

HAMILTON BOARD OF HEALTH

MINUTES OF MEETING

October 24, 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.

142 Gregory Island Road Septic Plan. Setback to Property Line Request and Upgrade Approval.

Dan Johnson, (Domestic Septic Design) was present to discuss the septic system approval for a three bedroom house that had land slopping down to Chebacco Lake. The leaching area of the septic system was affected by improper drainage from the Town's right of way. The DPW said they would remedy the situation. A neighbor complained regarding the break out of the system. Mr. Johnson showed the 50' buffer zone on the plan and recalled that the Conservation Commission had previously agreed that if Mr. Johnson could keep systems outside the 50' buffer zone, a Request for Determination could be filed rather than a Notice of Intent, which saved the homeowners money. The entire property was within 100' of the resource area.

Soil tests were completed to find a shallow water table. Dan Johnson said he would keep the 1,000 gallon tank as it was in good shape. Mr. Johnson proposed a Presby system to accommodate the shallow water table. The system would be installed between the driveway and the house with a pump chamber. The driveway would continue to function as a driveway. Mr. Johnson added that future bleed outs would not occur due to the stepped-down Presby system being out of the water table.

Dan Johnson said he needed five local variances. The leaching area would be 5' rather than 10' from the property line. The tank would be 3' rather than 5' from the house. The leaching area would be 13' from the house and 8' from the garage. Mr. Johnson said the need for local variances was due to the small lot. The Presby system would feature a 1,000 tank with a 500 gallon pump chamber and had a built-in variance for 2' rather than 4' from the groundwater. Mr. Johnson said the 40% variance reduction was defined in the Presby letter presented. According to Mr. Johnson, the neighbor requested a swale, which was incorporated into the design. Mr. Johnson noted that the DPW had installed infiltrating catch basins, which allowed water to flood into the house. The DPW would fix the situation.

Board members and the engineer were provided copies of a letter dated October 23, 2018 to the Board of Health from Wayne and Susan Wendall. Ms. Whelan would react to the letter based on the Board's decision of the evening. Mr. Johnson said he had not seen the letter until the public hearing.

Motion made by David Smith to approve the request for a variance for a Title 5 septic system repair at 142 Gregory Island Road as presented by Dan Johnson.

Seconded by Walter Row.

Vote: Unanimous in favor.

Mosquitoes

Giselle Perez wondered if the Town of Hamilton had a responsibility to issue a response to the West Nile virus threat as Wenham had raised awareness of mosquitoes at Iron Rail Gymnastics. Ms. Perez recalled that the Wenham Board of Health had issued a warning to the Buker School in September. David Smith said he saw a post regarding the West Nile virus threat on the Hamilton Wenham Community Facebook page. David Smith suggested adopting a policy for notification for any health issues received from the State. Notices would be posted on the Town website and social media. Walter Row wanted to define a threshold for public concern.

Leslie Whelan said the Department of Public Health would have alerted Wenham that a mosquito with West Nile virus had been tested in their town. While Ms. Whelan had reviewed the list of towns affected, she did not see that Topsfield or Wenham were involved. Ms. Whelan asked where the trigger for notification would be as Boston would have a higher concentration of cases due to the higher concentration of catch basins. Giselle Perez said she had noticed that residents were more cautious about preventative measures in Wenham than Hamilton. Ms. Perez wanted to ensure that residents were aware of the potential dangers in both towns.

It was determined that Leslie Whelan and David Smith would work on a written policy as to how to handle notices received from the Department of Public Health. Ms. Whelan said she realized the previous link of communication had been cut as Hamilton did not spray for mosquitoes. Mr. Smith thought it was a disconnect between a regional school system to only notify Wenham students. Ms. Whelan recalled that she was unaware until she happened to run into the Wenham Board of Health administrative assistant.

Sean Timmons reportedly received complaints from Patton Park parents whose children were bitten by mosquitoes. Mr. Timmons wanted to know what could be done to alleviate the situation as there were concerns about spraying in Hamilton due to negative effects and consequences. Tim Olson reportedly said he was familiar with a substance that the State DPW made available to towns to put in catch basins to prevent mosquitoes from breeding. Leslie Whelan added that the Mosquito Control District used the substance in Hamilton after the catch basins had been cleaned. Ms. Whelan would confer with Mr. Olson. Mr. Smith wanted to understand the benefits and negatives of using the substance in a public venue such as Patton Park. Ms. Whelan said the substance might not work at the pond and the Mosquito Control District might determine that fish in the pond were eating mosquito larvae as a cure. Ms. Whelan added that most species of mosquitoes did not bite but would be affected by the substance.

A draft policy would be created and follow up regarding the mosquito problem at Patton Park would occur.

Chebacco Lake “Town” Beach Update

David Smith had met with the Selectmen to request approval for a written statement he had submitted regarding the portable toilet at the Town beach. Ed Howard was present at the Selectmen’s meeting where he articulated his experience and reason for a request to fund a portable toilet at the Town beach site. The Selectmen debated the subject regarding costs and sending a possibly contradictory message of having no trespassing signs and a public bathroom. The Selectmen reportedly determined that the cost would be too expensive. As there was a seasonable portable toilet at the boat ramp, the Selectmen agreed to post a sign directing visitors to that location. Tim Olson was aware of the request and was reportedly working on the sign. The sign would likely be posted next spring as there was seasonable use of the portable toilet. The Chebacco Lake Watershed Association paid for the toilet from June through September.

David Smith said the Selectmen denied water testing based on cost. Leslie Whelan said the Selectmen might be hesitate to indicate the area was a public beach. Mr. Smith said the Town needed to post “no swimming” signs to reduce their liability at the request of the insurance company. A portable toilet might call into question the Town’s sincerity of no swimming on the site. Even though the parking area was filled with cars on a hot day, it would cost a lot of money to make it an official beach.

Gordon Conwell Theological Seminary Task Force Update

David Smith said he was the chairman of the five member task force. The group had unearthed a treasure trove of information from the past and was tasked to identify non-monitory means for the seminary to compensate the Town for the cost of educating its students. The group would tour the facility but would need to wait until the retiring president was replaced. If the facility were not tax-exempted, they would be paying over \$1M in property taxes, according to Mr. Smith.

According to David Smith, Mary Beth Lawton reportedly wanted to know about the faculty and curriculum as seniors might benefit from lectures and classes. The Chief of Police had reportedly explained that the repeater antenna was functioning from Brown’s Hill, the highest point in Hamilton. The Chief would determine the value of the asset. Mike Harvey, Superintendent of Schools reportedly wondered about using the area for tennis courts. Tim Olson was reportedly interested in a recreational facility that could be used by the Town.

David Smith offered the history of the agreement with the Seminary. In 1975 the ZBA allowed the school to build dormitories. The Decision specifically stipulated that the Seminary was willing to pay for the education of its students in the public school system as well as to contribute other payments in lieu of taxes. Ten years ago, Town Counsel examined that written Decision and determined that the Town did not enforce the provision for twenty years and had thereby

forfeited its right to enforce it now. Currently, there were 40 children in the public school system with a potential cost of about \$750,000 considering a cost of \$17,000 per child. Mr. Smith recalled that the school had been between zero and \$100,000 per year but most recently paid \$35,000. As the Town had no leverage to convince the Seminary to act in good faith, an effort to use their facility or faculty would be considered to compensate the Town.

It was noted that Gordon College in Wenham compensated the Town of Wenham for public safety services at a cost of \$50,000 to \$60,000 per year. Wenham calculated the fee based on use. The Seminary had a nursery school, which Chris Lee reportedly thought had closed. Giselle Perez said her son had attended pre-school at Gordon College and wondered about the ability of the Seminary to provide one. Walter Row suggested being able to audit classes. Discussion ensued regarding Chris Lee's infectious disease services at the Seminary, which were not paid for by the school. Giselle Perez suggested the Seminary offer mental health services, but it was determined that the Seminary did not have them.

Board of Health Member Open Position Update

David Smith said he had put a notice in the Hamilton Wenham Chronicle, the Town webpage, and the Hamilton Wenham Facebook page. It was noted the previous open position took one and one-half years to fill. Due to Walter Row's schedule, the next meeting would occur on November 28, 2018.

Health Agent Update.

Leslie Whelan stated that 957 Bay Road report indicated that both septic systems passed Title 5. The property had passed ownership without a Title 5 being conducted but the neighbor had complained to the Town Manager.

The alternative design flow for Honeycomb Bakery was on hold. John Hamilton, who was the attorney for an abutter, Paul Johnson, had asked Leslie Whelan about the progress. Reportedly Mr. Johnson had spoken with the Chuck Johnson, the design engineer who indicated that Honeycomb Bakery was not proceeding with the DEP request to allow for 28 seats. Twenty-two seats had been previously approved. Mr. Hamilton wanted the Board of Health to make inquiries into the process. Leslie Whelan responded to the attorney that if the bakery had reduced their seating to 22 seats, they were in compliance and she would not make inquiries on behalf of his client.

Leslie Whelan said she had received a call from DEP requesting information regarding Title 5 inspectors from Wind River. Ms. Whelan would be in touch with DEP to explain the whole process and the information regarding the inspectors. Mike Roy of Essex Septic had been much better with his reporting. A year had not passed for his paying off his loan.

Unanticipated Items/Announcements.

Walter Row noted that plastic bags would no longer be used in Beverly or Peabody. Mr. Row had read an article in the newspaper that small pieces of plastic were being found in people's stomachs as the bags broke up and were eaten by fish. Leslie Whelan noted that plastic bags would be illegal in Rockport and Gloucester in January or March 2019.

Review Minutes, dated August 1, 2018.

Giselle Perez moved to accept the minutes of August 1, 2018.

David Smith seconded.

Vote: Unanimous in favor.

List of documents and exhibits reviewed.

Health Agent Update, Dated October 24, 2018.

Meeting minutes of August 1, 2018.

Adjournment

Motion made by Walter Row to adjourn at 7:59 pm.

Seconded by Giselle Perez.

Vote: Unanimous in favor.