

HAMILTON BOARD OF HEALTH

MINUTES OF MEETING

April 17, 2019

Members Present: Walter Row (via telephone), and David Smith (Chairman)

Health Agent: Leslie Whelan

This meeting was called to order at 7:00 pm in the Memorial Room, Hamilton Town Hall by David Smith.

Variance Request. 33 Baker Avenue. Septic System upgrade.

Dan Johnson was present to describe the 1,250 gallon septic tank and failing overflow leaching pit. Mr. Johnson indicated that soil testing found good gravely soil with a sandy loam layer, which was typical in Asbury Grove. Glacial till was found 8' to 12' below the surface. The long, narrow lot sloped down to the southern area where wetlands occurred. Mr. Johnson said the design kept the system away from the wetlands. The new system was updated for a three bedroom house and was 41' long and 11' wide. The system fit between the property line and the house. Offsets to the house from the property line on the northern side were reduced from the required 20' to 15' and the required 10' to 7' between Baker Ave. and the abutter to the north. The deck would need to be removed if the 3' were not granted. The abutter had been notified and was in agreement. The requested variances would reduce the offsets from the leaching area to the house and from the leaching to one abutter. Another variance for the depth of the leaching field (3.5') was also requested because the existing septic tank was at a fixed depth and the leaching field needed to accommodate that depth. The system would be vented as it was greater than 3' below grade.

According to Dan Johnson the home was always a three bedroom house. The system was upgrade 20 to 30 years ago to replace the overflow leaching area with a leaching pit. Leslie Whelan said the deck existed before 1986 when the leaching pit was added. Ms. Whelan said she was in favor of the variances.

Motion made by David Smith to approve the variance request for the property line setbacks on the 33 Baker Ave. septic system as explained and prepared by Dan Johnson.

Seconded by Walter Row.

Vote: Unanimous in favor.

Discussion – Follow up to Brick Ends Farm – Air Quality Complaint

Members of the Board would tour the facility on June 1, 2019 at 9:00 am. A back up date would be set in case of rain. It was noted that there had been no complaints regarding the farm since early March. A question list would be written and submitted to Peter Britton before the tour, which would make the tour more productive.

Discussion – Chebacco Lake and Watershed Association letter to reconsider portable toilets.

Leslie Whelan summarized the meeting with Joe Domelowicz. Ms. Whelan thought the Town should do water testing (\$1,200 per year) as people swam at the beach. Aside from the port-a-potty expenses, the Town would need to expand the parking area and make the slope walkable. Mr. Domelowicz had reportedly said there were two other swimming options, the pool and the shared with Wenham, Pleasant Pond beach. Water testing was done at Pleasant Pond. Ms. Whelan said she thought Mr. Domelowicz would speak with Town Counsel, but would likely recommend to the Selectmen to update the signs to indicate that no swimming should occur as water testing was not done on the site. Police patrols would be increased. Town Counsel would be contacted to determine the Town's responsibility if port-a-potties were located on site. David Smith would speak with Sue McLaughlin.

David Smith noted that he had encountered people at the "Town Beach" and most people were not from Hamilton. Mr. Smith thought the Town should not incur expenses and liability for the benefit of other towns. The estimate from years ago to make the beach an official beach, included infrastructure improvements at a cost of over \$20,000 to \$30,000. Walter Row suggested putting up a chain barrier.

Health Agent Update.

Leslie Whelan said she and Nancy Stevens had set up a protocol for applicants' reasonable expectations for septic system approval time periods. Applicants would be contacted once approval had occurred as it would be impossible to predict how long an approval would take due to daily fluctuations of workloads.

Leslie Whelan announced that she had revoked the approval of the 3 Arthur Ave. septic plan. Ms. Whelan noted that she felt a lot of pressure to approve the plan quickly. Ms. Whelan was working with the owners and engineers and thought the property might need a specialized septic system. Ms. Whelan thought more soil testing might be needed. Ms. Whelan said the situation reinforced the need to not approve plans quickly.

The marijuana cultivating and processing facility at Green Meadows Farm was discussed. Leslie Whelan included a memo she wrote to Patrick Reffett in the packet. Mr. Reffett would forward the memo to the applicant and the Planning Board. David Smith would follow up with Mr. Reffett regarding the seriousness of the issues and explain that if concerns materialized, the Board of Health would inherit the problem.

Leslie Whelan explained the proposal including indoor greenhouses for growing the marijuana, a room for processing the marijuana, and a room for distilling it with solvents or oils. Another room was for a kitchen. Ms. Whelan wondered if edibles would be baked on site. Ms. Whelan recalled that she had attended DEP training for odor and noise. The odor was similar to skunk and noise would be generated from the ventilating and cooling equipment. Traffic could be an

issue with loading docks lit up at various hours in a sleepy neighborhood. There would not be a retail store as the product would be shipped out to a dispensary, which was prohibited in Hamilton. Ms. Whelan said her memo sensitized Patrick Reffett to what concerns should be considered before it was too late.

David Smith said the facility would not be considered agriculture but would be regulated by the Cannabis Control Commission. Leslie Whelan said the Regulations indicated that complaints did not have a definitive process for remediation and that there were no regulations for noise or odor. Ms. Whelan was concerned that if the facility caused noise and odor, the Board of Health would be responsible for rectifying the situation. Ms. Whelan indicated that retrofit changes, after the fact of odor and noise, would be difficult due to sensitization of the neighbors.

An electronic filing system was discussed. Applications would be filed electronically and would eventually be added to the web for public access. Title 5 inspection reports and septic plans would also be available electronically. Due to pending renovations, paper files might be placed in the basement.

Leslie Whelan said she met with Bobby Cody to discuss temporary food events for spring and summer. Ms. Cody would be busy with camps and the Patton Homestead as they were making progress having people rent the facility for events in the hopes that the facility would pay for itself. Ms. Cody and Nancy Stevens would meet with the Patton Homestead group to explain the Board of Health's process as it related to mobile food vendors who could have a permit to have events year round without being inspected each time.

Erin Kirchner (Essex Health Agent) and Leslie Whelan would exchange vacation coverage. Ms. Whelan would be away in May.

Unanticipated Items/Announcements

Walter Row would be at the next Board of Health meeting May 15, 2019 when the Board would vote on the Tobacco in Schools Regulation.

Leslie Whelan discussed an e-mail from the Health Agent in Northboro, which described a bill pending with the MA Senate to expand the law that currently placed agricultural composting facilities with the Department of Agriculture Resources. Local Health Departments and Zoning would help to alleviate odor, dust, debris, and traffic. Currently there were no setback regulations so facilities could be next to a neighborhood. While these were important facilities to compost waste, they could have serious impacts on a neighborhood. Currently there was no local input in citing a DAR facility. The proposal would add local control through Zoning, Conservation, and Health By-laws and Regulations. The bill would give the Board more authority to take action in cases such as Brick Ends Farm. Ms. Whelan added that if the bill passed, the Zoning By-law would incorporate where facilities could occur and the Board of Health could create local Regulations that could include distances from dwellings. Ms. Whelan

thought a farm should be able to compost material but others might take advantage causing a worse situation than Brick Ends Farm.

Review March 20, 2019 Minutes.

Motion made by David Smith to approve the minutes of March 20, 2019.

Seconded by Walter Row.

Vote: Unanimous in favor.

List of documents and exhibits reviewed.

Memo from Leslie Whelan to Patrick Reffett regarding Green Meadows Farm

E-mail from Nancy Stevens to Leslie Whelan regarding Chebacco Lake Letter, dated April 3, 2019.

Letter from Chebacco Lake and Watershed Association, dated March 28, 2019

Section of October 24, 2018 minutes regarding Chebacco Lake "Town Beach" Update.

Statement and Recommendation from the Board of Health to the Board of Selectmen on the Hamilton "Town Beach," dated August 20, 2018.

Photos of the "Town Beach" in use.

Health Agent Update, dated April 17, 2019.

Draft Minutes of March 20, 2019

Adjournment

Motion made by David Smith to adjourn at 7:50 pm.

Seconded by Walter Row.

Vote: Unanimous in favor.

Prepared by: Marcie Ricker