

Board of Health Minutes
Monday, April 3, 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, Jennifer Brown, Administrative Assistant, Brenda Stanley, Samuel Stanley, Anthony Palmariello, Daniel Ottenheimer, David Updike, Wambui Updike, Zach Bensley and Dyllon Whittenmeyer.

Citizens Queries: None.

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

5:30 – Public Hearing:

Board of Health Fee schedule changes

Susan Hubbard stated the public hearing for the Board of Health Fee Schedule was advertised in the Ipswich Local News on March 15, 2023 which was at least 14 (fourteen) days prior to the hearing in compliance with Ipswich’s General By-laws, Chapter III, Section 6.

Susan Hubbard read the following proposed changes to the Ipswich Board of Health Fee Schedule:

- 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 for design 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 from \$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

Susan Hubbard opened the floor for comment and asked if anyone wished to be heard regarding the fee schedule changes. There being no comments the public hearing was closed. Susan Hubbard made a motion to adopt the Board of Health Fee Schedule changes as proposed and to have it go into effect on April 3, 2023. Dr. Boreri seconded the motion. The motion passed unanimously.

Hearings:

5:34 –2023 Best Management Practice Plan for Mosquito Control

Susan Hubbard stated that notice of the hearing for the Best Management Practice Plan for Mosquito Control was advertised in the Ipswich Local News on March 22, 2023. The Board reviewed the 2023 Best Management Practice Plan for Ipswich drafted by Northeast Massachusetts Mosquito Control and Wetlands Management District (NEMMC).

Colleen Fermon said that no changes were recommended for the 2023 plan. The 2023 Best Management Practice Plan control measures for Ipswich include Regional Adult Mosquito Surveillance Program, Regional Aerial Salt Marsh Larviciding Program, Regional Vector / Virus Intervention, Surveillance, Ground Larviciding, Catch Basin Treatments, Manual Ditch Maintenance, Adulticiding (Resident and/or Board of Health requests), Barrier Treatment (School officials and/or Board of Health requests), Ditch Maintenance / Wetlands Management, Tire Recycling Program, Property Inspections, Mosquito Habitat Mitigation, and Education and Outreach.

Susan Hubbard opened the floor for comment and asked if anyone wished to be heard regarding the Best Management Practice Plan for Mosquito Control. There were no comments.

Ms. Fermon asked the Board members if they wanted to make any changes to the 2023 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.

5:39 – Samuel and Brenda Stanley – 72 Turnpike Road Violations of 105 CMR 410.000, State Sanitary Code, Chapter II and Order for a Title 5 Inspection

Samuel and Brenda Stanley were present at the meeting.

Colleen Fermon provided some background information for the board members. On February 8, 2023, the Department of Public Health received a complaint about a sewage backup at 72 Turnpike Road and possible lead law violations. Subsequently, on February 9, 2023, a housing inspection was conducted 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 February 9, 2023. The owners were ordered to bring the dwelling into compliance with the State Sanitary Code 105 CMR 410.000 within 30 days of receipt of the order.

In a separate letter dated February 9, 2023, the owners were informed that pursuant to 15.303, the sewage disposal system was failing to protect public health and safety and the environment. Backup of sewage into a facility being served by the system and discharge of effluent, directly or indirectly to the surface of the grounds are violations of Title 5, 310 CMR 15.000. The owners were ordered to have a Title 5 inspection conducted within 14 days of receipt of the February 9, 2023 order by an Ipswich Septic System Inspector.

On March 6, 2023, Mrs. Stanley contacted the Public Health Department and said the orders were received on February 25, 2023 since they had been away. Also on March 6, 2023, the

Public Health Department received a request for a hearing before the Board of Health to discuss both February 9, 2023 orders issued to them. In response to the request, a hearing was scheduled with the Board of Health on Monday, April 3, 2023.

At the April 3, 2023 Board of Health meeting, it was noted that a re-inspection was conducted on March 27, 2023 by John Morris, Health Inspector. Mr. Morris found no issue with the septic system. It was noted that the owners had the septic system pumped by D.F. Clark on February 2, 2023 and the blockage removed by Dash Drain on February 8, 2023. Additionally, documentation from an electrician was provided to the Public Health Office demonstrating that there was no cross wiring between the 2-units. Only two violations of 105 CMR 410.00 remained, a window in the living room and a window in bedroom #2 needed repair.

Mrs. Stanley explained that all the violations cited in the February 9, 2023 order had been corrected except the repair of the window in the living room. She is waiting for a part. She also doesn't want to have to do the Title 5 Inspection.

Susan Hubbard asked how many people occupy the property. There are 2 people occupying the dwelling.

Dr. Boreri made a motion to withdraw the order to have a Title 5 inspection done and grant an extension until May 3, 2023 to obtain compliance with 105 CMR 410.000. Amanda Donovan seconded the motion. The motion passed unanimously.

It was noted by the Board of Health that John Morris, Health Inspector, will conduct a re-inspection after May 3, 2023 to confirm compliance. A \$75.00 re-inspection fee is applied to each re-inspection.

Mrs. Stanley acknowledged the fee.

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5:46 –Anthony Palmariello – 148 Town Farm Road – Noncompliance with Septic System Installation Timeframe

Colleen Fermon provided some background information for the Board members. On June 21, 2021, the owners signed an agreement to upgrade the septic system at 148 Town Farm Road by April 2, 2023 in lieu of having a Title 5 inspection done. In a letter dated December 15, 2022, the owners were informed that the process from soil testing through plan approval could take months and they were asked to commence hiring a soil evaluator/septic designer right away. The owners have hired Dan Johnson for soil testing and to design a septic system. The property was surveyed and the wetlands delineated. Subsequently, on February 22, 2023, an application for soil testing was submitted to the Public Health Department. On March 27, 2023, the Conservation Commission informed the owner's soil evaluator and the Public Health Department that the proposed test pits are within the 150-foot buffer zone to the Area of Critical Environmental Concern (ACEC) so the owners are required to file a Request for Determination of Applicability (RDA) with the Conservation Commission for the test pits. Since the owners can not comply with having the septic system installed by April 2, 2023, they were required to attend the April 3, 2023 Board of Health meeting to discuss a timeframe for bringing the property into compliance.

At the meeting, Anthony Palmariello said he anticipated soil testing would likely occur in late May 2023 and a Sewage Disposal System Design Plan would likely be submitted to the Public Health Office in June 2023.

Susan Hubbard asked if an Installer had been hired and how many people reside at the dwelling?

Anthony Palmariello said an Installer has not been hired. There are 2 people occupying the dwelling.

Susan Hubbard 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 December 15, 2023. Amanda Donovan seconded the motion. The motion passed unanimously.

5:50 –William Patrick and Carolyn Savarese – 45 Heartbreak Road – represented by Zach Bensley of Gilman, Guidelli & Bellow – Title 5 Inspection Variance

Zach Bensley 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.

The owner's representative, Zach Bensley of Gilman, Guidelli & Bellow, proposed a 60 square foot increase in the footprint of the dwelling to allow for the addition of a new kitchen. Mr. Bensley explained that a 2-story porch and potting shed will be removed (300 square feet) and the existing kitchen will become a sunroom. Pursuant to 10.2, a Title 5 inspection is required. Mr. Bensley requested a variance from the Title 5 inspection requirement since there is no increase in bedrooms proposed and the change is minimal.

At the meeting, Colleen Fermon noted that the septic system was pumped on December 4, 2012, May 18, 2015, February 26, 2020 and July 1, 2020 and no problems with the septic system were found at those times. Additionally, the septic system was installed in January 2002 and the as-built design and Certificate of Compliance are on file in the Public Health Office.

Susan Hubbard noted that the system was last pumped in 2020 and asked if Ms. Fermon had any concerns regarding the system. Ms. Fermon said she had no concerns.

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

5:52 –David and Wambui Updike – 62 Labor In Vain Road – Represented by Mill River Consulting – Hauled Water Cistern for Water Supply

Daniel Ottenheimer, P.E., presented, and a hearing was conducted to consider approval of a Hauled Water Cistern Plan designed by Daniel Ottenheimer, P.E., dated January 15, 2023 and last revised March 9, 2023 for the 1-bedroom dwelling located at 62 Labor-In-Vain Road, Ipswich, Massachusetts.

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Colleen Fermon provided some background information for the board members. Previously, at the January 9, 2023 Board of Health meeting, the Board of Health granted an extension for the of the upgraded septic system until December 15, 2023 to allow time to obtain both a water supply approval and a sewage disposal system plan approval. The Board also discussed that costs associated with each water supply option (town water, private well, cistern) must be provided if financial feasibility is the owner's reason to request approval of the use of a cistern. Once the water supply is approved, the sewage disposal system plan can be revised to reflect the legal boundaries after the property was divided and the water supply approved.

Ms. Fermon said the proposed water supply plan has been reviewed 3-times and is deemed technically correct. She clarified that the approval being sought is not a variance from Chapter II of the State Sanitary Code but is an approval for the use of a Hauled Water Cistern as a means of a potable water supply.

Susan Hubbard questioned if the Board of Health could approve the hauled water cistern for this owner only. She raised concern that, in the future, a new owner could occupy the dwelling year-round. Ms. Fermon re-iterated that the board members would be approving the hauled water cistern as a potable water supply so it does not make sense that the approval would be limited to this owner. Also, the approval would be for seasonal use only.

Mr. Ottenheimer added that although the proposed hauled water cistern could be converted into a year-round solution, at this time it is designed for seasonal use only. It will be above ground, inside the basement/garage area that will have no insulation.

Dr. Boreri noted that Hauled Water Cisterns should be approved by the Board of Health on a case by case basis.

Mr. Ottenheimer said there are 2 types of cisterns; roof run-off and hauled water. The proposed plan is for hauled water. Previously, the property was served by a well but after the lot division the water supply that served this dwelling was no longer available since it is now located on a different lot. Mr. Ottenheimer also noted that there is an approved sewage disposal plan on file at the Public Health Department that will be installed at some point this year along with the hauled water cistern, if approved.

The proposed plan is for the placement of two (2) joined above-ground tanks made of material designed for potable water storage purposes. The potable water for the hauled water cistern will come from Methuen Public Water Supply in a truck designed for bulk water transportation. The water will be stored in the 2 tanks and a pump will be used to pressurize and bring the water to the existing internal plumbing. A filter will be added to a spigot in the kitchen an added measure.

Mr. Ottenheimer explained that the State Sanitary Code 105 CMR 410.180 requires the owner provide, for the occupant of every dwelling, dwelling unit, and rooming unit, a supply of potable water sufficient in quantity and pressure to meet the ordinary needs of the occupant, connected with the public water supply system, or with any other source that the board of health has determined does not endanger the health of any potential user. Mr. Ottenheimer said the following 3 standards can be met.

1. Adequate quantity -The usage of this dwelling is seasonal and on weekends only, which will result in average daily uses far below typical residential structures. The tanks will hold in excess of 2,000 gallons of potable water. Additionally, there is an electric measuring gauge and a low-level alarm incorporated in the design as a fail-safe to provide information as to when additional water is needed.
2. Adequate pressure - A pump outside the tank will feed water to the piping and will be used to ensure adequate pressure by sensing any pressure reduction in the system piping and will immediately turn on and recharge the pressure. The unit can deliver 79 psi (pounds per square inch) which far exceeds the 20 psi minimum pressure required for most public water systems (310 CMR 22.19).
3. No Endangerment – Federal, state, and local agencies deem potable water and its storage in tanks as an acceptable method of providing potable water to a dwelling as both an emergency storage solution and as an acceptable method of providing potable water to a dwelling and for as long as 6 months (suggested maximum retention time). Specific start-up and close-down operation instructions will be provided to the owners. The hauled water cistern will be for seasonal use only and as such will result in water turnover of less than 6 months.

Additionally, all parts used will be NSF certified and safe for use with potable water.

Amanda Donovan asked how frequently the water would be tested for bacteria(s). The water shall be tested annually but the owner can choose to do testing more frequently, if preferred.

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Colleen Fermon noted the Ipswich Plumbing Inspector will determine compliance with the MA Plumbing Code (105 CMR 410.180) starting at the pump and for all piping into the dwelling. Ms. Fermon recommended the Board of Health consider not only feasibility but also financial feasibility for the options for a potable water supply. It appears that a dug well was pursued but not feasible. MA DEP has a guidance for financial feasibility for septic systems. If the Board takes a similar approach to financial feasibility for a water supply as the Board does with wastewater disposal, then the Board could consider >10% of the assessed value of the property (\$384,800) as possibly excessive. Of course this is not the primary dwelling of the owners so a higher percentage could be considered. Also, each situation should be handled on a case by case basis so the 10% does not have to be a set rule.

Mr. Ottenheimer reviewed the cost options for the board members:

1. Dug Well: This is the owner's first choice for a water supply but an exploratory test hole was dug for a well and it was ruled out as a feasible option since almost no water was identified to be present on the property.
2. Town Sewer: The closest water main is 1,000 feet from the dwelling. To connect to the municipal water system would require digging up the road and then repairing it, managing traffic during installation, laying an 8-inch water main and providing for service connections to the houses and lots along the way. The cost estimate for connecting to town sewer is \$240,000- \$250,000 and is the most expensive option.
3. Drilled Well: The use of a drilled well was discussed by the homeowner with a local well driller, George Rollins, of Charles M. Rollins Well Drillers. Mr. Rollins said it is very likely the well would draw brackish water. Previous wells drilled on this street have encountered salt water at 200-300 feet. Mr. Ottenheimer explained that when brackish water is found in well water it becomes likely that a sophisticated reverse-osmosis water treatment system will be needed to make the salt water potable. The cost estimate for a drilled well for a 1-bedroom dwelling is \$45,000-\$50,000.
4. Hauled Water Cistern: The estimated cost for the proposed hauled water cistern plan is \$34,000 and is the most financially feasible option.

Mr. Ottenheimer reiterated that the owner intends to use the property occasionally and, on the weekends, only, so the cistern option is financially the best option for this property. Additionally, Mr. Ottenheimer said that options 1-3 used reverse osmosis (treats salt water) which is a water purification process to separate ions, unwanted molecules and larger particles from drinking water. These units are very energy intensive. Generally, the reverse osmosis process takes 3 gallons of water to make 1 gallon of purified water so this is also not an environmentally feasible option.

Susan Hubbard made a motion that the Hauled Water Cistern Plan appears to comply with 105 CMR 410.000 for a potable water supply and is therefore approved the following conditions of approval:

1. The hauled water cistern shall only be used from April through November annually.
2. The hauled water cistern shall serve only the existing 1-bedroom dwelling.
3. A notice of the existence of the hauled water cistern shall be recorded at the Registry of Deeds and a copy bearing the book and page/or document number shall be provided to the Public Health Office before the installation of the hauled water cistern can commence.
4. The deed notice shall identify that the cistern's water source shall be from a DEP approved Public Water Supply and must detail the requirements for an annual operation and maintenance inspection as well as an inspection prior to the transfer of title.
5. The deed notice shall also include language taken from DEP's Title 5 Bedroom Deed Restriction which includes the following sections:

Incorporation into Deeds, Mortgages, Leases, and Instruments of Transfer. Grantor hereby agrees to incorporate this Restriction, in full or by reference, into all deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer by which an interest and/or a right to use the Property, or any portion thereof, is conveyed.

Recordation. Grantor shall record and/or register this Restriction with the appropriate Registry of Deeds and/or Land Registration Office within 30 days of receiving the approved Restriction from the Local Approving Authority. Grantor shall file with the Local Approving Authority and the DEP a certified Registry copy of this Restriction as recorded and/or registered within 30 days of its date of recordation and/or registration.

Amendment and Release. This Restriction may be amended only upon the approval and acceptance of such amendment by the Local Approving Authority. Release of this Restriction shall be granted by the Local Approving Authority upon (i) Grantor's request of such release; and (ii) the Property being connected to a municipal water system or approved private well and the hauled water cistern system serving the Property being abandoned. Any such amendment or release shall be

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recorded and/or registered with the appropriate Registry of Deeds and/or Land Registration Office and a certified Registry copy of said amendment or release shall be filed with the Local Approving Authority and the DEP within 30 days of its date of recordation and/or registration.

Term. This Restriction shall run in perpetuity and is intended to conform to M.G.L. c.184, §26, as amended.

6. The deed notice shall also include a space for the local approving authority to sign the notice before it is recorded.
7. A properly designed and stamped building plan for the reinforced concrete floor shall be submitted for a building permit, a building permit shall be obtained, and a representative of the Building Department shall approve the construction of the reinforced concrete floor before installation of the hauled water cistern can commence.
8. The Plumbing Inspector must approve all plumbing work before the hauled water cistern can be used.
9. The contractor that will install the cistern shall meet with the Public Health Director to review the design and receive a copy of the approved design before installation commences.

Dr. Boreri seconded the motion. The motion passed unanimously.

6:24– Director of Public Health Report:

Annual Report for Public Health Department/Board of Health: The Board of Health reviewed the Annual Report. There were no questions or concerns noted by the board members.

Food Establishment Guidance - Cleaning Checklist: The Ipswich Public Health Department reviews inspection reports of all food establishments to determine if there are consistent and repetitive violations that are cited on reports. During routine inspections in 2022, three (3) common issues related to cleaning and maintenance identified were:

1. **Hoods/Ventilation Cleaning and Servicing:** Establishments should identify a reliable vendor and have a set schedule for properly cleaning and servicing hoods and ventilation systems to avoid potential violations and serious hazards.
2. **Equipment Cleaning:** Equipment cleaning needs to include the interiors as well as exteriors of all in-line equipment. Notable grease and debris build up on equipment have been observed during inspections.

3. **Floor Cleaning:** Floors must be swept and mopped thoroughly on a daily basis. A build-up of food, grease, and debris has been observed along the wall/floor juncture and under cooking, refrigeration and other in-line equipment.

The Public Health Department sent a mailing on March 21, 2023, to Ipswich food operators and provided a Food Establishment Cleaning Checklist to help operators keep their establishments clean at all times.

Sharps Kiosk update: The Public Health Department worked with the MA Department of Public Health (MDPH) to obtain a sharps (lancets, needles and syringes) disposal kiosk. The sharps disposal kiosk was delivered on March 27, 2023 and is on the lower level of Town Hall outside of the COA cafeteria in the vicinity of the existing medication kiosk. The new disposal kiosk will accept lancets, needles and syringes. Sharp objects cannot be placed directly into the kiosk, but small containers that fit through the kiosk's door are available at Town Hall.

Opioid Settlement Funds: The Attorney General signed a contract with the Department of Public Health (DPH) for an agreement with pharmacies and distributors to provide funds to be used to mitigate the impacts of the opioid epidemic in the commonwealth including, but not limited to, expanding access to opioid use disorder prevention, intervention, treatment and recovery options. In 2022, the former Town Manager, Anthony Marino, signed an agreement to receive funding. Additional funding became available this year so Stephen Crane, Town Manager, has signed an agreement to receive the additional funding. The funds will be available for expenditure once appropriated at Town Meeting, and must be used for opioid related services, support, etc. Upon request by Stephen Crane, Ms. Fermon will set up an internal working group to discuss the funds and what the community already has in place.

The Roadmap for Behavioral Health Reform - Behavioral Health Help Line and Community Behavioral Health Centers: The state of Massachusetts launched a 24/7 behavioral help line effective January, 2023 for residents in search of mental health and Substance Use Disorder treatment. The program offers same day crisis triage and evaluation as well as same or next day treatment. Individualized outpatient treatment is provided and offers coordination with primary care providers, other behavioral health providers, community partners and state agencies.

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8-10 Hammatt Street: Attorney Judy Fields, representing the buyer of 8-10 Hammatt Street, contacted Ms. Fermon. The closing has been postponed until May 3, 2023 since the occupants have until May 1, 2023 to vacate the premises.

Next Board Meetings: The next meetings of the Board of Health are scheduled for 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 7:05 PM. Dr. Boreri seconded the motion. The motion to adjourn passed unanimously.

Documents used at the April 3, 2023 Board of Health meeting:

- March 6, 2023 Board of Health Minutes.
- Chapter II of the State Sanitary Code, 105 CMR 410.00.
- 310 CMR 15.000, Title 5 and Board of Health Septic System Regulations.
- 2023 Draft Best Management Practice Plan for Mosquito Control.
- February 9, 2023 Housing Inspection Report and Order for Correction completed by John Morris, Health Inspector, for 72 Turnpike Road.
- February 9, 2023 Order from Colleen Fermon regarding 72 Turnpike Road.
- February 7, 2023 sales receipt from D.F. Clark for 72 Turnpike Road.
- February 8, 2023 invoice from Dash Drain for 72 Turnpike Road.
- March 9, 2023 letter from Colleen Fermon regarding 72 Turnpike Road.
- March 27, 2023 re-inspection report completed by John Morris, Health Inspector, for 72 Turnpike Road.
- June 1, 2021 Agreement to Upgrade for 148 Town Farm Road.
- Letters dated May 17, 2021 and March 7, 2023 from Colleen Fermon regarding 148 Town Farm Road.
- Email dated March 23, 2023 from Zach Bensley for 45 Heartbreak Road.
- Building plans from Zach Bensley for 45 Heartbreak Road.
- Hauled Water Cistern Plan designed by Daniel Ottenheimer, P.E., dated March 9, 2023 for 62 Labor-In-Vain Road.
- Letter dated March 21, 2023 from Daniel Ottenheimer regarding 62 Labor-In-Vain Road.

Susan C. Hubbard, Chairperson

Dr. Susan Boreri, Board Member

Amanda Donovan, Board Member