

Board of Health Minutes
Monday, April 4, 2022 5:30 PM
Zoom Meeting
25 Green Street, Ipswich, MA

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, Gerard McDonald, Peter Ross, Daryl Sewell, Mark K. Finn, Hannah Wilbur, Rebecca Love and Mike Johnson.

Citizens Queries: None.

Minutes: Amanda Donovan made a motion to approve the March 7, 2022 Board of Health minutes. Dr. Boreri seconded the motion. The motion passed unanimously.

Discussion:

5:32 – Vanessa Valdes and Eileen Valdes – 29 Stage Hill Road – Represented by H.L. Graham Associates, Inc. – Additional Soil Testing

Colleen Fermon provided some background information for the Board of Health. In a February 14, 2022 subsurface sewage disposal system plan review letter, Gerard McDonald, P.E., was directed to have another percolation test done before a revised subsurface sewage disposal plan was submitted for review, in accordance with 310 CMR 15.104(4). This was because 4 out of 5 percolation tests conducted exceeded 90 minutes per inch and were not usable for a design. Mr. McDonald responded that he felt additional percolation testing was not necessary and submitted revised plans so a hearing was scheduled with the Board of Health to discuss additional testing.

At the April 4, 2022 meeting, the owner's representative, Gerard McDonald of H.L. Graham Associates, Inc., provided an orientation of the property and explained that additional testing was not warranted for this site since the required soil testing (2 deep holes and one percolation test) was completed and provided in the proposed leach bed area. Furthermore, additional testing would add more expense to what the owner had already incurred. Mr. Graham requested to be able to use the soil tests conducted on October 13, 2021 and December 21, 2021 for the design of the subsurface sewage disposal system.

The Board of Health reviewed the percolation test data and considered the request. It was noted that in addition to the one usable percolation test with a slow percolation rate and 4 percolation tests that failed, two alternative technology waivers (a 50% reduction in leaching area size and a 2-foot reduction to groundwater) were being requested as part of the design.

Susan Hubbard asked if the soils were consistent. Mr. Graham said he found consistent tight sandy loam. He claimed that additional testing in this area was not warranted since it would show the same tight soils.

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon disagreed noting that 4 out of 5 percolation tests conducted exceeded 90 minutes per inch and were not usable for a design. Additionally, percolation test 5 that passed is in the corner of the system while percolation test 1 which failed is just 10 feet outside of the system and 20 feet from DOH6. It is important to confirm that the soil on the opposite end of the proposed leach area, 50 feet from percolation test 5, will be able to support a leach system. The soil logs all show sandy loam so it is clear that sandy loam can have varying percolation rates in different areas. Ms. Fermon requested additional soil testing adjacent to DOH 6 to confirm the soil is suitable for the proposed subsurface sewage disposal system and to ensure that the proposed system would not fail prematurely.

Susan Hubbard asked if a confirmatory test pit could be conducted at the time of the installation of the system. Ms. Fermon said this approach would be problematic if the confirmatory test pit does not perc since the alternative technology required needs to be pre-purchased.

Mr. Graham asked if the Board would accept the use of tight tank. The Board members agreed that additional testing was needed to show that the proposed system would be supported or that a tight tank would be necessary.

Susan Hubbard made a motion to require additional soil testing. An additional percolation test must be conducted adjacent to DOH 6 to confirm the soil is suitable for the subsurface sewage disposal system plan that had been submitted for approval. Dr. Boreri seconded the motion. The motion passed unanimously.

5:45 – Vanessa Valdes Eileen Valdes – 29 Stage Hill Road – Represented by H.L. Graham Associates, Inc. – Septic System Design Variances

Based on the Board of Health’s decision to require additional soil testing, the scheduled hearing to review variances for the subsurface sewage disposal system plan that had been submitted for approval was not held.

5:46 – Daryl Sewell – 6 Bunker Hill Road – Represented by Attorney Peter M. Ross – Bedroom Count Determination

Attorney Peter M. Ross and Daryl Sewall, presented and the Board of Health on heard a request to recognize the dwelling at 6 Bunker Hill Road as having two (2) bedrooms. 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.

Colleen Fermon provided some background for the Board of Health. On March 14, 2022, a walkthrough was conducted to determine the number of bedrooms for the purpose of septic design only. Pursuant to Ipswich Board of Health Septic Regulation 2.14, the design flow for a dwelling shall be based on the number of bedrooms in existence at the time he septic system plan is designed if there are no engineered plans accompanied by a Certificate of Compliance for the existing system. It was determined that the dwelling contained one (1) bedroom in accordance with the definition of bedroom provided in 310 CMR 15.000, The State Environmental Code, Title 5. On March 24, 2022 a request to appeal this decision was received by the Public Health Office.

At the April 4, 2022 meeting, Peter Ross, Esquire, explained that the existing 57 square foot room has been used as an office since 2005. He requested the Board of Health acknowledge this room as a bedroom even though it does not meet the 70 square foot threshold in accordance with the definition of bedroom provided in 310 CMR 15.000 since the Title 5 inspection done on August 11, 2004 noted the dwelling as having 2-bedrooms.

Additionally, Mr. Sewall explained that he bought the home as a 2-bedroom dwelling. When he wanted to set up a dba in 2007, he had not submit a floor plan to the Building Department. The room in question was labeled on the floor plan as an office since he planned to use it that way. He offered to renovate the dwelling to make the room 70 square feet in size. His mortgage company also approved the dwelling as having 2-bedrooms.

Susan Hubbard asked how long the dwelling has been used as a 2-bedroom. Ms. Fermon said the dwelling has been recognized by the Assessor’s Office as a 2-bedroom since the 1980’s.

The Board considered the request and reviewed the floor plans.

Susan Hubbard made a motion to recognize the dwelling at 6 Bunker Hill Road as having two (2) bedrooms for the purpose of septic design only. Dr. Boreri seconded the motion. The motion passed unanimously.

5:59 – James F. Vacca and Maureen Vacca – 14 Upper River Road – Upgrade of Septic System

The septic system serving 14 Upper River Road failed a Title 5 Inspection on April 16, 2020. In accordance with 310 CMR 15.000, Title 5, the owner was ordered to upgrade the septic system within 2 years from the date of inspection; by April 16, 2022. Soil testing was conducted on July 6, 2021 but, to date, a subsurface sewage disposal system plan has not been submitted to the Public Health Office for review. Because of this the owner was required to attend the Ipswich Board of Health meeting on Monday, April 4, 2022 to discuss a timeframe for bringing the property into compliance.

At the April 4, 2022 meeting, the owner's representative, Mark Finn, explained that he was hired for the installation of the septic system but he was unsure of the name of the company hired to develop the septic system design, he said it may be EPS Associates, LLC. Also, Mr. Finn could not provide a timeframe for the submission of the system design plan.

Susan Hubbard questioned if the dwelling was occupied. Mr. Finn said the two (2) owners are occupying the dwelling.

It was the decision of the Board that a second hearing would be scheduled. The owner is required to attend the May 9, 2022 Board of Health meeting to discuss a timeframe for bringing the property into compliance. It was noted by the Board of Health that the name of the designer hired to develop the septic system design plan and the timeframe for the plan submittal must be provided at this meeting.

6:05 – Michael Mortara and Anne Mortara – 110 Little Neck Road – Upgrade of Septic System

No one was in attendance at the meeting.

Colleen Fermon provided some background information for the Board of Health. In accordance with the State Environmental Code, Title 5, 310 CMR 15.00, the Public Health Office received an inspection report from a licensed septic system inspector which indicated the sewage disposal system that serves the dwelling at 110 Little Neck Road conditionally passed inspection since the septic tank and pump chamber are leaking. The Public Health Office agreed with this determination and ordered the previous owner to have the septic tank and pump chamber replaced and tied into the existing soil absorption system within 6 months; *or* by December 15, 2021. The Mortara's purchased the property on June 17, 2021 so it is their responsibility to repair septic system.

In a letter dated June 11, 2021, the owner was informed that to complete the repair they must hire a professional engineer or registered sanitarian to design the septic tank and pump chamber so that it complies with Title 5 of the State Environmental Code. The owner hired Atlantic Engineering, Inc. for the design repairs in August, 2021. Once the required repairs have been completed and inspected by the Public Health Department, the septic system will pass inspection.

At the December 6, 2021 Board of Health meeting, the owner's representative, Jonathan Chace, requested an extension for the repair of the system since the owners wanted to see if a 3-bedroom system could be approved. A soil testing application was submitted to the Public Health Office on October 26, 2021 but needed Conservation Commission approval due to the testing site being located in the Area of Critical Environmental Protection (ACEC). Conservation Commission approval was granted on December 1, 2021. It was the decision of the Board of Health to grant an extension. The owners were ordered to have the repair completed and the upgraded system installed with the Certificate of Compliance on *or* before May 31, 2022.

Soil testing was conducted by a representative of Atlantic Engineering, Inc on December 29, 2021. To date, subsurface sewage disposal plans have not been submitted to the Public Health Office for review and approval so the owner was required to attend the Ipswich Board of Health meeting on Monday, April 4, 2022 to discuss a timeframe for bringing the property into compliance.

Since no one was in attendance at the meeting, it was the decision of the Board that a second meeting would be scheduled with the owner. The owner was required to attend the May 9, 2022 Board of Health meeting to discuss a timeframe for bringing the property into compliance. The Board directed the owner to be prepared to provide the name of the designer and the timeframe for plan submittal at this meeting.

6:07 – 2022 Best Management Practice Plan for Mosquito Control

At the April 4, 2022 Board of Health meeting, the Board reviewed the 2022 Best Management Practice Plan for Ipswich drafted by Northeast Massachusetts Mosquito Control and Wetlands Management District (NEMMC).

NEMMC conducts mosquito control and surveillance from the middle of the spring until the beginning of the fall. This includes weekly collection of mosquitos from surveillance traps from late May through early October. Surveillance traps provide data regarding mosquito population density and diversity, and allow the NEMMC to determine the dominant human-biting mosquitoes and potential disease vectors in local mosquitoes. Infected mosquitos can spread several diseases, most notably West Nile virus.

The primary focus of control efforts in Ipswich are on freshwater larviciding, catch basin treatments, adult mosquito surveillance and testing, aerial larviciding of the salt marsh mosquitoes, and adulticiding.

Colleen Fermon said that no changes were recommended for the 2022 plan. The 2022 Best Management Practice Plan focuses on mosquito surveillance, virus testing and preemptive virus intervention strategies. She noted the plan outlined control measures specific to Ipswich that were made in 2022.

Ms. Fermon also noted that, as in 2021, the 2022 plan also allows residents to request adulticiding on their property.

David Lynch, Ipswich resident, raised concern about the pesticide Metalary which he claimed has toxicity through the skin. Ms. Fermon explained that all pesticides used by the Northeast Massachusetts Mosquito Control and Wetlands Management District are approved through the Massachusetts Pesticide Board, not the Board of Health. Ms. Fermon also noted that Northeast MA Mosquito Control has ot use the pesticides in accordance with the instructions on the label.

Ms. Fermon asked the Board members if they wanted to make any changes to the 2022 Mosquito Control Best Management Practice Plan for Ipswich. The Board members were satisfied with the existing language. Dr. Boreri made a motion to approve the Best Management Practice Plan as written. Susan Hubbard seconded the motion. The motion passed unanimously.

6:27 – Town of Ipswich Idling Reduction Awareness Program – Represented by Hannah Wilbur, Rebecca Love, and Mike Johnson for the Climate Resiliency Committee

Hannah Wilbur, presented. Committee members Rebecca Love and Mike Johnson were also in attendance.

The mission of the Climate Resiliency Committee is to make progress as a Town on climate adaptation and the reduction of greenhouse gas emissions. The Committee focuses on increasing awareness and educating the community on resilient and sustainable actions by promoting and identify practical tools for local businesses, business associations, nonprofit organizations, and residents to reduce greenhouse gas emissions and adapt to climate change impacts.

The Climate Resiliency Committee, in conjunction with the Ipswich Police Department and the Ipswich School Green Team have been working on ongoing efforts to address unnecessary and extended idling of vehicles at the schools and in the community as a whole, such as at the train station, business and public parking lots in Ipswich.

MGL c. 90 s, 16A states; “No person shall cause, suffer, allow, or permit the unnecessary operation of the engine of a motor vehicle while said vehicle is stopped for a foreseeable period in excess of five minutes.”

The 2 main concerns for the Idling Reduction Awareness Program are:

1. Health issues resulting from pollutants caused by idling,
2. Climate issues.

Ms. Wilbur explained that the focus at this time is education, not enforcement. The goal is to change habits through slow, deliberate education and implementation.

The Ipswich Police Department created a brochure for parents regarding idling during school drop off and pick up times. Signs will also be posted on town parking lots. 5-6 public parking lots have also agreed to post signs regarding idling.

Ms. Wilbur asked if the Board of Health would support the Town of Ipswich Idling Reduction Awareness Program by providing a letter of support and posting it on the town website and other social media platforms reinforcing the dangers of emissions/pollution for human health.

Susan Hubbard made a motion to support the Idling Reduction Awareness Program. Amanda Donovan seconded the motion. The motion passed unanimously.

Susan Hubbard asked Colleen Fermon to draft a letter to the editor for the Board of Health regarding their support.

6:42 - Director of Public Health Report:

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

- Colleen Fermon said that Ipswich currently has 5 active COVID19 cases, people under isolation.
- Ipswich had a COVID-19 positivity rate of 2.2% on last week.
- COVID-19 boosters are now available for anyone over the age of 50. The Town of Ipswich will not be offering booster doses.
- Food Establishment updates:
 - During routine food inspections over the past year, the Public Health Department has observed on numerous occasions that employees cannot identify the Person in Charge (PIC), especially when the manager is absent, although each food establishment must have a Person in Charge. This has made the inspection process more difficult to accomplish effectively. Because of this, the Public Health Department sent a mailing to all food establishment operators regarding what having a person in charge means. Operators were reminded that, as outlined in 105 CMR 590.002 (A), the permit holder shall be the person in charge or shall designate a person in charge and shall ensure that a person in charge is present at the food establishment during all hours of the operation. The owner or person(s) in charge shall designate an alternate person to be in charge at all times when they cannot be present. The alternate, when acting as the person in charge shall be responsible for all duties specified in FC 2-103.11 and must be adequately trained by the person in charge to ensure that the establishment operates in compliance with 105 CMR 590.000.

Food establishment operators were requested to identify and train staff regarding the people who have been appointed as a Person in Charge.

Additionally, food establishment operators were provided a handout, “*Duties of the Person in Charge*” to be used as a training tool to avoid being cited for a violation on the inspection report during an inspection.

- Busy Bee has permanently closed.
- Little Wolf Coffee is opening a second location.
- Turner Hill and Choate Pub are under new ownership.
- Relish Catering will be operating a 5 Wildes Court.
- Joyce Redford of the North Shore/Cape Ann Tobacco Policy Program will attend the May 9, 2022 Board of Health meeting to discuss state law updates and the increased availability of cannabis products containing delta-8 tetrahydrocannabinol (THC) and the potential for adverse events due to insufficient labeling of products containing THC and cannabidiol (CBD).
- Susan Coviello of North Shore Health Project will attend the May 9, 2022 Board of Health meeting to discuss a Syringe Exchange Program.
- A sharps collection will take place in Ipswich on April 30, 2022 at the Ipswich Middle/High School from 10:00 a.m. – 1:00 p.m. The Town of Ipswich is partnering with One Stop and Ipswich Aware for this event. One Stop will distribute Narcan too.
- A Northeast Massachusetts Mosquito Control Legal Notice was issued regarding aerial application and larvacide over salt marsh between April 2022 and October 2022.
- Colleen Fermon will attend a sewer overflow training on April 7, 2022.

Next Board Meetings: The next meetings of the Board of Health was scheduled for May 9, 2022, June 6, 2022, July 11, 2022, August 1, 2022, September 12, 2022, October 3, 2022, November 7, 2022 and December 5, 2022. All meetings will start at 5:30 PM and be held in Town Hall, Meeting Room C.

Adjourn: Susan Hubbard made the motion to adjourn at 7:15 PM. Amanda Donovan seconded the motion. The motion to adjourn passed unanimously.

Documents used at the April 4, 2022 Board of Health meeting:

- Ipswich Board of Health Minutes for March 7, 2022.
- Title 5 and Ipswich Board of Health Septic System Regulations.
- Ipswich Board of Health Fee Schedule.
- Letters dated February 14, 2022 and March 10, 2022 from Colleen Fermon regarding 29 Stage Hill Road.
- Letter dated February 28, 2022 from Gerard McDonald, P.E., regarding 29 Stage Hill Road.
- Sewage Disposal System Plan for 29 Stage Hill Road.
- Application for occupancy for 6 James Road dated January 8, 2021.
- Letter dated March 24, 2022 from Colleen Fermon regarding 6 Bunker Hill Road.
- Email dated March 15, 2022 from Colleen Fermon regarding 6 Bunker Hill Road.
- Bedroom count sketch done by John Morris dated March 14, 2022 for 6 Bunker Hill Road.
- March 24, 2022 letter from Peter Ross regarding 6 Bunker Hill Road.
- Letters dated March 15, 2022 and December 8, 2021 from Colleen Fermon regarding 110 Little Neck Road.
- Title 5 inspection report for 110 Little Neck Road dated May 22, 2021.
- Title 5 inspection report for 14 Upper River Road dated April 16, 2020.
- Letters dated April 23, 2020 and March 15, 2022 from Colleen Fermon regarding 14 Upper River Road.
- 2022 Best Management Practice Plan for Ipswich and Integrated Pest and Vector Management Plan.
- Memo dated March 16, 2022 from the Ipswich Climate Resiliency Committee regarding Idling Reduction.

Susan C. Hubbard, Chairperson

Dr. Susan Boreri, Board Member

Amanda Donovan, Board Member