

Board of Health Minutes
Monday, February 7, 2022 5:30 PM
Zoom Meeting
25 Green Street, Ipswich, MA

The Board of Health participated in this meeting remotely utilizing Zoom in accordance with the Governor's June 16, 2021 law which includes an extension, until April 1, 2022, of the remote meeting provisions of his March 12, 2020, Executive Order Suspending Certain Provisions of the Open Meeting Law.

Call to Order: Susan Hubbard called the meeting to order at 5:30 PM.

Members attending: Susan C. Hubbard, Dr. Susan Boreri and Amanda Donovan were in attendance.

Others in attendance: Colleen Fermon, Director of Public Health, Jennifer Brown, Public Health Administrative Assistant, Thomas Manna, P.E., Daniel Johnson, R.S., Charles Johnson, P.E., Jan Struyde, William Nolan and Tyler Destefano.

Citizens Queries: None.

Minutes: Dr. Boreri made a motion to approve the January 10, 2022 Board of Health minutes. Susan Hubbard seconded the motion. The motion passed unanimously.

Discussion:

5:31 – Michael and Anne Mortara – 110 Little Neck Road – Represented by Atlantic Engineering and Survey Consultants, Inc. – Septic System Design Options

The discussion request was withdrawn by the owner's representative.

Hearings:

5:31 – Michael Barney and Karen Casale – 16 Allen Lane – Represented by Thomas Manna, Inc. – Septic System Design Variance

Thomas Manna, P.E., presented, and a hearing was conducted to consider a local upgrade approval request under Title 5 for sewage disposal system plan # 1878 designed by Thomas Manna, P.E., dated December 11, 2021 and last revised January 18, 2022 for the 3-bedroom dwelling located at 16 Allen Lane, Ipswich, Massachusetts.

The existing system failed a Title 5 inspection on September 29, 2021.

Mr. Manna proposed the use of a Presby system for the upgrade and requested a variance to allow the use of one test pit in the soil absorption area. The Board members reviewed the septic design plan and discussed the variance request.

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon said she met with the designer to discuss the request. She noted that three test pits were done in the soil absorption area. Susan Hubbard questioned if the soils were consistent in this area. Ms. Fermon said there was a lot of fill that is fairly consistent for this area. Ms. Fermon recommended granting the variance as requested with the following conditions for approval:

- Prior to issuance of the Disposal System Construction Permit, the System Installer must certify in writing to the Designer, the Public Health Office, and the System Owner that (s)he is a locally approved System Installer and is certified by or has received appropriate training by the Company. The Installer's Presby certification must be submitted to the Public Health Office.
- Prior to issuance of the 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.
- 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, the 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 September 29, 2023.

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

5:35 – Tyler Destefano – 4 Hickory Lane – Represented by William Nolan – Bedroom Determination for Proposed Addition/Renovation

William Nolan and Tyler Destefano presented, and the Board of Health heard a request to recognize the dwelling at 4 Hickory Lane as having a total of four (4) bedrooms with the proposed renovation/addition. The definition of bedroom in Title 5 is a room providing privacy, intended primarily for sleeping and consisting of all the following:

- (a) floor space of no less than 70 square feet;
- (b) for new construction, a ceiling height of no less than seven feet three inches;
- (c) for existing houses and for mobile homes, a ceiling height of no less than seven feet zero inches;
- (d) an electrical service and ventilation; and
- (e) at least one window.

Living rooms, dining rooms, kitchens, halls, bathrooms, unfinished cellars and unheated storage areas over garages are not considered bedrooms. Single family dwellings shall be presumed to have at least three bedrooms. Where the total number of rooms for single family dwellings exceeds eight, not including bathrooms, hallways, unfinished cellars and unheated storage areas, the number of bedrooms presumed shall be calculated by dividing the total number of rooms by two then rounding down to the next lowest whole number. The applicant may design a system using design flows for a smaller number of bedrooms than are presumed in this definition by granting to the Approving Authority a deed restriction limiting the number of bedrooms to the smaller number.

At the February 7, 2022 meeting, the owner’s representative, William Nolan of Savoie-Nolan Architects, proposed the addition of an office and laundry room/dressing room above the garage along with elimination of the wall between the music room and dining room on the first floor to accommodate the new office space. Mr. Nolan explained that the dressing room will have built-in furniture and will be open to the laundry area. He requested the Board view the dressing room as a walkthrough closet to determine the bedroom count.

The Board of Health reviewed the proposed design plans and considered the request.

Susan Hubbard asked Colleen Fermon for her thoughts. The question of the total number of rooms involves the proposed dressing room. Does the Board consider this a room? Title 5 does not reference dressing rooms in the definition of bedroom. Currently, the dwelling has nine (9) rooms. If the Board considers this a room it would be the tenth (10th) room and it could not be approved without approval for a 4-bedroom deed restriction. Closets are typically less than 70 square feet so this is not usually an issue. Based on the proposed design, Ms. Fermon was comfortable to not include it and treat it as a closet.

Susan Hubbard made a motion that the dressing room with the proposed built in furniture is a closet and will not be included in the room count to determine the bedroom count. Dr. Boeri seconded the motion. The motion passed unanimously.

5:44 – Jan P. Struyde – 2 Edge Street – Represented by C.G. Johnson Engineering, Inc. – Septic System Design Variances

Charles Johnson, P.E., and Jan Struyde presented, and a hearing was conducted to consider variances from Title 5 and Ipswich Board of Health Septic System Regulations for sewage disposal system plan # 1414 designed by Charles Johnson, P.E., dated December 9, 2021 and last revised January 27, 2022 for the 3-bedroom dwelling located at 2 Edge Street, Ipswich, Massachusetts.

The 3-bedroom system failed a title 5 inspection on November 20, 2020. Mr. Johnson proposed the use of a Perc Rite Drip Dispersal System and a Pro-Step pump vault for the upgrade of the system. The design includes a 2,000 gallon septic tank with a Pro-Step pump vault in the second compartment of the tank and a Perc Rite Drip Dispersal leaching area. Mr. Johnson requested the following:

- A 1 foot reduction in the separation between the bottom of the leaching area and estimated seasonal high groundwater (ESHGW). A 3 foot separation is provided.
- A reduction in the separation between the septic tank inverts and estimated seasonal high groundwater (ESHGW). The inlet and outlet inverts are 9 and 6 inches, respectively, above estimated seasonal high groundwater.
- A reduction of the design flow from 150 gallons/bedroom/day to 110 gallons/bedroom/day.

Mr. Johnson said these variances are needed due to site constraints including high groundwater (3½ feet below grade) and the proposed cost of the project. The total cost of the project is expected to be approximately \$46,200 which is 11.5% of the current assessed value of the home.

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon met with the designer to review 4 different plan options. The cost of the designs ranged from \$46,200 – \$66,200. All options exceeded 10% of the \$402,400 property value which is the threshold set by the Department of Environmental Protection (DEP) that needs to be reached before the Board of Health can consider if cost is financially feasible or not. The cost of the proposed plan is 11.5% of the property value. Ms. Fermon did not have any concerns. She recommended granting the variances as requested with the following conditions:

- A 2 year Operations and Maintenance contract must be submitted to the Public Health Office for the Perc Rite Drip Dispersal System and the Pro-Step pump vault prior to 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 Office prior to the issuance of the Disposal System Construction Permit.
- A clean water test done with a Perc Rite representative and Director of Public Health to verify system design flush and dose rates; and to confirm the absence of leaks.
- The Installer must be trained in the installation of Perc Rite and provide a copy of the Perc Rite certification to the Public Health Office prior to issuance of the Disposal System Construction Permit.
- 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.
- 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 November 20, 2022.

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

5:32 – Ann Schofield – 30 Ocean Drive – Represented by Domestic Septic Design, Inc. – Septic System Design Variances

Daniel Johnson, R.S., presented, and a hearing was conducted to consider variances from Title 5 and Ipswich Board of Health Septic System Regulations and Alternative Technology Waivers for sewage disposal system plan # J-2743 designed by Daniel Johnson, R.S., dated December 21, 2021 and revised January 31, 2022 for the 3-bedroom dwelling located at 30 Ocean Drive, Ipswich, Massachusetts.

Susan Hubbard asked if the abutter's were notified. Mr. Johnson provided 3 certified mail cards to the Public Health Department as proof of notification.

Mr. Johnson explained that the system failed a voluntary Title 5 inspection since groundwater was at 32 inches below grade. Mr. Johnson provided an orientation of the property and proposed the use of a Waterloo Biofilter system for the upgrade. The design includes a Pro-Step pump vault in the second compartment of a 2-compartment septic tank, a 500 gallon Waterloo Biofilter and a 30 by 15 pressure distribution leach system. He requested the following variances:

- A 47.5% reduction in the leaching area size with the use of a Waterloo Biofilter system.
- A reduction in the separation between the bottom of the leaching area and Estimated Seasonal High Groundwater (ESHGW). A 2 foot separation is provided.
- A reduction in the setback between the septic tank/pump chamber and the slab foundation. A 2 foot setback is provided.
- A reduction in the setback between the Waterloo Biofilter and the slab foundation. A 3 foot setback is provided.
- A reduction in the setback between the leaching area and the slab foundation. A 9 foot setback is provided.
- A reduction in the setback between the leaching area and the property line. A 5 foot setback is provided.
- To allow the use of a sieve analysis in lieu of a percolation test.
- A reduction in the separation between the septic tank inlet and outlet inverts and Estimated Seasonal High Groundwater (ESHGW). The inverts will be 10 inches and 7 inches below groundwater; respectively.
- To reduce the overdig along the south side of leach area from 5 feet to 3.5 feet.
- A reduction of the design flow from 150 gallons/bedroom/day to 110 gallons/bedroom/day.

Dr. Boeri questioned if there was an impervious barrier. Mr. Johnson confirmed the use of impervious barriers on both sides of the leaching area.

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

- A two year Operations & Maintenance contract for the Waterloo Biofilter and Pro-Step pump vault must be submitted to the Public Health Office prior to the issuance of the Disposal System Construction Permit.
- 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 Office prior to the issuance of the Disposal System Construction Permit.
- The garbage grinder must be removed by a licensed plumber and the work inspected by the Ipswich Plumbing Inspector prior to issuance of the Disposal System Construction Permit.
- Prior to issuance of the Disposal System Construction Permit, the System Installer must certify in writing to the Designer, the Public Health Office, and the System Owner that (s)he is a locally approved Installer and has received appropriate training for the installation of a Waterloo Biofilter. In addition to the certification, proof of training must be submitted to the Public Health Office.
- Prior to the issuance of a Certificate of Compliance, the System Installer and Designer must provide to the Public Health Office, in addition to the certifications required by Title 5, certifications in writing that the System has been constructed in compliance with the terms of the Waterloo Biofilter Approval, Title 5, the approved design plans, and all local requirements.
- 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.

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

5:57 - Director of Public Health Report:

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

- Colleen Fermon said that Ipswich currently has 32 active cases, people under isolation.
- For 2020-2021, Ipswich had 1,817 active cases.
- Ipswich had a COVID-19 positivity rate of 10.9 % last week.
- Ms. Fermon said the COVID-19 Vaccination Clinics will end on February 14, 2022. There has been a drop off in interest due to the high rate of vaccination in Ipswich. If there is a need for additional vaccinations the clinics could resume.

- The vaccination rate for Ipswich is 84% for 2-doses per capita.
- 3,064 vaccinations have been administered since June, 2021 at the Our Lady of Hope COVID-19 Vaccination Clinic.
- Ipswich will not provide vaccinations for those 6 months to 4 years of age. Dr. Boreri agreed that it is better to do this population in a medical setting.
- Colleen Fermon thanked John Morris for an outstanding job running the COVID-19 Vaccination Clinics for the last 8 months. Additionally, she thanked the Board of Health members and all others involved with pandemic efforts. Ms. Fermon will do a press release recognizing those involved. This will include but is not limited to, vaccinators, Information Technology, Facilities, Council on Aging, Action Ambulance, Public Works and volunteers, etc.

FY 23 Budget:

- Ms. Fermon appeared before the Select Board on January 24, 2022 and the Finance Committee on February 1, 2022.

Next Board Meetings: The next meeting of the Board of Health was scheduled for March 7, 2022, via Zoom. The Board will meet in person on April 4, 2022, May 9, 2022, June 6, 2022, July 11, 2022, August 1, 2022, September 12, 2022, October 3, 2022, November 7, 2022 and December 5, 2022 at 5:30 PM in person at Town Hall, Meeting Room C.

Adjourn: Susan Hubbard made the motion to adjourn at 6:34 PM. Amanda Donovan seconded the motion. The motion to adjourn passed unanimously.

Documents used at the February 7, 2022 Board of Health meeting:

- Sewage Disposal System Plan for 16 Allen Lane.
- Title 5 and Ipswich Board of Health Septic System Regulations.
- Existing and proposed building plans for 4 Hickory Lane.
- Sewage Disposal System Plan for 30 Ocean Drive.
- Sewage Disposal System Plan for 2 Edge Street.

Susan C. Hubbard, Chairperson

Dr. Susan Boreri, Board Member

Amanda Donovan, Board Member