

Board of Health Minutes
Monday, January 10, 2022 5:30 PM
Zoom Meeting
25 Green Street, Ipswich, MA

The Board of Health participated in this meeting remotely utilizing Zoom in accordance with the Governor's June 16, 2021 law which includes an extension, until April 1, 2022, of the remote meeting provisions of his March 12, 2020, Executive Order Suspending Certain Provisions of the Open Meeting Law.

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

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

Others in attendance: Colleen Fermon, Director of Public Health, Jennifer Brown, Public Health Administrative Assistant, Daniel Johnson, R.S., John Morin, P.E., and Kate Blessington.

Citizens Queries: None.

Minutes: Dr. Boreri made a motion to approve the December 6, 2021 Board of Health minutes. Amanda Donovan seconded the motion. The motion passed unanimously.

Hearings:

5:32 – Fred Ebinger III and Michael D. Lord, Trustees – Greens Point Investment Trust – 171 Town Farm Road – Represented by The Morin-Cameron Group, Inc. – Septic System Design Variances

John Morin, P.E., presented, and a hearing was conducted for the approval of a tight tank designed by John Morin, P.E., dated July 20, 2021, revised December 14, 2021 for the dwelling located at 171 Town Farm Road, Ipswich, Massachusetts.

Mr. Morin provided some background information for the Board of Health. Previously, at the May 3, 2021 Board of Health meeting, the Board of Health held a discussion to consider septic system upgrade options for 171 Town Farm Road. At the meeting, it was noted that the existing one (1) bedroom dwelling is located in the Area of Critical Environmental Concern (ACEC) and the flood plain. It is the owners' intention to raze and rebuild the dwelling further from the wetlands. A new well will be installed. Mr. Morin explained that soil testing was conducted on May 6, 2020 to determine if there were acceptable soils for a subsurface sewage disposal system. It was not possible to run a percolation test so a sieve analysis was performed. The parent soil was classified as silty clay loam on site by the soil evaluator. The sieve results showed that the soil was classified as silty clay. Based on this data and site constraints due to sensitive resources, a Bottomless Sand Filter system or a tight tank would be the only options for the upgrade of the system. Mr. Morin said the soils were not ideal for a Bottomless Sand Filter even though the soils appeared to support the design of a subsurface sewage disposal system. Mr. Morin believed a Bottomless Sand Filter would fail prematurely (within 4-6 years) due to the soil structure. He requested the Board of Health determine a Bottomless Sand Filter is not a feasible long term alternative for the upgrade of the system and to allow the use of a tight tank.

It was the decision of the Board of Health that a Bottomless Sand Filter was not a feasible alternative for the upgrade of the system and allowed the use of a tight tank for the upgrade design.

At the January 10, 2022 meeting, Mr. Morin said the building was razed and a new 1- bedroom dwelling is being proposed in the front yard with a voluntary upgrade of the system. He requested the following variances:

- A reduction in the 3-bedroom design flow. A 1-bedroom design flow is provided for the existing 1-bedroom dwelling.
- A reduction in the 150 foot setback between the tight tank and the Area of Critical Environmental Concern (ACEC). A 30 foot setback is provided.
- A reduction in the 150 foot setback to the building sewer and the Area of Critical Environmental Concern (ACEC). A 34 foot setback is provided.

Mr. Morin explained that Title 5, 310 CMR 15.260(2)(a) requires a minimum 3-bedroom design for a dwelling or a 2-bedroom design with a 2 bedroom deed restriction. The existing dwelling is a 1-bedroom dwelling. In accordance with Title 5, a 1-bedroom system must be designed since there is an existing one-bedroom dwelling but a variance from Title 5 is needed.

The Board of Health reviewed the tight tank design plan.

Susan Hubbard questioned where the new well was located. The proposed well is located before the street on the right side of the driveway. How far is the well from the tight tank? The well is 63 feet from the tight tank so it meets the criteria of the state code.

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon said this was a difficult site and felt a tight tank was a reasonable approach given the site constraints. She recommended granting the variances as requested with the following conditions:

1. A two (2) year operation and maintenance and service contract with a septage hauler licensed to operate in Ipswich, designating disposal location of contents, must be submitted to the Public Health Office prior to the issuance of the Disposal System Construction Permit.
2. The flow from the dwelling to the tight tank is limited to a one-bedroom dwelling (110 gallons per day). No increase in flow is allowed.
3. A Lifetime Maintenance restrictive covenant for the tight tank 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.
4. This approval letter must be recorded at the Southern Essex County Registry of Deeds, and a recorded copy submitted to the Public Health Office prior to issuance of Disposal System Construction Permit.
5. Conservation Commission approval must be obtained prior to issuance of the Disposal System Construction Permit.
6. An Ipswich licensed installer must come to the Public Health Office prior to beginning the project to complete the application and submit a trench permit application signed by the owner and the \$50 trench permit fee.
7. The certificate of compliance must be issued before the occupancy permit for the dwelling can be approved.

Colleen Fermon noted that, in accordance with 310 CMR 15.260 (5), when a sanitary sewer connection becomes available, the owner of the tight tank shall connect to the sewer within 30 days and the tight tank system shall be abandoned in accordance with 310 CMR 15.354.

Additionally, after the new well is constructed and a water supply certificate is issued, the existing well must be decommissioned in accordance with Ipswich Board of Health Regulations for Private Wells.

Mr. Morin noted that Conservation Commission approval was granted and an Order of Conditions was issued.

Dr. Boreri made a motion to approve that plan and grant the variances as requested with the conditions as enumerated by Colleen Fermon. Susan Hubbard seconded the motion. The motion passed unanimously.

5:41 – William Spencer – 39 Howe Street – Represented by Domestic Septic Design, Inc. – Septic System Design Variances

Daniel Johnson, R.S. presented, and a hearing was conducted to consider a variance from Title 5 for sewage disposal system plan # J-2741 designed by Daniel Johnson, R.S., dated December 13, 2021, revised January 4, 2022 for the 4-bedroom dwelling located at 39 Howe Street, Ipswich, Massachusetts.

Mr. Johnson said this is a voluntary upgrade of the existing 4-bedroom dwelling. Three soil tests were done in the backyard of the property. The parent soil was classified as loamy sand on site by the soil evaluator but there was a lot of fill above the natural subsoil and parent material. The depth of fill is between 6 and 9 ½ feet, posing unsafe conditions and the potential for the collapse of a large deep hole. Mr. Johnson requested the Board of Health allow the use of a sieve analysis in lieu of a percolation test for the upgrade design.

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon said she discussed the request with Mr. Johnson. She recommended granting the variance as requested with the condition that, prior to issuance of Disposal System Construction Permit, an Ipswich licensed installer must come to the Public Health Office prior to beginning the project to complete the application and submit a trench permit application signed by the owner and the \$50 trench permit fee.

Susan Hubbard made a motion to approve the plan and grant the variance as requested with the condition as enumerated by Colleen Fermon. Dr. Boreri seconded the motion. The motion passed unanimously.

5:44 – Kate Blessington – 30 Old England Road – Septic System Upgrade Deadline

Colleen Fermon provided some background information for the Board of Health. On February 21, 2020, Ms. Blessington purchased 30 Old England Road without a Title 5 Inspection being conducted as required under 310 CMR 15.000 Title 5. In a letter dated June 18, 2020, she was ordered to have a Title 5 inspection within 30 days of receipt of the notice. On June 26, 2020 she requested a Board of health hearing to discuss the June 18, 2020 order. At the July 13, 2020 Board of Health meeting, Ms. Blessington explained that her attorney advised her that a Title 5 inspection was not required since she did not plan to utilize the existing septic system. The Board understood that a new septic design was being pursued but noted that compliance with Title 5 is still required. Ms. Blessington also informed the Board that she did not intend to use the existing well that is within 100 feet of the cesspool and will have a new well installed. It was the decision of the Board to waive the Title 5 inspection requirement and allow Ms. Blessington to assume the system is in failure and enter into an enforceable agreement with the Board of Health to upgrade the system within 2 years of the transfer date, by February 21, 2022, since she did not intend to use the cesspool. The agreement with the Board of Health to upgrade the system was received on August 30, 2020.

Tight tank plan # 20-2031, designed by Gerard McDonald, P.E., dated December 16, 2020, revised February 4, 2021 was approved and the corresponding disposal system construction permit was signed on February 8, 2021. No action has been taken and the septic system installation season is closed from December 15, 2021 to March 15, 2021 so Ms. Blessington was ordered to attend the January 10, 2022 Board of Health meeting to discuss a timeframe for the installation of the tight tank.

At the January 10, 2022 meeting, Ms. Blessington explained that the building was razed and a new foundation is being built. She will likely hire installer, James Murphy, and he will be able to commence work in to June or July, 2022.

Susan Hubbard made a motion to grant an extension, Ms. Blessington was ordered to have the system installed with the Certificate of Compliance issued on *or* before July 31, 2022. The dwelling may not be occupied until the Certificate of Compliance has been issued. Dr. Boreri seconded the motion. The motion passed unanimously.

5:47 – Discussion: Positivity Rates and Face Covering Mandate/Advisory:

Previously, at the July 12, 2021 meeting, the Board of Health reviewed the CDC Metrics. The Board of Health members said they would discuss if a face covering or mask mandate should be considered if the positivity rate hit 8%.

Colleen Fermon wanted to have the discussion since the positivity rate was 8.2% on December 30, 2021. It reached 11% on January 6, 2022. Ms. Fermon said that, despite the increase, Ipswich is running well below the general positivity rate for Massachusetts which is 24.9% and is also below the general positivity rate for Essex County which is at 24.28 %.

Additionally, Ms. Fermon said the vaccination rate in Ipswich for adults is at 82% versus 75% county wide. Twelve to seventeen year olds have a vaccination rate of 78% and five to eleven years olds have a vaccination rate of 51%. All other age groups are at a vaccination rate of 83% or greater.

Governor, Charles Baker, issued a mask advisory on December 12, 2021 and certain settings, including transportation and health care facilities, still have a mask mandate. Ms. Fermon agreed with having an advisory in lieu of a mandate and the 3 part approach taken by the state; vaccinate, mask and test. The Public Health Department is promoting vaccinations and people should already be wearing masks under this advisory.

Ms. Fermon said many local Boards of Health are simply reaffirming support of the Governor's Advisory but some have adopted mask mandates. Ms. Fermon asked the Board of Health members if they wanted a mask mandate and, if so, at what positivity rate or other metric did they want to use. Ms. Fermon added that she was hopeful that rates would decline towards the end of January, 2022.

Dr. Boreri said when people are vaccinated and boosted, hospitals are seeing very few COVID-19 symptoms, especially with the Omicron variant. Given that Ipswich is 82% vaccinated and residents seem to be complying with the Governor's Advisory, she thought the public would be upset with a mask mandate at this point in the pandemic. Dr. Boreri felt businesses can set their own mask policies.

Dr. Boreri did feel that masks should be required in all town buildings in Ipswich. Additionally, she requested the Public Health Department provide education regarding the efficacy of cloth masks versus surgical and KN95 masks.

Colleen Fermon said Department Heads were given permission from the Town Manager to set their own policy/standard for office spaces. Many office spaces were provided with plexiglass barriers between staff and the public and are set up to promote social distancing.

Dr. Boreri was concerned about the potential for exposure to COVID-19 in common areas, particularly for Town Employees, if masks aren't required in town buildings.

It was noted that Massachusetts schools are still under a mask mandate until February 8, 2022.

Susan Hubbard agreed with Dr. Boreri. Ipswich has been promoting vaccinations for the last year with great results and people are wearing masks in accordance with the Governor's Advisory to protect themselves. She did not think a mask mandate was warranted at this time.

Amanda Donovan was in support of a temporary mask mandate until the positivity rate begins to trend down but said she understood the arguments made against having a mask mandate. She agreed that education surrounding the efficacy of masks should be provided by the Public Health Department. Additionally, she thought local businesses should be made aware they can require masks if they choose.

It was the decision of the Board of Health that a mask mandate would not be pursued at this time. Education surrounding the efficacy of cloth masks versus surgical and KN95 masks will be provided by the Public Health Department.

6:04 - Director of Public Health Report:

COVID-19 Update – COVID-19 Cases, Positivity Rates and Vaccinations:

- Colleen Fermon said that Ipswich currently has 152 active cases, people under isolation. In 2020, Ipswich had 378 active cases. In 2021, Ipswich had 1,031 active cases.
- Ipswich had a COVID-19 positivity rate of 11% last week.
- Ms. Fermon said the COVID-19 Vaccination Clinics have been extended through the end of January, 2022 and will likely continue through the first 2 weeks of February, 2022. A small spike in vaccinations has occurred recently due to 12-15 year olds being eligible to receive boosters.
- Colleen Fermon thanked Dr. Boreri for signing standing orders for the vaccination clinic. Most recently, Dr. Boreri signed a standing order which allows 5-11 year olds who are immunocompromised to receive boosters at the COVID-19 Vaccination Clinics.
- On December 30, 2021, the CDC announced new isolation and quarantine guidelines. Ms. Fermon created a guideline document for vaccinators and for residents who are seeking additional guidance.
- 102 Communities in the Commonwealth with the highest proportion of families living below the Federal Poverty Level received iHealth Labs OTC at-home rapid antigen test kits. Based on this metric, Ipswich did not receive test kits.

Next Board Meetings: The next meeting of the Board of Health was scheduled for February 7, 2022, via Zoom. The Board will meet on March 7, 2022, April 4, 2022, May 9, 2022 and June 6, 2022 at 5:30 PM in person at Town Hall, Meeting Room C.

Adjourn: Dr. Boreri made the motion to adjourn at 6:16 PM. Susan Hubbard seconded the motion. The motion to adjourn passed unanimously.

Documents used at the January 10, 2022 Board of Health meeting:

- Sewage Disposal System Plan for 171 Town Farm Road.
- Letter dated May 10, 2021 from Colleen Fermon regarding 171 Town Farm Road.
- Sewage Disposal System Plan for 39 Howe Street.
- Title 5
- Ipswich Board of Health Septic System Regulation
- Letter dated December 13, 2021 from Colleen Fermon regarding 30 Old England Road.
- Agreement to Upgrade for 30 Old England Road received on August 3, 2020.
- CDC Transmission by County Metrics.

Susan C. Hubbard, Chairperson

Dr. Susan Boreri, Board Member

Amanda Donovan, Board Member