christmas tree bon fire in part due to option of recycling trees. Discussion addressed if Fire Department should be polled to assess number of bon fire participants and financial impact of event due to firefighter presence.

Wilfahrt moved that the Board of Health bring to the Board of Selectmen a proposal to ban tree burning because of the negative environmental impact. Zagorski seconded the motion. VOTE: 2-0-1 with Willnow abstaining. Whelan will inform Lombardo about the Board of Health vote on the matter so he can notify Selectmen.

**Discussion – Bat Houses**

Willnow said he had not yet investigated the recreation spaces in Town to determine the number of bat houses that could be used. He reported that the HW Joint Recreation Board was looking for a proposal from the BOH regarding the number of bat houses that could be purchased for Town recreation properties. Whelan explained that the DPW Director had agreed to install the houses (attach to poles and install poles) once all of the materials are purchased by BOH.

Whelan presented information she had researched about ideal sites to locate bat houses including the side of a masonry or wooden structure opposed to installing on posts. Possible sites could be the library, recreation building, Town Hall although guano deposits would have to be considered.

She showed the Board a new bat house built by John Cameron in Amesbury that was similar to plan she had provided him from bat association but not exactly the same as specifications (i.e., lack of caulking, incorrect size, and no scarification). Whelan will speak to Cameron about needed enhancements to the house design. Discussion addressed how monitoring the houses once they are installed in Town could be done by a high school student. Also mentioned was if annual house cleaning would have to be done (i.e., removal of wasp nests).

### **Discussion – Zone 2 Patton Well Off-Line**

Discussion ensued about how the Town had to take the Patton well off-line in order to allow proposed housing development on the Patton Homestead property. This means the Town has given up some of its water supply that it would not get back unless it is re-permitted by DEP.

Whelan has spoken to Lombardo, Planning Board Coordinator Kristine Cheetham and Interim DPW Director Dave Hanlon about how the line for Zone 2 needs to be redrawn in order for the new housing to be permitted. This would be done by a consultant. In addition, the Bridge Street well is not being used but there is an interim wellhead protection area since it has not been abandoned by Hamilton and abutters are complying with Zone 2 requirements for their septic systems.

### **Discussion – Director, Planning & Inspection Services Position**

Whelan summarized that she would report to Lombardo for health issues other than Title 5 where she would report to new Director, Planning & Inspection Services. BOH Administrative Assistant Nancy Stevens will continue to report to Whelan. Administrative Assistant Deb Paskowski would report to the Planning Director versus Charlie Brett, Building Inspector. Whelan noted that Lombardo had explained that the Planning Board was resistant to Planning Director reporting to him versus that board.

Also mentioned was that Town Hall building cannot physically support its paper files and metal file cabinets and the Health Department needs more file storage. Whelan and Stevens are concerned about Town Hall management's proposal to scan all files for computer storage and access, how this new system would work, and if it could be problematic for storing unwieldy files and numerous, large site plans. Willnow suggested that in theory this could make a file search easier and there would be a document control system for the scanned files that has a

reference number in a database. Whelan suggested that physical files could be relocated to basement of Town Hall and requests could be fulfilled by staff within a few hours.

Discussion addressed how the database could be set up and if hard copy files could be stored in another municipal building. Also mentioned was difficulty encountered thus far with plans received via email to resize them to be readable. Also mentioned was scanning files to be converted to pdf, the associated costs for scanning documents especially large plans, and importance of backing up files as well as security of the municipal computer system.

### **BOH Signature – Title 5 Supplemental Regulations**

The Board members signed the regulations.

### **Approval – Nomination of Inspector of Animals (Dyan Katz) and Assistant Inspector of Animals (Anne Jackman) 1-year terms**

Willnow nominated Dyan Katz as Inspector of Animals. Wilfahrt seconded the motion. VOTE: Unanimous. Willnow nominated Anne Jackman as Assistant Inspector of Animals. Zagorski seconded the motion. VOTE: Unanimous.

### **Review – Minutes dated February 12, 2014**

The Board provided revisions to the minutes. Willnow moved that the Board approve the minutes as amended. Zagorski seconded the motion. VOTE: Unanimous.

### **Meeting Adjourned:**

Willnow moved at 10:00 p.m. to adjourn. Zagorski seconded motion. VOTE: Unanimous. The Board's next meeting is on Wednesday, May 7 at 7 p.m.

### **ATTEST:**

cc: Selectmen, Planning Board, Town Clerk, Conservation