

HAMILTON BOARD OF HEALTH

WEDNESDAY, JULY 20, 2011

Members Present: Lindle Willnow, Susan Wilfahrt, Karen Zagorski and Health Agent Leslie Whelan and BOH Administrative Assistant Nancy Stevens.

Meeting Opened: 7:35 p.m. at Hamilton Town Hall

Discussion – Septic Inspectors – Possible Local Regulations

Health Agent Leslie Whelan reported that septic inspector had corrected problems with Title 5 inspection report discussed at Board's June meeting.

Discussion was on possibility of local regulations for septic inspectors and Ipswich document outlining rules on matter used in that community. Whelan had modified document and asked Board if information should be included on fees and inspection ports relative to use by septic inspectors.

According to the Ipswich local regulations, septic inspectors would have to be Department of Environmental Protection (DEP) licensed inspectors who do the work on a regular basis.

Whelan explained that when she had this discussion with the Rockport Board of Health, there was a proposal to insert language in Section 10 that said the license would be based on continued adequate accuracy and meet a certain standard. This allows the local Board of Health or health agent to revoke the license if a septic inspector's work is inadequate and does not meet the standard. Lindle Willnow suggested there was likely language in the state regulations about revoking septic inspector licenses.

Whelan said if the Board has interest in local regulations, she would work on language related to standards and process for revoking septic inspectors' licenses that the Board could review. She recommended seeking input from septic inspectors who work in Hamilton about these proposed local regulations. Willnow thought this should be pursued.

Discussion about posting a legal notice in the local newspaper that meets Title 5 requirements prior to the Board holding a public hearing on the proposed local regulations for septic inspector licenses.

Discussion was on health department charging a nominal, annual licensing fee (\$25 to \$50) for septic inspection. The septic inspectors charge \$300 for this service and pay the Town \$75 to review the inspection report. Willnow asked Whelan to investigate if Ipswich charges a septic inspection licensing fee.

Discussion – Food Establishment Fee

The health department looked at fees for food establishments in Town and kept them basically the same but categorized the establishments differently based on the most recent food code. This was done because there are new food establishments in Hamilton that don't fit into the Town's existing categories (i.e., farmer's market, seasonal food permits and mobile foods).

Discussion on the Acord Food Pantry that distributes packaged food and has potentially hazardous and non-potentially hazardous food. The \$150 fee is waived since it is a non-profit.

Discussion was on whether or not 15 Walnut food establishment implemented additional seats raising the seating capacity above 50 after the recent expansion into the space abutting the restaurant. Whelan said that never got implemented so they would continue to pay \$275 unless they also do catering and there would be an additional \$25 fee.

She said there is no fee distinction between sit down and take out food establishments. Whelan said for pre-packaged foods that do not have to be refrigerated there is a \$100 fee, for pre-packaged foods requiring refrigeration the fee is \$150. For food service, where people are handling food, the fee is \$275.

Discussion about Klink's Bakery operated locally by resident Dan Durrell, now being inspected by the state versus Hamilton. Food inspector Roberta Cody said Klink's Bakery is wholesale so it does not require local inspection by Hamilton.

Seasonal food permit fees are applied to Asbury Grove, local farm stands and the concession stand at Patton Park. Discussion about youth football having a food trailer. Whelan said youth football should get a license from the health department and the fee would be waived (\$15 for a temporary food permit is

usually charged for a non-profit organization.) The health department will speak to youth football contact Doug Smith.

Discussion was on residential kitchen fee where food items are sold directly to the consumer. Two permits could be required: one for residential kitchen and one for a farmer's market. Whelan said it is complicated arriving at a fee for a farmer's market since it is done in two ways: an organization has oversight over the market and takes out the permit or there is no oversight by an organization and people individually come to the health department for a permit.

Whelan suggested the health department not create a fee structure for farmer's markets until a farmer's market is proposed for Hamilton and at that time it can be determined what is best for public health.

Discussion on new food plan review fee: for a new kitchen or new restaurant there is a \$150 fee and for an addition or remodeling there is a \$75 fee.

Discussion – Septic System One Component Fee

Whelan had discussed the possibility of the Town charging a septic system one-component fee with septic system installer Paul Ricker. They thought \$50 rather than the current \$100 fee for any individual septic system component permit was reasonable for minor items such as distribution box replacement, relocating a pipe or abandoning a cesspool.

Willnow moved that the Board of Health accept the revised schedule of fees. Susan Wilfahrt seconded motion. VOTE: Unanimous.

Discussion – 5 Bancroft Way – Letter from Chuck Johnson

Septic system designer Chuck Johnson explained that the property on 5 Bancroft Way has a 1,000-gallon septic system designed for three bedrooms and a garbage disposal. DEP has agreed with Johnson about his approach that the system meets the current Title 5 code for the property to be expanded from three to five bedrooms. Whelan presented the Board with a response to her inquiry on this matter from Claire Golden at DEP who said this was fine.

Johnson did a Title 5 inspection at the site and the report of the findings says the system is fine; he will make some suggestions to the owners and submit an application. The distribution system will be raised up, and vent and filter added

into the system. The proposal is for a five-bedroom, no garbage disposal, deed restriction.

Whelan said a case-by-case basis evaluation can be done on the current 5 Bancroft Way septic system to understand if this meets today's standards for a five-bedroom and new construction so it is out of the groundwater.

Johnson said according to DEP, approved capacity is based on gallons versus number of bedrooms. He took the most conservative approach based on current Title 5 requirements. The approved capacity at the time the property was built after 1982 is 1,000 gallons per day. Johnson said the soil test and capacity at the location meets the current code.

Discussion was on anticipated action by health agent for similar systems that come before her in the future. Willnow said the health agent would review similar properties based on current regulations such as setbacks. Whelan suggested requiring a septic system inspection.

Johnson said in the case of 5 Bancroft Way, the septic system was oversized and is fine for today; the septic system had an oversized tank to allow for the garbage disposal. However, he noted if they kept the garbage disposal to meet today's standards the property would only be allowed to have three bedrooms based on current Title 5 code. Johnson said the 1977 Title 5 code versus today's gave two and a half times benefit in sidewall area to the leaching area in terms of loading.

Hamilton's 1982 septic system code was not altered until the 1990s. Not many houses fall into the category of 5 Bancroft Way so it was decided that the health agent would deal with this on a case-by-case basis. Johnson recommended that a soil test could be done for similar systems to identify the location of groundwater. Whelan said in this case it was thought groundwater was deep.

Johnson noted that for the Harborlight project being built in downtown Hamilton the septic system was originally designed for more than 1,000 gallons per day. But he was convinced it was close to the groundwater table so soil testing was done and the system will be upgraded for new construction and gallons according to current Title 5 code.

Discussion reiterated need to evaluate similar systems to 5 Bancroft Way and the Harborlight project on a case-by-case basis. Whelan signed the building permit

for 5 Bancroft Way. Johnson is working on the deed restriction and improvements to the current system.

Review – Board of Health Minutes dated 6/8/11

Board discussed amendments to the minutes. In response to an inquiry from Willnow, Whelan said she had not received a copy of septic system maintenance agreement for 258 Moulton Street.

Willnow moved to approve the minutes as amended. Zagorski seconded motion. VOTE: Unanimous.

Other business

Willnow mentioned that he had presented the Board of Health activities for the last year at July 11 Board of Selectmen's meeting. He told the Selectmen that the health department was not involved with any food service permitting related to the Town's issuing of one-day liquor licenses. He suggested for next year when the Board of Health lists its Title 5 permits, it should list the food permits as well. He noted that the Selectmen were surprised about how few septic system permits were issued in the last year. Whelan had determined that as few as three new septic systems were built in Town last year.

Discussion about Hansbury property hardware store site on Willow Street being sold and structure was leveled. Whelan noted that a realtor representing a buyer has contacted her about the remaining Hansbury property for sale including where the former Club Excel was located.

The Board had one local upgrade approval on 12 Western Avenue.

Meeting Adjourned:

Willnow moved at 8:50 p.m. to adjourn. Wilfahrt seconded motion. VOTE: Unanimous. The Board's next meeting is on Wednesday, August 24 at 7:30 p.m.

ATTEST:

cc: Selectmen, Planning Board, Town Clerk, Conservation