

Board of Health Minutes
Monday, March 12, 2018 5:30 PM
Meeting Room C, Town Hall
25 Green Street, Ipswich, MA

Call to Order: Susan Hubbard called the meeting to order at 5:35 PM.

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

Others in attendance: Director of Public Health; Colleen Fermon, Jennifer Brown, Administrative Assistant, Charles Johnson, P.E., Ken Quesenberry and Shawn Curran.

Citizens Queries: None.

Minutes: Susan Hubbard made a motion to approve the March 12, 2018 minutes. Margaret McDermott seconded the motion. The motion passed unanimously.

Hearings:

5:36 - Marshview Farms, LLC – 151 Labor In Vain Road – Represented by Charles Johnson Engineering, Inc. – Bedroom Deed Restriction

Charles Johnson, P.E. and Ken Quesenberry, presented, and a hearing was held for a request to submit a four (4) bedroom deed restriction for the 12 room, 6 bedroom dwelling. The bedroom deed restriction would allow the design of the septic system to be based on four (4) bedrooms instead of six (6). Pursuant to Title 5, 310 CMR 15.002, A bedroom is defined as a room providing privacy, intended primarily for sleeping and consisting of all of the following:

- (a) floor space of no less than 70 square feet;
- (b) for new construction, a ceiling height of no less than 7'3";
- (c) for existing houses and for mobile homes, a ceiling height of no less than 7'0";
- (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.

A walkthrough of the dwelling was conducted on August 9, 2016 pursuant to Board of Health Septic System Regulation 2.14. Colleen Fermon determined the dwelling contained six (6) bedrooms in accordance with the definition of bedroom provided in Title 5, 310 CMR 15.000 and the Ipswich Board of Health Bedroom Policy.

Mr. Johnson a requested to submit a four (4) bedroom deed restriction for the 12 room, 6 bedroom dwelling. Additionally, Mr. Johnson said Title 5 inspections were conducted in August 2016 for the 6 systems serving the property. This system failed the inspection and will be replaced on or before August 11, 2018.

At the meeting it was noted that currently, there are four (4) bedrooms on the second floor, five (5) rooms on the first floor and three (3) rooms on the basement level. A twelve (12) room dwelling requires a 6 bedroom septic system unless the Board grants a deed restriction for a smaller number of bedrooms pursuant to Title 5. The Board reviewed photographs of the three (3) basement rooms. Mr. Quesenberry stated that the three (3) basement rooms will be used for storage.

Dr. Boreri indicated that the basement space could be made habitable in the future. If a deed restriction limiting use to four (4) bedrooms is granted, the Board will be unable to limit the expansion of rooms in the house.

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon did not consider the layout of the basement ideal for bedrooms as is, but said it is possible to use the spaces as bedrooms, especially if changes were made.

Susan Hubbard made a motion to accept a four (4) bedroom deed restriction for the dwelling at 151 Labor-In-Vain Road. The four (4) 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 the issuance of the Disposal System Construction Permit for a four (4) bedroom septic system. Margaret McDermott seconded the motion. The motion passed unanimously.

It was noted by the Board that the upgraded septic system must be installed with the certificate of compliance issued by August 11, 2018.

5:44 - Marshview Farms, LLC – 151 Labor In Vain Road – Represented by Charles Johnson Engineering, Inc. – Repair Extension for Septic System Serving the Garage

Colleen Fermon provided some background information for the Board. An inspection of the septic system serving the garage was conducted on August 2, 2016. The septic system inspector determined that the sewage disposal system conditionally passed inspection since the building sewer and septic tank were in poor condition. The Public Health Office agreed with this determination and ordered the owner to have an Ipswich licensed Septic Installer replace the building sewer and septic tank within 60 days of receipt of the notice. Subsequently, the property transferred, so the new owner is responsible for the repairs.

The owner's representatives, Charles Johnson, P.E. and Ken Quesenberry, presented. Mr. Johnson requested an extension for the repairs until August 11, 2018 since the other failed septic systems on the property must be upgraded in August, 2018.

Susan Hubbard made a motion to grant an extension and modify the order to repair the septic system. Marshview Farms, LLC was ordered to have an Ipswich licensed septic installer replace the building sewer and septic tank on or before August 31, 2018. Susan Boreri seconded the motion. The motion passed unanimously.

The Board noted that once the repairs have been completed and inspected by an agent of the Board of Health, the septic system will pass inspection.

5:50 - Daniel Sullivan – 26 Manning Street – Represented by Sean Curran – Order of Correction for Violations of 105 CMR 410.000

As a result of a complaint received by this office, a housing inspection was conducted on February 5, 2018, at 26 Manning Street, Ipswich in accordance with 105 CMR 410.000: State Sanitary Code Chapter II: Minimum Standards of Fitness for Human Habitation. Violations were found and an order for correction was issued to the owner on February 5, 2018. On February 11, 2018 the owner requested a hearing before the Board of Health to seek more time to make corrections.

At the March 12, 2018 Board of Health meeting, the owner's contractor, Shawn Curran, attested that the dwelling is currently vacant after being rented for 15 years. It is the owner's intension to make repairs to the dwelling and sell the property. He requested an extension to make the necessary repairs. Susan Hubbard asked Mr. Curran for a timeframe for the corrections. Mr. Curran felt the repairs could be completed in a few months.

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon supported the request since the dwelling is currently vacant.

Susan Hubbard made a motion to grant the owner until June 30, 2018, to obtain compliance with 105 CMR 410.000. Once the corrections have been made the owner must contact the Public Health Office to request an inspection so they may obtain a letter of compliance. Compliance must be obtained prior to occupancy. Susan Boreri seconded the motion. The motion passed unanimously.

Failure to correct all violations by June 30, 2018 may result in a criminal complaint being filed against the owner for failure to comply with a Board of Health order.

5:57 - Report of the Health Agent:

Town Emergencies: There have been two (2) town-wide power outages. An Emergency Planning and Response Training was conducted on October 16, 2017 to provide food establishments with guidance on their role and responsibility as a permit holder and how to plan ahead for emergencies. A mailing dated February 1, 2018 was also done for establishments that were not in attendance at the training.

The establishments were asked to complete a Certification, Emergency Response for Food Establishments in Ipswich, on the day of an emergency and provide it to the Public Health Office. The certification provides the Public Health Office with the establishment's assessment of the operation and whether the establishment remained open during the emergency or closed until the emergency was resolved.

Ethics Training: Ms. Fermon asked the board members to provide her and Jennifer Breaker with their certifications. Susan Hubbard has hers available.

Next Board Meetings: The next meetings of the Board of Health were scheduled for April 2, 2018, May 7, 2018, June 4, 2018, and July 16, 2018 at 5:30 PM.

Adjourn: Susan Hubbard made the motion to adjourn at 6:30 PM. Susan Boreri seconded the motion. The motion to adjourn passed unanimously.

Documents used at the March 12, 2018 Board of Health meeting:

- February 12, 2018 Board of Health Minutes.
- Title 5 Report for 151 Labor-In-Vain Road (garage system).
- 310 CMR 15.000, Title 5.
- Board of Health Septic System Regualtions.
- 26 Manning Street Order for Correction and Inspection report dated February 5, 2018.

Susan C. Hubbard, Chairperson

Dr. Susan Boreri, Board Member

Margaret McDermott, Board Member