

Board of Health Minutes
Monday, May 9, 2016 5:30 PM
Meeting Room C, Town Hall
25 Green Street, Ipswich, MA

Call to Order: Susan Hubbard called the meeting to order at 5:33 PM.

Members attending: Susan C. Hubbard, Dr. Spencer Amesbury and Margaret McDermott were in attendance.

Others in attendance: Director of Public Health; Colleen Fermon, Public Health Administrative Assistant; Jennifer Brown, Robert Carlezon, Gerard McDonald, P.E., John Morin, P.E., Nicholas Steenhaut, JoAnn Seppala, Robert Sexton, Attorney, Chloe Coravos, Edward Greenburg and Jann Taylor.

Citizens Queries: None.

Minutes: The April 19, 2016 minutes were not ready for approval.

Public Hearings:

5:31 - Board of Health Food Regulations:

Susan Hubbard stated the public hearing for the Board of Health Fee Schedule was advertised in the Ipswich Chronicle on April 28, 2016 which was at least 14 (fourteen) days prior to the hearing in compliance with Ipswich's General By-laws, Chapter III, Section 6.

The Board proposed to delete sections 2 and 3 since they are covered by existing state regulation 105 CMR 590.00/1999 Federal Food Code.

2. No residential kitchens for retail sale will be allowed to operate in the Town of Ipswich.

3. All food service establishments of the town of Ipswich must have a separate waterproof container with tight fitting lid for the waste products for their grease traps. A grease reclamation service must be obtained by each food service establishment to dispose of the grease in an appropriate manner approved by the Ipswich Board of Health.

Susan Hubbard opened the floor for comment and asked if anyone wished to be heard regarding the regulation changes.

Jay Stanbury, Ipswich Agricultural Commission, addressed the Board. Mr. Stanbury felt that section 2 of the regulation no longer served a useful purpose. He supported the removal of the provision.

Glen Gibbs, Ipswich Planning Director, approached the Board. Mr. Gibbs spoke on behalf of the Agricultural Commission and the Farmer's Market in support of the removal of section 2 of the regulation.

Catherine Chadwick, 27 Fellows Road, addressed the Board in support of the removal of section 2 of the regulation. Section #2 creates a prohibitive atmosphere for Farmers Market vendors to provide goods at the market and simultaneously reduces the availability of value added products to the market.

There being no more comments the public hearing was closed. The Board voted unanimously to delete the two provisions of the Board of Health Food Regulation as proposed and made the changes effective May 9, 2016.

5:36 - Board of Health Fee Schedule:

Susan Hubbard stated the public hearing for the Board of Health Fee Schedule was advertised in the Ipswich Chronicle on April 28, 2016 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 Food Service – Takeout from \$100 to \$200

Increase Food Service – Institution from \$200 to \$250

Increase Caterers from \$100 to \$200

Increase Mobile Food Units and Pushcarts from \$100 to \$200

Add Residential Kitchen for Retail Sale permit fee of \$100

Add Catered Feeding locations permit fee of \$100

Add Farmers Market Establishment permit fee of \$50

Add Food Service Establishment with approved HACCP plan, or variance permit fee of \$250

Delete Food Service permit fees:

1-25 seats = \$100
26-50 seats= \$150
51-100 seats=\$200

Add Food Service permit fee: 100 seats or less = \$200

Delete Retail Food permit fees:

<500 sq ft = \$50
500-<1000 sq ft= \$150
1001-<1500 sq ft =\$200

Add Retail Food permit fee: 1500 sq ft or less =\$200

Add Retail Food- prepackaged non-potentially hazardous foods only permit fee of \$100

Increase Food Plan Review fee (including mobile) from \$100 to \$150;

Increase Food Plan Review revision fee from \$50 to \$75;

Increase HACCP plan review fee from \$50 to \$75;

Add Time as a Public Health Control plan review and food variance review fee of \$75;

Increase motel license fee from \$50 to \$100;

Increase public or semi-public pool permit fee from \$100 to \$150;

Add public or semi-public pool plan review revision fee of \$75

Add late fee of \$50/month or increment thereof for all re-inspection fees not paid within 30 days of re-inspection date

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. The Board voted unanimously to adopt the Board of Health Fee Schedule changes as proposed. The adopted Fee Schedule is effective May 9, 2016.

5:37 - 2016 Best Management Practice Plan for Mosquito Control:

Susan Hubbard stated notice of the public hearing for the Best Management Practice Plan for Mosquito Control was advertised in the Ipswich Chronicle on April 28, 2016.

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 being no comments the public hearing was closed. The Board voted unanimously to adopt the Best Management Practice Plan for Mosquito Control as written.

Hearings:

5:38 - Joseph Calabro – 169 Topsfield Road (formerly 165 Topsfield Road) – Represented by Grady Consulting, LLC – Local Upgrade Approval Request

Darren Grady, P.E., presented, and a hearing was conducted to consider variances from Title 5 for a sewage disposal system plan # 15-347 designed by Darren Grady, P.E., dated December 17, 2016, and last revised April 5, 2016, for the 2 bedroom dwelling located at Road, Ipswich, Massachusetts.

Mr. Grady requested a variance to allow the use of a sieve analysis in lieu of a percolation test since percolation testing could not be performed due to high groundwater.

Ms. Fermon confirmed that the Alex Parker, who witnessed the soil testing, noted groundwater interference. Ms. Fermon also noted that the property had been divided so Title 5 Inspections needed to be done on the existing system. Instead of doing the inspection, Mr. Calabro signed an agreement to upgrade the septic system by April 4, 2018.

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

- A 2 bedroom deed restriction must be filed at the Southern Essex County Registry of Deeds with a copy provided to the Public Health Office prior to the issuance of the Disposal System Construction Permit.
- An Ipswich licensed installer must come to the Public Health Department 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 April 4, 2018.

Margaret McDermott made a motion to approve the plan and grant a variance to allow the use of a sieve analysis in lieu of a percolation test with the aforementioned conditions as enumerated by Colleen Fermon. Susan Hubbard seconded the motion. The motion passed unanimously.

5:41 - Hearing – KA Hamilton Construction – 41 North Ridge Road – Represented by H.L. Graham Associates, Inc. – Local Upgrade Approval Requests, Alternative Technology Waiver, and Septic System Regulation Variance Request

Gerard McDonald, P.E., presented, and a hearing was conducted to consider variances from Title 5 and Ipswich Board of Health Septic System Regulations for a sewage disposal system plan # 16-1601 designed by Gerard McDonald, P.E., dated March 8, 2016, and last revised April 6, 2016, for the 3 bedroom dwelling located at 41 North Ridge Road, Ipswich, Massachusetts.

Susan Hubbard asked if the abutter at 53 Skytop Road was notified. Mr. McDonald provided a certified mail receipt to the Board as proof of notification. The abutter was not in attendance.

Ms. Fermon noted that previously, at the February 11, 2016 meeting, it was the decision of the Board to grant a variance to Board of Health Septic System Regulation, 2.14 and recognize the dwelling at 41 North Ridge Road as having 3 bedrooms with the condition that a three (3) bedroom septic system was installed. The current owner signed an agreement to upgrade the septic system by March 31, 2018.

Mr. McDonald said it is the intention of the homeowner to demolish and reconstruct the dwelling. Soil testing revealed a percolation rate of 43 minutes per inch which means the soil is restrictive. Additionally, this is a small lot. He proposed the use of a Waterloo Biofilter system since it can reduce the size of the leaching area by 50%. He requested the following variances:

- To allow a 50% reduction in the leaching area size with the use of a Waterloo Biofilter system.
- To allow a reduction in the separation between the bottom of the leaching system and estimated seasonal high groundwater (ESHGW). A 3 foot separation is provided.
- To allow a reduction in the setback between the leaching area and the cellar wall. A 17 foot setback is provided.
- To allow a reduction in the setback between the leaching area and the property line. A 7 foot setback is provided.
- To allow a reduction of the design flow from 150 gallons/bedroom/day to 110 gallons/bedroom/day.

Susan Hubbard asked Colleen Fermon for her thoughts.

Ms. Fermon said restrictive soils and a tight lot make this is a very difficult site. She recommended granting the variances as requested with the following conditions:

- A 2 year Operations and Maintenance contract for the Waterloo Biofilter and Pressure Distribution system must be submitted to the Public Health Department prior to the issuance of the Disposal System Construction Permit.
- A Notice of Alternative Disposal must be filed at the Southern Essex County Registry of Deeds with a recorded copy provided to the Public Health Department prior to the issuance of the Disposal System Construction Permit. A sample Notice of Alternative Disposal can be found on the Massachusetts Department of Environmental Protection's website <http://www.mass.gov/dep>
- A Lifetime Maintenance restrictive covenant for the Pressure Distribution system must be filed at the Southern Essex County Registry of Deeds with a recorded copy provided to the Public Health Department prior to the issuance of the Disposal System Construction Permit.
- An Ipswich licensed installer must come to the Public Health Department 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 March 31, 2018.

Dr. Amesbury made a motion to approve the plan and the variances as requested as enumerated by Ms. Fermon. Susan Hubbard seconded the motion. The motion passed unanimously.

5:39 - Hearing – Benjamin and Marylou Fierro – 16 North Ridge Road – Represented by H.L. Graham Associates, Inc. – Septic System Regulation Variance and Tight Tank Approval

Hugh L. Graham, P.E., presented, and a hearing was conducted for the approval of a tight tank plan #15-1505-2 designed by Gerard McDonald, P.E., dated March 30, 2016 for the 3 bedroom dwelling located at 16 North Ridge Road, Ipswich, Massachusetts.

At the January 11, 2016 Board of Health meeting, it was the decision of the Board to grant a variance to Board of Health Septic System Regulation, 2.14 and recognize the dwelling located at 16 North Ridge Road as a three (3) bedroom dwelling with the condition that a 3 bedroom septic system was installed by November 19, 2017.

Mr. Graham said soil testing revealed tight, silty, clay loam that would not percolate so a tight tank was the only option for this property. Where the Soil Evaluator and the local approving authority determines that the soils are impervious or of extremely low permeability, and there is no feasible alternative (e.g. a shared system), then a tight tank to eliminate a failed system, approved under 310 CMR 15.260, is the only option.

The following variance was requested:

- To allow the tight tank to be within the 150 feet buffer zone of the ACEC.

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon confirmed there was no other viable option for this property and recommended approving the plan and granting the variance as requested.

Susan Hubbard made a motion to approve the tight tank plan and grant a variance to allow the tight tank to be within the 150 feet buffer zone of the ACEC. Approval was granted with the following conditions:

- A two (2) year service contract for the tight tank and pump chamber with a septage hauler licensed in Ipswich must be obtained, designating the disposal location of the contents. A copy of the contract must be submitted to the Public Health Office prior to the issuance of the Disposal System Construction Permit.
- A three (3) bedroom deed restriction must be filed at the Southern Essex County Registry of Deeds with a recorded copy provided to the Public Health Office prior to issuance of Disposal System Construction Permit. A model bedroom deed restriction can be found on the Massachusetts Department of Environmental Protection's website <http://www.mass.gov/dep>.
- Lifetime Maintenance restrictive covenant for the tight tank 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 issuance of the Disposal System Construction Permit for a tight tank, the facility owner shall record or register in the chain of title for the property served by the tight tank at the Registry of Deeds, a copy of the local Approving Authority's written approval. A recorded copy must be provided to the Public Health Office prior to issuance of Disposal System Construction Permit.
- Conservation Commission approval must be obtained prior to issuance of the Disposal System Construction Permit.
- The tight tank must be vacuum tested on site by the manufacturer to prove it is watertight
- 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 tight tank must be installed with the Certificate of Compliance issued by November 19, 2017.

Margaret McDermott seconded the motion. The motion passed unanimously.

The Board noted that, in accordance with 310 CMR 15.260 (5), when town sewer becomes available, any person owning a tight tank shall connect to the sewer within 30 days and the tight tank system shall be abandoned in accordance with 310 CMR 15.354.

5:51 - Hearing - Field of Diamonds – 76-78 Turnpike Road – Represented by The Morin-Cameron Group, Inc. – Approved Design Flow

John Morin of the Morin-Cameron Group, Inc. presented, and asked the Board to reconsider the approved design flow of 493 gallons per day. Mr. Morin believed the existing septic system was sized to accommodate a greater design flow than previously approved.

Mr. Morin said the property transferred title in 2015 and he was retained by the new owner to evaluate the soil absorption system. Based on Mr. Morin's review of Board of Health files he felt there was a discrepancy between the existing septic system and the proposed septic system design. Written notes in the file appear to be a re-design of the sanitary disposal system for this property. The existing system located on the property appears to closely resemble this proposed design. Unfortunately, there is no Certificate of Compliance issued that is associated with this proposed system. Mr. Morin reasoned that the calculations for the proposed plan appear to explain why the existing septic system does not match the original design plan. The existing leach field based on the Title 5 reports is approximately 2,100 square feet in size. The original septic design plan shows an average percolation rate of 5 minutes per inch. Using the bottom area loading rate of 0.71 gallons per square foot shown on the original septic design yields a system capacity of 1,491 gallons per day for the existing leaching field. Additionally, Hancock Engineering did soil testing on November 17, 2005 next to the existing leach field and the results showed parent soil to be loamy sand. They did not perform a percolation test because the water table was too high. Based on the current sanitary code, the loading rate for the slowest percolation rate for a Class 1 soil, which is 8 minutes per inch equals 0.66 gallons per day per square foot. This yields a leach field capacity of 1,386 gallons per day. Mr. Morin requested the Board grant an increase in the approved design flow from 493 gallons per day to 1,386 gallons per.

The Board reviewed the history of the property. The septic system failed a Title 5 inspection on July 12, 2002. An application for a system approved on April 30, 1984 was for a design flow of 350 gallons/day. A septic plan designed by Robert Smith has a date written on it in pencil of July 2, 1984. This plan shows it was based on 10 people at a flow of 15 gallons per person for a total of 150 gallons per day. This plan also shows that the system was designed with a safety factor of 342.8 gallons for a total 492.8 gallons per day. The system in the ground does not match the design outlined in the application or the septic design. After the failure the previous owner changed the tenant mix and was able to drop the water usage significantly. The Board reviewed water usage records for the property in 2005 and 2006. At a meeting of the Board of Health on November 6, 2006, the order to upgrade was withdrawn and a design flow of 493 gallon per day was approved by the Board of Health.

Ms. Fermon added that when the property transferred in 2015, the new owner was informed of the 493 gallon per day approved design flow. Now the owner wants to revisit the design flow without putting in a new system. Ms. Fermon was not comfortable allowing an increase in flow when the system failed a Title 5 inspection in 2002 when the flows were above 493 gallon per day. Mr. Morin in recreating the past based on assumed information. An increase in flow should require a new septic system. Furthermore, the Board already decided the approved design flow.

Susan Hubbard felt a sufficient design flow review had been completed in 2006. The Board concurred.

Susan Hubbard made a motion to uphold the Board's decision and maintain an approved design flow of 493 gallons per day. Dr. Amesbury seconded the motion. The motion passed unanimously.

The Board also noted that a Title 5 inspection conducted on January 29, 2016 revealed the 1,500 gallon septic tank was leaking. The owner was ordered to have it replaced by May 7, 2016.

Margaret McDermott asked if the septic tank was replaced. The septic tank had not been replaced. Susan Hubbard noted that not replacing the septic tank as required did not show good faith on the part of the owner.

John Morin requested an extension for the repair and said the owner waited to replace the tank since the Board's decision on the design flow could have impacted the size of the replacement tank.

Susan Hubbard made a motion to grant an extension for the replacement of the leaking septic tank. The septic tank must be replaced by June 15, 2016. Dr. Amesbury seconded the motion. The motion passed unanimously.

6:04 - Hearing – Nicholas Steenhaut – 66 Town Farm Road – Review of Site Assignment and Density Limits

Previously, pursuant to Mass General Law Chapter 111 Section 143, a public hearing was held at the April 6, 2015 Board of Health meeting to discuss the operation of a piggery at 66 Town Farm Road, Ipswich. At the meeting Mr. Steenhaut stated that his business, Stonewood Pastures, would manage its pigs on pasture, using a rotational grazing method on 5 paddocks on 1.5 acres. Additionally, Mr. Steenhaut attested that Stonewood Pastures would maintain a stocking density that supports sustainable vegetative growth and pasture health and that he would not exceed the upper limits of the sustainable stocking density recommendations he provided in his submittal dated March 2, 2015. Mr. Steenhaut said he would start at the lower density limits for the first year of your operation to assess what the pasture would support.

It was the decision of the Board to issue an order of site assignment for the Operation of a Piggery at 66 Town Farm Road. The order was issued with the following conditions:

- For one (1) year the density limits were; Sows with Litters, 6 per acre; Pigs weaning to 100 pounds, 15 per acre; Pigs 100 pounds to market, 10 per acre and Sows gestating, 8 per acre.
- Conservation Commission approval must be obtained.
- Mr. Steenhaut was required to attend the April 2016 Board of Health meeting. At said meeting, the Board would review the site assignment.

At the May 19, 2016 meeting, the Board reviewed the site assignment and the owners request to utilize the upper density limits for 2016 and beyond. It was noted that the Animal Control Officer, Meghan Boissonneau, confirmed in March, 2016 that the farm is very clean, well maintained, and the animals are healthy. Additionally, no complaints regarding the pig operation have been made to the Public Health Office.

Based on this information, Susan Hubbard made a motion to approve the following density limits for 2016 and beyond:

- Sows with Litters: 8 per acre
- Pigs weaning to 100 pounds: 30 per acre
- Pigs, 100 pounds to market: 20 per acre
- Sows, gestating: 12 per acre

And that no other Board of Health review of the site assignment for the pig operation is required. Dr. Amesbury seconded the motion. The motion passed unanimously.

6:09 - Hearing - JoAnn Darisse – 16 Hillside Road – Septic System Upgrade Extension Request

JoAnn Darisse presented, and the Board discussed an extension for the upgrade of the septic system serving 16 Hillside Road.

The septic system serving 16 Hillside Road failed a Title 5 Inspection on April 26, 2014. In accordance with 310 CMR 15.000, Title 5, Ms. Darisse was ordered to upgrade the septic system within 2 years from the date of inspection; by April 26, 2016. On November 3, 2014, the Board approved a sewage disposal system plan to serve the 2 bedroom dwelling.

At the meeting it was noted that the system installation began in December, 2015 but was put on hold while the property was tied up in litigation. The installation can now resume and the Installer, Lou Vlahos, has confirmed he can install the system by May 31, 2016. Ms. Darisse requested an extension until May 31, 2016 for the installation of the system.

Susan Hubbard made a motion to grant you an extension for the upgrade of the system; the system must be installed with the Certificate of Compliance issued by June 30, 2016. Margaret McDermott seconded the motion. The motion passed unanimously.

6:10 - Hearing - Edward Greenburg and Jann Taylor – 17 Hillside Road – Represented by Samer Obeid, Esquire – Order for Correction; Violations of Minimum Standards of Fitness for Human Habitation

Colleen Fermon reviewed the history of the property for the Board. As a result of a complaint received by the Public Health Office, an inspection was conducted on February 22, 2016, at 17 Hillside Road, Ipswich in accordance with Chapter II of the State Sanitary Code, 105 CMR 410.000: Minimum Standards of Fitness for Human Habitation. Subsequently, an order for correction was issued on February 22, 2016 for the violations found.

Previously, at the April 19, 2016 Board of Health meeting, it was the decision of the Board to modify the order and extend the timeframe for correction. The violations related to locks, 105 CMR 410.480, were to be corrected in five days, on or before, April 24, 2016. The other violations were to be corrected on or before June 19, 2016.

Ms. Fermon said the owner and occupant can't seem to work out a solution so the owner hired an attorney. Subsequently, the owner's attorney requested another extension to the violations related to locks, 105 CMR 410.480, since his client has had difficulty gaining access to the unit and he may need to seek an entry order since the occupant won't allow access to the unit.

On March 11, 2016, the Public Health Office received the owner's written request for a hearing before the Board of Health for an extension to make the necessary repairs. Additionally, the owner's requested to have the order to correct for the electrical panel in the garage withdrawn.

The Board reviewed a May 9, 2016 email from the owner's attorney in which the attorney requested an extension until May 31, 2016 for the repair of the window locks.

At the meeting, the occupant, Robert Sexton, and his Attorney, Chloe Coravos, did not object to the extension to the violations related to locks, 105 CMR 410.480.

The owner, Jann Taylor, said she has repeatedly attempted to reach an agreement with Mr. Sexton to access the premises to make repairs. Mr. Sexton refused to allow access until he hired an attorney. Subsequently, Mr. Sexton offered unreasonable times to perform the work such as only after 7:00 PM. Additionally, he required that only licensed contractors perform the work.

Colleen Fermon asked if an electrician had been hired. Electrician, Mark Swett, pulled a permit to complete the electrical work. Ms. Fermon questioned why an inspection had not been conducted. Mr. Sexton will not allow him access even though he is licensed.

Susan Hubbard said at this point the attorney's need to coordinate schedules for both parties so the violations can be corrected.

Susan Hubbard made a motion to modify the order and grant another extension for the violations related to locks, 105 CMR 410.480, Said violations must be corrected on or before May 31, 2016. The other violations cited on February 22, 2016 must be corrected on *or* before June 19, 2016. Dr. Amesbury seconded the motion. The motion passed unanimously.

The Board noted that once the corrections have been completed, the owner must call to schedule a re-inspection. A re-inspection must be conducted by a representative of the Public Health office to confirm compliance.

6:25 - Hearing - Michael Dipietro and Amanda Baryshyan – 32 Plover Hill Road – Failure to Comply with a Board of Health Order

Colleen Fermon reviewed the history of the property for the Board. The septic systems serving 32 Plover Hill Road failed a Title 5 Inspection on September 26, 2013. In accordance with 310 CMR 15.000, Title 5, the previous owner was ordered to upgrade the septic system within 2 years from the date of inspection; by September 26, 2015. The current owners purchased the property on October 4, 2013 so the responsibility for the upgrade transferred to them.

At the December 14, 2015 meeting, the Board discussed with Mr. Dipietro a timeframe for bringing the property into compliance. It was the decision of the Board to grant an extension for the installation of the new septic system until December 15, 2016 with the condition both septic systems were to be pumped in December 2015 with proof of pumping submitted to this office on or before January 4, 2016. The septic system must be installed with the Certificate of Compliance issued on or before December 15, 2016.

In a letter dated January 14, 2016, the owners were informed that the deadline had passed and the Public Health Office had not received the requisite pumping report. In a second letter dated February 16, 2016, the owners were informed that if they failed to submit the records on *or* before February 25, 2016 they would be required to attend the next regularly scheduled Board of Health meeting to discuss their non-compliance. No pumping report was received. Subsequently, a letter dated March 23, 2016 required them to attend the April 19, 2016 meeting to discuss their noncompliance with a Board of Health order.

The owners did not attend the April 19, 2016 meeting. At the meeting, the Board discussed the owner's noncompliance with the December 14, 2015 Board of Health order. Pursuant to 310 CMR 15.305, a failed septic system must be upgraded within two years of the date of inspection unless the continued use of the system is permitted by the Board of Health in accordance with provisions of an enforceable schedule for upgrade. Additionally, pursuant to 105 CMR 410.000, failure to maintain a sewage disposal system (septic system) in compliance with 310 CMR 15.000 is sufficient basis for deeming a dwelling unfit for human habitation. If the Board issues a finding that a dwelling is unfit for human habitation, the Board may issue an order condemning the dwelling and order the owners to vacate and secure the dwelling. It was the decision of the Board to order the owners to provide the Public Health Office with a pumping record for both systems serving 32 Plover Hill Road before May 9, 2016. If pumping records for both systems are not received before May 9, 2016, the dwelling may be deemed unfit for human habitation.

In an April 21, 2016 letter, the owners were informed that the Board ordered them to provide the Public Health Office with a pumping record for both systems serving 32 Plover Hill Road before May 9, 2016 and that if pumping record for both systems were not received before May 9, 2016, the dwelling may be deemed unfit for human habitation. The owners were also informed another hearing was scheduled for May 9, 2016.

At the May 9, 2016 hearing there was no representative for 32 Plover Hill Road present. The Board of Health discussed the continued noncompliance with the December 14, 2015 Board of Health order. Susan Hubbard made a motion that the owners must comply with the following provisions of the schedule for upgrade to be able to continue using the failed system until December 15, 2016:

1. Have both systems serving 32 Plover Hill Road pumped by May 31, 2016 with proof of pumping provided to the Public Health Office before said date.
2. Attend the June 6, 2016 Board of Health meeting scheduled for 5:30pm in Room C of Town Hall.
3. Hire a designer by June 17, 2016 and provide the name of the designer to the Public Health Office by June 24, 2016.
4. Submit septic system design plans to the Public Health Office by August 31, 2016.
5. Have the system installed and the Certificate of Compliance issued by December 15, 2016.

If the owners fail to provide proof of pumping by May 31, 2016, at the June 6, 2016 Board of Health hearing the Board will consider deeming the dwelling unfit for human habitation since it does not have an approved wastewater disposal system. If the Board issues a finding that a dwelling or portion thereof is unfit for human habitation, the Board may issue an order condemning the dwelling or portion thereof and an order to vacate the dwelling or portion thereof, and an order requiring the owner to secure the dwelling or portion thereof. No dwelling or portion thereof which is ordered to be secured shall be occupied without the prior written permission of the board of health based upon the board's written finding that the dwelling or portion thereof to be occupied is fit for human habitation. Dr. Amesbury seconded the motion. The motion passed unanimously.

6:30 - Director of Public Health Report:

April Activities Report: The Board reviewed the report. The following points were discussed.

Food Trainings: For the second year, a temporary food training was held. 14 participants attended and the all the evaluations were very positive. The training covered the applicable regulations and food safety, the application process and the inspection process.

Polished: Polished, a Preventative Dental Care Program, provides free dental cleanings and screenings to children, and to adults for \$49.00. Polished served 12 people on April 20th. Since more people wanted appointments, a second date had been added and Polished will be back in Town Hall on June 16, 2016 from 9am until 5pm in Room C. Information about the dental clinic was posted on the Public Health webpage under Newsflash and a press release was sent to the Ipswich Chronicle.

Five Corners Café and Deli - 0 Central Street – Results of Second and Third Audit by the Consultant: On February 19, 2016, a food permit was issued to Five Corners Café and Deli. The first audit by the consultant, Grace Martin, was done on February 27, 2016 and revealed the same violations that has been cited by the Food Inspector during previous inspections. The consultant retrained the operator and staff and a second audit was done mid-March. There were improvements made with the operator and establishment however Ms. Martin said the owner's attitude demonstrates that she is not willing to work through the process and is resistant to feedback.

The third audit was done on April 9, 2016 with mostly positive results. The consultant noted that the operator's resistant attitude makes it difficult but progress is being made. As required by the Board of Health, the operator submitted a written plan for sustaining compliance. Another audit will be done in May.

YMCA pool: At the April 19, 2016 Board of Health meeting, a hearing was conducted to consider two variance requests from 105 CMR 435.000. The Ipswich YMCA requested variances from 435.06 (1) (d: Water Circulation and Filtration Systems) and 435.35(2): Water Slide Flumes.

The Board reviewed the variances requested, the Spectralight Ultraviolet system information and associated pool plans for the Ipswich YMCA pool. It was the decision of the Board of Health that the YMCA proved manifest injustice and the same degree of protection so the requested variances were granted with the following conditions:

1. The ultraviolet system must be maintained, cleaned and inspected in accordance with the manufacturer's recommendations.
2. The ultraviolet lamp must be replaced annually, before the start of the pool season.
3. A certificate of construction compliance must be submitted for the ultraviolet system prior of the issuance of the original pool permit. The certification(s) shall include a statement that the ultraviolet system has been constructed or installed in accordance with the manufacturer's instructions and the approved plans and specifications.

The variance letter was approved by the the Department of Public Health.

Next Board Meetings: The next meetings of the Board of Health were scheduled for, June 6, 2016, July 18, 2016, August 8, 2016, September 12, 2016, and October 3, 2016 at 5:30 PM.

Adjourn: Susan Hubbard made the motion to adjourn at 7:00 PM. Margaret McDermott seconded the motion. The motion to adjourn passed unanimously.

Documents used at the May 9, 2016 Board of Health meeting:

- Legal Notices for Proposed Food Regulation and Fee Schedule Changes.
- Board of Health Food Regulations.
- Board of Health Fee Schedule.
- 2016 Best Management Practice Plan.
- Sewage Disposal System Plan for 169 Topsfield Road.
- Sewage Disposal System Plan for 41 North Ridge Road.
- Sewage Disposal System Plan for 16 North Ridge Road.
- Sewage Disposal System Plan for 76-78 Turnpike Road.
- Letter dated May 2, 2016 from John Morin P.E., regarding 76-78 Turnpike Road.
- Letters dated February 6, 2006, March 20, 2006, and November 15, 2006 from Colleen Fermon regarding 76-78 Turnpike Road.
- Title 5 Report, Sewage Disposal System Plan, and Board of Health Approval Letter regarding 16 Hillside Road.
- Letter dated April 13, 2015 from Colleen Fermon regarding 66 Town Farm Road.
- Email dated April 20, 2016 from Nicholas Steenhaut regarding 66 Town Farm Road.
- Letter dated April 25, 2016 from Colleen Fermon regarding 17 Hillside Road.
- Email dated May 2, 2016 from Attorney, Samir Obeid, regarding 17 Hillside Road.
- Email dated April 26, 2016 from Robert Sexton regarding 17 Hillside Road.
- Letter dated April 21, 2016 from Colleen Fermon regarding 32 Plover Hill Road.
- Letter dated March 14, 2016 from Michael Dipietro regarding 32 Plover Hill Road.

Susan C. Hubbard, Chairperson

Dr. Spencer Amesbury, Board Member

Margaret McDermott, Board Member