

**Board of Health Minutes**  
**Monday, September 19, 2016 5:30 PM**  
Meeting Rooms A and 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 Margaret McDermott were in attendance.

**Others in attendance:** Director of Public Health; Colleen Fermon, Public Health Administrative Assistant; Jennifer Brown, Leslie McCormack, Patrick McCormack, Grace Martins, Robert Grasso, P.E., John Judd, P.E., George Zambouras, P.E., Isaac Rowe, R.S., Charles Johnson, P.E., Ann Papagiotas, Corine Barone, Macy Raymond, Ellen Grenier and Allan Comeau.

**Citizens Queries:** None.

**Minutes:** Margaret McDermott made a motion to approve the July 18, 2016 minutes. Susan Hubbard seconded the motion. The motion passed unanimously.

Margaret McDermott made a motion to approve the August 8, 2016 with one change; to add on page 7 that Margaret McDermott suggested Mr. Paulitz speak with the Council on Aging to obtain services through Adult Protective Services. Susan Hubbard seconded the motion with the outlined amendment. The motion passed unanimously.

**Hearings:**

**5:32 - Hearing – Five Corners Café and Deli – 0 Central Street – represented by Leslie McCormack – Revocation of Food Establishment Permit**

Leslie McCormack, Patrick McCormack, and Grace Martins, Consultant, were present for the hearing.

As requested, Colleen Fermon reviewed the history of the establishment for the Board. On September 8, 2015, Colleen Fermon held an enforcement conference with Leslie McCormack, owner and operator of Five Corners Café and Deli. At the meeting the establishment's and operator's history of noncompliance was reviewed. After the meeting a compliance plan was outlined in her September 24, 2015 letter. Subsequently, inspections were done on October 21, 2015 and January 19, 2016 and repeat critical violations were found; October 21, 2015 (6 critical) and January 19, 2016 (5 critical).

Pursuant to 105 CMR 590.012(H) (2) (a), (b), (e) (i) and (j), a refusal to issue a permit and closure order was delivered by constable to the person in charge on January 26, 2016.

Subsequently, at the February 11, 2016 hearing, the Board reviewed the 2013-2015 inspection history and documentation supporting each of the grounds for refusal of a permit. It was the Board of Health's decision that a food establishment permit may be issued to Five Corners Café and Deli if certain conditions were met by the operator, including engaging the services of a consultant. The operator complied with the Board's conditions and the food permit was issued and the establishment was allowed to reopen on February 19, 2016.

The operator worked with a consultant from mid-February through May 2016 and the consultant provided audit reports as required.

As directed by the Board, an inspection was done 3 months after the reopening on June 1, 2016.

Four (4) critical and five (5) noncritical violations were found during the June 1, 2016 inspection. The critical violations were repeat time /temperature violations that demonstrated an ongoing cycle of improper cold holding, reheating and cooling practices. Again, noncritical hygiene and floor violations were found.

At the June 6, 2016 hearing, it was the decision of the Board to allow the operator to continue operating Five Corners Café and Deli provided the following conditions were met:

1. The operator shall continue to engage the services of a consultant for June, July and August.
2. The consultant shall verify the knowledge of all staff and persons in charge and provide additional training, if necessary, by June 30, 2016. The consultant shall work with the persons in charge and staff on execution of knowledge before June 30, 2016. Particular attention must be paid to provisions that have been repeatedly violated.
3. The consultant shall provide inspections every two weeks in July and August.
4. A routine inspection will be conducted by the Food Inspector in August.
5. If one repeat critical violation is found during any inspection by the Food Inspector a summary suspension order shall be issued immediately by the Food Inspector and a hearing for revocation of the food permit will be scheduled. The revocation will be based on serious or repeated violations of 105 CMR 590.000.
6. The operator and consultant must attend the regularly scheduled Board of Health meetings on August 8 and September 12, 2016 to discuss the inspection results of the consultant and then Food Inspector.

A food inspection was conducted by Maureen Lee, Food Inspector, on September 8, 2016. Three (3) critical and five (5) noncritical violations were found during the inspection. Again, noncritical hygienic practices and floor violations were found.

The Critical violations were:

- Accumulation on the interior ice shield of the ice machine, which is a food contact surface.
- Personal beverage in an open coffee cup was on the slicer.
- Several flies in the basement food prep and storage area.

The noncritical violations were:

- Interior and exterior of toaster had accumulation
- The cart at the cook's line was soiled
- Accumulation on the basement floor- this is a repeat violation
- Trash barrels without covers at the time no staff were working in the basement at the time.
- Holes in the wall in the dishwashing area.

In accordance with condition 6 of the June 6, 2016 Board of Health decision and for serious and repeat violations of 105 CMR 590.000, this hearing for revocation of the food permit was scheduled.

The Board has the inspection reports for the inspections conducted in 2016 and submittals from the consultant from the last 9 months and shall make a decision after the hearing.

The owner was given an opportunity to be heard.

Susan Hubbard asked the operator why her food establishment permit should not be revoked. Ms. Leslie McCormack said she'd let Grace Martins, her consultant, address the 3 critical violations. Ms. Martins stated that Ms. McCormack has had some turnover and that Ms. Martins had trained many employees. Ms. McCormack hired 2 employees to help in the back with the cleaning. Thankfully, the 3 critical violations were not related to food abuse and temperature deficiencies I was hoping would not happen again. Ms. McCormack left her tea cup on the slicer when she was told the Food Inspector was there. Ms. McCormack stated that she dropped the cup because she was nervous about the Inspector being present. Some flies were in the establishment since there is a new trash bin outside the establishment. She was not sure how they got in due to the heavy door but they got in. She was at the establishment today and there were no flies present in the establishment. The holes in the wall were there because a shelf was removed but was not put back yet. Several violations, toaster has crumbs, morning is busy, but I'm not making excuses. Leslie has made attempts to keep food in the proper temperatures. This business is woman owned with five kids, this decision affects the livelihood of her and her children. I have seen Leslie make changes and she has spent thousands of dollars. This has not been an easy trip. I have spent a lot of time there and feel totally safe with what she is doing now. There is room for improvements, as always. It is up to you to see what the decision is but she has made a lot of changes. She is passionate about giving good food.

Susan Hubbard asked Grace if she would be staying on. Grace said she could until March but then she is living the country. She said they have the knowledge, there are no new staff so it is a stable staff and she has purchased items as needed and has contacted a pest control person. It is not infested by any means but there may be a fly.

Susan Hubbard asked what Ms. McCormack's plan is going forward to make sure there are no more critical violations.

Ms. McCormack said she wanted to address the violations. She was in the basement and there was not one speck of food downstairs and when she was notified that the Inspector was there, she put her cup down. It was a clean, sanitized mug on a clean surface in the prep area. It was a cup of tea on a clean surface. The report noted several flies but there were 3 flies not near anywhere near where food was being prepared. A fly or two may come in when we get a delivery but I don't know if you can find anywhere that won't have flies this time of year. Again, a critical violations for a couple of flies coming in the door. The town put a trash bin outside the establishment so I'd like to get that looked at. Mr. McCormack offered a recycling bin is there also. Ms. McCormack agreed and said she wants the bins removed since there are flies around them.

Ms. McCormack said when you hear critical violations you think someone's health is at risk. The violations cited during the September 8, 2016 inspection may sound bad but no one's health was at risk. There was no food around the mug, the trash can that was uncovered was empty and I'm not trying to make any excuses, we have worked hard to be compliant. The ice machine is serviced routinely but there was a little bit of mold on the interior if you look really far inside it. We took it all apart and cleaned and sanitized it. It has since been cleaned out and sanitized. We have never had this problem before.

Susan Hubbard asked Maureen Lee if she would like to address the 3 critical violations cited. Leslie mentioned that she left her office put her cup down on the slicer when she came to meet me. I agree there was no food but the concern is open beverages and saliva contact and the saliva transfer to hands, equipment and food. The ice machine is a question of frequency of inspecting and cleaning. The machine should have been addressed through the self-inspection checklist. Things such as this would be picked up if some type of self-assessment and monitoring was being done. The flies are coming in the front door according to Leslie. Unfortunately, once in the basement they can't get out. The conversation I had with Leslie was that at some times of year fly activity increases so she needs to have some type of vector or program to be in place.

Ms. McCormack said she has contacted a pest control operator.

Susan Hubbard asked if the Board members had any questions for Ms. McCormack.

Dr. Boreri said the concern she has is that if this was the first time you were before the Board then I would look at this differently but there are multiple repeat violations. As a board we have been fairly lenient. WE let you work with a consultant and then going forward there seem to be serious violations at every inspection. You may take it lightly that you put a drinking cup on slicer but we wouldn't take it lightly as a board if a pregnant women went to your establishment and ended up sick and the child had a bad or negative outcome because of it. These rules, public health rules, were put in place to protect the public. Other establishments seem to be able to comply with the regulations. If it one or two violations over time then it would be different but every time you have critical violations.

Susan Hubbard noted that despite all the changes, three (3) critical and five (5) noncritical violations were found during the September 8, 2016. Although there were no food time/ temperature violations there were still critical and non-critical violations including a repeat noncritical violation (the basement floor).

Ms. McCormack said the basement floor was because of a leak. That just got fixed so it won't be a problem.

Susan Hubbard acknowledged that there has been a history of non-compliance with provisions of 105 CMR 590.000 since 2013. Numerous violations of temperature abuse as well as many other violations have been cited during this timeframe. Even after a consultant was put in place for more than six (6) months the violations persist. At the September 8, 2016 inspection (5) noncritical violations related to insufficient sanitation were cited. Even violations of Good Hygienic practices and the floor are still occurring. We don't want to put people at risk.

Ms. McCormack said asked what the insufficient sanitization was about.

Ms. Hubbard said January, February and September violations. The ice machine was in February, freezer and trash/recycling bins had accumulation in the past.

Margaret McDermott asked Ms. McCormack what she would do to be in compliance going forward. I have not heard a plan yet.

Ms. McCormack said she has hired someone to clean the establishment. The floor under the sinks and dishwasher has been a problem so we still make sure someone will pull the trash out and clean there. We can have people clean more.

Dr. Boreri questioned the frequent turnover of staff and asked if this would present a problem in the future.

Ms. McCormack stated that she now has a steady staff. It is only during the summer that she employs students since need more help them.

Margaret McDermott asked Maureen Lee is she had anything else to say. Ms. Lee stated that in the past, as an Inspector, we sometimes see a cycle when an establishment can't sustain compliance. They get cited for violations, correct them for the re-inspection and then have violations again at the next inspection. The goal is to break that cycle of non-compliance. To do this there needs to be active managerial control. Someone who is trained to evaluate the establishment, identify the risks, put the proper procedures in place, take corrective actions when necessary and continue to self-assess the establishment/operation. So I ask, how you will use the tools you've been given to gain control and get into compliance and have no critical violations moving forward. This has been a long time so you need to get into compliance and sustain compliance.

Ms. Hubbard said Ms. McCormack must answer, not Grace Martins, Ms. Martins will not always be there.

Ms. McCormack said we could use the tools we have, could have a meeting, maybe a monthly meeting, keep going over the checklists and that should help.

Susan Hubbard closed the hearing since there were no more questions or discussion offered.

Susan Hubbard said she is not convince there is sustainability, although there have been attempts, compliance has not been achieved over the past nine months.

Susan Hubbard made a motion to issue an order of revocation, effective September 19, 2016, pursuant to 105 CMR 590.014(C)(1)(a) and (b), for violations of 3-501.16(A), 3-501.15(A), 4-601.11, 2-402.11, 6-501.11, 6-501.12, 6-501.111, 2-401.11, 4-602.11. Margaret McDermott seconded the motion. The motion passed unanimously. You license it revoked as of today.

Ms. McCormack asked about the appeal process.

Ms. Fermon stated it has to go to court. You may seek relief in a court of competent jurisdiction in the Commonwealth.

### **6:15 - Hearing – Adriano and Sabrina Carullo – 319 Linebrook Road – Represented by Engineering Land Services, LLC – Soil Testing Results Variance**

Robert Grasso of Engineering Land Services, LLC., presented and the Board considered 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. Soil testing was conducted on March 23, 2000 and November 19, 2002.

At the meeting it was noted that a septic design plan has been submitted to the Public Health Office and is ready for approval but the soils variance is needed so the testing results can be utilized for the design. Mr. Grasso confirmed that no changes have been made to the site since the date of soil testing. Mr. Grasso requested to be allowed to use the soil testing from March 23, 2000 and November 19, 2002 for the new construction design.

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon had no concerns regarding soil testing from March 23, 2000 and November 19, 2002 being utilized for the new design. She said if there are any concerns at the time of construction a confirmatory test pit could be done. The Board concurred.

Susan Hubbard made a motion to grant a variance and extend the use of the March 23, 2000 and November 19, 2002 soil testing results until December 31, 2016. Susan Boreri seconded the motion. The motion passed unanimously.

#### **6:08 - Hearing William Pappas – 91 Linebrook Road – Represented by Gateway Consultants, Inc. – Septic System Design Variances**

John Judd, R.S., 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 # 4166 designed John Judd, R.S., dated June 27, 2016 and last revised August 16, 2016 for the 4 bedroom dwelling located at 91 Linebrook Road, Ipswich, Massachusetts. The system failed a Title 5 inspection on May 2, 2016.

Mr. Judd proposed an Infiltrator system design for the upgrade and requested the following variances:

- To allow a reduction in the setback from the septic tank and the cellar wall. A 10 foot setback is provided.
- To allow a reduction in the separation between the bottom of the leaching area and the estimated seasonal high groundwater (ESHGW). A 4 foot separation is provided.
- To allow a 14 foot reduction in the setback between the leaching area and the wetlands from the 100 foot local requirement. An 86 foot setback is provided.

Mr. Judd explained that the reduction in the setback from the septic tank and the cellar wall was necessary due to lot constraints. This is a 12,000 square foot lot. The need for a reduction in the separation between the bottom of the leaching area and the estimated seasonal high groundwater (ESHGW) was due to the need for drainage allowance.

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon felt it was possible to raise the separation between the bottom of the leaching area and the estimated seasonal high groundwater by one foot but felt this design was a reasonable approach. She recommended granting the variances as requested with the following conditions:

- Conservation Commission approval must be obtained prior to the issuance of the Disposal System Construction Permit.
- The system must be installed with the Certificate of Compliance issued by May 2, 2018.
- An Ipswich licensed installer must come to the Public Health Office prior to beginning the project to complete the application and submit a trench permit application signed by the owner and the \$50 trench permit fee. The installer will receive the disposal system construction permit, the trench permit and a signed copy of the approved plan.

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

#### **5:39 - Hearing – Michael Fay – 16 Longmeadow Drive – Represented by Atlantic Engineering and Survey Consultants, Inc. – Septic System Design Variances**

Colleen Fermon provided background information for the property. On October 7, 2015 Colleen Fermon conducted a walkthrough with septic designer, John Paulson, since he wanted Ms. Fermon to determine the number of existing bedrooms in the dwelling based on the definition of bedroom provided in Title 5, 310 CMR 15.000. Ms. Fermon determined that the dwelling contained six (6) bedrooms in accordance with Title 5.

At the November 2, 2015 meeting, a hearing was held, upon the owner's request, to discuss a voluntary upgrade of the septic system serving 16 Long Meadow Drive. The designer, John Paulson, attested that the dwelling is over 4,000 square feet and should have originally been designed for more than 3 bedrooms in

1993. Mr. Fay said he was concerned the system was undersized for the dwelling since he has a large family that will be utilizing the system. The Board reviewed floor plans of the dwelling and confirmed the 6 bedroom determination.

Pursuant to Board of Health Septic System Regulation 2.14; the design flow for a dwelling shall be based on the number of bedrooms in existence at the time the septic system plan is designed if there are no engineered plans accompanied by a Certificate of Compliance for the existing septic system. If there are no engineered plans, the Health Agent will conduct a walkthrough of the dwelling or review floor plans of the dwelling, supplied by the property owner, and determine the bedroom count utilizing the definition of bedroom provided in Title 5, 310 CMR 15.000. Sunrooms, three season rooms, solariums, etc. and screened porches which are habitable in winter shall be considered in the room count for determining the number of bedrooms in a dwelling.

Ms. Fermon informed the Board that a Title 5 inspection was conducted on July, 24, 2015 and the system passed inspection so Mr. Fay was not required to upgrade the system. Since this is a voluntary upgrade the design should meet new construction standards if Mr. Fay wants an increase in bedrooms. Upgrades to accept increased design flow shall be performed in full compliance with the requirements applicable to new construction unless a variance is allowed pursuant to 310 CMR 15.414.

Mr. Fay requested a variance to 2.14 and asked the Board to allow a 6 bedroom designation for the dwelling and permit the new system to be designed as an upgrade instead of new construction. Mr. Paulson said he could design a septic system for 6 bedrooms with the use of a Presby system which allows a 40% reduction in the leaching area. Additionally, the system could be designed on the local regulation of 150 gallons per day per bedroom without the need for Local Upgrade Approval requests.

Ms. Fermon re-iterated that an increase in bedrooms typically requires that new construction standards be met. In this situation, however, the home is large and it appears the original system was undersized. She added that if the Board decides to approve the variance request a reserve area meeting conventional design sizing should be included in the design.

It was the decision of the Board to grant a variance to Ipswich Board of Health Septic System Regulation 2.14 and designate the dwelling as having 6 bedrooms since the dwelling is the same dwelling that was built in 1993. The septic system could be designed as an upgrade meeting maximum feasible compliance with the condition that a reserve area meeting conventional design sizing was included in the design. The Board allowed the test pits from soil testing conducted on April 28, 1992 and March 22, 1993 to be proof the soil is suitable for a reserve area. The Board noted that no permanent buildings or structures could be constructed on the reserve area.

At the September 19, 2016 meeting, George Zambouras, P.E., presented, and a hearing was conducted to consider variances from Title 5 for the sewage disposal system plan # A1509-07 designed by George Zambouras, P.E., dated January 15, 2016 and last revised August 15, 2016 for the 6 bedroom dwelling located at 16 Longmeadow Drive, Ipswich, Massachusetts.

Mr. Zambouras proposed a Presby Enviro-Septic System design for the upgrade and requested the following variances:

- To allow a 2 foot reduction between the bottom of the leaching area and estimated seasonal high groundwater (ESHGW) with the use of a Presby Enviro-Septic System. A 2 foot separation is provided
- To allow a reduction in the separation between the septic tank inlet and outlet inverts and estimated seasonal high groundwater (ESHGW). A 3 inch separation is provided.

The reduction in the separation between the septic tank inlet and outlet inverts and estimated seasonal high groundwater (ESHGW) was requested because the existing pipe out of the house exits below the existing foundation and cannot be raised easily.

Ms. Fermon noted that in November, 2015 Mr. Paulson attested that the system could be designed on the local regulation of 150 gallons per day per bedroom without the need for Local Upgrade Approval requests. The Board's November 2, 2015 decision did not include a Local Upgrade Approval variance request to allow a reduction between the bottom of the leaching area and estimated seasonal high groundwater (ESHGW). Now, a 2 foot reduction is being sought. Mr. Fermon said it was the Board's choice whether or not to approve this request.

Susan Hubbard asked for Colleen Fermon for her thoughts. Ms. Fermon recommended the following conditions, if approved:

- 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 System Installer and is certified by or has received appropriate training by the Company. The Presby certification must be submitted to the Public Health Office.
- Prior to issuance of Disposal System Construction Permit and after recording a Notice of Alternative Disposal, the System Owner shall provide to the Public Health Office a copy of a certified Registry copy of the Deed Notice bearing the book and page/or document number. The Notice is the DEP document titled. A sample of the Notice of Alternative Disposal can be found on the Massachusetts Department of Environmental Protection's website <http://www.mass.gov/dep>.
- Prior to the issuance of a Certificate of Compliance by the Public Health Office, the System Installer and Designer must provide, in addition to the certifications required by Title 5, certifications in writing to the Public Health Office that the System has been constructed in compliance with the terms of the Approval.
- Prior to the issuance of a Certificate of Compliance, Installer must provide a bill of lading certifying the sand meets ASTM C-33.
- Prior to the issuance of a Certificate of Compliance, Installer must provide a completed "System Installation Form" to the Health Office before the Certificate of Compliance can be issued.
- 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 31, 2017.

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

#### **6:16 - Hearing – Curtis Jones, Jr. – 96 Town Farm Road – Represented by Mill River Consulting – New Construction Soil Testing Variance**

Isaac Rowe, R.S., presented and the Board considered a request for a variance to Ipswich Board of Health Septic System Regulation 8.1 which requires soil testing for new construction to be completed between March 1 and May 31. A soil testing application for new construction at 96 Town Farm Road, Ipswich, was received by the Public Health Office on April 4, 2016.

Susan Hubbard questioned why there was a need for soil testing to occur outside the new construction season. Mr. Rowe explained that soil testing and deep observation holes were previously conducted on the property on May 2, 2016 but the soil did not percolate at a rate of 20 minutes per inch or less, which is required for new construction. He felt the high groundwater table interfered with the percolation test.

Mr. Rowe requested a variance to conduct soil testing outside the new construction testing season when groundwater may be low enough for a percolation test to be completed.

Susan Boreri questioned if Ms. Fermon was concerned about soil testing outside the new construction testing season since this has been an exceedingly dry season. Ms. Fermon explained that this will not affect the testing results, soil mottling is used to determine estimated seasonal high groundwater, not actual groundwater.

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon felt Mr. Rowe had met the intent of the regulation. Mr. Rowe did testing during the wettest time of the year and the estimated seasonal high groundwater was already determined. The high groundwater table interfered with the percolation test. Ms. Fermon supported testing outside the new construction season to determine if this is a buildable lot.

Susan Boreri made a motion to grant a variance to Ipswich Board of Health Septic System Regulation 8.1 and allow soil testing to occur outside the new construction season. Testing must be conducted by November 30, 2016. Susan Hubbard seconded the motion. The motion passed unanimously.

**6:20 - Hearing – Sturgis and Ann Papagiotas – 62 Mile Lane – Represented by C.G. Johnson Engineering, Inc. – Maximum Feasible Compliance and Septic System Design**

Charles Johnson, P.E. and Ann Papagiotas presented, and a hearing was held to consider three design options for the upgrade of the septic system serving the 4 bedroom dwelling located at 62 Mile Lane, Ipswich, Massachusetts.

Previously, Mr. Johnson met with Ms. Fermon to discuss three options for the property. Mr. Johnson presented the three options (A1-C1) to the Board to show the impact on the land and cost to the homeowners.

At the meeting the Board considered the three design options A-1, B-1 and C-1 and the associated cost of installation for each design. This information was provided in the September 19, 2016 submittal by Charles Johnson, P.E. Before the final design is submitted for approval, Mr. Johnson wanted the Board to decide if Option B-1 met Maximum Feasible Compliance as outlined in Title 5. Mr. Johnson proposed Option B-1; a sewage disposal concept design incorporating a 2,500 gallon 2-compartment septic tank with a Pro-Step pump and a pressure distribution leach field. One Local Upgrade Approval request, to decrease the separation between the bottom of the leach field and groundwater by one foot, would be necessary for Option B-1. It was noted that the system falls within the Zone II of the Mile Lane public water supply well.

Mr. Johnson determined that the total estimated costs associated with the Pro-Step pump and a pressure distribution leach field would be \$44,000, which is 10.9% of the current assessed value of \$402,500. The other three options discussed would be significantly more than the proposed plan.

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon said she was comfortable with the proposed design but the Board needs to decide if the proposed plan meets Maximum Feasible Compliance and did they want to allow a one foot reduction to groundwater for a property in Zone II.

Susan Hubbard made a motion that Maximum Feasible Compliance was achieved with design option B-1, dated September 19, 2016. Margaret McDermott seconded the motion. The motion passed unanimously.

It was noted by the Board that when completed, the design can be submitted to the Public Health Office for review and then to the Board of Health for approval of the Local Upgrade Approval request.

**6:31 - Nancy Marlowe – 79 Clark Road – Represented by C.G. Johnson Engineering, Inc. – Maximum Feasible Compliance and Septic System Design**

Charles Johnson, P.E. presented, and a hearing was held to consider three design options for the upgrade of the septic system serving the 3 bedroom dwelling located at 79 Clark Road, Ipswich, Massachusetts. Before the final design is submitted for approval, Mr. Johnson and the owner wanted the Board to decide if Option C met Maximum Feasible Compliance as outlined in Title 5.

At the meeting the Board considered three design options A, B and C and the associated cost of installation for each design. This information was provided in the September 13, 2016 submittal by Charles Johnson, P.E. This information was provided in the September 13, 2016 submittal by Charles Johnson, P.E. Before the final design is submitted for approval, Mr. Johnson wanted the Board to decide if Option C met Maximum Feasible Compliance as outlined in Title 5.

Mr. Johnson proposed Option C incorporating a 2,000 gallon septic tank, Waterloo Biofilter Treatment Unit, and a Bottomless Sand Filter. Four Local Upgrade Approval requests and one variance to Ipswich Board of Health Septic System Regulation would be necessary for Option C.

Mr. Johnson determined that the total estimated costs associated with the Waterloo Biofilter Treatment Unit, and a Bottomless Sand Filter would be \$83,000 which is 11.5% of the current assessed value of \$718,700. The other two options discussed would be significantly more than the proposed plan.

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon said she was comfortable with the proposed design and noted that the Best Feasible Replacement plan is a tight tank. The Board needs to decide if the proposed plan meets Maximum Feasible Compliance.

The Board reviewed the variance requests associated with Option C. The Board had no concerns regarding the proposed variance requests.

Susan Hubbard made a motion that Maximum Feasible Compliance was achieved with design option C, dated July 19, 2016. Margaret McDermott seconded the motion. The motion passed unanimously.

It was noted by the Board that when completed, the design can be submitted to the Public Health Office for review and then to the Board of Health for approval of the four Local Upgrade Approval and one local variance requests.

### **6:37 - Hearing – Corine Barone – 94 Essex Road – Septic System Upgrade Order**

Corine Barone presented, and the Board heard a request for an extension for the upgrade of the septic system serving 94 Essex Road, Ipswich.

Susan Hubbard reviewed the history of the property. The septic system serving 94 Essex Road failed a Title 5 Inspection on December 12, 2009. 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 December 12, 2011. The septic system was never upgraded.

Previously, there was a plan approved in 2004 to serve the property but it expired in 2007 before the system was installed. Since 2013 the Board has been meeting with the previous owner. After the previous owner was given multiple extensions, at the December 14, 2015 Board of Health meeting the Board of Health ordered the owner to install the system on or before September 1, 2016. The Board also decided no more extensions would be granted and if the system was not installed by September 1, 2016, the Board of Health would deem the dwellings unfit for human habitation for not having an approved wastewater disposal system. This finding would result in an order of condemnation requiring the owner to have the dwelling vacated and secured.

At the meeting, Ms. Barone explained that she purchased 94 Essex Road on June 17, 2016 knowing the system needed to be replaced but she was unaware of the septic system upgrade deadline. Ms. Barone said she has obtained estimates for the installation of the system but the installation will not occur until October, 2016. She said Chuck Hulbert will install the system in October, 2016.

Since Ms. Barone had recently taken ownership of the property and has the upgrade of the septic system scheduled for October, Susan Hubbard made a motion to grant another extension for the upgrade of the system. The system must be installed and the Certificate of Compliance issued by November 30, 2016. Margaret McDermott seconded the motion. The motion passed unanimously.

### **6:41 - Hearing – Buttonwood Nominee Trust – 34 Heartbreak Road – Septic System Upgrade Order**

Macy Raymond presented, and the Board heard a request for an extension for the upgrade of the septic system serving 34 Heartbreak Road, Ipswich.

Colleen Fermon reviewed the background of the property for the Board. In 2004, the addition of a trophy room to the existing barn was proposed. On January 19, 2006, Disposal System Construction Permit # 05-89 was issued for 34 Heartbreak Road, Ipswich. The permit allowed for the construction of a septic system to serve an existing two bedroom residence, the barn and the proposed trophy room. The septic system was never installed and the Disposal System Construction Permit expired January 19, 2009. In 2013, it came to Ms. Fermon's attention that the trophy room was occupied and being used as a dwelling.

Subsequently, multiple extensions were granted by the Board of Health for the installation of the septic system to serve two bedroom residence, the barn and the one bedroom dwelling unit.

At the November 3, 2014 Board of Health meeting, the Board heard the request for an extension on the soil testing results done on September 8, 2004 and September 22, 2005 and for an extension for the installation of the septic system to serve the 2 dwelling units with a combined total of 3 bedrooms. Pumping records

were provided that showed 2 cesspools at the dwelling were pumped on October 10, 2014 and 2 tanks at the horse barn were pumped on October 3, 2014. It was noted that the previously submitted plans needed to be revised to accommodate a conservation restriction that is now on the property.

Based on this information it was the decision of the Board of Health to grant an extension on the soil testing results until December 31, 2015 and an extension on the installation of a system meeting new construction standards until December 15, 2015 for a septic system designed to serve both dwelling units and the barn with the following interim deadlines;

- Proof of a contract with a septic designer must be provide to the Public Health Office by December 31, 2014, and
- Septic System design plans must be submitted for approval by February 28, 2015.

At the May 4, 2015 Board of Health meeting it was noted that the Board previously granted two extensions for the installation of the septic system. The Board of Health upheld their November 3, 2014 order; Buttonwood Nominee Trust was ordered to install a septic system to serve both dwelling units and the barn by December 15, 2015.

The septic system design plan was approved on August 31, 2015.

On November 6, 2015, this office received Neil St John Raymond Jr.'s request for a hearing to extend the timeframe for installation since the Trust was unable to obtain funds in time to procure an installer to meet the December 15, 2015 deadline.

At the December 14, 2015 Board of Health meeting, the Board heard the Trust's request for another extension. At the meeting Neil St. John Raymond, Jr. said he has a proposal from Val-Mac Construction for the installation of the system and construction will begin in the spring of 2016. It was the decision of the Board of Health to grant an extension on the soil testing results until December 31, 2016 and an extension on the installation of the system, designed to serve both dwelling units and the barn, until June 30, 2016.

On August 19, 2016, Neil St. John Raymond, Jr., Trustee, requested a hearing before the Board to discuss another extension on the timeframe for installation since the title may be transferred soon.

Colleen Fermon questioned how quickly the upgraded system would be installed. Macy Raymond said she would be taking over ownership of the property in the next 30 days. She had a contract with Val-Mac Construction for the installation of the system and construction will begin in November, 2016.

Susan Hubbard asked if anyone was living at the property. Her father and one employee currently reside on the property. There are 4 horses occupying the barn.

Susan Hubbard questioned if Ms. Raymond would be moving in as soon as the property transfers. Ms. Raymond will move into the home.

Based on this information, Susan Hubbard made a motion to grant another extension for the installation of the system; the system must be installed and the Certificate of Compliance issued by December 31, 2016. Susan Boreri seconded the motion. The motion passed unanimously. Ms. Raymond was informed by the by the Board that the installation season ends on December 15<sup>th</sup>.

#### **6:47 - Hearing – Paul and Ellen Grenier – 35 Paradise Road – Title 5 Inspection Variance for Building Application**

Ellen Grenier presented, and the Board conducted a hearing to consider a request for a variance from section 10.2 of the Ipswich Board of Health Septic Regulations. Section 10.2 reads; a septic system shall be inspected by an Ipswich licensed Title 5 Inspector whenever an addition or renovation to an existing building, excluding decks, is proposed that increases the footprint of the building and requires a building permit or occupancy permit from the building inspector. The inspection requirement shall be waived if a Certificate of Compliance was issued or a Title 5 Inspection was completed within the previous 3 years, or if the system is under an operation and maintenance contract. 35 Paradise Road does not meet any of these exclusions.

At the meeting, Ms. Grenier proposed an increase in the footprint of the dwelling to allow for the addition of a 3-season porch, which extends beyond the existing footprint. Pursuant to local regulation, a Title 5 inspection is required. She requested a variance to the Title 5 inspection since the system was pumped on May 9, 2005 and September 14, 2016 and no problems with the septic system were found at those times. Ms. Grenier also did not want to pay for the inspection. It was confirmed that the expansion would not result in an increase in flow to the septic system.

Susan Hubbard asked if the addition would be heated. There will be no heat in the 3-season porch.

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon explained that the goal of the regulation is to evaluate the system prior to or in conjunction with improving a home. Pumping does give some indication of how the system is functioning. The September 14, 2016 pumping report does not show any signs of failure. The Board must decide if this project is worth the variance request being sought since it does not meet any of the exclusions in the regulation. Ms. Fermon felt the request was not ideal but that the project was limited in scope.

Susan Hubbard questioned how many people lived in the home. Ms. Grenier attested that only 2 people have been residing in the home for the past 20 years. When was the system installed? The system was installed in 1972.

Susan Hubbard made a motion to grant the variance and not require the Title 5 inspection for the proposed addition since the septic tank was pumped on September 14, 2016 and no problems with the septic system were found at that time. Susan Boreri seconded the motion. The motion passed unanimously.

#### **6:55 - Hearing – Cynthia Marc-Aurele Trust – 28 Central Street, Unit 3 – Represented by Drew Marc-Aurele – Order for Correction; Housing Violations**

Mr. Marc-Aurele withdrew his request for a hearing on September 19, 2016. Colleen Fermon explained that a re-inspection was conducted on September 17, 2016. All violations identified in the Board of Health order dated August 10, 2016 have been corrected.

#### **6:56 - Hearing – Alan Comeau – 4 Lafayette Road – Order for Correction; Housing Violations**

As a result of a complaint received by this office, a housing inspection was conducted on August 24, 2015, at 4 Lafayette Road, Ipswich in accordance with 105 CMR 410.000: State Sanitary Code Chapter II: Minimum Standards of Fitness for Human Habitation. Subsequently, an order for correction was issued on August 26, 2015 for the violations found. Multiple extensions have been granted on the order for correction since the August 26, 2015 order was issued.

On September 1, 2016 the Public Health Office received a written request for a hearing before the Board of Health to discuss another extension on the order for correction.

At the meeting Mr. Comeau attested that most of the corrections have been made but his current medical condition has prevented him from making all the necessary repairs. It was understood that the unit is unoccupied.

Susan Hubbard made a motion to grant another extension. All violations noted in the August 26, 2015 order must be corrected on *or* before December 31, 2016. The extension was granted with the condition that the unit remains unoccupied until all violations are corrected and a re-inspection is conducted by a representative of this office to confirm compliance. Margaret McDermott seconded the motion. The motion passed unanimously.

#### **7:01 - Hearing – Jeff Carroll – 7 Rear Blair Drive – New Construction Soil Testing Variance**

Mr. Carroll was not in attendance.

## 7:01 - Discussion:

### Housing Enforcement Procedures:

The purposes of 105 CMR 410.000: State Sanitary Code Chapter II: Minimum Standards of Fitness for Human Habitation are to protect the health, safety and well-being of the occupants of housing and of the general public, to facilitate the use of legal remedies available to occupants of substandard housing, to assist boards of health in their enforcement of this code and to provide a method of notifying interested parties of violations of conditions which require immediate attention. 105 CMR 410.000 applies to owner-occupant as well as tenant-occupant situations.

An inspection is conducted as a result of a complaint from an occupant, neighbor, or a member of the general public. Voluntary compliance with an inspectional request is always preferred. If the Health Department determines an inspection needs to be conducted but is refused entry, an administrative search warrant can be applied for at court. If granted, the Police will accompany the Inspector and the inspection is conducted.

When violations are observed, they are documented on an inspection report form and an order is issued to instruct the property owner or occupant that compliance is required. Generally, work to correct the violations must commence within 5 days and there is a 30 day period allowed for correcting the violations. If violations are observed which are a threat to the health or safety and well-being of the occupants or the general public, work to correct the violations must commence immediately upon receipt of the order. This applies to violations such as no heat, no water, sewer backups, no electricity, etc.

Persons being ordered to make corrections have a right to request a hearing before the Board of Health to ask to have an order modified or withdrawn. At the hearing, the Board of Health will sustain, modify or withdraw the order. If order is sustained or modified, deadline for completion of corrections is provided by the Board.

An invoice for each re-inspection conducted is issued.

Colleen Fermon reviewed an outline for the Board. The goal is to have a clear enforcement approach and to get violations remedied as quickly as possible.

### Inspectional and Enforcement Process

1. Complaint received- document date received and concerns. Inspector assigned.
2. Research ownership of property.
3. Conduct inspection, complete inspection report and take photos.
  - a. No violations found, send letter to owner that no violations were found.
  - b. Violations found, send order for correction (first class and certified mail) and include right to a hearing. If it appears it will be deemed unfit for human habitation notify all mortgagee and lien holders.
4. Confirm order was received via certified mail card.
5. If hearing is requested, hearing is scheduled with Board of Health; owner and occupants notified of hearing date. At hearing, Board of Health will sustain, modify or withdraw the order. If order is sustained or modified, deadline for completion of corrections provided by Board. If the order is withdrawn a letter is sent to document the decision.
6. Confirm work has commenced within timeframe provided in order (48 hours, 5 days, etc.).
  - a. Repairs in progress- owner has timeframe provided in order to achieve substantial compliance. Re-inspection will be conducted at end of timeframe.
  - b. Failure to commence repairs-
    - i. If no hearing has been held previously, order owner to appear at BOH hearing with regard to order for correction. Letter should include information that failure to appear may result in other actions allowed by law. At hearing, Board of Health will sustain, modify or withdraw the order. If order is sustained or modified, deadline for completion of corrections provided by Board.
    - ii. If there was a previous hearing, criminal complaint filed with Housing court for failure to comply with a Board of Health order. See Court Procedures.

7. Re-inspection conducted.
  - a. All repairs completed. The invoice for the re-inspection fee is issued. Once payment is received, a letter of compliance is issued.
  - b. Most repairs completed/substantial compliance met so an additional amount of time can be granted by the Director. No more than 30 days will be granted without Board of Health involvement. The invoice for the re-inspection fee is issued.
  - c. Repairs not done or very few corrected-
    - i. If no hearing has been held previously, order owner to appear at BOH hearing with regard to order for correction. Letter should include information that failure to appear may result in other actions allowed by law. At hearing, Board of Health will sustain, modify or withdraw the order. If order is sustained or modified, deadline for completion of corrections provided by Board. Board will decide if a criminal complaint should be pursued.
    - ii. If there was a previous hearing, criminal complaint filed with Housing court for failure to comply with a Board of Health order. See Court Procedures. The invoice for the re-inspection fee is issued.
8. Second re-inspection conducted.
  - a. All repairs completed. The invoice for the re-inspection fee is issued. Once payment is received, a letter of compliance is issued.
  - b. Repairs not done or very few corrected- Criminal complaint filed with Housing court for failure to comply with a Board of Health order. The invoice for the re-inspection fee is issued. See Court Procedures. The invoice for the re-inspection fee is issued.

### Court Procedures

9. Hearing with Clerk Magistrate- used to determine if hearing with judge is needed.
  - a. If owner attends, a timeframe for compliance will be outlined. Agent for BOH should have violations outlined and timeframes prepared and a chronological list of documents and the documents numbered in order of events. A lot of cases will be resolved at this step.
  - b. If owner fails to show, file for hearing before a judge.
10. The first hearing before judge.
  - a. If owner attends, a timeframe for compliance will be outlined. Agent for BOH should have violations outlined and timeframes prepared and a chronological list of documents and the documents numbered in order of events. Keep case open- may not get resolved.
  - b. If owner does not show up, request a bench warrant for arrest.

### Enforcement Options

When property owners fail to correct violations the following options are available for enforcement:

- 1) The Health Department can file a criminal complaint in court
- 2) The Health Department may pursue a petition for receivership. This could be either with the Attorney General's Office under the Abandoned Housing Initiative or with the Town Attorney.
- 3) The Health Department may make corrections and file a lien against the property
- 4) If a year passes without correcting the violations a court order may be obtained to demolish the property and a lien can be filed.
- 5) Dwelling units may be condemned or deemed unfit for human habitation if violations exist which warrant such action.

It should be noted that options 2 (use of Town Attorney), 3 and 4 will require Town Manager approval. Options 3 and 4 would require a substantial cost to the town and adequate resources would need to be funded before these options could be pursued. Option 5 should be reviewed with the Town Attorney before it is undertaken.

### Receivership

This can be a very extensive process which will require town funds to pay the Inspector and the Town attorney so Town Manager approval must be obtained before receivership is pursued. Hearing for appointment of receiver. Court will have a list of approved receivers. If receivership is granted, the receiver will control property (no longer under control of owner) and gets a budget approved by the

court to make the repairs outlined in the order for correction. The receiver is required by the court to file regular accountings of the work done on the project and the expenses incurred. Re-inspection done to confirm all corrections have been completed.

Once work is completed, the receiver may petition the property owner for repayment of their lien. If the owner declines, then the receiver can petition the court to foreclose on that lien by public auction. The receiver's lien will take priority over all other liens and encumbrances except tax or municipal liens. The receiver goes to court to dissolve the receivership.

### Abandoned Housing Initiative

The Attorney General's Office's (AGO) Abandoned Housing Initiative uses the enforcement authority of the State Sanitary Code to turn these properties around. The process starts with interested municipalities sharing the addresses of abandoned residential properties with the AGO. The AGO then uses its investigatory tools to identify the delinquent owner. Once identified, the AGO attempts to contact the owner and any party with a legal interest in an attempt to reach an agreement under which the owner will complete the necessary repairs. Generally, they ask the owner to show proof that he or she can finance the necessary repairs and will use a licensed contractor for the work.

If these negotiations fail, the State Sanitary Code contains a receivership provision which can be used to cure code violations. The AGO attorneys file a petition to appoint a receiver.

Receivers do not work for the AGO or the municipality. Instead, they are agents of the appointing court. The Sanitary Code allows the receiver to place a lien against the property for all costs incurred during the project. That lien is given a priority over all existing liens, except municipal liens. Once the receivership is granted, the petitioner monitors the monthly cost reports submitted by the receiver to the court for approval. This assures that there is no dispute about the validity of the receiver's lien at the end of the project when the owner is presented with the final bill or the receiver forecloses on his or her lien.

At the conclusion of the receivership, the owner of the property may reimburse the receiver for costs and clear the lien. If the owner cannot or will not pay the costs, then the receiver can foreclose on that lien, and the property is sold at auction to the highest bidder. The receiver is responsible for the foreclosure. The petitioner has no role in this step.

It was the decision of the Board to adopt the Housing Enforcement Procedures as drafted.

### **7:20 - Director of Public Health Report:**

**August Activities Report:** The Board reviewed the report.

### **Septic Tanks Under Foundations:**

Colleen Fermon was contacted two times recently regarding properties with existing septic tanks under the foundation. How does the Board want to handle this when a Title 5 inspection report is submitted where it is documented that the existing septic tanks under the building foundation?

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon said although the tank does not meet the requisite 10 foot separation to the foundation it does not trigger any failure criteria in the inspection process. She felt the tank should be allowed to remain until the system fails an inspection or becomes structurally unsound. How does the Board want to handle this?

The board deliberated. Susan Hubbard and Susan Boreri felt any part of a septic tank that is under a building foundation was the basis for the failure of a septic system and shall be deemed in violation of Title 5. The Board concurred that a hearing to modify or withdraw the violation would be allowed.

Susan Hubbard made a motion that as the local Approving Authority, the Board of Health requires that any tank documented in a Title 5 Inspection form as being located partially or wholly under a building

foundation shall be deemed in violation of Title 5. Subsequently, the owner will be ordered to replace the tank in a location that complies with the setbacks provided in Title 5. The tank relocation will need to be completed within 2 years of the inspection date.

If the owner of the system is aggrieved by the order, he may request a hearing before the Board of Health. The written petition requesting a hearing with the Board of Health must be received in the Public Health office within seven days of receipt of the order. Upon receipt of such petition, a hearing will be scheduled. At the hearing the petitioner shall be given an opportunity to be heard and to show why an order should be modified or withdrawn.

After the hearing, the Board of health shall sustain, modify, or withdraw the order and shall inform the petitioner in writing of its decision. If the Board of health sustains or modifies the order, it shall be carried out within the time period allotted in the original order or in the modification. Susan Boreri seconded the motion. The motion passed unanimously.

**29 Kimball Avenue:** Colleen Fermon reviewed the history of the property and provided the Board with an update. As a result of an occupant's complaint, an inspection was done. Violations were found so an order for correction was issued to the owner. The owner had 30 days to make corrections. A re-inspection was conducted and one violations remained. The owner was given an additional 7 days to address the remaining violation but the owner failed to respond. It was the decision of the Board of Health to file a criminal complaint against the owner for his failure to comply with a Board of Health order.

**31A Kimball Avenue:** Colleen Fermon reviewed the history of the property and provided the Board with an update. As a result of an occupant's complaint, an inspection was done. Violations were found so an order for correction was issued to the owner. The owner requested a hearing to discuss the order for correction; he needed more time to obtain a building permit and the tenants were making it difficult for contractors to get into the unit. It was the decision of the Board to modify the order. The three violations of 105 CMR 410.750 must be corrected by August 10, 2016. All remaining violations of 105 CMR 410.000 must be corrected on *or* before September 7, 2016. A re-inspection was done on August 16, 2016 and the three violations of 105 CMR 410.750 were substantially corrected. A second re-inspection was completed on September 10, 2016. Violations remained so the owner was granted 14 more days to make corrections. The owner failed to respond so it was the decision of the Board of Health to file a criminal complaint against the owner for his failure to comply with a Board of Health order.

**8 Charlotte Road:** As a result of a complaint received by the police department, a plain view inspection was conducted on April 15, 2016. Subsequently, an order for correction was issued on April 15, 2016 for the violations found along with a request to conduct an interior inspection. On May 28, 2016 another inspection was conducted and a second order for correction was issued. On May 30, 2016 the Public Health Office received the owner's request for a hearing before the Board of Health to discuss the orders for correction. At the June 6, 2016 Board of Health hearing, it was the decision of the Board to modify the order and extend the timeframe for correction. The violations related to the sanitary condition of the kitchen and bedrooms must be corrected on or before June 20, 2016. The other violations must be corrected on *or* before October 6, 2016. It appears there has been little improvement.

**Next Board Meetings:** The next meetings of the Board of Health were scheduled for October 3, 2016, October 24, 2016, December 5, 2016 and January 9, 2016 at 5:30 PM.

**Adjourn:** Susan Hubbard made the motion to adjourn at 7:40 PM. Margaret McDermott seconded the motion. The motion to adjourn passed unanimously.

Documents used at the September 19, 2016 Board of Health meeting:

- Five Corner Café and Deli inspection reports dated January 4, 2016, January 19, 2016, February 19, 2016, June 1, 2016, June 16, 2016 and September 8, 2016.
- 105 CMR 590.000/1999 Federal Food Code
- Grace Martins reports and emails in 2016
- Board of Health minutes from February 11, 2016 and June 6, 2016.
- Letter dated September 12, 2016 regarding Five Corner Café and Deli from Colleen Fermon
- Fly Facts handout.
- 319 Linebrook Road soil logs from March 23, 2000 and November 19, 2002.
- Septic System Design Plans for 91 Linebrook Road.
- Septic System Design Plans for 16 Long Meadow Drive and a letter dated November 15, 2015 from Colleen Fermon regarding 16 Long Meadow Drive.
- Soil testing results from Isaac Rowe, R.S., evaluator, and witness, Alex Parker, for 96 Town Farm Road.
- September 13, 2016 submittal from Charles Johnson, P.E., for 62 Mile Lane.
- Title 5 and the Department of Environmental Protection's Title 5 Interpretive Guidance: Consideration of Cost on Determining Maximum Feasible Compliance.
- September 13, 2016 submittal from Charles Johnson, P.E., for 79 Clark Road.
- Letters from Colleen Fermon dated May 13, 2016, December 21, 2015, and August 6, 2012 and an email from Corine Barone dated August 16, 2016 regarding 94 Essex Road.
- Letters from Colleen Fermon dated December 21, 2015 and August 30, 2016 regarding 34 Heartbreak Road.
- Building plans for 35 Paradise Road.
- Letter dated May 18, 2016 from Colleen Fermon for 4 Lafayette Road.
- Inspection report and order for 4 Lafayette Road.
- Letter dated September 1, 2016 from Allan Comeau for 4 Lafayette.

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Susan C. Hubbard, Chairperson

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Margaret McDermott, Board Member

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Dr. Susan Boreri, Board Member