

**Board of Health Minutes**  
**Monday, February 6, 2023 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.

**Others in attendance:** Colleen Fermon, Director of Public Health, John Morris, Health Inspector, Jennifer Brown, Administrative Assistant, Charles Johnson, P.E., Isaac DaRowe, P.E., Michael Conley, Richard Kallman, Esquire, Derek Prime and Connie Kyriakopoulos.

**Citizens Queries:** None.

**Minutes:** Dr. Boreri made a motion to approve the January 9, 2023 Board of Health minutes. Amanda Donovan seconded the motion. The motion passed unanimously.

**Hearings:**

**5:31 – Michael Conley – 9 Bunker Hill Road – Violations of Chapter II of the State Sanitary Code.**

John Morris, Health Inspector, provided the Board of Health with some background information. As a result of a complaint received, a housing inspection was conducted on December 20, 2022 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 Mr. Conley on December 20, 2022. Mr. Conley was ordered to bring the dwelling unit into compliance with the State Sanitary Code 105 CMR 410.000 within 30 days of receipt of the order.

On January 3, 2023, the Public Health office received a hearing request from Mr. Conley's attorney, Richard Kallman. A hearing before the Board of Health was scheduled for January 9, 2023.

At the January 9, 2023 Board of Health meeting, it was explained that Mr. Conley made some of the repairs and inspectors from the Building Department would be coming to the property the following week to evaluate the work done without permits in the lower level. At the meeting, Attorney Richard Kallman explained that Mr. Conley was in the process of evicting the occupant and an Eviction Process Summary Hearing for non-payment of rent was scheduled for January 23, 2023. Mr. Kallman requested an extension to allow the court hearing and then, once the tenant has been removed from the property, to complete the necessary repairs.

Mr. Morris said the addition of a kitchen in the lower level was done without appropriate permits. The owner did get a permit around 2012 to finish the basement for an office and playroom. The lower level is now being rented as a dwelling unit by the occupant. A Cease and Desist Order was issued on December 27, 2022 by the Building Department for use of the lower level apartment.

It was the decision of the Board of Health to continue the hearing at their February 6, 2023 meeting. The Board informed Mr. Conley they would conduct a public hearing to determine whether the lower level dwelling unit at 9 Bunker Hill Road is unfit for human habitation and whether an order to secure and to vacate should be issued.

At the February 6, 2023 meeting, Attorney Kallman explained that Mr. Conley has financial limitations that are preventing him from making the necessary repairs. He reminded the Board that Mr. Conley filed in Ipswich District Court for an Eviction Process Summary Hearing for non-payment of rent prior to his engagement. On January 20, 2023, before the hearing on January 23, 2023, Attorney Kallman received notice that the tenant moved the case to Housing Court. The Housing Court just assigned a case number the week of January 23, 2023. Attorney Kallman noted that the court requires Mr. Conley to work with a Housing Specialist before going to trial for the eviction of the occupant. The occupant does not want to move out and wants to be reimbursed some of the rent. Attorney Kallman requested a 30 day extension to allow the court hearing and then, once the tenant has been removed from the property, the violations will no longer need to be corrected.

Attorney Kallman was informed the violations may still need to be corrected, regardless of the occupancy status of the tenant, if the Board of Health upholds the order.

Mr. Morris noted that Building, Plumbing and Electrical Inspectors conducted an inspection on January 18, 2023, violations were found, and an order was issued on December 20, 2022. Also, an order to vacate the lower level within 10 days was issued by James Bone, Building Commissioner, to the owner and Attorney Rich Kallman on January 20, 2023 due to the emergency egress violations.

Susan Hubbard made a motion to grant Mr. Conley a 30 day extension to obtain compliance with 105 CMR 410.000. Failure to correct all violations on or before March 8, 2023 will result in a criminal complaint being filed against Mr. Conley in court for failure to comply with a Board of Health order. Amanda Donovan seconded the motion. The motion passed unanimously.

#### **5:42 – Connie Kyriakopoulos – 8-10 Hammatt Street – Violations of Chapter II of the State Sanitary Code.**

John Morris, Health Inspector, provided the Board of Health with some background information. As a result of a complaint received, a housing inspection was conducted on September 7, 2022 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 previous owners on September 7, 2022. The owners were ordered to bring the dwelling into compliance with the State Sanitary Code 105 CMR 410.000 within 30 days of the receipt of the order.

At the October 3, 2022 meeting, the Board reviewed the violations of 105 CMR 410.000. Connie Kyriakopoulos explained that at the time of inspection her parents owned the property but that the deed was recently transferred into her name. Derek Prime is working with her to resolve these issues and to help her complete the requisite repairs. He explained that Ms. Kyriakopoulos has financial limitations that were preventing her from making the necessary repairs and that she would be applying for a loan. Mr. Prime attested that she was in the process of hiring contractors to make the necessary repairs. He requested an extension since she would not be able to meet the 30 day timeframe for compliance. Mr. Prime thought 6-8 weeks would provide enough time to complete the repairs. It was the decision of the Board of Health to modify the order and grant Ms. Kyriakopoulos an extension until December 31, 2022. Ms. Kyriakopoulos was ordered to obtain compliance with 105 CMR 410.000 by December 31, 2022. Compliance included obtaining all required permits, inspections and approvals from the Building Department. A re-inspection was conducted on January 3, 2023 and the violations remained so Ms. Kyriakopoulos was required to attend the January 9, 2023 Board of Health meeting to discuss a timeframe for bringing the dwelling into compliance with 105 CMR 410.000.

At the January 9, 2023 Board of Health meeting, her representative, Derek Prime, explained that Ms. Kyriakopoulos was unable to secure financing to make all the necessary repairs to the property so it was her intention to sell the property. Mr. Prime said there is currently a lien on the property that must be removed before the property can be listed for sale. Her Attorney, John Ford, will handle the removal of the lien but it was unclear how long this process would take. It was noted that Ms. Kyriakopoulos had contacted a local real estate agent, Toni Riddle, to sell the property and that the property will be placed on the market to be sold as soon as the lien is removed from the property. It was the decision of the Board of Health to continue the hearing at their February 6, 2023 meeting. Ms. Kyriakopoulos was informed that the Board of Health, at the February meeting, may determine the dwelling unit at 8 Hammatt Street, unit 2, is unfit for human habitation and may issue an order to secure and to vacate the unit.

At the February 6, 2023 meeting, Derek Prime explained that the property is under agreement to be sold and that the buyer is aware of the property violations and will obtain the building permits required on or before February 20, 2023. The closing is scheduled for March 30, 2023. The owner's attorney sent 8 Hammatt Street, unit 2 a 30 day notice to quit and the occupant of 10 Hammatt Street will be moving out by March 1, 2023.

Mr. Morris noted that the Building Inspector, Erik Newman, conducted an inspection and violations were found. An order was issued on January 19, 2023 by the Building Commissioner, James Bone. Mr. Bone determined that the means of egress for 8 Hammatt Street, unit 2 is deficient and 10 Hammatt Street means of egress was also not in compliance but an order to vacate was not necessary for either unit since the means of egress are present and useable. The owner was ordered to obtain permits to make the necessary repairs by February 20, 2023.

Susan Hubbard made a motion to grant a 60 day extension to obtain compliance with 105 CMR 410.000. All repairs must be completed on or before April 7, 2023 with the condition that if building permits have not been obtained by February 20, 2023, Ms. Kyriakopoulos would be required to attend the March 6, 2023 Board of Health meeting to provide the Board with an update. Dr. Boreri seconded the motion. The motion passed unanimously.

**5:50 – Dorothy Butcher c/o Deborah Carroll – 8 Cape View Road – Represented by C.G. Johnson Engineering, Inc. – Septic System Design Variances.**

Charles Johnson, P.E., presented, and a hearing was conducted to consider variances from Title 5 and Ipswich Board of Health Septic System Regulations for a 3-bedroom sewage disposal system plan # 1118 designed by Charles Johnson, P.E., dated January 10, 2023 and revised January 26, 2023 for 8 Cape View Road, Ipswich, Massachusetts.

Mr. Johnson provided some background information for the Board of Health. This is a voluntary upgrade of the existing 2-bedroom system to a 3-bedroom design. Mr. Johnson explained that a sewage disposal system plan was approved on March 7, 2005 but the approval expired on March 7, 2009 before the system was installed. Previously, at the September 12, 2022 Board of Health meeting, Mr. Johnson proposed the use of a Bottomless Sand Filter (BSF) for the new design and requested to be allowed to use the soil testing from July 24, 2003 and October 10, 2004 for the new design. Mr. Johnson said he would do a confirmatory test pit and sieve analysis as required for a BSF design. It was the decision of the Board of Health to grant a variance and extend the use of the July 24, 2003 and October 10, 2004 soil testing results for the new septic design with the condition that a confirmatory test pit and sieve analysis are done. On November 1, 2022, a confirmatory test pit and sieve analysis were done.

Mr. Johnson provided an orientation of the property and explained that the property is impacted by the coastal bank and its no build zone and the Area of Critical Environmental Concern (ACEC). He proposed the use of a septic tank, Waterloo Biofilter and Bottomless Sand Filter (BSF) for the upgrade of the system and requested the following variances:

- A reduction in the setback between the leach field and the cellar wall. A 15 foot setback is provided.
- A reduction in the setback from the leaching area to the wetlands from the 100 foot local requirement. A 40 foot setback is provided.
- To allow a reduction in the separation between the septic tank inverts and the estimated seasonal high groundwater (ESHGW). The septic tank outlet invert will be 10.2 inches above the estimated seasonal high groundwater (ESHGW).
- To allow the use of one test pit in the soil absorption area.
- A reduction in the setback from the leaching area to the wetlands from the 100 foot local requirement. A 40 foot setback is provided.
- A reduction in the design flow from 150 gallons/bedroom/day to 110 gallons/bedroom/day.
- To allow a 3-bedroom design flow although the dwelling has 2-bedrooms currently. Back in 2004 and 2005 the Board of Health approved a 3-bedroom design.

Mr. Johnson clarified that in 2005, when the original design was approved, the option to use a Bottomless Sand Filter (BSF) was not available.

The Board reviewed the plan and considered the requests.

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon said she met with the designer to review the plan and to compare it with the previously approved design. She said the sewage disposal plan is a better system overall for the lot than the previously approved design due to the site constraints. She explained that the entire property is within conservation jurisdiction and this design moves the system further from the wetlands. Ms. Fermon felt this design was a good approach. She recommended granting the variances as requested with the following conditions for approval:

- A two year Operations & Maintenance contract for the Waterloo Biofilter and Bottomless Sand Filter must be submitted to the Public Health Office prior to the issuance of the Disposal System Construction Permit.
- 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 Installer and has received appropriate training for the installation of a Bottomless Sand Filter. In addition to the certification, proof of training must be submitted to the Public Health Office.
- Prior to issuance of Disposal System Construction Permit, the System Owner shall record in the chain of title for the property in the Registry of Deeds or land Registration Office, a Notice of Alternative Disposal for the Waterloo Biofilter and Bottomless Sand Filter. The System Owner shall provide to the Public Health Office a copy of a certified Registry copy of the Deed Notice bearing the book and page/or document number.
- Prior to issuance of Disposal System Construction Permit, Conservation Commission plan approval must be obtained.
- Prior to the issuance of the Disposal System Construction Permit, an Ipswich licensed installer must obtain a trench permit.
- Prior to the issuance of a Certificate of Compliance, the Public Health Office shall receive a copy of the certified sand analysis conducted on the media.

- 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 Waterloo Biofilter and Bottomless Sand Filter Approvals, Title 5, the approved design plans, and all local requirements.

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

#### **6:00 – Susan Keamy – 52 Chattanooga Road – Represented by H.L. Graham Associates, Inc. – Septic System Design Variances.**

Isaac DaRowe, P.E., presented, and a hearing was conducted to consider variances from Title 5 for sewage disposal system plan #22-2211 designed by Isaac DaRowe, R.S., dated October 26, 2022 and last revised January 26, 2023 for the 2-bedroom dwelling located at 52 Chattanooga Road, Ipswich, Massachusetts.

Susan Hubbard asked if the abutter's were notified. Mr. DaRowe provided certified mail card to the Public Health Department as proof of notification.

Mr. DaRowe said the system serving the 2-bedroom dwelling failed a Title 5 inspection on February 4, 2022. The existing system is located in the back of the corner lot. He proposed the use of a 1,500 gallon septic tank, Waterloo Biofilter and Bottomless Sand Filter for the upgrade and requested the following variances:

- A reduction in the setback between the leaching area and the property lines. A 5 foot setback is provided.
- A reduction in the setback between the leaching area and the cellar wall. An 18 foot setback is provided.
- To allow the use of one deep hole in the soil absorption area.

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon explained that the soil testing done for this property was challenging. The soil evaluator, Gerard McDonald, P.E., had to submit his soil logs 4 times since there were discrepancies in the logs and the witness's records. After Ms. Fermon received Mr. McDonald's field notes and worked with Mr. DaRowe, she understood that DOH 2 should have had a perc test done and a sample taken if a BSF was being pursued, but this did occur in the C2 layer as required to be able to consider the test pit in a design. The only test pit fully evaluated for a BSF was DOH 1 so that limited the design options without further testing. Ms. Fermon felt this was a reasonable approach since a design without a BSF would still require some Local Upgrade Approvals (setbacks). She recommended granting the variances as requested with the following conditions for approval:

- A 2-bedroom deed restriction must be filed at the Southern Essex County Registry of Deeds with a recorded copy provided to the Public Health Department prior to issuance of the Disposal System Construction Permit.
- A two year Operations & Maintenance contract for the Waterloo Biofilter and Bottomless Sand Filter must be submitted to the Public Health Office prior to the issuance of the Disposal System Construction Permit.
- Prior to issuance of the Disposal System Construction Permit, the System Owner shall record in the chain of title for the property in the Registry of Deeds or land Registration Office, a Notice of Alternative Disposal for the Waterloo Biofilter and Bottomless Sand Filter. The System Owner shall provide to the Public Health Office a copy of a certified Registry copy of the Deed Notice bearing the book and page/or document number.
- Prior to issuance of the 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 Installer and has received appropriate training for the installation of a Waterloo Biofilter and Bottomless Sand Filter. In addition to the certification, proof of training 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 Waterloo Biofilter and Bottomless Sand Filter Approvals, Title 5, the approved design plans, and all local requirements.
- Prior to the issuance of the Disposal System Construction Permit, an Ipswich licensed installer must obtain a trench permit.

- The property lines must be surveyed and staked by a MA Land Surveyor before system construction commences.
- Prior to the issuance of a Certificate of Compliance, the Public Health Office shall receive a copy of the certified sand analysis conducted on the media.
- The system must be installed with the Certificate of Compliance issued by February 2, 2024.

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

### **6:43 – Director of Public Health Report:**

**Budget Review Updates:** Ms. Fermon appeared before the Select Board on January 24, 2023 and the Finance Committee on January 31, 2023. Both the Select Board and the Finance Committee were supportive of the Public Health Department implementing on-line permitting by the end of 2023. If approved, there is a \$30,000 start-up cost and then the cost will be around \$8,000 annually. Ms. Fermon said on-line permitting will modernize the Public Health Department.

**Senior Flu Clinic Planning:** The Public Health Department is working in conjunction with Alex Doyle of Conley’s Drug Store, to make the Fluzone High-Dose Quadrivalent vaccine available to Ipswich seniors in 2023. The Flu clinic will take place in the Council on Aging (COA) Cafeteria but will be run entirely by Mr. Doyle at no cost to the town. (Mr. Doyle will collect the insurance re-imburement). In 2022, the Public Health Department was only able to provide 50 doses of the High-Dose Quadrivalent vaccine to seniors due to cost (\$50.00/dose). With this collaboration, the town is able to offer more vaccines (\$11.00/dose). It was noted that Shelia Taylor, COA Director, supports this collaboration since it will allow more seniors to be vaccinated.

**COVID19 Test Kits:** The Public Health Department is offering free COVID-19 at-home rapid antigen tests from iHealth. The free at-home rapid antigen tests from iHealth Labs can be picked up from the Public Health Department, Library, and the Council on Aging (COA).

**Next Board Meetings:** The next meetings of the Board of Health are scheduled for March 6, 2023, April 3, 2023, May 1, 2023, June 5, 2023, July 10, 2023, August 7, 2023, September 11, 2023, October 2, 2023, November 13, 2023 and December 4, 2023. 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 6:31 PM. Dr. Boreri seconded the motion. The motion to adjourn passed unanimously.

Documents used at the February 6, 2023 Board of Health meeting:

- Chapter II of the State Sanitary Code, 105 CMR 410.00.
- 310 CMR 15.000, Title 5.
- 8-10 Hammatt Street Re-inspection Report dated January 3, 2023 completed by John Morris.
- Email dated January 3, 2023 from John Morris regarding 8-10 Hammatt Street.
- Inspection Report and Order for Correction dated January 19, 2023 for 8-10 Hammatt Street completed by John Morris.
- Inspection Report and Order for Correction dated December 20, 2022 for 9 Bunker Hill Road completed by John Morris.
- Building and Zoning Inspection Field Report and Violation Order dated January 20, 2023 for 9 Bunker Hill Road completed by James Bone, Ipswich Building Commissioner.
- Email dated January 3, 2023 from John Morris regarding 9 Bunker Hill Road.
- Subsurface Sewage Design Plan for 8 Cape View Road.
- Subsurface Sewage Design Plan for 52 Chattanooga Road.

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Susan C. Hubbard, Chairperson

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Dr. Susan Boreri, Board Member

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Amanda Donovan, Board Member