

Board of Health Minutes
Monday, January 8, 2024 5:30 PM
Meeting Room C, Town Hall
25 Green Street, Ipswich, MA

Call to Order: Susan Hubbard called the meeting to order at 5:30 PM.

Members in attendance: Susan C. Hubbard, Dr. Susan Boreri and Amanda Donovan were in attendance.

Others in attendance: Colleen Fermon, Director of Public Health, Jennifer Brown, Administrative Assistant, Daniel Johnson, R.S., Robert Warren, Armanda Janjigian, Nick Nazzaro, Christopher Sparages, Jeffery Schutzman, and Erica Giovanniello.

Citizens Queries: None.

Minutes: Dr. Boreri made a motion to approve the December 4, 2023 Board of Health minutes. Susan Hubbard seconded the motion. The motion passed unanimously.

Public Hearing:

5:30 – Fee Schedule Change – Farmer’s Market Permit Fee

Susan Hubbard stated the public hearing for the Board of Health Fee Schedule was advertised in The Local News on December 13, 2023 which was at least 14 (fourteen) days prior to the hearing in compliance with Ipswich’s General By-laws, Chapter III, Section 6.

Susan Hubbard read the following proposed change to the Ipswich Board of Health Fee Schedule:

A fee increase for the Farmer’s Market Temporary Food Permit from \$50.00 to \$75.00 for the market season.

Susan Hubbard opened the floor for comment and asked if anyone wished to be heard regarding the fee schedule change. There being no comments the public hearing was closed. Dr. Boreri made a motion to a adopt the Board of Health Fee Schedule change as proposed and to have it go into effect on January 8, 2024. Susan Hubbard seconded the motion. The motion passed unanimously.

It was noted that complete copies of the regulation are on file and available at the Public Health Office.

Hearings:

5:31 – DexMar Realty Trust – 8-10 Hammatt Street – Represented by Shawn Cayer, Trustee – Noncompliance with Order for Correction for Violations of 105 CMR 410.

No one was on attendance at the meeting. The Board of Health rescheduled the hearing for February 5, 2024.

5:32 – Barry and Theresa Harrigan – 70 North Ridge Road – Represented by Connor Lincoln – Extension for the Upgrade of the Septic System.

Colleen Fermon provided some background information for the Board members. The septic system serving 70 North Ridge Road failed a Title 5 Inspection on December 3, 2020. In accordance with 310 CMR 15.000, Title 5, the previous owner was ordered to upgrade the septic system within 2 years from the date of inspection; by December 3, 2022. The Harrigan’s purchased the home on December 11, 2020 so it is their responsibility to upgrade the system.

On December 6, 2021, sewage disposal system # 20-2063 designed by Gerard McDonald, P.E., dated September 2, 2021 and revised October 21, 2021 for the 4-bedroom dwelling located at 70 North Ridge Road, Ipswich, Massachusetts was approved with the condition that the system was installed with the Certificate of Compliance issued by December 3, 2022.

At the October 3, 2022 Board of Health meeting, it was the decision of the Board of Health to grant an extension until

December 15, 2023 for the upgrade of the system with the condition that the dwelling remained unoccupied until such time that the septic system was installed and the Certificate of Compliance had been issued.

In an October 19, 2023 letter, the owners were informed that if they had not contracted with an Ipswich septic system installer, they should do so quickly since the installation season closes on December 15, 2023. On October 27, 2023 the owners informed the Public Health Office that they hired Connor Lincoln in April, 2023 but there has been an 8-month delay waiting for Conservation Commission approval. Subsequently, Mr. Lincoln obtained the Disposal System Construction Permit in November, 2023. On November 28, 2023, the owners requested a hearing for an extension for the installation of the septic system since it would not be completed before the December 15, 2023 deadline.

At the January 8, 2024 Board of Health Meeting, it was noted that although Mr. Lincoln obtained the Disposal System Construction Permit in November he did not begin the installation since he did not think he could finish the job by December 15, 2023. The owner's representative, Robert Warren, explained that the owner's primary residence is at 45 Boxford Road, Ipswich, so the dwelling will remain vacant until the septic system is installed. The owners anticipate the installation to be completed this spring. Mr. Warren requested an extension, on the owner's behalf, for the installation of the septic system.

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon explained that the approved design is for a Bottomless Sand Filter. Ms. Fermon supported the variance request since it would be better to construct the Bottomless Sand Filter in the spring.

Susan Hubbard made a motion to grant an extension until June 15, 2024 for the upgrade of the system with the condition that the dwelling remains unoccupied until such time that the septic system is installed and the Certificate of Compliance has been issued. Amanda Donovan seconded the motion. The motion passed unanimously.

5:32 – Armanda Janjigian – 22 Elm Street, Unit #4 – Order for Correction for Violations of 105 CMR 410.

Colleen Fermon provided some background information for the Board members. As a result of a complaint received, a housing inspection was conducted on December 11, 2023 at 22 Elm Street, Unit #4, Ipswich, in accordance with 105 CMR 410.000: State Sanitary Code Chapter II: Minimum Standards of Fitness for Human Habitation. An Order for Correction was issued on December 11, 2023. The owner was ordered to bring the dwelling into compliance with the State Sanitary Code 105 CMR 410.000 within 30 days of receipt of the order; by January 10, 2024. On December 12, 2023, the owner requested a hearing before the Board of Health.

At the January 8, 2024 meeting, Ms. Janjigian explained that her faucet failed causing water damage in her unit and another unit. She will need mold remediation in her unit and asbestos remediation in a common area. The excess clutter, which is blocking emergency access, is due to having to clear out her kitchen for the remediation. Ms. Janjigian attested that she will obtain a storage unit before the remediation begins and requested an extension for 90 days to obtain compliance.

Susan Hubbard made a motion to modify the order and grant an extension until April 15, 2024. Ms. Janjigian was ordered to obtain compliance with 105 CMR 410.000 by April 15, 2024. Dr. Boreri seconded the motion. The motion passed unanimously.

The Board of Health noted that John Morris, Health Inspector, will conduct a re-inspection after April 15, 2024 to confirm compliance. The Board of Health also said the owner may contact Mr. Morris for a re-inspection prior to April 15, 2024 if she has addressed the violations.

5:40 – Robert Donahue – 22 Elm Street, Unit #3 – Order for Correction for Violations of 105 CMR 410.

Colleen Fermon provided some background information for the Board members. As a result of a complaint received, a housing inspection was conducted on December 11, 2023 at 22 Elm Street, Ipswich, in accordance with 105 CMR 410.000: State Sanitary Code Chapter II: Minimum Standards of Fitness for Human Habitation. An Order for Correction was issued to the Trustees of Driftwood Condominium on December 11, 2023. The Trustees were ordered to bring the residence into compliance with the State Sanitary Code 105 CMR 410.270 (A) (3) within 30 days of receipt of the order; by January 10, 2024. On December 22, 2023, Driftwood Condominium Trust requested a hearing before the Board of Health.

At the January 8, 2024 meeting, Robert Donahue was not present so Amanda Janjigian, Trustee, explained that additional time was needed to correct the violation regarding the main entry door. She requested a 90-day extension to obtain compliance.

Susan Hubbard made a motion to modify the order and grant an extension. The Trustees of Driftwood Condominium were ordered to obtain compliance with 105 CMR 410.000 by April 15, 2024. The Board of Health also said the Trustees of Driftwood Condominium could attend the April 8, 2024 meeting if more time was needed to obtain compliance. Dr. Boreri seconded the motion. The motion passed unanimously.

John Morris, Health Inspector, will conduct a re-inspection after April 15, 2024 to confirm compliance.

5:42 – Sabrina and Nicholas Nazzaro – 321 Linebrook Road – Bedroom Deed Restriction.

Colleen Fermon provided some background information for the Board members. At a meeting of the Board of Health on January 8, 2024, the Board of Health heard a request for acceptance of a four (4) bedroom deed restriction. The definition of bedroom in Title 5 is a room providing privacy, intended primarily for sleeping and consisting of all the following:

- (a) floor space of no less than 70 square feet;
- (b) for new construction, a ceiling height of no less than seven feet three inches;
- (c) for existing houses and for mobile homes, a ceiling height of no less than seven feet zero inches;
- (d) an electrical service and ventilation; and
- (e) at least one window.

Living rooms, dining rooms, kitchens, halls, bathrooms, unfinished cellars and unheated storage areas over garages are not considered bedrooms. Single family dwellings shall be presumed to have at least three bedrooms. Where the total number of rooms for single family dwellings exceeds eight, not including bathrooms, hallways, unfinished cellars and unheated storage areas, the number of bedrooms presumed shall be calculated by dividing the total number of rooms by two then rounding down to the next lowest whole number. The applicant may design a system using design flows for a smaller number of bedrooms than are presumed in this definition by granting to the Approving Authority a deed restriction limiting the number of bedrooms to the smaller number.

At the January 8, 2024 meeting, it was noted that the owner's contractor obtained a building permit to finish the basement space so that it could be used as an office, playroom, gym and kitchen. Unfortunately, the Building Department did not send the application to Colleen Fermon, Director of Public Health, for review prior to issuing the building permit. After the renovation was completed, an inspection was done for the occupancy permit and it was determined that two of the new rooms were not allowed with a (4) bedroom septic system. A total of 11 rooms exist after the basement was finished.

At the meeting, Nicholas Nazzaro explained that removing wall(s) recently installed to eliminate rooms to allow for the additional basement rooms or incurring the costs to see if the septic system can be expanded were not options he would want to consider. He requested that the Board of Health accept a four (4) bedroom deed restriction.

The Board of Health reviewed floor plans of the dwelling and considered the request. The Board noted that the property is served by a four (4) bedroom system so a total of 9 rooms are allowed pursuant to Title 5 but the owners currently have 11 rooms after the basement renovation. It was noted that neither the contractor or the owners created the situation but the error was due to the Building Department.

Susan Hubbard made a motion to accept a four (4) bedroom deed restriction for the dwelling at 321 Linebrook Road. The four (4) bedroom deed restriction must be filed at the Southern Essex County Registry of Deeds with a recorded copy provided to the Public Health Office prior to the approval of the building permit application. Amanda Donovan seconded the motion. The motion passed unanimously.

5:46 – Sharon M. Fuller – 40 Chattanooga Road – Represented by Williams and Sparages – Modified Definitive Subdivision Plan

Christopher Sparages presented. Previously, the Public Health Office received a modifications to the Definitive Subdivision Plan for 40 Chattanooga Road, Ipswich designed by Peter Blaisdell, P.E. and dated December 4, 2014. At the April 6, 2015 Board of Health meeting the Board of Health approved the modifications to the Definitive Subdivision Plan for 40 Chattanooga Road. Mr. Sparages, explained that construction began but was then suspended. The earth work done created dams in the area and, subsequently, wetlands were created which necessitated revisions to the previously approved plan.

On December 18, 2023 the Public Health Office received modifications to the Definitive Subdivision Plan for 40 Chattanooga Road, Ipswich designed by Peter Blaisdell, P.E. and dated December 4, 2014 and last revised November 13, 2023.

The modifications will focus on low impact technology. Pavement was eliminated. They have changed the pipe and catch basin system, using retention basins. These designed rain capture system will have overflows to small rain gardens. The previous proposal for a Perc Rite system has been changed to a Presby Enviro-Septic System design. Dr. Boreri made a motion to approve the Modified Definitive Subdivision Plan for 40 Chattanooga Road as presented. Susan Hubbard seconded the motion. The motion passed unanimously.

5:54 – Joseph and Allyson Christopher – 5 Saltmarsh Road – Represented by Domestic Septic Design, Inc. – Septic System Design Variances and Request to Install the Septic System Outside of the Installation Season

Daniel Johnson, the designer, presented and a hearing was conducted to consider a variance from Title 5 and an Alternative Technology Waiver for a sewage disposal system plan # J-2965 designed by Daniel Johnson, R.S., dated November 15, 2023 and last revised for the 4-bedroom dwelling located at 5 Saltmarsh Road, Ipswich, Massachusetts. Mr. Johnson said there are currently 2 systems (laundry and main) serving the dwelling. The 2 systems will be replaced with one system. Mr. Johnson proposed the use of a Presby Enviro Septic System for the upgrade. Since a Presby Enviro Septic System is included in the design, a 40% reduction in leach field size was taken. Mr. Johnson requested the following variances:

- A 1-foot reduction in the separation between the bottom of the leaching area and estimated seasonal high groundwater (ESHGW). A 3-foot separation is provided.
- To allow the tank inverts to be below estimated seasonal high groundwater elevation.

The Board of Health reviewed the proposed septic design plan. Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon explained that this is a voluntary upgrade of the system. The system appears to be in failure due to the need for frequent pumping. Ms. Fermon confirmed that pumping has been done approximately every 2 ½ weeks beginning in September. Pumping in December was done 3 times.

Ms. Fermon recommended approving the plan with the following conditions for approval:

- Prior to issuance of Disposal System Construction Permit, the System Installer must certify in writing to the Designer, the Public Health Office, and the System Owner that (s)he is a locally approved System Installer and is certified by or has received appropriate training by the Company. The Presby certification must be submitted to the Public Health Office.
- An Ipswich licensed installer must obtain a trench permit application prior to the issuance of the Disposal System Construction Permit.
- Prior to issuance of Disposal System Construction Permit, a Notice of Alternative Disposal has to be recorded at the Southern Essex County Registry of the Deeds and a copy bearing the book and page/or document number must be provided to the Public Health Office.
- Prior to the issuance of a Certificate of Compliance by the Public Health Office, the System Installer and Designer must provide, in addition to the certifications required by Title 5, certifications in writing to the Public Health Office that the System has been constructed in compliance with the terms of the Approval.
- Prior to the issuance of a Certificate of Compliance, the Installer must provide a bill of lading certifying the sand meets ASTM C-33.
- Prior to the issuance of a Certificate of Compliance, the Installer must provide a completed System Installation Form to the Public Health Office.

Mr. Johnson also requested a variance, on the owner's behalf, to install the system after December 15, 2023 due to frequent pumping.

Susan Hubbard questioned if a licensed Installer had been hired for the installation of the system. Mr. Johnson said D.F. Clark, Inc. would be installing the system.

Ms. Fermon said she supported the installation of the system in January, 2024, weather permitting, and based on the approval of the installation schedule once it is provided by the licensed Installer.

Susan Hubbard made a motion to approve the plan and grant the variances as requested with the conditions as enumerated by Colleen Fermon and to allow the system to be installed in January, 2024, weather permitting and based on the approval of the installation schedule once it is provided by the licensed Installer. Amanda Donovan seconded the motion. The motion passed unanimously.

6:02 – Jeffrey Schutzman and Linda Gross-Schutzman – 50 Clark Road – Request to Install Septic System Outside of the Installation Season.

Jeffrey Schutzman presented, and a hearing was conducted to consider a request for a variance from Ipswich Board of Health Septic System Regulation; 3.10, Septic systems shall not be installed between December 15 and March 15. Construction of systems that commenced prior to December 15 shall be allowed to be completed.

At the meeting, Mr. Schutzman explained that he would like to relocate the Microfast tank to accommodate a new dwelling. The existing system will be used but the Microfast tank needs to be relocated to eliminate the need to pump the septic system. It was noted that the Microfast Relocation Plan was approved on December 4, 2023 but the Installer did not obtain the disposal permit by the December 6, 2023 deadline. Mr. Schutzman requested to be able to relocate the Microfast tank in January.

Mr. Schutzman said the tank is onsite and ready to be installed. He anticipated the installation would take one day and the excavation would be completed before spring.

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon did not oppose the January, 2024 installation provided there is crushed stone available to put under the tank. Additionally, prior to the system being installed, Mr. Harrison will need to make an appointment to obtain the Disposal System Construction Permit and a copy of the approved Microfast Relocation Plan.

Ms. Fermon also noted that the Microfast tank is under an Operation and Maintenance contract. If there is a problem with the tank at the time of inspection then it would need to be replaced.

Susan Hubbard made a motion to grant a variance to Ipswich Board of Health Septic System Regulation 3.10 and allow the Microfast tank to be installed in January, 2024, weather permitting, and based on Ms. Fermon's approval of the installation schedule once it is provided by the licensed Installer, Greg Harrison. Amanda Donovan seconded the motion. The motion passed unanimously.

6:09 – Erica Giovannello – 10 Alamo Road – Septic System Installation Extension

Erica Giovannello presented, and a hearing was conducted to consider a request for an extension for the upgrade of the septic system.

Colleen Fermon explained the septic system serving 10 Alamo Road failed a Title 5 Inspection on April 2, 2022. In accordance with 310 CMR 15.000, Title 5, the previous owner was ordered to upgrade the septic system within 2 years from the date of inspection; by April 2, 2024. Ms. Giovannello purchased the property on April 5, 2022 so it is her responsibility to upgrade the failed system. On December 5, 2022, the Board of Health approved disposal system plan #1428 designed by Charles Johnson, P.E., dated October 19, 2022 for the 2-bedroom dwelling located at 10 Alamo Road, Ipswich, Massachusetts with the condition the system was installed by April 2, 2024.

At the meeting Ms. Giovannello explained that it is her intention to raze and rebuild the dwelling. Due to the small lot size, she was advised that the installation of the system needs to be coordinated with the construction of the building. She anticipated construction to begin between August and October, 2024 based on the availability of contractors. Ms. Giovannello attested that she is the only occupant and that she will vacate the dwelling before construction begins. Additionally, she noted that the dwelling does not have a washer or dishwasher. Ms. Giovannello requested an extension for the installation of the septic system since she will not meet the April 2, 2024 installation deadline.

Susan Hubbard asked Colleen Fermon if there had been any complaints regarding the system serving the property. Ms. Fermon confirmed there were no complaints.

Susan Hubbard made a motion to grant an extension for the installation of the system; the system must be installed with the Certificate of Compliance issued on or before December 15, 2024. Dr. Boreri seconded the motion. The motion passed unanimously.

It was noted by the Board of Health that the disposal system plan was approved and the corresponding disposal system construction permit was signed on December 5, 2022 with conditions. The 2-bedroom deed restriction was already recorded. The following conditions still need to be satisfied:

- A 2 year Operations & Maintenance contract for the GeoMat pressure distribution system and the ProStep Pump Vault must be submitted to the Public Health Office prior to issuance of Disposal System Construction Permit.
- A Notice of Alternative Disposal for the GeoMat Leaching System must be filed at the Southern Essex County Registry of Deeds with a recorded copy provided to the Public Health Office prior to the issuance of the Disposal System Construction Permit. A sample Notice of Alternative Disposal can be found on the Massachusetts Department of Environmental Protection's website <http://www.mass.gov/dep>
- Prior to the commencement of construction, the System Installer must certify in writing to the Designer, the local Approving Authority, and the System Owner that (s)he is a locally approved System Installer and, if required by the Company, is certified by or has received appropriate training by the Company. A copy of the GeoMat Leaching System certification must be submitted to the Public Health Office.
- Prior to the issuance of a Certificate of Compliance, the System Installer and Designer must provide to the Public Health Office, in addition to the certifications required by Title 5, certifications in writing that the System has been constructed in compliance with the terms of the GeoMat Leaching System Approval, Title 5, the approved design plans, and all local requirements.
- An Ipswich licensed installer must obtain a trench permit.

6:20 – Director of Public Health Report:

Housing Cases Update:

- **9 Bunker Hill Road:** The receivership request was dismissed and the case was closed on December 23, 2023.
- **155 Topsfield Road:** The owner did not appear at the January 2, 2024 court hearing (via zoom) so the court issued a criminal complaint and an arraignment will be scheduled in a few weeks.

Syringe Services Update: There are currently 7 clients utilizing harm reduction services.

Sharps Kiosk Update: Approximately, 3,190 syringes were collected in December, 2023. A total of 24,641 syringes were collected in 2023.

Online Permitting Update: The Public Health Department's new online permitting system, PermitEyes, launched on November 14, 2023. Notification was sent via mail and email. All applications for annual renewals were available online, as scheduled. As of January 8, 2024, 192 online applications had been submitted and 192 permits had been issued.

Next Board Meetings: The next meetings of the Board of Health are scheduled for February 5, 2024, March 4, 2024, April 8, 2024, May 6, 2024 and June 3, 2024. All meetings will start at 5:30 PM and be in Town Hall, Meeting Room C.

Adjourn: Susan Hubbard made the motion to adjourn at 6:41 PM. Dr. Boreri seconded the motion. The motion to adjourn passed unanimously.

Documents used at the January 8, 2024 Board of Health meeting:

- December 4, 2023 Board of Health Minutes.
- Ipswich Board of Health Fee Schedule.
- 310 CMR 15.000: State Environmental Code, Title 5.
- 105 CMR 410.
- Recap from Colleen Fermon dated January 8, 2024 for 8-10 Hammatt Street.
- Email from Sean Cayer dated December 4, 2023 regarding 8-10 Hammatt Street.
- Letter dated June 7, 2023 from Colleen Fermon regarding 8-10 Hammatt Street.
- December 4, 2023 Re-inspection report done by John Morris for 16 Appleton Park, G-2.
- Letters dated October 19, 2023 and December 7, 2023 from Colleen Fermon regarding 70 North Ridge Road.
- Approved Subsurface Sewage Design Plan for 70 North Ridge Road.
- Farmer's Market municipal comparison of fees.
- Floor plans for 321 Linebrook Road.
- Modified Definitive Plan for 40 Chattanooga Road revised November 13, 2023.
- Letter dated December 28, 2023 from Jeffrey Schutzman regarding 50 Clark Road.
- Email dated December 22, 2023 from Robert Donahue regarding the Housing Inspection Report and Order for Correction for 22 Elm Street.
- Email dated December 21, 2023 from Erica Giovanniello regarding 10 Alamo Road.

Susan C. Hubbard, Chairperson

Dr. Susan Boreri, Board Member

Amanda Donovan, Board Member