

Board of Health Minutes
Monday, June 4, 2018 5:30 PM
Meeting Room C, Town Hall
25 Green Street, Ipswich, MA

Call to Order: Susan C. Hubbard called the meeting to order at 5:34 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, James Scanlan, P.E., Gerard McDonald, P.E., Keith Vanderbilt, Terry Anderson and Charlotte Stanley.

Citizens Queries: None.

Minutes: Dr. Susan Boreri made a motion to approve the May 7, 2018 minutes. Margaret McDermott seconded the motion. The motion passed unanimously.

Hearings:

5:33 - Stephen Sarno – 45 Skytop Road – Represented by Scanlan Engineering, LLC – Septic System Design Variances

James Scanlan, P.E., presented, and a hearing was conducted to consider variances from Title 5 and an Alternative Technology Waiver for a sewage disposal system plan # 0875 designed by James Scanlan, P.E., dated April 30, 2018 and last revised May 21, 2018 for the 3 bedroom dwelling located at 45 Skytop Road, Ipswich, Massachusetts.

The system failed a Title 5 inspection on June 10, 2017. Mr. Scanlan said the new owner intends to expand the footprint of the dwelling and would like to install the upgraded system now as a part of the construction project. Mr. Scanlan proposed 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 reduction in the separation between the bottom of the leaching area and estimated seasonal high groundwater (ESHGW). A 2 foot separation is provided.
- An 11 inch reduction in the separation between the septic tank inverts and estimated seasonal high groundwater (ESHGW). A 1 inch separation is provided.

The Board considered the requests. Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon confirmed that the 2 variances requested would not be impacted by the size of the dwelling. She recommended granting the variances as requested 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.
- The system must be installed with the Certificate of Compliance issued by June 10, 2019.

Susan Hubbard asked the engineer if he felt the system could be installed by June 10, 2019. Mr. Scanlan confirmed the system could be installed by June 10, 2019, the owner plans to install right away.

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

5:39 - Small, Pistritto and Hopping – 30 Birch Lane – Represented by H.L. Graham Associates, Inc. – Septic System Design Variances

Gerard McDonald, P.E., presented, and a hearing was conducted to consider variances from Title 5 and Ipswich Board of Health Septic System Regulations for a sewage disposal system plan # 18-1816 designed by Gerard McDonald, P.E., dated May 8, 2018 and last revised May 23, 2018 for the 5 bedroom dwelling located at 30 Birch Lane, Ipswich, Massachusetts.

This is a voluntary upgrade of the existing 5 bedroom system. Mr. McDonald proposed a Pressure Distribution System and a Pro-Step pump vault system., a 2,000 gallon septic tank, and 500 gallon pump chamber for the laundry system. He requested the following variances:

- A reduction in the 10 foot setback between the pump chamber and the slab foundation. A 6 foot separation is provided.
- A reduction of the design flow from 150 gallons/bedroom/day to 110 gallons/bedroom/day.

Mr. Graham noted there was not enough land to design on 150 gallons/bedroom/day without severely impacting the property.

Susan Hubbard asked Colleen Fermon for her thoughts. Ms. Fermon said the system could be designed on 150 gallons per day but felt this was a reasonable approach given the tight setbacks for the pump chamber. She recommended approving 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 Pressure Distribution System and the Pro-Step pump vault prior to issuance of Disposal System Construction Permit.

- A Lifetime Maintenance restrictive covenant for the Pressure Distribution System and the Pro-Step pump vault 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.
- 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 variances as requested with the conditions as enumerated by Colleen Fermon. Susan Hubbard seconded the motion. The motion passed unanimously.

5:43 - Keith Vanderbilt – 61 Town Farm Road – Septic System Inspection Variance

Keith Vanderbilt 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. Vanderbilt proposed an increase in the footprint of the dwelling to allow for a garage. No increase in bedrooms was proposed. The Board noted that the septic system was installed and the Certificate of Compliance issued on May 23, 2014. Additionally, the system was pumped on October 19, 2017 and no problem with the septic system was reported at that time.

Dr. Boreri questioned if there would be any plumbing or heating in the garage. Mr. Vanderbilt confirmed there would be no plumbing or heating. The garage will only be utilized for storage. Colleen Fermon said Mr. Vanderbilt will need to submit construction plans as a part of his building permit application so she can confirm there will be no increase in bedrooms.

Dr. Boreri made a motion to grant the variance from requiring the Title 5 inspection for the proposed garage since the system was installed and the Certificate of Compliance issued on May 23, 2014. Additionally, the system was pumped on October 19, 2017 and no problem with the septic system was reported at that time. Susan Hubbard seconded the motion. The motion passed unanimously.

5:46 - Gertrude Bartlett – 24 Dartmouth Road – Represented by Terry Anderson – Septic System Installation Extension

Colleen Fermon provided background information for the Board. On May 16, 2016 Ms. Bartlett purchased the property located at 24 Dartmouth Road and signed an agreement to upgrade the septic system within 2 years of the transfer date with the Board of Health in lieu of having a Title 5 inspection done. Based on this agreement, the owner had until May 16, 2018 to bring the property into compliance.

On January 22, 2018 Disposal System Construction Permit # 17-57 was granted for the construction of a tight tank plan # 15-1512 designed by Gerard McDonald, P.E., dated August 17, 2015 and last revised December 20, 2017 for 24 Dartmouth Road Ipswich, Massachusetts.

At the meeting, Terry Anderson requested a variance for an extension for the installation of the tight tank. He explained that the dwelling has been demolished and a new dwelling is under construction. The new tight tank will be installed after the house framing is completed since there is no room for the installation with the construction materials and equipment on the property. Lou Vlahos of ValMac Construction has been hired to install the tight tank.

Susan Hubbard questioned if 2 months would be a reasonable timeframe for the installation of the tight tank to be completed. Mr. Anderson felt this was a realistic timeframe since framing should only take a few more weeks.

Susan Hubbard made a motion to grant an extension for the installation of the tight tank; the tight tank must be installed with the Certificate of Compliance issued by July 31, 2018. Dr. Boreri seconded the motion. The motion passed unanimously.

5:50 - Charlotte Stanley – 70 Turnpike Road – Extension for the Correction of Chapter II Violations

Colleen Fermon provided background information for the Board. As a result of a complaint received by the Public Health Office, a housing inspection was conducted on April 20, 2018, at 70 Turnpike Road, 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 on April 21, 2018. The owner was ordered to bring the dwelling into compliance with the State Sanitary Code 105 CMR 410.000 within 30 days except the carbon monoxide detector violation needed to be corrected in 5 days.

On May 29, 2018 the owner requested a hearing before the Board of Health to discuss the order to correct issued to her on April 21, 2018. At the meeting Ms. Stanley attested that she has worked to correct the violations but she needed additional time to make the corrections which are extensive. The Fire Department confirmed a carbon monoxide detector was installed on April 27, 2018 and the owner provided invoices to show an electrician was hired and screens were being made. Additionally, Ms. Stanley stated that the occupants have moved out of the dwelling unit.

Since the owner demonstrated a good faith effort in making corrections, Susan Hubbard made a motion to modify the order for correction and grant an extension. Ms. Stanley was ordered to obtain compliance with 105 CMR 410.000 on or before August 15, 2018. Dr. Boreri seconded the motion. The motion passed unanimously.

The Board noted that once the corrections have been made Ms. Stanley must contact the Public Health Office and request a re-inspection so she may obtain a letter of compliance. A \$75.00 fee is assessed for each re-inspection.

6:00 - 240 Locust Limited Partnership – 45 Pine Swamp Road – Represented by Paris Pelletier – Disposal System Construction Permit Extension

Mr. Pelletier was not in attendance Colleen Fermon provided the background. On August 6, 2015, Disposal System Construction Permit # 12-15 was granted for the construction of a septic system designed by Clayton Morin, P.E., plan # F13581, plan date February 16, 2012 and last revised July 24, 2015 for 45 Pine Swamp Road, Ipswich, Massachusetts.

In accordance with the State Environmental Code Title 5, 310 CMR 15.020(2), all systems for which a Disposal System Construction Permit has been issued shall be completed, and the Certificate of Compliance shall be obtained, within 3 years of issuance of the permit. The permit and any variances or local upgrade approvals from 310 CMR 15.000 allowed therewith, shall expire if the work authorized by it is not completed within the 3-year period unless a one-year extension is granted prior to the expiration of the original permit. On May 29, 2018 Mr. Pelletier requested a variance for a 1-year extension on the disposal system construction permit (DSCP).

The Board reviewed the request. It was noted that, as required by Title 5, 310 CMR 15.000, the request for an extension was received prior to the expiration date of the existing Disposal System Construction Permit.

Susan Hubbard made a motion to grant a one-year extension. The Disposal System Construction Permit expiration date is now August 6, 2019. No additional extensions can be granted. If the system is not installed by August 6, 2019, a new application, plan review and permit fees, and updated septic system plans designed to meet current Title 5 regulations and Ipswich Board of Health regulations will need to be submitted to the Public Health Office for approval before a system can be installed. Margaret McDermott seconded the motion. The motion passed unanimously.

6:10 - Report of the Health Agent:

6 Broadway Avenue: A plain view inspection was conducted on May 7, 2018, in accordance with 105 CMR 410.000: State Sanitary Code Chapter II: Minimum Standards of Fitness for Human Habitation and an Order for Correction was issued to the owner on May 7, 2018. The owner was ordered to bring the dwelling into compliance with the State Sanitary Code 105 CMR 410.000 within 30 days. The order was received via certified mail on May 14, 2018. To date, it appears that no action has been taken so the owner will be ordered to attend the July 16, 2018 Board of Health meeting.

If no one attends the meeting, Ms. Fermon requested the Board of Health consider issuing a finding that the dwelling is unfit for human habitation which may result in an order of condemnation requiring the owner to secure the dwelling and the occupants to vacate the dwelling. The Board directed Ms. Fermon to ask the Attorney General's Office to move forward with the Abandoned Housing Initiative.

33 Bayview Road: In a letter dated January 11, 2018, the owner was notified that the septic system serving 33 Bayview Road failed a Title 5 Inspection on April 29, 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 April 29, 2018. The new owner was informed that since they took ownership of the property it was their responsibility to upgrade the failed septic system. The owner was asked to contact Ms. Fermon and provide their plans for the upgrade of the septic system. To date, no action has been taken. The owner was notified that they were in violation of Title 5 and a Board of Health order.

Additionally, a plain view inspection was conducted on May 5, 2018, in accordance with 105 CMR 410.000: State Sanitary Code Chapter II: Minimum Standards of Fitness for Human Habitation and an Order for Correction was issued to the owner on May 5, 2018. The owner was ordered to bring the dwelling into compliance with the State Sanitary Code 105 CMR 410.000 within 30 days. To date, it appears that no action has been taken.

The owner will be ordered to attend the July 16, 2018 Board of Health meeting. If no one attends the meeting, Ms. Fermon requested the Board of Health consider issuing a finding that the dwelling is unfit for human habitation which may result in an order of condemnation requiring the owner to secure the dwelling and the occupants to vacate the dwelling. The Board directed Ms. Fermon to ask the Attorney General's Office to move forward with the Abandoned Housing Initiative.

56 Country Club Way: The Ipswich Housing Inspector will appear in Housing Court with a representative of the Attorney General's Office on June 8, 2018 to discuss the condition of the property and the owner's failure to make corrections

Legislation licensing Septic Installers and Inspectors: New state legislation is proposed that would prohibit septic companies that hold both inspector and installer licenses to do installation repair/upgrade work on a system they previously inspected.

Next Board Meetings: The next meetings of the Board of Health were scheduled for July 16, 2018, August 13, 2018, September 10, 2018 October 1, 2018, November 19, 2018 and December 10, 2018 at 5:30 PM.

Adjourn: Susan Hubbard made the motion to adjourn at 6:40 PM. Susan Boreri seconded the motion. The motion to adjourn passed unanimously.

Documents used at the June 4, 2018 Board of Health meeting:

- May 7, 2018 Board of Health minutes.
- Septic System Design Plan for 45 Skytop Road.
- Agreement to Upgrade the system at 24 Dartmouth Road.
- Approved tight tank plan for 24 Dartmouth Road.
- Certificate of Compliance for 61 Town Farm Road.
- Pumping record dated October 19, 2017 for 61 Town Farm Road.
- Disposal System Construction Permit (DSCP) for 45 Pine Swamp Road issued on August 6, 2018.
- Title 5 and Ipswich Board of Health Septic System Regulations.
- 70 Turnpike Road Inspection Report and Order for Correction dated April 21, 2018.
- Invoice from Northern Glass, LLC for 70 Turnpike Road.
- Invoice from TL Electric dated May 29, 2018.
- Email dated May 29, 2018 from Kendall Buhl, Ipswich Fire Department regarding 70 Turnpike Road.

Susan C. Hubbard, Chairperson

Dr. Susan Boreri, Board Member

Margaret McDermott, Board Member