

**Board of Health Minutes**  
**Monday, March 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 5:32 PM.

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

**Others in attendance:** Colleen Fermon, Director of Public Health, Jennifer Brown, Administrative Assistant, Daniel Johnson, R.S., Tom Lenhart, Hugh L. Graham, P.E., John Sadowski, and Robert McLaughlin.

**Citizens Queries:** None.

**Minutes:** Dr. Boreri made a motion to approve the February 6, 2023 Board of Health minutes. Susan Hubbard seconded the motion. The motion passed unanimously.

**Hearings:**

**5:34 – Samuel and Jillian Williams – 40 Argilla Road – Represented by Domestic Septic Design, Inc. – Septic System Design Variances.**

Daniel Johnson, presented, and a hearing was conducted to consider Alternative Technology Waivers for sewage disposal system plan # J 2809 designed by Dan Johnson, R.S., dated January 9, 2023 and last revised January 30, 2023 for the 3-bedroom dwelling located at 40 Argilla Road, Ipswich, Massachusetts.

Mr. Johnson provided an orientation of the property and proposed the use of a MicroFAST Tank and Geoflow Drip Tube system for the upgrade and requested the following:

- A 48% reduction in leach field size with the use of a Waterloo Biofilter.
- A reduction in the separation between the bottom of the leaching area and Estimated Seasonal High Groundwater (ESHGW). A 3-foot setback is provided with the use of a MicroFAST system.

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon recommended granting the variances as requested with the following conditions:

- A two-year Operations & Maintenance contract for the MicroFAST Tank and Geoflow Drip Tube system must be submitted to the Public Health Office prior to the issuance of the Disposal System Construction Permit. The contract must specify that inspection of the Geoflow system will occur every 6 months and the MicroFAST system annually.
- 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 MicroFAST Tank and Geoflow Drip Tube system. 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 of a MicroFast tank and Geoflow Drip Tube system. 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 MicroFAST and Geoflow approvals, Title 5, the approved design plans, and all local requirements.
- A clean water test done with a MicroFast representative and Director of Public Health to verify system design flush and dose rates; and to confirm the absence of leaks.
- Prior to the issuance of the Disposal System Construction Permit, an Ipswich licensed installer must obtain a trench permit.

- The system must be installed with the Certificate of Compliance issued by April 29, 2024 since the system failed a Title 5 inspection on April 29, 2022.

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

**5:38 – GCTH Ipswich, LLC – Turner Hill, 251 Topsfield Road – Represented by John Sadowski and H.L. Graham Associates, Inc – Special Permit Application to the Planning Board for an Irrigation Well Proposed within the Water Supply Protection District.**

Robert McLaughlin and Hugh L. Graham, P.E., presented, and the Board reviewed the Special Permit Application dated February 13, 2023, associated documents and the Permit Plans, Project numbers #07-38 and #22-7378 designed by Hugh L. Graham, dated February 13, 2023 for a proposed irrigation well to be located at 251 Topsfield Road. The proposed well will be in Water Supply Protection Districts Zone II, A and C. In accordance with the Ipswich Zoning Bylaw, applications for a Special Permit for projects in the Water Supply Protection District are provided to the Board of Health for their review and written recommendations, if any.

Mr. Graham reviewed the site plan with the Board of Health members. The proposed irrigation well will supplement water to the golf course. John Sadowski explained there are currently 3 irrigation wells serving the golf course. In 2022, only 2 wells were used. If the proposed well is productive, well B7 will likely continue to not be utilized. Mr. Graham stated the well would draw from the Parker River not the Ipswich River and will not impact the town's water supply.

Susan Hubbard made a motion that the Board of Health had no specific recommendations regarding this proposal for an irrigation well. Dr. Boreri seconded the motion. The motion passed unanimously.

**6:04 – Connie Kyriakopoulos – 8-10 Hammatt Street – Violations of Chapter II of the State Sanitary Code.**

Colleen Fermon provided some background information for the Board members. 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 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 410.00. Ms. 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 Ms. Kyriakopoulos 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 Ms. Kyriakopoulos was in the process of hiring contractors to make the necessary repairs. He requested an extension since Ms. Kyriakopoulos 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, the owner's representative, Derek Prime, explained that Ms. Kyriakopoulos was unable to secure financing to make all the necessary repairs to the property so it was now 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. The owner's Attorney, John Ford, would handle the removal of the lien but it was unclear how long this process will take. Mr. Prime said Ms. Kyriakopoulos had contacted a local real estate agent 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. The Board of Health discussed that the violations cited are in two of the three dwelling units (8 Hammatt Street, unit 2 and 10 Hammatt Street) and in the common area. John Morris, Health Inspector, noted the Building Department was copied on the original order due to means of egress concerns. The Building Department issued its own order on September 9, 2022. One of the violations noted was a noncompliant second means of egress for 8 Hammatt Street, unit 2. Erik Newman, Assistant Building Inspector, conducted an inspection on January 3, 2023 but no written update has been provided but the second

means of egress violation was not corrected. Mr. Morris noted the exterior stairs for Unit 10 were repaired by a contractor but the contractor failed to obtain a building permit for the work and the stairs are not approved by the Building Department. It was the decision of the Board of Health to continue the hearing at their February 6, 2023 meeting.

At the February 6, 2023 meeting, Derek Prime explained that the property was under agreement to be sold and that the buyer was 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. Mr. Prime added that the owner's attorney sent the occupant of 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. It was noted the Building Commissioner, James Bone, issued an order on January 19, 2023 to make corrections. 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. Ms. Kyriakopoulos was ordered to obtain permits to make the necessary repairs by February 20, 2023.

At the February 6, 2023 meeting, it was the decision of the Board of Health 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. Since no applications for permits had been submitted, the owner's presence was required at the March 6, 2023 Board of Health meeting.

Neither the owner nor a representative attended the March 6, 2023 Board of Health meeting to explain why no one applied for permits by February 20, 2023 to make the necessary corrections. The Board reviewed Attorney Kerri Tolman's February 22, 2023 email which noted that she is handling the Purchase and Sale agreement and the closing date is set for March 31, 2023 also. The Board also reviewed Attorney Harold Beede's February 24, 2023 letter. Attorney Beede noted the tenants were served with new Notices to Quit since the previous Notices to Quit from the owner's previous attorney were technically defective. According to Attorney Beede, the last day the tenants have to vacate is March 31, 2023. Due to the new vacate dates, and with no one present at the hearing, it was unclear to the Board of Health if the closing would occur on March 31, 2023 as previously planned or when corrections would commence.

Susan Hubbard made a motion that, as ordered at the February 6, 2023 meeting, the violations must be completed and the property brought into compliance with 105 CMR 410.000 on or before April 7, 2023. If Ms. Kyriakopoulos does not comply with the Board of Health's Order, a criminal complaint would be filed against her in the Massachusetts Northeast Housing Court for a failure to comply with a Board of Health order. Dr. Boreri seconded the motion. The motion passed unanimously.

#### **5:54 – Jane Parker – 34 Appomattox Road – Septic System Installation Deadline Extension.**

Colleen Fermon provided some background information for the Board members. On May 17, 2021, in accordance with the State Environmental Code, Title 5, 310 CMR 15.00, the Board of Health received an inspection report from a licensed septic system inspector which indicated the sewage disposal system that serves 34 Appomattox Road was in failure. The Public Health Office agreed with that determination and, in accordance with Title 5, ordered the previous owner to bring the property into full compliance within two years from the date of inspection; by May 3, 2023. Ms. Parker purchased the property on August 10 2021, so it is her responsibility to upgrade the failed septic system by May 3, 2023. On October 4, 2021, sewage disposal plan # J-2713 designed by Daniel Johnson, R.S., was approved with the condition that the system is installed with the Certificate of Compliance issued by May 3, 2023. On February 21, 2023, the Public Health Office received the owner's request for an extension for the upgrade of the septic system. In response to the request, a hearing before the Board of Health was scheduled for March 6, 2023.

At the March 6, 2023 Board of Health meeting, the owner's contractor, Robert McLaughlin, explained that the owner has been working with Ken Savoie, of Savoie Nolan Architects, on plans for a renovation of the existing dwelling (raze and rebuild). Due to the extent of the work and the size of the lot, it was recommended that Ms. Parker wait to install the septic system so the construction equipment will not disrupt or impair the new septic system. The renovation will begin this summer. Mr. McLaughlin requested an extension for the upgrade of the septic system until May 31, 2024, on the owner's behalf.

The Board of Health reviewed the renovation plans and considered the request. Dr. Boreri made a motion to grant an extension for the installation of the upgraded septic system. The system must be installed with the Certificate of Compliance issued by May 31, 2024. Susan Hubbard seconded the motion. The motion passed unanimously. The variance was granted with the condition that the dwelling is not occupied on a full-time basis until the Certificate of Compliance for the septic system is issued.

### **5:59 – Tom Lenhart – 4 Little Neck Road – Title 5 Inspection Variance.**

Tom Lenhart presented, and the Board conducted a hearing to consider a request for a variance from section 10.2 of the Ipswich Board of Health Septic Regulations. Section 10.2 reads; a septic system shall be inspected by an Ipswich licensed Title 5 Inspector whenever an addition or renovation to an existing building, excluding decks, is proposed that increases the footprint of the building and requires a building permit or occupancy permit from the building inspector. The inspection requirement shall be waived if a Certificate of Compliance was issued or a Title 5 Inspection was completed within the previous 3 years, or if the system is under an operation and maintenance contract.

At the meeting Mr. Lenhart proposed an increase in the footprint of the dwelling to allow for the addition of a sitting room and an expansion of a bedroom. Pursuant to 10.2, a Title 5 inspection is required. He requested the variance from the Title 5 inspection requirement since the septic system was pumped on August 6, 2014 and February 21, 2023 and no problems with the septic system were found at those times. Additionally, the septic system was inspected on May 24, 2013 and it passed inspection.

It was noted that the Certificate of Compliance for the system was issued on May 21, 1986 and that there is an as-built plan on file in the Public Health Office.

Susan Hubbard made a motion to grant the variance from 10.2 and not require the Title 5 inspection for the proposed additions. Amanda Donovan seconded the motion. The motion passed unanimously.

### **6:04 – Discussion:**

#### **Board of Health Fee schedule changes:**

Colleen Fermon presented the Board with proposed changes to the fee schedule. The fee schedule was evaluated by Ms. Fermon to confirm that the fees cover the cost of the services provided by the Public Health Office employees and contractors. Since the regulation was last updated in 2017, costs have all increased. Additionally, she reviewed fee schedules for other communities in the area to compare fees currently being charged. It was noted that other communities charge substantially more for the some of the same services provided by the Town of Ipswich.

The Board reviewed fee schedules for other communities to compare fees currently being charged. It was the decision of the Board to make the following proposed changes:

- Increase Percolation and Deep observation hole testing for new construction for 3 hours of testing from \$250 to \$300
- Increase Percolation and Deep observation hole testing for upgrade/repair from \$400 to \$450
- Increase disposal system plan review from \$200 to \$300
- Increase disposal system plan review for each revision due to technical deficiency from \$50 to \$75
- Increase Disposal System Construction Permit for design flow up to and including 2000 gpd from \$200 to \$300
- Increase Disposal System Construction Permit design n flow over 2000 gpd from \$300 to \$400
- Increase Disposal System Construction Permit for a minor repair from \$50 to \$75
- Increase Septic System (Title V) Inspectors License from \$25 to \$50
- Increase Title 5 Inspection Report Review for \$50 to \$100
- Increase Private Well Construction permit (domestic, commercial, irrigation, Ground Source Heat Pumps and monitoring) from \$125 to \$150
- Increase Temporary Food Establishment permit from \$20 to \$40 for applicants already holding food permits in Ipswich and from \$25 to \$50 for all other applicants;
- Add Temporary Food Establishment application late filing (less than 30 days before event) \$25
- Increase Tobacco Product Sales permit from \$50 to \$100

It was the decision of the Board to move forward with a public hearing on Monday, April 3, 2023 at 5:30 pm at the Town Hall, Meeting Room C to discuss the proposed changes to the Fee Schedule. A notice will be published in the Ipswich Local News.

### **6:37 – Director of Public Health Report:**

**Sharps Collection:** The Public Health Department, in conjunction with ONESTOP, will offer a sharps collection at the Police Department's Drug Take Back Day on April 22, 2023 from 10am-1pm at the Ipswich High School.

**Flu Clinic:** 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 on October 18, 2023, but will be run entirely by Mr. Doyle at no cost to the town. (Mr. Doyle will collect the insurance reimbursements). 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. It was noted that Shelia Taylor, COA Director, supports this collaboration since it will allow more seniors to be vaccinated.

**Narcan Training:** Ipswich Aware and ONESTOP are sponsoring a Narcan training at the Ipswich YMCA sometime in 2023.

**GCACC Fiscal Agent:** Manchester by the Sea (MBTS) will become Fiscal Agent by June 30, 2023.

**New Tobacco Retailer:** Ipswich Beverage changed ownership in February. Ms. Fermon requested Joyce Redford, Director of The North Shore/Cape Ann Tobacco Policy Program, do an inspection to determine compliance with 105 CMR 665.000 MINIMUM STANDARDS FOR RETAIL SALE OF TOBACCO AND ELECTRONIC NICOTINE DELIVERY SYSTEMS.

**Sharps Kiosk:** The new sharps kiosk provided by MDPH will be delivered to Ipswich on March 24, 2023. The sharps kiosk will be located at the Council on Aging (COA) near the medications bin.

**Mosquito Best Management Practice Plan:** At the April 3, 2023 Board of Health meeting, the Board of Health will review the draft Mosquito Control Best Management Practice Plan for Ipswich for 2023 to see if any changes or modifications are needed.

**9 Bunker Hill Road:** A settlement was not met between the occupant and owner in Housing Court according to Mr. Conley's attorney, so a hearing before a judge is the next step. A hearing date has not been set and the occupant is still living there. If the owner has not corrected all violations on or before March 8, 2023, a criminal complaint will be filed against the owner in court for failure to comply with a Board of Health order.

**Next Board Meetings:** The next meetings of the Board of Health are scheduled for 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 6:48 PM. Dr. Boreri seconded the motion. The motion to adjourn passed unanimously.

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

- February 6, 2023 Board of Health Minutes
- Chapter II of the State Sanitary Code, 105 CMR 410.00.
- 310 CMR 15.000, Title 5.
- Subsurface Sewage Design Plan for 40 Argilla Road.
- Letter dated February 17, 2023 from Jane Parker regarding 34 Appomattox Road.
- Letter dated February 13, 2023 from H.L. Graham Associates, Inc. regarding 251 Topsfield Road.
- Application for a Special Permit from the Planning Board and permit plan dated February 13, 2023 for 251 Topsfield Road.
- Ipswich Zoning Bylaw.
- Letter dated February 21, 2023 from Colleen Fermon regarding 8-10 Hammatt Street.
- Re-cap regarding 8-10 Hammatt Street for the March 6, 2023 Board of Health meeting completed by Colleen Fermon.
- Board of Health Fee schedules from Ipswich, Manchester by the Sea, Gloucester, Wenham, Rockport, Essex and Salisbury

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Susan C. Hubbard, Chairperson

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Amanda Donovan, Board Member

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Dr. Susan Boreri, Board Member

