

HAMILTON BOARD OF HEALTH

MINUTES OF MEETING

August 1, 2018

Members Present: Giselle Perez, Walter Row, and David Smith (Chairman)

Others Present: Leslie Whelan (Health Agent).

This meeting was called to order at 7:00 pm at the Hamilton Senior Center by David Smith.

144 Gregory Island Road Septic Plan Upgrade – Setback to Property Line Request.

Dan Johnson was present to discuss the plan for the 100' long and 50' wide parcel. A retaining wall was considered the wetland line and Jim Hankin (Conservation Agent) had visited the site. The proposal kept everything outside 50' of the wetland. Leslie Whelan and Mr. Johnson had conducted a soil test to find fill and naturally permeable soil but it was so deep, they were not able to do a perc test. A sieve analysis was done instead. Mr. Johnson indicated that the goal was to upgrade the system but it was "sardined" into the site. Mr. Johnson also noted that he had put in a voluntary 10' easement for drainage.

Dan Johnson said he was proposing a Presby Environmental System, which allowed for a 40% reduction in size and a 2' groundwater reduction. As no mound would be needed, the surface runoff would remain the same. The existing 1,500 tank leaked and needed replacement. Mr. Johnson mentioned sealing the tank from the inside as there was little room for a new tank and there was a logistical issue with access. Mr. Johnson was proposing a 1,500 gallon Monolithic H-20 concrete tank and if a truck was not able to deliver it, he proposed a 1,500 gallon plastic tank. Mr. Johnson said the contractor would determine which one would work with verification from Leslie Whelan and Dan Johnson. There would be serpentine leaching lines (five 20' long and four 30' long) from the distribution box. In the future, end caps could be removed when they became clogged.

Dan Johnson defined the system as one that met Title 5 Regulations and offered an alternate technology. The proposal could not meet the setback requirements. The system would be staked and the land next to the owner's property was likely owned by the Town of Hamilton. Offsets would be reduced from 10' to 3', 10' to 1', and 10' to less than one foot but not on the property line. Mr. Johnson needed a variance for the setbacks.

Dan Johnson said the local variance for the upgrade approval would be a request for groundwater reduction and for the removal and replacement inside of 5' around the system. Mr. Johnson noted the effluent would flow vertically so the system did not require 5' of additional area. The proposal was in front of the Board as abutter notification needed to occur because the system was within 10' of the property line. Mr. Johnson needed four local upgrade approvals and one Title 5 variance for the June 28, 2018 plan.

David Smith moved that the Board approve the subsurface sewage disposal system plan, dated June 28, 2018 for 144 Gregory Island Road in Hamilton per submittal of Dan Johnson.

Giselle Perez seconded.

Vote: Unanimous in favor.

Update on Complaint Concerning Sanitation Conditions at Chebacco Lake “Town” beach.

Ed Howard was present. David Smith recalled that he had met with Mr. Howard on June 20, 2108 when Mr. Howard offered details concerning sanitation issues at the Town Beach. On June 21, 2018, Mr. Smith visited the beach to find six bathers who ignored three signs that were posted saying “No Swimming.” Mr. Smith returned on July 5, 2018 and found 12 bathers at the beach. In response to Mr. Smith’s question, the bathers said they were from Beverly. After conducting research, Mr. Smith spoke with Mike Bally (Essex Water Treatment Plant) regarding the water quality. It was determined that Essex obtained its water from groundwater and not Chebacco Lake.

Robin Crosby was notified and determined it was a matter for the Chief of Police to enforce. Russ Stevens was shown photos and articles regarding the situation. Chief Stevens reportedly explained that Chebacco Lake exceeded the 12 acre threshold that determined if the Town or Commonwealth owned the lake. Chebacco Lake was owned by the Commonwealth. The Commonwealth Department of Recreation and Conservation owned the boat ramp and provided a portable toilet at the parking lot. Given that the Town didn’t own the lake, David Smith was unsure of the property ownership of the Town beach and parking area along Chebacco Road and added that the problem with adding a portable toilet was that it would create a presumption that the Town was encouraging use of the beach.

Russ Stevens said it was the Board of Selectmen who would authorize putting a portable toilet there. In 2015, the Selectmen voted to close the beach formally and put up signs saying “no swimming” noting the cost and hassle. The water quality data from Centennial Beach in Essex complied with State Regulations for public bathing. It was agreed that results may not be consistent with the Hamilton Town beach, which had no data. The concern was that bathers were using the woods as a place to relieve themselves.

Walter Row thought the Town of Hamilton owned the beach even if the State owned the pond. Centennial Park was owned by the Town of Essex. It was noted that someone had drown at the Hamilton Town beach years ago. Ed Howard asked for a formal study three years ago to determine land ownership and how the beach could be utilized by the Town. The CPC had earmarked \$20,000 for the study. Mr. Howard showed the Board where the water basins were divided and the Groundwater Protection Overlay District was present on a plan.

Ed Howard said he discovered a plaque, paid for by the Selectmen, which commemorated the first flight from the frozen lake. For two days Mr. Howard found people using trees near the lake to relieve themselves. Mr. Howard referred to the closing of clam flats after a heavy rain as

sewage would run off into the clam flats. Mr. Howard asserted that going to the bathroom near a lake had the same effect.

Ed Howard noted that Centennial Grove was not a Town beach until a few years ago. Essex was forced to create a beach with portable bathrooms and posted Town By-law signs. The Essex beach was for Essex residents only. Water was tested weekly with data on the Town website from Memorial Day to Labor Day. Mr. Howard referred to an article in the Berkley School of Public Health that indicated swimming was a contributing factor to higher rates of sickness compared to non-swimming, whether it be in the lake or ocean. Water borne disease was considered to be the most formidable manner of spreading disease in the environment, according to Mr. Howard.

Ed Howard requested that the Board of Health stand up to the Selectmen to get a toilet at the beach in the hopes that someone would use it. Giselle Perez asked what was being achieved and that unless something was reinforced, nothing would matter. Walter Row did not think there was a lot of people there and that the Selectmen didn't want to put a toilet on site. The dirt parking lot would hold 12 cars. "No swimming" signs were posted along the pathway down to the lake. Mr. Howard noted that walking trails ended on the site and a feasibility study might encourage a more formal parking area. Mr. Howard envisioned a public restroom, gazebo, fishing, and kayaking. Mr. Row added the safety of the water could dictate the use. Leslie Whelan noted a water check would be \$50 a week. It was debated if a lifeguard would be needed. Mr. Perez said the Boston Commons had portable bathrooms even though swimming was not safe.

David Smith suggested that the Board of Health go to the Selectmen and recommend that a portable bathroom be installed. Giselle Perez agreed that was the best solution as there were walking paths and it would provide something for those walking.

Walter Row moved to put a toilet at the site of what could be the Town beach on the idea that it would stimulate further interest and discussion on the whole topic that this facility is being used. David Smith amended the motion that he would present the concept to the Selectmen. Leslie Whelan added that there were health reasons to put a toilet there. Giselle Perez added that it would protect the health of the children.

David Smith seconded.

Vote: Unanimous in favor.

David Smith would draft a statement on the Board's position on the subject and send to everyone, then incorporate their thoughts for the Board of Selectmen presentation.

Ed Howard added that the "old guys in Essex" wanted people to stop urinating in their water supply because the water comes out of a gravel packed well and if you contaminate the aquifer, you will contaminate the wells.

Health Agent Update.

Leslie Whelan asked David Smith about Meadowbrook Farms. Mr. Smith said nothing was publicly happening, but negotiations were underway with the new owners who inherited the property from their father, Mr. Rich. The hope was to have affordable housing or obtain a conservation restriction on the 60 acre parcel rather than turning it over to developers. The farm stand was not part of the Rich parcel but rather rented land for farming at the site. Leslie Whelan suggested using CPA funds to buy the land and continue to lease it to farmers. It was questioned if the Town would buy the parcel.

Unanticipated Items/Announcements.

David Smith announced that the Unsafe and Vacant Building By-law had been approved by the Attorney General. The Town now had the legal authority to solve the problem. Mr. Smith had submitted the first complaint with two others having been submitted. The problem was enforcement as the Building Inspector was only part-time. The shared full-time position had been funded and interviews had been conducted but no candidate had been chosen to date.

Review Minutes, dated May 23, 2018.

Giselle Perez moved to accept the minutes of May 23, 2018.

David Smith seconded.

Vote: Unanimous in favor.

List of documents and exhibits reviewed.

Health Agent Update, Dated August 1, 2018.

Letter from Leslie Whelan to Wind River Environmental, LLC, dated May 3, 2018

Information from C.G. Johnson Engineering, Inc., dated June 27, 2018 regarding 248 and 254 Bay Road.

Salem Evening News Article, dated May 19, 2018 regarding woman falling through septic tank cover in Ipswich.

Meeting minutes of May 23, 2018.

Adjournment

Motion made by Giselle Perez to adjourn at 8:03 pm.

Seconded by David Smith.

Vote: Unanimous in favor.