

Board of Health Minutes
Monday, April 2, 2018 5:30 PM
Meeting Room C, Town Hall
25 Green Street, Ipswich, MA

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

Members attending: Margaret McDermott, and Dr. Susan Boreri were in attendance. Susan C. Hubbard was not in attendance.

Others in attendance: Director of Public Health; Colleen Fermon, Jennifer Brown, Administrative Assistant, Charles Johnson, P.E., Daniel Johnson, R.S. Catherina Nagus, Michael Marini, Michael Marvelle and George Hulbert, Jr.

Citizens Queries: None.

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

Hearings:

5:31 - Marshview Farm, LLC – 151 Labor In Vain Road (Main House) – Represented by Charles Johnson Engineering, Inc. – Request for Septic System Upgrade Extension

Charles Johnson, P.E., provided background information for the Board. The septic system serving 151 Labor-In-Vain Road (main house), failed a Title 5 Inspection on August 11, 2016. 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 August 11, 2018. Subsequently, the property transferred, so the new owner is responsible for the repairs.

Previously, at the March 12, 2018 meeting, it was the decision of the Board of Health to accept a four (4) bedroom deed restriction for the dwelling at 151 Labor-In-Vain Road. Marshview Farms, LLC was ordered to have the system installed with the Certificate of Compliance on *or* before August 11, 2018.

At the April meeting, Charles Johnson, P.E., requested an extension for the upgrade of the system until December 15, 2018 since some other failed septic systems on the property must obtain Conservation Commission approval prior to the issuance of a Disposal System Construction Permit and the owner intends to have all 5 systems upgraded in the same timeframe.

Dr. Boreri made a motion to grant an extension. Marshview Farms, LLC is ordered to have the system installed with the Certificate of Compliance on *or* before December 15, 2018. Margaret McDermott seconded the motion. The motion passed unanimously.

5:31 - Marshview Farm, LLC – 151 Labor In Vain Road (Pool House) – Represented by Charles Johnson Engineering, Inc. – Request for Septic System Upgrade Extension

Charles Johnson, P.E., provided background information for the Board. The septic system serving 151 Labor-In-Vain Road (pool house), failed a Title 5 Inspection on August 3, 2016. 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 August 3, 2018. Subsequently, the property transferred, so the new owner is responsible for the repairs.

Mr. Johnson requested an extension for the upgrade of the system until December 15, 2018 since some other failed septic systems on the property must obtain Conservation Commission approval prior to the issuance of a Disposal System Construction Permit and the owner intends to have all 5 systems upgraded in the same timeframe.

Dr. Boreri made a motion to grant an extension. Marshview Farms, LLC is ordered to have the system installed with the Certificate of Compliance on *or* before December 15, 2018. Margaret McDermott seconded the motion. The motion passed unanimously.

5:31 - Marshview Farm, LLC – 151 Labor In Vain Road (Garage) – Represented by Charles Johnson Engineering, Inc. – Request for Septic System Upgrade Extension

Charles Johnson, P.E., provided 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.

Previously, at the March 12, 2018 Board of Health meeting it was the decision of the Board of Health 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.

At the April meeting, Mr. Johnson requested another extension for the repairs until December 15, 2018. Since there are 5 failed septic systems on the property the owners would like to have until in December, 2018 to get all systems installed or repaired.

Dr. Boreri made a motion to grant the requested extension. Marshview Farms, LLC was ordered to have an Ipswich licensed septic installer replace the building sewer and septic tank on *or* before December 15, 2018. Once the repairs have been completed and inspected by an agent of the Board of Health, the septic system will pass inspection. Margaret McDermott Seconded the motion. The motion passed unanimously.

5:31 - Marshview Farm, LLC – 61 Fox Creek Road – Represented by Charles Johnson Engineering, Inc. – Request for Septic System Upgrade Extension

Charles Johnson, P.E., presented, and a hearing was held to consider a request for an extension for the upgrade of the septic system. The septic system serving 61 Fox Creek Road, failed a Title 5 Inspection on August 11, 2016. 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 August 11, 2018. Subsequently, the property transferred, so the new owner is responsible for the repairs.

Mr. Johnson requested an extension for the upgrade of the system until December 15, 2018 since some other failed septic systems on the property must obtain Conservation Commission approval prior to the issuance of a Disposal System Construction Permit and then the owner intends to have all 5 systems upgraded in the same timeframe.

Dr. Boreri made a motion to grant an extension. Marshview Farms, LLC is ordered to have the system installed with the Certificate of Compliance on *or* before December 15, 2018. Margaret McDermott seconded the motion. The motion passed unanimously.

5:31 - Marshview Farm, LLC –71 Fox Creek Road – Represented by Charles Johnson Engineering, Inc. – Request for Septic System Upgrade Extension

Charles Johnson, P.E., presented, and a hearing was held to consider a request for an extension for the upgrade of the septic system. The septic system serving 71 Fox Creek Road, failed a Title 5 Inspection on August 2, 2016. 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 August 2, 2018. Subsequently, the property transferred, so the new owner is responsible for the repairs.

Mr. Johnson requested an extension for the upgrade of the system until December 15, 2018 since some other failed septic systems on the property must obtain Conservation Commission approval prior to the issuance of a Disposal System Construction Permit and then the owner intends to have all 5 systems upgraded in the same timeframe.

Dr. Boreri made a motion to grant an extension. Marshview Farms, LLC is ordered to have the system installed with the Certificate of Compliance on *or* before December 15, 2018. Margaret McDermott seconded the motion. The motion passed unanimously.

5:31 - Marshview Farm, LLC – 81 Fox Creek Road – Represented by Charles Johnson Engineering, Inc. – Request for Septic System Upgrade Extension

Charles Johnson, P.E., presented, and a hearing was held to consider a request for an extension for the upgrade of the septic system. The septic system serving 81 Fox Creek Road, failed a Title 5 Inspection on August 11, 2016. 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 August 11, 2018. Subsequently, the property transferred, so the new owner is responsible for the repairs.

Mr. Johnson requested an extension for the upgrade of the system until December 15, 2018 since some other failed septic systems on the property must obtain Conservation Commission approval prior to the issuance of a Disposal System Construction Permit and then the owner intends to have all 5 systems upgraded in the same timeframe.

Dr. Boreri made a motion to grant an extension. Marshview Farms, LLC is ordered to have the system installed with the Certificate of Compliance on *or* before December 15, 2018. Margaret McDermott seconded the motion. The motion passed unanimously.

5:36 - Jeffrey Snow – 11 Birch Lane – Represented by Domestic Septic Design, Inc. – Septic System Design Variance

Daniel Johnson, R.S., presented, and a hearing was conducted to consider an alternative technology waiver and a variance from Ipswich Board of Health Septic System Regulations for the sewage disposal system plan # J-2539 designed by Daniel Johnson, R.S., dated February 26, 2018 and last revised March 23, 2018 for the 3 bedroom dwelling located at 11 Birch Lane, Ipswich, Massachusetts.

Mr. Johnson proposed the use of a Presby Enviro-septic system for the upgrade since it allows a 40% reduction in the size of the leaching area. He requested the following:

- A 2 foot separation from the bottom of the leaching area to estimated seasonal high groundwater (ESHGW) with the use of a Presby Enviro-septic system.
- A reduction of the design flow from 150 gallons/bedroom/day to 110 gallons/bedroom/day for the pump chamber only.

The Board reviewed the sewage disposal system plan and the variance requests. Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon recommended approving the plan and granting the requests with the following conditions:

- 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 Installer's 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.

Margaret McDermott made a motion to approve the plan and grant the requests with conditions as enumerated by Colleen Fermon. Dr. Boreri seconded the motion. The motion passed unanimously.

5:40 - Marini Farm – 259 Linebrook Road – Represented by Catherina Nagus – Time as a Public Health Control Variance

Michael Marini and Catherina Nagus, presented, and the Board reviewed a proposal to use time only, instead of time and temperature, as a public health control for potentially hazardous food (PHF) that is held for immediate consumption. In accordance with the State Sanitary Code 105 CMR 590.004 (H) and Federal 1999 Food Code 3-501.19 Mr. Marini requested a variance to use time only, instead of time and temperature, as a public health control for prepared pizza, quiche, vegetable puff pastry, flat bread and savory croissants.

Potentially hazardous foods (PHF) may be held without temperature control for up to four hours because there will be no significant bacterial growth or toxin production in that limited time. The 1999 Food Code permits the use of time only (rather than time and temperature) as a public health control in low risk situations when the potentially hazardous food (PHF) will be cooked and/or held for immediate consumption.

Dr. Boreri questioned how the foods would be monitored. Ms. Nagus stated that staff will be trained. Separate logs will be kept for each food item indicating how the food will be marked or otherwise identified to show the time that is 4 hours after the time the food is removed from temperature control. Additionally, the log will indicate any corrective action taken if the food exceeds the 4 hour limit.

Mr. Marini submitted the Time as a Public Health Control Variance request application and the associated log. The Board reviewed the variance request and log.

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon was satisfied with the materials submitted.

Dr. Boeri made a motion to grant the variance to use time as a public health control as requested for the aforementioned foods with the following conditions:

1. Compliance with 105 CMR 590.000 must be maintained.
2. The employee training plan must include employee health and hygiene, cleaning and sanitizing procedures, cross contamination prevention procedures, monitoring procedures, corrective actions and record keeping requirements.
3. The log must be maintained in the food establishment and made available to the Food Inspector upon request.
4. The Person in Charge is to sign the log once daily verifying procedures and recordings are correct.
5. Time as a public health control is not permitted for take-out operations.
6. Expanding the list of approved food items or any other operational changes relating to this variance requires prior approval from the Ipswich Public Health Department.
7. This variance is specific to the permitted establishment and is not transferable to a new owner.

Margaret McDermott seconded the motion. The motion passed unanimously.

It was noted by the Board that the determination of whether or not the conditions of approval are being met will be assessed as part of routine inspection. If non-compliance with the approved plan and log is found, the approval of time as a public health control may be suspended immediately.

5:45 - Mike Marvelle – Fragale Building Corporation – 3 Craig Road, Acton – Septic System Installer Exam Variance

Mike Marvelle presented, and the Board heard a request for a variance from Ipswich Board of Health regulation 1.2 which states the installers' exam shall be given quarterly throughout the year; once in February, May, August and November.

At the meeting Mr. Marvelle attested that he works for Fragale Building Corporation and the company has an installation scheduled in Ipswich for April 2018. Mr. Marvelle applied in time for the February exam but missed up the testing date.

Margaret McDermott made a motion to grant the variance request to take the Installer's exam prior to May 2018 since Mr. Marvelle meets all the requirements and he has an installation scheduled in Ipswich pending the issuance of his Installer's license.

5:47 - George Hulbert, Jr. and Marlene Hulbert – 41 Town Farm Road – Title 5 Inspection Variance

George Hulbert, Jr., 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.

At the meeting, Mr. Hulbert proposed an increase in the footprint of the dwelling to allow for an accessory apartment. It is his intention to install a new subsurface sewage system as a part of the entire development. A sewage disposal system plan was submitted on March 28, 2018 to the Public Health Department for review and approval.

Dr. Boreri made a motion to grant the variance and not require the Title 5 inspection for the proposed addition(s) with the condition that Mr. Hulbert installs a new system to serve the main dwelling and accessory apartment prior to occupancy of the accessory apartment. Margaret McDermott seconded the motion. The motion passed unanimously.

6:00 - Report of the Health Agent:

Tobacco Collaborative: The grant application for the regional Tobacco Collaborative Ipswich joined was rejected since one page of the application, supplied by the collaborative, is missing. The application deadline was extended until September since many applicants experienced problems with the application system.

Substance Abuse: Colleen Fermon will be taking on a more active role in the regional Substance Abuse Prevention Collaborative based in Gloucester.

Drug Take Back Day: The Ipswich Department of Public Health is supporting Ipswich Aware's National Drug Take Back Day. On Saturday, April 28, from 10 a.m. to 1 p.m., residents can visit the Ipswich High School, located at 134 High St., to dispose of their unwanted prescription drugs.

Candlelight Vigil: A candlelight vigil organized by Ipswich Aware will be held on May 20, 2018 to bring awareness to those lost to addiction.

Next Board Meetings: The next meetings of the Board of Health were scheduled for May 7, 2018, June 4, 2018, and July 16, 2018, and August 13, 2018 at 5:30 PM.

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

Documents used at the April 2, 2018 Board of Health meeting:

- March 12, 2018 Board of Health Minutes.
- Board of Health Septic System Regulations.
- 310 CMR 15.000, Title 5.
- Time as a Public Health Control plan for Marini Farm.
- Email dated March 20, 2018 for Michael Marvelle.
- Subsurface Sewage System for 11 Birch Lane.
- Title 5 Report for 151 Labor-In-Vain Road (garage).
- Title 5 Report for 151 Labor-In-Vain Road (pool house).
- Title 5 Report for 151 Labor-In-Vain Road (main dwelling).
- Title 5 Report for 61 Fox Creek Road.
- Title 5 Report for 71 Fox Creek Road.
- Title 5 Report for 81 Fox Creek Road.

Dr. Susan Boreri, Board Member

Margaret McDermott, Board Member