

Board of Health Minutes
Monday, February 1, 2021 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 March 12 Order suspending provisions of Open Meeting Law and to promote public health and social distancing.

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, John Morris, Health Inspector, Jennifer Brown, Health Administrative Assistant, Hugh L. Graham, P.E., Kevin Winter and Danielle Holloway.

Citizens Queries: None.

Minutes: Dr. Boreri made a motion to approve the January 11, 2020 minutes as written. Susan Hubbard seconded the motion. The motion passed unanimously.

Hearings:

5:32 – Miranda M. Updike – 66 Labor-In-Vain Road – Main Dwelling and Cottage – Represented by H.L. Graham Associates, Inc. – Septic System Design Variances

Hugh L. Graham, P.E., presented, and a hearing was conducted to consider variances from Ipswich Board of Health Septic System regulations for a sewage disposal system plan # 20-2046 designed by Gerard McDonald, P.E., dated December 14, 2020 and revised December 30, 2020 for the 5 bedroom dwelling and one bedroom cottage located at 66 Labor-In-Vain Road, Ipswich, Massachusetts.

The sewage disposal systems serving the main dwelling and the cottage failed Title 5 inspections on October 29, 2020 and October 21, 2020; respectively.

Mr. Graham provided an orientation of the property and explained that the proposed system will serve the main dwelling and the cottage. He proposed the use of a septic tank and pump chamber to a gravity leaching area for the upgrade and requested the following variances:

- A reduction of the design flow from 150 gallons/bedroom/day to 110 gallons/bedroom/day for the septic tank and pump chamber.
- A reduction in the 150 foot setback between the septic system components and the Area of Critical Environmental Concern (ACEC). A 60 foot setback is provided between the ACEC and the septic tanks, a 137 foot setback is provided for the leaching area and 33 feet is provided for the building sewer; respectively.

Mr. Graham said this was a difficult site. The variances are needed due setback requirements to several sensitive resource areas which includes the Area of Critical Environmental Concern (ACEC), flood plains and the river.

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon agreed that this was a challenging site given the sensitive resource areas. She noted that there were conceptual lot lines on the proposed

septic design plan. Will the property be divided with the main dwelling and cottage on one lot?

Mr. Graham confirmed that the lot would be divided. The main dwelling and cottage will be on one lot and the garage dwelling will be on a separate lot.

Ms. Fermon recommended granting the variances as requested with the following conditions:

- 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. The installer will receive the disposal system construction permit, the trench permit and a signed copy of the approved plan.
- The system must be installed with the Certificate of Compliance issued by October 21, 2022.

Dr. Boreri mad a motion to approve the plan and grant the variances as requested with the conditions as enumerated by Colleen Fermon.

5:32 – David Updike – 66 Labor-In-Vain Road – Garage and Apartment – Represented by H.L. Graham Associates, Inc. – Septic System Design Variances

Hugh L. Graham, P.E., presented, and a hearing was conducted to consider variances from Title 5 and Ipswich Board of Health Septic System regulations for a sewage disposal system plan # 20-2046 designed by Gerard McDonald, P.E., dated December 14, 2020 and revised December 30, 2020 for the 1 bedroom dwelling located at 66 Labor-In-Vain Road, Ipswich, Massachusetts.

At the meeting the owner’s representative, Hugh Graham, of H.L. Graham Associates, Inc. said that the property would be divided but the well currently serving the main house, cottage and garage dwelling will continue to serve the 1 bedroom dwelling. The proposed well on the plan would no longer be pursued.

Mr. Graham noted that the Conservation Commission needs to confirm the legal boundaries before discussing the placement of a well. The use of the well on the other lot may be pursued at a later date or the use of town water may be considered.

Susan Hubbard noted that, in accordance with Ipswich Board of Health Regulations for Private Wells, each private well shall be located on the same lot as the building it serves and therefore the existing well cannot be used as a water supply, if the lot is divided as planned unless a variance is obtained.

Colleen Fermon concurred and said the water supply is now in question since the new well on the plan would no longer be pursued. Then water supply must be reflected on the plan to comply with Title 5, 15.220. Additionally, in accordance with 310 CMR 15.000, Title 5, if a property is divided, a Title 5 inspection is required for all systems on the property. To date, only 2 of the 3 systems have been inspected.

It was the decision of the Board of Health to continue the discussion to allow time for a water supply plan to be confirmed. The Board of Health will continue the variance discussion at the March 8, 2021 meeting. The septic system design plan will need to be revised to show the proposed water supply and submitted for approval before the March meeting.

5:32 – Kevin and Tracey Winter – 13 Liberty Street – Order for Correction – Regarding Detached Structure

John Morris, Health Inspector, presented. Kevin Winter and Danielle Holloway were also present at the meeting.

As a result of a complaint received on September 14, 2020, a plain view inspection was conducted in accordance with 105 CMR 410.000: State Sanitary Code Chapter II: Minimum Standards of Fitness for Human Habitation and a Request for Contact and Inspection was issued to the owner on September 15, 2020. No attempt to contact this office was made so an Order for Correction was issued to the owner on October 26, 2020. The owner was ordered to bring the dwelling into compliance with the State Sanitary Code 105 CMR 410.000 within 30 days; by November 25, 2020.

On November 30, 2020, the original order dated October 26, 2020 was posted on the door of the premises since it appeared that no action had been taken. Again, no attempt to contact the Public Health Department was made so a hearing was scheduled for the December 7, 2020 Board of Health meeting. The owner was not in attendance.

It was the decision of the Board to file a criminal complaint against the owner in court for failure to comply with a Board of Health order. On December 11, 2020. Mr. Winter contacted this office to discuss the Board's decision. Mr. Winter was requested to submit a time compliance plan. Since a time compliance plan was not received, a re-inspection was conducted on January 20, 2021. The violations remained so a criminal complaint against the owner was filed on January 21, 2021.

On January 21, 2021 the Public Health Department received the owner's compliance plan. John Morris, Health Inspector, modified the compliance plan as outlined on the January 20, 2021 housing inspection report.

Additionally, it came to the attention of the Public Health Department that some correspondence may not have reached Mr. Winter due to an incorrect mailing address. Since correspondence was sent to the incorrect address, a second hearing was scheduled for February 1, 2021.

At the meeting, Mr. Winter agreed that the time compliance plan, as outlined on the housing inspection report, was reasonable and you agreed to comply with it.

Susan Hubbard made a motion to order the owner to comply with the written compliance plan and obtain compliance by April 30, 2021. Amanda Donovan seconded the motion. The motion passed unanimously.

It was noted that failure to comply would result in further action being taken by the Board of Health. Mr. Winter was directed to contact Colleen Fermon if he ran into any challenges.

6:15 - Director of Public Health Report:

COVID-19 Update: Colleen Fermon said the Public Health Department has been very busy with COVID-19 cases. Ipswich has had 560 confirmed COVID-19 cases. Currently we have 35 active cases, people under isolation.

Vaccination Planning: The town of Ipswich, in cooperation with the Conley's Drug Store, is planning to conduct a Covid-19 Vaccination Clinic for Ipswich residents 75 years of age and older. The clinic will be held on Friday, February 5, 2021 from 8:30am - 4:30pm. A link to the registration form is on the Town of Ipswich website. Proof of age and residence will be required but there is no cost to receiving the vaccine.

Ms. Fermon said that the Public Health Department is fortunate to be working with the Council on Aging. The Council on Aging will assist those who are having difficulty registering online. A Vaccination Hotline was also set up and the Council on Aging is providing staff and volunteers to help elderly residents register.

Additionally, Sheila Taylor, Director of Senior Services for the Council on Aging, will be doing a separate call to older adults giving additional information on help that is available through this vaccination process.

There will also be a separate vaccination opportunity for people who are more vulnerable and homebound. The Council on Aging is keeping a list of these people. At this time the Public Health Department is looking to work with Action Ambulance to facilitate this. The Public Health Department has requested 100 doses of the vaccine but it is unclear if we will receive the full amount since the vaccine is in limited supply. Additionally, The Public Health Department will not know how much vaccine it will receive until a week before the vaccine arrives.

Residents of senior housing including Agawam Village, Caroline Ave., Oak Hill, Memorial Hall, Cable Gardens and the Whipple Annex will receive their vaccinations right in their own communities on a separate date. Ms. Fermon noted that John Morris has been instrumental in organizing the vaccinations for senior housing.

Pharmacies and doctor's offices should begin to receive vaccine in the near future.

Employee of the Year: Susan Hubbard thanked John Morris for sharing the nomination he submitted on behalf of Colleen Fermon for Employee of the Year. She also thanked Ms. Fermon, on behalf of the town, for doing an amazing job serving the Ipswich community. Additionally, she recognized John Morris for his service to the community.

Epi Pen: Colleen Fermon thanked Dr. Boreri for providing a script for an epi pen and having it filled so it would be available for upcoming Covid-19 vaccination clinic.

Next Board Meetings: The next meetings of the Board of Health were scheduled for and March 8, 2021, April 12, 2021, May 3, 2021 and June 7, 2021 at 5:30 PM.

Adjourn: Dr. Boreri made the motion to adjourn at 6:04 PM. Susan Hubbard seconded the motion. The motion to adjourn passed unanimously.

Documents used at the February 1, 2021 Board of Health meeting:

- January 11, 2021 Minutes.
- 310 CMR 15.000, Title 5.
- Ipswich Board of Health Septic System Regulations.
- Request for Inspection dated September 15, 2020 for 13 Liberty Street.
- Housing Inspection and Order of Correction dated October 26, 2020 for 13 Liberty Street.
- Housing re-inspection dated January 21, 2021.
- Sewage disposal system design for 66 Labor-In-Vain Road (Main dwelling and Cottage).
- Sewage disposal system design for 66 Labor-In-Vain Road (Garage Apartment).

Susan C. Hubbard, Chairperson

Dr. Susan Boreri, Board Member

Amanda Donovan, Board Member