

Board of Health Minutes
Monday, April 12, 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, 2021 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 5:31 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., Daniel Johnson, R.S., and Steven Clarke.

Citizens Queries: None.

Minutes: Dr. Boreri made a motion to approve the March 8, 2021 minutes as written. Susan Hubbard seconded the motion. The motion passed unanimously.

Hearings:

5:32 – Steven Clarke – 17 Stage Hill Road – Order for Correction for Housing Violations

Steven Clarke, the owner, was present.

John Morris, Ipswich Health Inspector, provided the Board members with some background information. As a result of a complaint received on March 3, 2021, 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 an Order for Correction was issued to the owner on March 8, 2021. The owner was ordered to correct some violations of the State Sanitary Code 105 CMR 410.000 within 5 days and other violations 30 days of receipt of the order. The owner contacted John Morris on March 12, 2021 to review the order.

On March 15, 2021 the owner requested a hearing to discuss the order to correct issued to him so a hearing was scheduled for Monday, April 12, 2021.

At the meeting, Mr. Clarke explained that he hasn't been living at the property for over a year, due to the pandemic, and that it is his intention to sell the property. He is currently in discussion with local realtors.

The Board informed Mr. Clarke that a property must be maintained and be compliant with the State Sanitary Code 105 CMR 410.000 regardless of whether or not a property is occupied.

Mr. Clarke reviewed the violations cited in the March 8, 2021 order. He explained that he has begun making repairs to the property but he needed additional time to make the remaining corrections which are extensive. He attested that the entryway repair was completed by March 31, 2021 and that he is working with a Pest Control Operator; Ultra Safe Pest Management, and an inspection was done on March 18, 2021. Additionally, he has begun the process of seeking proposals to hire a landscaping company to clean up the brush and debris. He requested an extension until April 30, 2021 for the overgrown vegetation, removal of debris and trash barrels and the retaining wall repair.

Mr. Clarke acknowledged that the property had not been properly maintained. He agreed to continue to work with the Pest Control Operator. The Pest Control Operator put 6 bait stations on the property and recommended having the overgrown vegetation removed. Ultra Safe Pest Management will be back on April 13, 2021 to check the stations and extend baiting if activity is found. Mr. Clarke requested an additional 30 days to make these corrections and asked to not have to address 4 violations that he felt could be addressed by the new owner who may want to renovate or demolish the dwelling:

1. Rear stairway has no protective railings.
2. There are gaps in the wall juncture with the cinder block chimney causing structural weathertight issues.
3. The exterior paint is flaking, peeling, causing exposure to the elements.
4. Entry doorways are missing storm doors.

The Board reviewed the March 18, 2021 report from Ultra Safe Pest Management which notes the property is overgrown and has piles of debris which is conducive to harborage of rodents. Evidence of raccoon and mouse activity was found in the basement and evidence of mouse activity was found in the dwelling.

The Board of Health explained that existing violations cannot be tied to the sale of a property.

Mr. Clarke requested an additional 60 days to address these 4 violations.

Ms. Hubbard stated an additional 30 days was fair. Additionally, Ms. Hubbard thought the brush and yard debris should be cleaned up and removed by April 30, 2021.

Dr. Boreri said the second report from the Pest Control Operator need to be submitted to Colleen Fermon.

Dr. Boreri made a motion to grant an extension until April 30, 2021 for all violations except the 4 Mr. Clarke requested to be addressed by the new owner. The Board of Health denied the request to have it corrected by the new owner and granted 30 days; until May 12, 2021, to correct these 4 violations. Susan Hubbard seconded the motion. The motion passed unanimously.

Mr. Clarke was informed that re-inspections would be conducted after April 30, 2021 and May 12, 2021 to confirm compliance. A \$75.00 re-inspection fee is applied to *each* re-inspection.

The Board noted that, while the property is under a Board of Health Order for Correction for violations of the State Sanitary Code 105 CMR 410.000, Mr. Clarke must share this information with his realtor and potential purchasers.

5:43 – Edward Teahan – 63 North Ridge Road – Represented by H.L. Graham Associates, Inc. – Septic System Design Variances

Gerard McDonald, P.E. and Edward Teahan, 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 # 20-2049 designed by Gerard McDonald, P.E., dated February 8, 2021 and revised March 15, 2021 for the 3-bedroom dwelling located at 63 North Ridge Road, Ipswich, Massachusetts.

Susan Hubbard asked if the abutters were notified. Proof of notification was provided to the Public Health Department on April 2, 2021.

Mr. McDonald said this is a voluntary upgrade of an existing 3 family dwelling. He proposed the use of a standard gravity system for the upgrade which includes a 1,500-gallon septic tank, a 12' by 46' (552 sf) leach field and 2 retaining walls. Mr. McDonald explained that the property is on a steep slope which will impact the height of the retaining wall. Additionally, the waterline needed to be relocated around the leach field and the plumbing rerouted to the other side of the property.

He requested the following variances:

- To allow a 1 foot reduction in the separation between the bottom of the SAS and groundwater. A 3 foot separation is provided.
- To allow a 2 foot reduction in the setback between the SAS and the property line. An 8 foot setback is provided.
- To allow a 5 foot reduction in the setback between the septic tank and the property line. A 5 foot setback is provided.
- To allow a 5 foot reduction in the setback between the septic tank and the cellar wall. A 5 foot setback is provided.
- To allow a 10 foot reduction in the setback between the SAS and the cellar wall. A 10 foot setback is provided.
- To allow a 2 foot reduction in the setback between the SAS and the water service. An 8 foot setback is provided.
- A reduction of the design flow from 150 gallons/bedroom/day to 110 gallons/bedroom/day.

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon believed this was a good approach based on the site constraints. She recommended granting the variances as requested with the following conditions:

- The property lines must be surveyed and staked by a MA Land Surveyor before system construction commences.
- Prior to the issuance of the 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. The installer will receive the disposal system construction permit, the trench permit and a signed copy of the approved plan.

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

5:43 – Lee Carson and Glenna Waterman – 134 Argilla Road – Represented by H.L. Domestic Septic Design, Inc. – Septic System Design Variances

Daniel Johnson, R.S., presented, and a hearing was conducted to consider variances from Title 5, Ipswich Board of Health Septic System Regulations and an Alternative Technology Waiver for a sewage disposal system plan # J-2680 designed by Daniel Johnson, R.S., dated January 27, 2021 and revised March 30, 2021 for 134 Argilla Road, Ipswich, Massachusetts.

This is a voluntary upgrade. The upgraded system will be designed for 3 bedrooms and will serve a 2bedroom dwelling and a 1-bedroom apartment on the same lot.

Mr. Johnson provided an orientation of the property and explained that the site restrictions prevented the design of a fully compliant system. He explained that the property is surrounded by wetlands, is in the Area of Environmental Concern (ACEC), and has a very high water table. Mr. Johnson proposed the use of a Waterloo Biofilter and Pressure Distribution system for the upgrade.

He requested the following variances:

- A 2 foot reduction in the separation between the bottom of the leaching area and Estimated Seasonal High Groundwater (ESHGW) with the use of a Waterloo Biofilter. A 2 foot separation is provided.
- To allow the use of a sieve analysis in lieu of a percolation test.
- To allow a 25% reduction in the leaching area size with the use of a Waterloo Biofilter system.
- A reduction in the separation between the septic tank inverts and Estimated Seasonal High Groundwater (ESHGW). The inverts will be below groundwater.
- A reduction in the setback from the leaching area to the wetlands from the 100 foot local requirement. A 70 foot setback is provided.
- A reduction of the design flow from 150 gallons/bedroom/day to 110 gallons/bedroom/day.
- To allow a reduction in the 150 foot setback to the ACEC. The entire property is within the 150 foot ACEC Buffer Zone.

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon said that she reviewed several options for the site with the designer and thought this was a good approach based on the site constraints. She recommended granting the variances as requested with the following conditions:

- A two year Operations and Maintenance contract for the Waterloo Biofilter and Pressure Distribution system 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 Waterloo Biofilter. 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. 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. The Notice of Alternative Disposal can be found on the Massachusetts Department of Environmental Protection's website <http://www.mass.gov/dep>.
- A Lifetime Maintenance restrictive covenant for the Pressure Distribution system must be filed at the Southern Essex County Registry of Deeds with a recorded copy provided to the Health Office prior to the issuance of the Disposal System Construction Permit.
- Conservation Commission approval must be obtained prior to the issuance of the Disposal System Construction Permit
- 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 Approval, Title 5, the approved design plans, and all local requirements.
- 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 variances as requested with the conditions as enumerated by Colleen Fermon. Amanda Donovan seconded the motion. The motion passed unanimously.

5:47 - 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 727 confirmed COVID-19 cases since March 1, 2020. Currently we have 27 active cases, people under isolation. Ipswich has been categorized as Yellow with a positivity rate of 3.1% this week and 2.8% last week.

Regional Vaccination Clinic: A regional vaccination clinic for Gloucester, Rockport, Hamilton, Wenham, Essex, Manchester by the Sea and Ipswich is being considered. As of this date, only a draft plan has been proposed. Approval must be granted by each town and then the state before moving forward.

Colleen Fermon thanked the Board members for their help and support during the pandemic.

24 Allen Lane: At the December 7, 2020 meeting, the Board of Health required the owners of 24 Allen Lane to provide the following documentation to the Public Health Department on or before January 15, 2021:

- A Notice of Alternative Disposal for the Waterloo Biofilter systems must be filed at the Southern Essex County Registry of deeds with a recorded copy provided to the Health office prior to the issuance of the Disposal System Construction Permit.
- A Lifetime Maintenance restrictive covenant for the Pressure Distribution system 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.

Additionally, the Board of Health said if the system is not installed on or before May 15, 2021, the dwelling would be deemed unfit for human habitation and an order of condemnation would be issued since the dwelling is being served by a failed septic system that has not been upgraded within two years of the failure. The condemnation order would require all occupants to vacate and secure the dwelling. If condemned, the dwelling unit shall not be occupied without the prior written permission of the Board of Health.

Ms. Fermon informed the Board that only 1 of the 2 conditions set by the Board of Health at their December 7, 2020 meeting was satisfied by the owners and no inquiries from installers have been made regarding the installation of the system.

In accordance with the Boards' order, a Criminal Complaint was filed with the Northeast Housing Court against the three property owners on January 21, 2021. A hearing for the 3 owners is scheduled for May 13, 2021.

13 Liberty Street: The owner of 13 Liberty Street has not complied with the written compliance plan and the Board's order set forth on February 1, 2021. The Board ordered the owner to obtain compliance by April 30, 2021. A demolition permit for the removal of the barn was obtained on March 16, 2021.

Next Board Meetings: The next meetings of the Board of Health were scheduled for May 3, 2021, June 7, 2021, July 12, 2021, August 2, 2021, September 13, 2021, October 4, 2021, November 1, 2021 and December 6, 2021 at 5:30 PM.

Adjourn: Amanda Donovan made the motion to adjourn at 6:38 PM. Susan Hubbard seconded the motion. The motion to adjourn passed unanimously.

Documents used at the April 12, 2021 Board of Health meeting:

- March 8, 2021 Minutes.
- Letter dated March 22, 2021 from Steven Clarke regarding 17 Stage Hill Road.
- Email dated March 16, 2021 from John Morris regarding 17 Stage Hill Road.
- Ultra Safe Pest Management report March 18, 2021.

- Sewage disposal system design for 63 North Ridge Road.
- Sewage disposal system design for 134 Argilla Road.
- Ipswich Board of Health Septic System Regulations.
- 310 CMR 15.000, Title 5.

Susan C. Hubbard, Chairperson

Dr. Susan Boreri, Board Member

Amanda Donovan, Board Member