

Board of Health Minutes
Monday, June 6, 2022 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 attending: Susan C. Hubbard, Dr. Susan Boreri and Amanda Donovan.

Others in attendance: Colleen Fermon, Director of Public Health, Jennifer Brown, Public Health Administrative Assistant, Daniel Johnson, R.S., Kevin Cranston, Donald Spence, Jr., David Kelley, Gerard McDonald, P.E., Robert Grasso, P.E., Charles Johnson, P.E., Susan Gould Coviello, Jen Holmgren, Will Patel and Joyce Redford.

Citizens Queries: None.

Minutes: Amanda Donovan made a motion to approve the May 9, 2022 Board of Health minutes. Susan Hubbard seconded the motion. The motion passed unanimously.

5:31 – Discussions:

Kevin Cranston, Assistant Commissioner, Director of the Bureau of Infectious Disease and Laboratory Sciences, MA Department of Public Health– Syringe Service Program

Colleen Fermon explained that previously, at the May 9, 2022 Board of Health meeting, the Board met with Susan Gould Coviello, Executive Director of the North Shore Health Project in Gloucester about the possibility of a syringe exchange program in Ipswich. Pursuant to Massachusetts General Law; Part 1, Title XVI, Chapter 111, Section 215; prior to the implementation of a syringe exchange program, approval shall be granted from the board of health in the hosting city or town. Colleen Fermon said she would request Kevin Cranston at the MA Department of Public Health (MDPH) attend the June 6, 2022 Board of Health meeting to explain MDPH's role and to answer questions from the Board of Health members.

Kevin Cranston, Assistant Commissioner and Director of the Bureau of Infectious Disease and Laboratory Sciences, Massachusetts Department of Public Health (MDPH) explained that the first full service needle exchange program began in response to the HIV epidemic which drove increased access to needle exchange services nationally. The SSP began in the early 1990's in Boston and Cambridge and has required local approval since its inception.

The role of the MDPH is to identify the vendor to work in the community and to fund the syringe service program once the board of health provides authorization. Generally, a program in the area is chosen but input from the local board of health is taken into consideration. The MDPH will also take into consideration the preferences of the local board of health in determining what the program will look like.

The MDPH fully funds the Syringe Services Program (SSP), oversees the management of data, collection and reporting. Grants are given and the funds come from state taxes. There is no requirement for the town to pay anything. A SSP provides a comprehensive set of services such as sterile needles and syringes free of cost, disposal of used needles and syringes, and connecting to other services such as testing for hepatitis C, HIV and other sexually transmitted infections, overdose education, and Narcan (naloxone).

Susan Coviello – Executive Director of the North Shore Health Project in Gloucester – Syringe Service Program

Susan Coviello outlined the proposed plan for Ipswich if North Shore Health Project is chosen by MDPH to be the vendor for Ipswich. She reiterated that North Shore Health Project's Onestop Program works with people who actively use drugs. Services include syringe collection by any resident and dispersal, Narcan training and access, testing, for STI's, including HIV and Hepatitis C and short-term health navigation that connects clients to Primary Care Physicians, detox programs, etc.

If North Shore Health Project is chosen, the program will begin with services on one day a week with the use of the Onestop Van (Ipswich is not a high impact town). She noted there may be one table set up outside the van to assist with processing and paperwork. The locations being considered are the Ipswich Train Station, the Hammatt Street parking lot and the Ipswich Housing Authority and/or Powder House Village. Ms. Coviello welcomed any other suggestions for suitable locations.

Ms. Coviello said Kate McGuire, Director of the Ipswich Housing Authority was contacted and she was amenable to the Onestop van being located at Housing Authority property.

Ms. Coviello added that the SSP program strives to build relationships so when a person is ready to receive treatment they can go to the program to get help finding needed services. These services are also fully funded by the state. She has been working with Ipswich Aware, a local substance use prevention program and a Memorandum of Understanding is also in place with the Ipswich Police Department for overdose follow-ups.

The Board of Health viewed a picture of the Onestop van.

Susan Hubbard asked how much time each person was given. Ms. Coviello said, on average, about 2-5 minutes per person usually. Longer visits typically do not run more than 10 minutes.

Susan Hubbard asked, how will the SSP be advertised? Ms. Coviello said a press release could be done but word of mouth is usually enough to attract people to the program.

Susan Boreri asked, what type of volume is typically seen per day? Approximately 20-30 persons per day, Ms. Coviello replied.

Colleen Fermon noted that Julia Parisien of Ipswich Aware shared some of the social media responses to the May 9, 2022 Board of Health Discussion about a SSP in Ipswich. Ms. Fermon asked the Board if a joint discussion with Kevin Cranston and Susan Coviello would be allowed to respond to some of the comments if she read them. The Board of Health agreed.

Ms. Fermon provided some of the social media responses noting concern about a SSP in Ipswich:

- *“Progressive ideas are being pushed without concern of negative impact on town and neighborhoods.”*

Mr. Cranston said federal studies have shown that SSP’s do not promote or result in increased drug use in communities. SSP’s provide access to substance use treatment programs, increasing substance use treatment enrollment, and are associated with substantially reduced injecting or cessation of injecting. He added that Boston and Cambridge have also seen a decrease in the improper disposal of needles.

Ms. Coviello said that harm reduction and education are a large component of the program.

- *“Unsure if there is a need in Ipswich.”*

Ms. Coviello said a program is needed in Ipswich. Over 10,000 syringes were collected in Ipswich on April 30, 2022 at the sharps collection at the Ipswich Middle/High School as part of the Drug Take Back Day.

Jen Holmgren said the North Shore Health Project is required to provide monthly data to the MDPH. This data justifies the need for a SSP in a community.

- *“A syringe exchange will normalize, incentivize, and condone the use of substances in our community.”*

Kevin Cranston said SSP’s are one of the most studied Public Health intervention programs in the world. SSP’s have been proven to reduce the number of fatal overdoses and has also proven not to initiate drug use. The 55 Massachusetts communities with SSP’s have demonstrated this.

Ms. Coviello said the goal of the program is to bring in more syringes than are given out.

- *“Only the homeless would have a need for needles given their ability to be purchased at the pharmacies.”*

Ms. Coviello countered that there can be a stigma associated with buying syringes so people are not inclined to purchase them.

- *“A needle exchange is the exact opposite of what needs to be in town... prefer a detox/rehab/therapy facility be funded instead.”*

Ms. Coviello reiterated that when a person is ready to receive treatment they can go to the program to get help being placed in a facility or to receive help finding needed services. These services/facilities are free and are fully funded by the

Department of Public Health.

Susan Hubbard questioned if the Board of Health could opt-out of the program for any reason.

Kevin Cranston said that, to date, this has not happened in Massachusetts but the contract can be rescinded at any time and the program will immediately cease operating in town. Mr. Cranston said annual contracts are awarded for multiple years by MDPH.

Amanda Donovan made a motion to authorize the implementation of the syringe service program in Ipswich. Susan Hubbard seconded the motion. The motion passed unanimously.

Mr. Cranston directed the Board of Health to send a letter to him outlining their approval of the SSP in Ipswich along with a copy of the minutes of the June 6, 2022 meeting. The Massachusetts Department of Public Health will then choose a vendor to provide the syringe service program.

Hearings:

6:15 – Donald J. Spence, Jr. and Eileen Spence – 35 Heartbreak Road – Represented by Mill River Consulting – Septic System Design Variances

Donald J. Spence, Jr. was present and a hearing was conducted to consider a variance from Title 5, for a sewage disposal system plan designed by Daniel Ottenheimer, P.E., dated April 6, 2022 and last revised April 28, 2022 for the 10-bedroom dwelling located at 35 Heartbreak Road, Ipswich, Massachusetts.

Colleen Fermon explained this is a voluntary upgrade of the 2 existing septic tanks, pump chamber and distribution box serving the 7 dwelling units with a total of 10 bedrooms. Ms. Fermon explained that a reduction in the separation between the septic tank inlet and outlet inverts and Estimated Seasonal High Groundwater (ESHGW) was necessary to site the system on the lot. All inverts will be below groundwater. Ms. Fermon also noted that the tanks are constructed with rubber boots.

Susan Hubbard made a motion to grant approve the plan and grant the variance as requested with the condition that, 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. Amanda Donovan seconded the motion. The motion passed unanimously.

6:17 – Julie Coates, Executor, Downey Realty Trust – 50 Clark Road – Represented by Domestic Septic Design – Septic System Design Variances

Daniel Johnson, R.S., presented, and a hearing was held to consider a variance from Title 5 and Alternative Technology Waivers for sewage disposal system plan # J-2761 designed by Daniel Johnson, R.S., dated April 5, 2022, and last revised May 5, 2022 for the 3-bedroom dwelling located at 50 Clark Road, Ipswich, Massachusetts.

The system failed a Title 5 inspection on January 11, 2022. Mr. Johnson explained that soil testing was conducted and less than 4 feet of naturally occurring pervious soil was found. Based on this, an alternative technology was required for the upgrade of the system. Mr. Johnson proposed the use of a MicroFAST tank along with a Geoflow Drip tube leaching area for the upgrade of the system and requested the following variances:

- To allow a reduction in the 48 inches of naturally occurring pervious material. TP1 will have 29 inches and TP2 will have 26 inches.
- A 2 foot reduction in the separation between the leaching area and the estimated seasonal high groundwater (ESHGW). A 2 foot separation is provided with the use of a MicroFAST system.
- A 50% reduction in the leaching area size with the use of a MicroFAST system.
- To allow the use of a sieve analysis in lieu of a percolation test.

The Board reviewed the plan and considered the requests.

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon said she reviewed the plan with Mr. Johnson and thought this was a reasonable approach based on the site constraints. She recommended granting the variances as requested with the following conditions for approval:

- A two year Operations and Maintenance contract for the MicroFast tank and Geoflow Dip Tubing 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 Owner shall record in the chain of title for the property in the Registry of Deeds, a Notice of Alternative Disposal for the MicroFast tank. 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, 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 MicroFast tank and Geoflow Dip 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.
- 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.

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

6:21 – Claire M. Phillips – 40 North Ridge Road – Represented by C.G. Johnson Engineering, Inc. – Septic System Design Variances

Charles Johnson, P.E., presented, and a hearing was held to consider variances from Title 5 and Ipswich Board of Health Septic System Regulations for a sewage disposal system plan # 1422A designed by Charles Johnson, P.E., dated February 14, 2022, and last revised April 12, 2022 for the 3-bedroom dwelling located at 40 North Ridge Road, Ipswich, Massachusetts.

Susan Hubbard questioned if the abutters had been notified. Certified mail cards were provided to the Board of Health as proof of notification. There were no abutters in attendance at the meeting.

Previously, on June 7, 2021, plan # J-2690 designed by Daniel Johnson, R.S., dated March 17, 2021, and last revised May 20, 2021 was approved for the current owner. Subsequently, the buyers had additional soil testing conducted to accommodate a larger dwelling. A renovation of the dwelling is proposed with the addition of a 2-car garage.

Mr. Johnson provided an orientation of the property and explained that the property is impacted by the coastal bank and the Area of Critical Environmental Concern (ACEC). He proposed the use of a Bottomless Sand Filter and Waterloo Biofilter for the upgrade of the system and requested the following variances:

- A reduction in the setback from the septic tank to the property line. A 5 foot setback is provided.
- A reduction in the setback from the Waterloo Biofilter tank to the property line. A 5 foot setback is provided.
- A reduction in the setback from the septic tank to the foundation. A 5 foot setback is provided.
- A reduction in the setback from the Waterloo Biofilter tank to the foundation. A 6 foot setback is provided.
- A reduction in the setback from the leaching area to the foundation. A 17 foot setback is provided.
- A reduction in the setback from the surface drain and the septic tank and Waterloo Biofilter tank. A 2 foot separation is provided.
- To allow the use of a sieve analysis in lieu of a percolation test.
- A reduction in the separation between the septic tank inverts and Estimated Seasonal High Groundwater (ESHGW). All inverts will be below groundwater.
- To allow the use of one test pit in the SAS.
- A reduction in the 100 foot setback between the leaching area and the coastal bank. A 66 foot setback is provided.
- A reduction of design flow rate from 150 gallons/bedroom/day to 110 gallons/bedroom/day.
- A reduction in the 150 foot setback between the septic tank and the Area of Critical Environmental Concern (ACEC). A 137 foot setback is provided.

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 was comparable to the previously approved design. She explained that the goal was not to create the need for variances with the proposed larger dwelling. Ms. Fermon felt this design was a good approach. She recommended granting the variances as requested.

Susan Hubbard made a motion to approve the plan and grant the variances as requested with the following conditions for approval:

- A two year Operations and Maintenance contract for the Waterloo Biofilter and Bottomless Sand Filter 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 Bottomless Sand Filter system. 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 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 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.
- Conservation Commission Approval of the septic design plan must be obtained prior to the issuance of the Disposal System Construction 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 MicroFast tank and Geoflow Dip Tubing system, Title 5, the approved design plans, and all local requirements.
- The system must be installed with the Certificate of Compliance issued within 2-years of the transfer of title date.

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

6:29 – Lauzon Family Limited Partnership – 236 High Street – Represented by Engineering Land Services, LLC – Septic System Design Variances

Robert Grasso, P.E., presented, and a hearing was conducted to consider a variance from Title 5, for sewage disposal system plan designed by Stanton Bigelow, P.E., dated April 26, 2022 and last revised May 23, 2022 for the 3-bedroom dwelling located at 236 High Street, Ipswich, Massachusetts.

This is a voluntary upgrade of the existing 3-bedroom system. Mr. Grasso explained that the property is impacted by the coastal bank and the Area of Critical Environmental Concern (ACEC). Because of this he was unable to site the system in the rear of the property.

Mr. Grasso said locating the septic tank in the front yard would be ideal due to the optimal soil conditions but this would require relocating the sewer line from the rear of the dwelling to slope to the front of the dwelling. Alternatively, if the existing building sewer was raised from 3 feet to 3.6 feet (from the basement floor) to the septic tank this would provide access to the septic tank for maintenance and would keep the installation of the system outside of the 100 foot buffer zone. By lowering the grade over the leach field Mr. Grasso said he would be creating a ponding area over the leach field which would allow runoff to collect and infiltrate through the leach field and potentially cause a premature failure of the system. An increase in cover would help preserve and/or prolong the life of the system. Mr. Grasso requested the Board of Health

allow an increase in cover over the leach area from 3 feet to 3.6 feet.

The Board reviewed the plan and considered the request.

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon said she discussed the Local Upgrade Approval request with the designer(s) and was satisfied with the rationale provided. She noted that all components have been designed to be H2O loading, as required. Ms. Fermon recommended granting the variance as requested with the following conditions for approval:

- Conservation Commission approval must be obtained for the abandonment of the existing system and prior to the issuance of the Disposal System Construction Permit.
- 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.

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

6:33 – 59 Turnpike Road LLC – 59 Turnpike Road – Represented by Meridian Associates – Soil Testing Variances

Christopher Rokos presented, and a request for a variance to Ipswich Board of Health Septic System Regulations 8.9; which states that soil testing conducted for new construction or upgrades shall be valid for two (2) years from the date of testing was heard. Soil testing was conducted on March 16, 1999 and March 4, 2002 at 59 Turnpike Road.

Colleen Fermon provided some background information for the Board members. Previously, on August 4, 2017, the Board approved a subsurface sewage design system but the disposal system construction permit expired before the system was installed. When the plan was approved in 2017, the owner intended to use the space as a cannabis dispensary but his dispensary license was not approved until recently.

At the meeting, Christopher Rokos of Meridian Associates, Inc., requested to be allowed to use the soil testing from March 16, 1999 and March 4, 2002 for the purpose of septic design so that the owner can move forward with the development of the property without having to do additional testing. He requested a one-year extension from the date of the meeting for the soil testing results. Mr. Rokos explained that there have been no changes to the primary and reserve areas since the soil testing was done and changes to the land included only clearing and grading of the property for storm water management.

Susan Hubbard made a motion to grant a variance and extend the use of the soil testing results conducted on March 16, 1999 and March 4, 2002 until December 31, 2022. Amanda Donovan seconded the motion. The motion passed unanimously.

6:37 – Vanessa and Eileen Valdes – 29 Stage Hill Road – Represented by H.L. Graham Associates, Inc. – Septic System Design Variances and Deadline Extension for the Upgrade of the Septic System

Gerard McDonald, P.E., presented, and a hearing was conducted to consider variances from Title 5 and Ipswich Board of Health Septic System Regulations and alternative technology waivers for a sewage disposal system plan # 21-2121 designed by Gerard McDonald, P.E., dated January 27, 2022 and revised May 3, 2022 for the 3-bedroom dwelling located at 29 Stage Hill Road, Ipswich, Massachusetts.

Mr. McDonald provided an orientation of the property and proposed the use of a Waterloo Biofilter, ProStep Pump vault and pressure distribution system for the upgrade and requested the following variances:

- A 2 foot reduction in the separation between the bottom of the leaching area and Estimated Seasonal High Groundwater (ESHGW). A 2 foot separation is provided.
- To allow a 50% reduction in the leaching area size with the use of a Waterloo Biofilter system.
- A 3 foot reduction in the setback between the septic tank and the cellar wall. A 7 foot setback is provided.
- A reduction of the design flow from 150 gallons/bedroom/day to 110 gallons/bedroom/day.

The Board reviewed the proposed plan and considered the requests.

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon noted that at the April 4, 2022 Board of Health meeting, the Board directed Mr. McDonald to conduct additional testing adjacent to DOH 6 to confirm the soil was suitable to support the subsurface sewage disposal system plan that had been submitted for approval or to show that a tight tank would be necessary. Soil testing was conducted on May 3, 2022 and Mr. McDonald was able to move forward with the proposed plan.

Ms. Fermon also noted that an extension for the installation of the system was needed. The system failed a Title 5 inspection on October 2, 2019. At the April 13, 2021 Board of Health meeting, the Board of Health granted an extension until June 30, 2022 for the installation of the system but the owner is now pursuing a Septic Betterment Loan so additional time is needed for the funding to be procured from the state. Additionally, Ms. Fermon noted that Waterloo Biofilters are currently back ordered a few weeks.

Ms. Fermon recommended granting the variances as requested with the following conditions for approval:

- A 2 year Operations & Maintenance contract for the Waterloo Biofilter, ProStep Pump vault and pressure distribution system must be submitted to the Public Health Office prior to issuance of Disposal System Construction Permit.
- A Notice of Alternative Disposal for the Waterloo Biofilter and ProStep Pump vault 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.
- 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.
- Prior to the commencement of construction, the System Installer must certify in writing to the Designer, the local Approving Authority, and the System Owner that (s)he is a locally approved System Installer and, if required by the Company, is certified by or has received appropriate training by the Company.
- 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.
- 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 system must be installed with the Certificate of Compliance issued by December 15, 2022.

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

6:43 – Charles Whitten for Juniper Advisory Services; LLC – 263 Argilla Road – Represented by H.L. Graham Associates, Inc. – Septic System Design Variances

Gerard McDonald, P.E., 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 sewage disposal system plan #21-2120 designed by Gerard McDonald, P.E., dated January 19, 2022 and last revised April 21, 2022 for the 5-bedroom dwelling and 1-bedroom dwelling in the barn located at 263 Argilla Road, Ipswich, Massachusetts

Mr. McDonald explained a sewage disposal system plan was previously approved on March 7, 2022 by the Board of Health. Subsequently, the plan was revised to address Conservation Commission concerns regarding the proximity of the system to the buffer zone. Mr. McDonald requested the following variances:

- To allow a reduction in the 4 feet of naturally occurring pervious material. DOH 3 will have 30 inches and DOH 2 will have 40 inches.
- A reduction in the separation between the septic tank inlet and outlet inverts and Estimated Seasonal High Groundwater (ESHGW). The inverts will be 6 inches below groundwater.
- To allow the use of a sieve analysis in lieu of a percolation test.
- A reduction of the design flow from 150 gallons/bedroom/day to 110 gallons/bedroom/day.

- A reduction in the 150 foot setback between the septic system components and the Area of Critical Environmental Concern (ACEC). The setbacks provided are 64 feet for the septic tank, 73 feet for the Pro Step tank, 85 feet for the Waterloo Biofilter tank and 65 feet for the building sewer.

Susan Hubbard made a motion to approve the plan with the following conditions for approval as previously enumerated at the March 7, 2022 meeting:

- A two year Operations & Maintenance contract for the Waterloo Biofilter and Pro-Step pump vault 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 Pro-Step pump vault. 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. 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 Approval, Title 5, the approved design plans, and all local requirements.
- Conservation Commission approval must be obtained prior to the issuance of the Disposal System Construction Permit.
- 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.
- The system must be installed with the Certificate of Compliance issued by June 24, 2023.

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

6:48 – Alexandra Tsoupas and Briana Reardon – 110 Linebrook Road – Represented by H.L. Graham Associates, Inc. – Septic System Design Variances

Gerard McDonald, P.E., presented, and a hearing was conducted to consider a variance from Ipswich Board of Health Septic System Regulations, for sewage disposal system plan # 22-2203 designed by Gerard McDonald, P.E., dated April 27, 2022 for the 3-bedroom dwelling located at 110 Linebrook Road, Ipswich, Massachusetts.

Mr. McDonald explained that the system failed a Title 5 inspection on November 20, 2021 due to a breakout of effluent onto the ground surface caused by hydraulic failure of the system.

He requested a variance to allow a reduction of the design flow rate from 150 gallons/bedroom/day to 110 gallons/bedroom/day for the upgrade design.

Susan Hubbard asked Colleen Fermon for her thoughts.

Ms. Fermon thought this was a reasonable approach and recommended granting the variance as requested with the condition that 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 variance as requested with the condition as enumerated by Colleen Fermon. Dr. Boreri seconded the motion. The motion passed unanimously.

6:49 – Dort Nominee Trust – 14 Skytop Road – Represented by H.L. Graham Associates, Inc. – Septic System Design Variance

Gerard McDonald, P.E., presented and, a hearing was conducted to consider a variance from Ipswich Board of Health Septic System Regulations, for sewage disposal system plan # 22-2201 designed by Gerard McDonald, P.E., dated April 19, 2022 and last revised May 12, 2022 for the 3-bedroom dwelling and 1-bedroom apartment located at 14 Skytop Road, Ipswich, Massachusetts.

The system failed a Title 5 inspection on December 22, 2021.

Mr. McDonald proposed the use of a gravity system for upgrade and requested a reduction in the separation between the leaching area and Estimated Seasonal High Groundwater (ESHGW). A 3 foot separation is provided.

Susan Hubbard made a motion to approve the plan and grant the variance as requested with the following conditions for approval:

- 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.
- The system must be installed with the Certificate of Compliance issued by December 22, 2023.

Amanda Donovan seconded the motion. The motion passed unanimously.

6:52 – Paul and Patricia Valcour – 34 North Ridge Road – Represented by H.L. Graham Associates, Inc. – Septic System Design Variances

Gerard McDonald, P.E., presented, and a hearing was conducted to consider variances from Ipswich Board of Health Septic System Regulations for a sewage disposal system plan #15-1525 designed by Gerard McDonald, P.E., dated May 4, 2022 and revised May 23, 2022 for the 2-bedroom dwelling located at 34 North Ridge Road, Ipswich, Massachusetts

Mr. McDonald explained that this is a voluntary upgrade of the existing 2-bedroom septic system to accommodate a proposed expansion of the basement of the dwelling. He proposed the use of a Waterloo Biofilter and Bottomless Sand Filter for the upgrade of the system and requested the following variances:

- A reduction in the 150 foot setback between the leaching area the coastal bank. A 97 foot setback is provided.
- A reduction in the 150 foot setback between the septic tank and Waterloo Biofilter and the Area of Critical Environmental Concern (ACEC). The setbacks provided are 107 feet for the septic tank and 115 feet for the Waterloo Biofilter tank; respectively.

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon said the variances requested would be needed regardless of the proposed expansion due to the sensitive resources. 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 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, 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.
- Conservation Commission approval must be obtained prior to the issuance of the Disposal System Construction Permit.
- 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.
- 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 variances as requested with the conditions as enumerated by Colleen Fermon. Amanda Donovan seconded the motion. The motion passed unanimously.

6:58 – BAHVI Food Mart, Inc dba Richdale – 44 Market Street – Failure to Pay the Fine for Tobacco Product Violation

On May 9, 2022 an inspection was conducted at BAHVI Food Mart, Inc dba Richdale by Joyce Redford of the North Shore/Cape Ann Tobacco Policy Program on behalf of the Ipswich Public Health Department. Richdale violated 105 CMR 665.000 by offering for sale flavored Tobacco Products/ Electronic Nicotine Delivery Systems. On May 10, 2022, a \$1,000 fine was imposed pursuant to 105 CMR 665.045 (A) (1) for the first offense.

The fine was not paid within the 21-days of the May 10, 2022 violation order so Mr. Patel was ordered to attend the June 6, 2022 Board of Health meeting.

Mr. Patel attended the meeting but the tobacco fine was paid in full on June 1, 2022.

Mr. Patel said he spoke with the company regarding the vaping product in question and was told it doesn't fall under the definition of a tobacco product. Mr. Patel requested clarification on what constitutes a tobacco product.

The Board of Health explained that if a product is vapeable it is considered a tobacco product regardless of the nicotine content as outlined in the regulation.

105 CMR 665.000 defines Tobacco Product as a product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, electronic cigarettes, electronic cigars, electronic pipes, electronic nicotine delivery systems or any other similar products that rely on vaporization or aerosolization regardless of nicotine content in the product; provided, however, that "tobacco product" shall also include any component, part or accessory of a tobacco product; and provided further, that "tobacco product" shall not include a product that has been approved by the United States Food and Drug Administration for the sale of or use as a tobacco cessation product and is marketed and sold exclusively for the approved purpose.

7:00 - Discussion:

Proposed Amendments to the Ipswich Board of Health Regulation - Restricting the Sale of Tobacco Products

Joyce Redford presented, and the Board of Health reviewed proposed changes to the existing Ipswich Board of Health Regulation Restricting the Sale of Tobacco Products.

Previously, at the May 9, 2022 Board of Health meeting, Joyce Redford of the North Shore/Cape Ann Tobacco Policy Program and the Board of Health discussed state law updates since the Board adopted their local regulation in 2018. One of the most important updates is that under state regulation, 105 CMR 665, when a sale to a minor occurs, in addition to a one thousand dollars fine (\$1000.00), a tobacco permit suspension is also issued (Section S. Violation, a.). The regulation suggests a suspension timeframe of between (1) one and (30) thirty days. Ms. Redford recommend a (3) three-day suspension be imposed since most local regulations have a (7) seven-day suspension for a second violation and a 30 (thirty) day suspension for a third violation. It was the decision of the Board of Health to continue the discussion at the June 6, 2022 Board of Health meeting so the Board could review the current local regulation and the state regulation changes, effective on June 12, 2020.

At the June 6, 2022 Board of Health meeting, the Board of Health reviewed the current Ipswich Board of Health Restricting the Sale of Tobacco Products and the state regulation changes. The Board of Health discussed the following sections:

**Changes under the state regulation are noted in yellow. Changes made to the local regulation are noted in green*

Under C. **Definitions:**

For the purpose of this regulation, the following words shall have the following meanings:

Adult-Only Retail Tobacco Store *(also known as “Retail Tobacco Store” in MGL Ch. 270)*: An establishment that does not share space with another business, that has a separate entrance, that does not sell food, beverages or alcohol, that does not have a restaurant license or lottery license, whose only purpose is to sell or offer for retail sale tobacco products and/or tobacco product paraphernalia, in which the entry of persons under the age of 21 is prohibited at all times, and which maintains a valid permit for the retail sale of tobacco products from the Ipswich Board of Health and applicable state licenses. Entrance to the establishment must be secure so that access to the establishment is restricted to employees and to those 21 years or older. The establishment shall not allow anyone under the age of 21 to work at the establishment.

Blunt Wrap: *Any product made wholly or in part from a tobacco product, manufactured or packaged with loose and removable leaves or section of a leaf, or as a hollow tube, that may be used by the consumer to wrap or contain loose tobacco or other fillers.*

Characterizing Flavor: A distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted or detectable either prior to or during consumption of a tobacco product or component part thereof, including, but not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, *menthol, mint, wintergreen*, herb or spice; provided, however, that no tobacco product shall be determined to have a characterizing flavor solely because of the provision of ingredient information or the use of additives or flavorings that do not contribute to the distinguishable taste or aroma of the product.

Child-Resistant Package: *Packaging intended to reduce the risk of a child ingesting nicotine and that meets the minimum standards of 16 C.F.R. 1700 et seq., pursuant to 15 U.S.C. 1471 through 1476.*

Cigar: *Any roll of tobacco that is wrapped in leaf tobacco or in any substance containing tobacco, with or without a tip or mouthpiece, that is in a readily usable state immediately when removed from its packaging without any modification, preparation or assembly required as in a kit or roll-your-own package, and is not otherwise defined as a cigarette under Massachusetts General Law, Chapter 64C, Section 1, Paragraph 1. Tobacco leaf in such kits or roll-your-own packages shall be considered “blunt wraps” for the purpose of this regulation.*

Electronic Nicotine Delivery System: *An electronic device, whether for one-time use or reusable, that can be used to deliver nicotine or another substance to a person inhaling from the device including, but not limited to, electronic cigarettes, electronic cigars, electronic cigarillos, electronic pipes, vaping pens, hookah pens and other similar devices that rely on vaporization or aerosolization; provided, however, that “electronic nicotine delivery system” shall also include any noncombustible liquid or gel that is manufactured into a finished product for use in such electronic device; provided further, that “electronic nicotine delivery system” shall also include any component, part or accessory of a device used during the operation of the device even if the part or accessory was sold separately; provided further, that “electronic nicotine delivery system” shall not include a product that has been approved by the United States Food and Drug Administration for the sale of or use as a tobacco cessation product or for other medical purposes and is marketed and sold or prescribed exclusively for that approved purpose.*

Liquid Nicotine Container: A package from which nicotine or other substance in a solution or other form is accessible through normal and foreseeable use by a consumer and that is used to hold a soluble nicotine or other substance in any concentration; provided however, that "liquid nicotine container" shall not include a sealed, prefilled and disposable container of nicotine or other substance in a solution or other form in which the container is inserted directly into an electronic cigarette, electronic nicotine delivery system or other similar product if the nicotine or other substance in the container is inaccessible through customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion or other contact by children.

[Rolling Papers: Sheets, rolls, tubes, cones or leaves, that do not contain tobacco, which are used for rolling cigarettes either by hand or with a roll-your-own machine. When rolling a cigarette, the filler may be tobacco, cannabis or other commonly-smoked herbs.

Smoking Bar: An establishment that: (i) exclusively occupies an enclosed indoor space and is primarily engaged in the retail sale of tobacco products for consumption by customers on the premises; (ii) derives revenue from the sale of food, alcohol or other beverages that is incidental to the sale of a tobacco product and prohibits entry to a person under 21 years of age; (iii) prohibits a food or beverage not sold directly by the establishment from being consumed on the premises; (iv) maintains a valid permit for the retail sale of a tobacco product as required to be issued by the Town of Ipswich; and (v) maintains a valid permit issued by the department of revenue to operate as a smoking bar. "Smoking bar" shall include, but not be limited to, those establishments that are commonly known as "cigar bars", "hookah bars" and "vape bars".

Tobacco Product Flavor Enhancer: Any product designed, manufactured, produced, marketed or sold to produce a characterizing flavor when added to any tobacco product. A rolling paper with a characterizing flavor shall be considered a Tobacco Product Flavor Enhancer.

Tobacco Product: A product containing or made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, electronic cigarettes, electronic cigars, electronic pipes, electronic nicotine delivery systems or any other similar products that rely on vaporization or aerosolization regardless of nicotine content in the product; provided, however, that "tobacco product" shall also include any component, part or accessory of a tobacco product; and provided further, that "tobacco product" shall not include a product that has been approved by the United States Food and Drug Administration for the sale of or use as a tobacco cessation product or for other medical purposes and is marketed and sold or prescribed exclusively for the approved purpose.

Under Section D. **No Tobacco Sales to Persons Under Twenty-One (21) Years Old:**

1. No person shall sell or provide a tobacco product to a person under twenty-one (21) years old.

2. **Required Signage:**

- a. All retail establishments, including adult-only retail tobacco stores, shall conspicuously post signage inside the establishment, in the form developed and made available by the Massachusetts Department of Public Health. Such signage shall include: (i) a copy of M.G.L. c. 270, §§ 6 and 6A; (ii) referral information for smoking cessation resources; (iii) a statement that sale of tobacco products, including e-cigarettes, to someone younger than 21 years of age is prohibited; (iv) health warnings associated with using electronic nicotine delivery systems; and (v) except in the case of smoking bars, notice to consumers that the sale of flavored electronic nicotine systems are prohibited at all times. Such signage shall be posted conspicuously in the retail establishment or other place in such a manner so that it may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four feet or greater than nine feet from the floor.
- b. All adult-only retail tobacco stores shall post signage, in the form developed and made available by the Massachusetts Department of Public Health, on the exterior of the door providing entrance to the tobacco retail store or smoking bar and such sign shall not be obstructed from view or placed at a height of less than four feet or greater than nine from the bottom of the door. Such signage shall state that "No person younger than 21 years old is permitted on the premises at any time."

- c. *All those adult-only retail tobacco stores that allow for onsite consumption of tobacco products shall post signage, in the form developed and made available by the Massachusetts Department of Public Health, on the exterior of the door providing entrance to the tobacco retail store or smoking bar and such sign shall not be obstructed from view or placed at a height of less than four feet or greater than nine from the bottom of the door. Such signage shall warn persons entering that smoking and vaping may be present on the premises, and provide information concerning the health risks associated with second hand smoke and the use of tobacco products, including electronic nicotine delivery systems.*
3. **Identification:** Each person selling or distributing tobacco products, *or admitting entrance into an adult-only retail tobacco store*, shall first verify the age of the purchaser by means of a valid government-issued photographic identification containing the bearer's date of birth that the purchaser is 21 or older.
4. All retail sales of tobacco products, as defined herein, must be face-to-face between the seller and the buyer and occur at the permitted location.

Under Section E. **Tobacco Product Sales Permit:**

1. No person shall sell or otherwise distribute or offer for sale tobacco products, as defined herein, within the Town of Ipswich without first obtaining a Tobacco Product Sales Permit issued annually by the Ipswich Board of Health. Only owners of establishments with a permanent, *indoor*, non-mobile location in Ipswich are eligible to apply for a permit and sell tobacco products, as defined herein, at the specified location in Ipswich.
2. A separate permit, displayed conspicuously, is required for each retail establishment selling tobacco products, as defined herein. The fee shall be determined by the Ipswich Board of Health annually. *All required Massachusetts Department of Revenue licenses related to the sale of tobacco products, as defined herein, must also be displayed conspicuously at the retail establishment.*
3. *As of the effective date of this regulation, no new adult-only retail tobacco stores shall be located within twenty-five (25) feet of an existing retailer with a tobacco product sales permit. No single retail establishment shall have more than one Tobacco Product Sales Permit.*
4. *A Tobacco Product Sales Permit will not be renewed if the permit holder has sold a tobacco product to a person under the age of 21 three times within the previous permit year and the time period to appeal has expired. The violator may request a hearing in accordance with subsection 4 of the Violations section.*

10. **Maximum Number of Tobacco Product Sales Permits:**

- a. *At any given time, there shall be no more than 10 Tobacco Product Sales Permits issued in Ipswich reduced by the number of permits not renewed pursuant to section 10(b) below. No permit renewal will be denied based on the requirements of this subsection except any permit holder who has failed to renew his or her permit within thirty (30) days of expiration will be treated as a first-time permit applicant. New applicants for permits who are applying at a time when the maximum number of permits have been issued will be placed on a waiting list and will be eligible to apply for a permit on a "first-come, first-served" basis as issued permits are either not renewed, revoked, or are returned to the Board of Health.*
- b. *As of the effective date of this regulation, any permit surrendered, revoked or not renewed either because a retailer no longer sells tobacco products, as defined herein, or because a retailer closes the retail business, shall be returned to the Ipswich Board of Health and shall be permanently retired by the Board of Health and the total allowable number of Tobacco Product Sales Permits under paragraph (a) shall be reduced by the number of the retired permits.*
- c. *Of the permits allowed pursuant to section 10(a) above, there shall be no more than 10 Tobacco Product Sales Permits issued to Adult-Only Retail Tobacco Stores, as defined above, in Ipswich. No permit renewal will be denied based on the requirements of this subsection except any permit holder who has failed to renew his or her permit within thirty (30) days of expiration will be treated as a first-time permit applicant*
- d. *A Tobacco Product Sales Permit shall not be issued to any new applicant for a retail location within five hundred (500) feet of a public or private elementary or secondary school as measured by a straight line from the nearest point of the property line of the school to the nearest point of the property line of the site of the applicant's business premises.*

- e. A Tobacco Product Sales Permit shall not be issued to any new applicant for a retail location within five hundred (500) feet of a retailer with a valid Tobacco Product Sales Permit as measured by a straight line from the nearest point of the property line of the retailer with a valid Tobacco Product Sales Permit to the nearest point of the property line of the site of the applicant's business premises.
- f. Applicants who purchase or acquire an existing business that holds a valid Tobacco Product Sales Permit at the time of the sale or acquisition of said business may acquire said permit providing the applicant submits a valid application and meets all conditions within this regulation within sixty (60) days of such sale or acquisition for the permit held by the current permit holder if the Applicant intends to sell tobacco products, as defined herein. Permits for adult-only retail tobacco stores will only be issued if one is available pursuant to section 10(c) above.

Under Section H. **Sale of Flavored Tobacco Products Prohibited:**

No person shall **possess, hold, keep,** sell or distribute or cause to be **possessed, held, kept,** sold or distributed any flavored tobacco product, as defined herein, **or any flavored tobacco product enhancer,** as defined herein. Retailers must obtain from a manufacturer documentation certifying that products sold by the retailer do not meet the definition of a flavored tobacco product or tobacco product flavor enhancer (105 CMR 665.010).

Under I. **Nicotine Content in Electronic Nicotine Delivery Systems:**

No person shall sell an electronic nicotine delivery system with nicotine content greater than 35 milligrams per milliliter; provided, however, that this subsection shall not apply to adult-only retail tobacco stores. Retailers must obtain from a manufacturer documentation indicating the nicotine content of each of their products sold by the retailer, expressed as milligrams per milliliter (105 CMR 665.010(C)).

Under Section R. **Incorporation of State Laws and State Regulations:**

1. The sale or distribution of tobacco products, as defined herein, must comply with those provisions found at M.G.L. Ch. 270, §§6, 6A, 7, 28, 29 and M.G.L. Ch. 112, §61A.

Under Section S. **Violations:**

1. It shall be the responsibility of the establishment, permit holder and/or his or her business agent, and not their employees, to ensure compliance with all sections of this regulation. For violations of the sections of this regulation that incorporate MGL Ch. 270, Section 6 and 105 CMR 665, the following penalties apply:

a. In the case of a first violation, a fine of one thousand dollars (\$1000.00) shall be issued and, additionally, if the violation is a sale of a tobacco product to a person under the age of 21, the Tobacco Product Sales Permit shall be suspended per 105 CMR 040(d), for **3 consecutive business days.**

b. In the case of a second violation within thirty-six (36) months of the date of the current violation, a fine of two thousand dollars (\$2000.00) shall be issued and the Tobacco Product Sales Permit shall be suspended for **seven (7) consecutive business days.**

c. In the case of three or more violations within a thirty-six (36)-month period, a fine of five thousand dollars (\$5000.00) shall be issued and the Tobacco Product Sales Permit shall be suspended for **thirty (30) consecutive business days.**

2. For violations of all other sections specific to the Town of Ipswich, the violator shall receive:

a. In the case of a first violation, a fine of one hundred dollars (\$100.00).

b. In the case of a second violation within **thirty-six (36) months** of the date of the current violation, a fine of two hundred dollars (\$200.00) and the Tobacco Product Sales Permit shall be suspended for seven (7) consecutive business days.

c. In the case of three or more violations within a **thirty-six (36)-month** period, a fine of three hundred dollars (\$300.00) and the Tobacco Product Sales Permit shall be suspended for thirty (30) consecutive business days.

d. State Law Fines and Regulation Fines:

3. In the case of four violations or repeated, egregious violations of any section of this regulation, as determined by the Board of Health within a **thirty-six (36)-month period**, the Board of Health shall hold a hearing in accordance with this regulation and, after such hearing may permanently revoke a Tobacco Sales Permit.

It was the decision of the Board of Health to have Joyce Redford make the aforementioned changes to the regulation and provide the Board of Health members with a copy of the updated draft regulation. A public hearing to approve the changes to the Ipswich Board of Health Regulation Restricting the Sale of Tobacco Products will be heard at the August 1, 2022 Board of Health meeting. A legal add with a brief synopsis of the regulation changes will be advertised in the Ipswich Chronicle at least fourteen (14) days prior to the public hearing.

7:38 - Director of Public Health Report:

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

- Colleen Fermon said that Ipswich currently has 12 active COVID19 cases, people under isolation.
- Ipswich had a COVID-19 positivity rate of 7% last week.

COVID-19 Local Public Health Support Grant: The Public Health Office received an additional \$25,000 grant and it will be used to cover payroll for COVID-19 clinic hours and contact tracing.

COVID-19 Test Kits: The Public Health Department will receive 2,500 COVID-19 test kits. Test kits will be distributed to Town Hall, Ipswich Public Library, the Open Door, Ipswich Dinner Bell, Council on Aging, Recreation and some local businesses (food establishments).

Food Establishments:

- Choate Bridge Pub – Under plan review due to a change of ownership
- North Shore Beefie Boys – Permitted as a Mobile Food Establishment
- Sandpiper Bakery – Under plan review for an expansion of the retail space

Housing:

- 59 Topsfield Road – The Board of Health requested a plain view inspection of the property be done.

Next Board Meetings: The next meetings of the Board of Health was scheduled for 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 7:56 PM. Amanda Donovan seconded the motion. The motion to adjourn passed unanimously.

Documents used at the June 6, 2022 Board of Health meeting:

- Title 5 and Ipswich Board of Health Septic System Regulations.
- Subsurface Sewage Design Plan for 35 Heartbreak Road.
- Subsurface Sewage Design Plan for 50 Clark Road.
- Subsurface Sewage Design Plan for 29 Stage Hill Road.
- Subsurface Sewage Design Plan for 263 Argilla Road.
- Subsurface Sewage Design Plan for 110 Linebrook Road.
- Subsurface Sewage Design Plan for 14 Skytop Road.
- Subsurface Sewage Design Plan for 236 High Street.
- Subsurface Sewage Design Plan for 40 North Ridge Road.
- Subsurface Sewage Design Plan for 34 North Ridge Road.
- Ipswich Board of Health Restricting Sale of Tobacco Products Regulation.
- 2022 Sales Regulation Sample.
- Results of Soil Testing for 59 Turnpike Road dated March 16, 1999 and March 4, 2002.
- Order dated May 10, 2022 from Colleen Fermon for BAHVI Food Mart, Inc. dba Richdale for a Cease and Desist and Fine for Tobacco Violation.
- Email dated May 18, 2022 from Colleen Fermon to pinalviral@yahoo.com regarding the violation of 105 CMR 665.000.
- Email dated May 11, 2022 from Joyce Redford regarding 105 CMR 665.000.
- Photographs dated May 11, 2022 from Joyce Redford of Richdale and the violation(s) of 105 CMR 665.000.

Susan C. Hubbard, Chairperson

Dr. Susan Boreri, Board Member

Amanda Donovan, Board Member

