

Board of Health Minutes
Monday, March 10, 2008, 6:00 PM
Meeting Room C, Town Hall
25 Green Street, Ipswich, MA

Call to Order: Dr. Spencer Amesbury called the meeting to order at 6:00 PM.

Members attending: Dr. Spencer Amesbury and Charles Hill.

Others attending: Health Director Colleen Fermon, Health Administrative Assistant Jennifer Brown, Director of Utilities Tim Henry, Gerry McDonald, P.E., Frank Antonucci, Robert Greenleaf, Evan Parker, Donald and Marcia Turner, Ken Huling, Mark Ferri, Daniel Johnson, R.S., Chuck Johnson, P.E., Larry Clifford, Brian Montejunas, and Robert Bouley.

Citizens Queries: None.

Minutes:

A motion to approve the February 4, 2008 minutes was made by Dr. Spencer Amesbury. Chuck Hill seconded the motion. The motion passed unanimously.

6:00 – Discussions:

Tim Henry; Director of Utilities, was present to update the Board on the High Street sewer extension and the Turnpike Road water line extension.

High Street sewer extension:

Colleen invited Tim Henry to the Board meeting to give an update on the High Street sewer extension project since some High Street properties with failed septic systems would have the option of tying into town sewer if the sewer extension was approved.

At the Spring 2007 Town meeting the High Street sewer extension was approved for a fifteen hundred (1,500) foot extension, from LeBlanc Drive to The Clam Box restaurant, with the condition that seventy five percent (75%) of the properties served (based on frontage) agree to fund the project. The owners of the affected properties were required to sign covenants for the project to be 100% bettered and to move forward. A deadline of February 1, 2008 was originally given but was later extended until March 11, 2008.

As of March 10, 2008, only fifty percent (50%) of the affected abutters had indicated they would sign the covenants. Twenty six percent (26%) indicated they would not sign the covenants, and twenty four percent (24%) did not respond at all. Given this, the High Street sewer extension project will not proceed.

Turnpike Road water project:

The most recent communication regarding the Turnpike Road water project was approximately a year ago when; Shui-Keung Woo, owner of Majestic Dragon Restaurant and Lounge (81 Turnpike Road), attended the Spring Water Subcommittee meeting.

Mr. Woo was present at the Water Subcommittee meeting because the sewage disposal system for Majestic Dragon is located within the Zone 1 of its public water supply and therefore the sewage disposal system was determined to be in failure, in accordance with 310 CMR 15.304: (1) & (2), on October 21, 2003. The failed system had a design flow greater than ten thousand (10,000) gallons per day so it is under the jurisdiction of The Department of Environmental Protection (DEP).

Given this, the Majestic Dragon Restaurant was put under an Administrative Consent Order (ACO) with the Department of Environmental Protection (DEP). Under the Administrative Consent Order (ACO), they were allowed to continue to

use the well for a potable water supply until such time as the Town of Ipswich completed the construction of an accessible water main, provided that the restaurant complied with several water-sampling requirements. The site conditions prevent the upgrade of the system outside the Zone 1 of the well, and the proposal to extend the water distribution system to this area would eliminate this problem. If town water were not available by March 2009, the Department of Environmental Protection (DEP) would revisit the Administrative Consent Order (ACO).

At the Spring 2007 Water Subcommittee meeting, the Turnpike Road water line extension was indefinitely postponed. The Utilities Department would not fund the project since it will not benefit the town. The Finance Committee felt that at least twenty percent (20%) of the project should be funded by those who would benefit most from the extension or the project could be 50% bettered. The problem with having it 50% bettered is that the people who do not need it do not want to pay for the extension. The Majestic Dragon restaurant is the only entity currently in need of the extension. There are also properties in the area that are currently undeveloped. Due to the potential of these lots to be developed, property owners may be asked to contribute financially as much as the existing large businesses on Turnpike Road.

The Ipswich Country Club did; however, give approval for the Town to connect a loop on the Ipswich Country Club property. The extension would begin on Linebrook Road and go to the Ipswich Country Club.

It was determined at the Spring 2007 Water Subcommittee meeting that the Utilities Department would solicit input and notify all affected parties about the project and of the anticipated costs they would need to pay based on lineal feet of frontage. As of March 10, 2008, the Majestic Dragon Restaurant was still the only business in support of the water line extension. Two (2) business owners expressed opposition to the project and; at this time, there is no indication that the water line extension will move forward.

Dr. Amesbury questioned what it would for take the project to move ahead. Tim Hendry said several business owners would have to indicate they were in favor of the water main extension and absorb the cost of the project.

6:05 – Hearing- Evan Parker – 213 High Street – timeframe for compliance.

Evan Parker presented, and a hearing was conducted to discuss the order to upgrade the sewage disposal system serving 213 High Street and the availability of town sewer. Evan Parker purchased the property on December 29, 2004 without benefit of a Title 5 inspection. Once this was discovered by the Health Department, he entered into an enforceable agreement to upgrade the septic or connect to town sewer. In the prior discussion, Tim Henry, Ipswich Utilities Director, informed the Board that the High Street sewer extension project would not be undertaken.

Dr. Spencer Amesbury made a motion to have a sewage disposal system plan submitted to the Health Office by May 31, 2008 and to have the sewage disposal system installed with the Certificate of Compliance issued by November 30, 2008. Chuck Hill seconded the motion. The motion passed unanimously.

6:07 – Hearing- Robert and Megan Greenleaf – 229 High Street – timeframe for compliance.

Robert Greenleaf presented, and a hearing was conducted to discuss the order to upgrade the sewage disposal system serving 213 High Street and the availability of town sewer. In the prior discussion, Tim Henry, Ipswich Utilities Director, informed the Board that the High Street sewer extension project would not be undertaken.

Mr. Greenleaf said he currently has three (3) estimates from engineering companies and is ready to pick an engineering firm next week.

Dr. Spencer Amesbury made a motion to have a sewage disposal system plan submitted to the Health Office by May 31, 2008 and to have the sewage disposal system installed with the Certificate of Compliance issued by November 30, 2008. Chuck Hill seconded the motion. The motion passed unanimously.

6:10 – Hearing- Mark Ferri – 73-79 Turnpike Road – represented by Domestic Septic Design –water usage records utilized in determining design flow

Dan Johnson, R.S. and Mark Ferri presented, and a hearing was conducted to review the Department of Environmental Protection (DEP) application to get approval on the use of water meter readings to determine a design flow for the facility.

Colleen summarized for the Board. The Board of Health ordered the failed septic system serving 73-79 Turnpike Road, Ipswich be upgraded by October 1, 2008 and the system that needed to have an alternative technology component added to it had the same deadline for completion. Upgrade plans were submitted to the Health Department in December 2007 but they were rejected due to deficiencies in the plan.

Dan Johnson contacted Colleen in February 2008 and said the owner wanted to apply to the Department of Environmental Protection (DEP) to have water records from the public supply well on site used to determine a design flow for the septic system. Colleen felt this new approach to determining the design flow was a decision prompted by the cost of alternative technologies; that the applicant wants to avoid having to install a re-circulating sand filter or equivalent technology, which is required for systems with a design flow of two thousand (2,000) gallons per day or greater in a nitrogen sensitive area.

The Board reviewed the application for alternative design flow for Title 5 systems (BRP WP 70) that was completed by Daniel Johnson, R.S., and three years of water meter readings from the on-site public water supply well.

Colleen said the information will be submitted to the Department of Environmental Protection (DEP) for approval. The applicant is not required to receive approval of the application by the Board of Health prior to its submittal to the Department of Environmental Protection (DEP). The Department of Environmental Protection (DEP) will contact the Board of Health, once they review the application, to ask for input. Since the Department of Environmental Protection (DEP) can approve a design flow as based on water records and the Board of Health is not required to approve the design flow until the plans are presented to the Board of Health, the Board of Health could reject the design flow the Department of Environmental Protection (DEP) approved and the applicant would have to appeal the Board of Health decision in court.

Given this, Colleen recommended that the designer present the paperwork being sent to the Department of Environmental Protection (DEP), to the Board of Health, so the Board of Health could indicate how they felt about the proposal and outline any concerns they may have prior to their submission to the Department of Environmental Protection (DEP).

Mr. Johnson submitted paperwork to the Health Department on March 6, 2008. Since monthly water-reports were not submitted with the days and hours of operation for each business, there was no way to confirm the numbers presented were accurate. Colleen suggested a discussion based on the proposed design flow outlined by the designer.

Mr. Johnson reported that the property is within a Zone II groundwater protection area and the design flow of thirty one hundred (3,100) gallons per day obtained from the Title 5 inspection triggers a re-circulating sand filter or equivalent technology since it exceeds the two thousand (2,000) gallon per day limit. The plan was sent out for pricing estimates and it was very expensive.

Mr. Johnson submitted records from a well that had been metered for the last three (3) years. These records indicated that the flows were significantly lower than the (2,000) gallon per day limit that requires a pre-treatment system. Mr. Johnson requested the use of the water records in lieu of the design flows obtained from the Title 5 Inspection.

Colleen did not support the design flow of two hundred and fifty six (256) gallons per day supplied by Daniel Johnson, R.S. at the time of the meeting, but did believe a design flow less than the two thousand (2,000) gallon per day may be achievable. She was concerned with the low flow of two hundred and fifty six (256) gallons per day since the tenancy

changes frequently and the water use associated with different businesses can fluctuate greatly. Colleen questioned if this design flow would be representative of future needs. In addition, since there has not been a time when the four (4) buildings were at full occupancy throughout the year, the affect full occupancy would have on the water usage could not be determined.

Colleen informed the Board that if the Department of Environmental Protection (DEP) approved design flow is supported by the Board of Health, but subsequent water meter readings exceed the limit, a new system meeting new construction standards must be met. She felt this might not be possible to do on site.

Mr. Johnson wants to over-design the leaching area(s) for unseen peak usage in the future. If he is requesting approval for two hundred and fifty six (256) gallons per day, Colleen questioned why a three thousand (3,000) gallon per day leach area was needed.

Mr. Johnson reported that it appears as if peak flows will still be less than two thousand (2,000) gallons per day, but proposed to design the system so there is a safe level or buffer zone for peak flows.

Chuck Hill questioned what would protect the Board of Health if the water meter readings are close to the (2,000) gallons per day. He suggested the Board put limitations on approval such as an annual compliance check to monitor the flows.

Colleen agreed that if the Board supported a flow based on water meter readings then this should be conditioned by a frequency for submittal of water records per year and a timeframe for how many years the water meter readings would be monitored.

Once the Department of Environmental Protection (DEP) reviews the application and determines a lower design flow than the 3,129.50 gallons per day accepted previously, Colleen suggested the Board of Health consider the Department of Environmental Protection's (DEP) lower flow. Based on the concerns raised, Colleen did not recommend approving the two hundred and fifty six (256) gallon per day design flow, but was in support of the Board considering approval of a lower flow once the Department of Environmental Protection (DEP) has investigated the usage records and site specific information, and the Board of Health has had an opportunity to discuss the review with the Department of Environmental Protection (DEP).

It was the decision of the Board of Health that they would consider a design flow based on water meter readings of the facility instead of Title 5 Design Flows. The Board was not ready to support the design flow of two hundred and fifty six (256) gallons per day supplied by Daniel Johnson, R.S. at the time of the meeting. Changes in tenancy and whether or not the property has been running at full occupancy needs to be considered before a design flow can be approved. The Board would like the Department of Environmental Protection (DEP) to review all the material and discuss the application with the Health Agent before Board of Health approval is granted.

6:25 –Hearing- The Sanborn Trust – 32 Appomattox Road – represented by H.L. Graham Associates, Inc. –septic variances.

Gerry McDonald presented, and a hearing was conducted to consider variances from Title 5 for a sewage disposal system plan designed by Gerard McDonald, P.E., plan 07-743, dated January 21, 2008 and last revised February 29, 2008, for the dwelling located at 32 Appomattox Road, Ipswich, Massachusetts.

The property is located on Great Neck facing Plover Hill Road. There is an existing septic system and leach pit in hydraulic failure. A new system will be designed with a Waterloo Biofilter and pressure distribution system so the leaching area will be reduced in size by fifty percent (50%) as allowed by the Department of Environmental Protection's (DEP) Remedial Use Approval for the Waterloo Biofilter.

Dr. Amesbury asked Colleen for her thoughts. Colleen questioned why the building sewer could not be raised. Mr. McDonald said he is seeking a Local Upgrade Approval for a reduction in the separation between the septic tank inlet

invert and estimated seasonal high groundwater (ESHGW) from 12 inches to 1 inch, since there may not be room to raise the building sewer. Mr. McDonald put a note on the plan to raise the building sewer if possible, once it is reviewed as part of the upgrade.

The following variances were requested:

- A 2-foot reduction in separation between the leaching area and estimated seasonal high groundwater (ESHGW) with the use of a Waterloo Biofilter.
- A reduction in the setback from the leaching area to the property line from 10 feet to 6 feet.
- A reduction in the setback from the septic tank to the cellar wall from 10 feet to 9 feet.
- A reduction in the setback from the leaching area to the cellar wall from 20 feet to 5 feet.
- A reduction in the separation between the septic tank inlet invert and estimated seasonal high groundwater (ESHGW) from 12 inches to 1 inch.

Colleen confirmed the fifty percent (50%) reduction in the leaching area size with the use of a Waterloo Biofilter was allowed. If the reduction in size and a 2-foot reduction in separation between the leaching area and estimated seasonal high groundwater (ESHGW) were allowed by the Board of Health then the Department of Environmental Protection (DEP) needs to grant approval also.

Dr. Spencer Amesbury made a motion to grant the variances as requested with the following conditions:

- A 2-bedroom deed restriction must be filed at the Southern Essex County Registry of Deeds with a copy provided to the Health Office prior to the issuance of the Disposal System Construction Permit.
- A Lifetime Maintenance restrictive covenant must be filed at the Southern Essex County Registry of Deeds with a recorded copy provided to the Health Office prior to the issuance of the Disposal System Construction Permit.
- A 2-year Operations & Maintenance contract for the Waterloo Biofilter and pressure distribution systems to be submitted to the Health Department prior to issuance of Disposal System Construction Permit.
- The property must be line surveyed and staked prior to construction of the retaining wall.
- DEP approval must be obtained.

Chuck Hill seconded the motion. The motion passed unanimously.

6:30 – Hearing- Arthur and Mary Leslie (former owners) and Ann McMenemy (current owner) – 25 North Ridge Road – represented by Meridian Associates, Inc. –septic variances.

Brian Montejunas presented for the designer, Charlie Wear, P.E., who was unavailable. A hearing was conducted to consider variances from Title 5 for a sewage disposal system plan designed by Jonathan Markey, P.E., plan 4641, dated November 14, 2005 and last revised January 10, 2008, for the dwelling located at 25 North Ridge Road, Ipswich, Massachusetts. Dr. Amesbury questioned if abutters notification was received. The abutter’s notification was submitted to Colleen.

The new system will be designed within the same proximity as the existing system. The design incorporates a Presby leaching system and proposes a forty percent (40%) reduction in the leaching field size, which is allowed by the Department of Environmental Protection’s (DEP) remedial use approval for a Presby system. The following variances were requested:

- A 2-foot separation from the leaching area to estimated seasonal high groundwater (ESHGW) with the use of a Presby Enviro-septic leaching system.
- Reduction in setback from the leaching area to the property line from 10 feet to 4.3 feet.
- Reduction in setback from the leaching area to the cellar wall from 20 feet to 5 feet.
- Reduction of setback from the septic tank to the property line from 10 feet to 2.5 feet.

Dr. Amesbury asked Colleen for her thoughts. Colleen reminded the Board that they approved a different design on February 6, 2006. The variances granted were comparable to what is being requested now, except this design asks for a reduction in size and a reduction to estimated seasonal high ground water (ESHGW). The system is proposed to be two (2) feet above the estimated seasonal high ground water (ESHGW). The previous designer had a four (4) foot separation.

Colleen said the Board needed to determine if maximum feasible compliance was achieved with the design allowing only a two (2) foot separation to estimated seasonal high ground water.

A redesign was desired by the new homeowner because it would eliminate a costly retaining wall and would avoid boarding up a window, which the previous plan required. Brian Montejunas informed the Board that there was a sizeable difference in the cost from what he could surmise from Charlie Wear, P.E. He did not have any estimates for the new design compared to the previous design but he felt the wall would add a lot of cost.

Dr. Spencer Amesbury made the motion to grant the variances as requested with the following conditions:

- A 2-year Operations & Maintenance contract for the Presby Enviro septic system to be submitted to the Health Department prior to issuance of Disposal System Construction Permit.
- The property line must be surveyed and staked prior to construction of the septic system.
- DEP approval obtained
- Installer must be certified by Presby Environmental.
- Installer must provide a bill of lading certifying the sand meets ASTM C-33.
- Installer must provide a completed "System Installation Form" to the Health Office before the Certificate of Compliance can be issued.
- The system must be installed with the Certificate of Compliance issued by July 31, 2008.

Chuck Hill seconded the motion. The motion passed unanimously.

6:35 – Hearing- Dorothy Butcher – 8 Cape View Road – represented by C.J. Johnson Engineering, Inc. – one-year extension on the Disposal System Construction Permit.

Chuck Johnson presented, and the Board reviewed a request made by the homeowner for a one-year extension on the Disposal System Construction Permit, number 05-9, for 8 Cape View Road. As required by Title 5, 310 CMR 15.000, the request was received prior to the expiration date of the existing permit.

Mr. Johnson appeared before the Board three (3) years ago with the same disposal system plan. At that time, the homeowner's husband was sick and Mrs. Butcher was interested in upgrading the septic system to support a proposed addition. Since this time, her husband has passed. She is still interested in doing the upgrade and requested a one-year extension on the Disposal System Construction Permit.

Dr. Spencer Amesbury made a motion to grant a one-year extension. The Disposal System Construction Permit expiration date is now March 7, 2009. Chuck Hill seconded the motion. The motion passed unanimously.

6:40 – Hearing- Donald and Marcia Turner – 31 Skytop Road – variance for Title 5 inspection.

Donald and Marcia Turner presented, and a request for a variance from Ipswich Board of Health Septic Regulations, section 10.2, was heard.

Section 10.2 requires that 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 three (3) years or if the system is under an operation and maintenance contract.

Mr. and Mrs. Turner proposed to construct an attached one-car garage, an unheated three-season room, and a deck.

Dr. Amesbury questioned if any bedrooms would be added to the dwelling. Mr. Turner informed the Board that no bedrooms were being added and the dwelling was used seasonally from 1998 to 2005.

Colleen reported that The Certificate of Compliance for the system was issued on July 15, 1998 and the system was pumped in 2004, with no problems found. The disposal system design was for a four (4)-bedroom dwelling

Colleen recommended granting the variance as requested since no bedrooms, under the Title 5 definition, were proposed, the system was pumped in 2004, with no problems found, and since the Health Department has disposal system plans on file.

Chuck Hill made a motion to grant the variance and not require the Title 5 inspection for the proposed additions since the Certificate of Compliance for the septic system was issued on July 15, 1998, the dwelling was used seasonally from 1998 to 2005, and the system was pumped in 2004 and no problems with the septic system were found at that time. Chuck Hill seconded the motion. The motion passed unanimously.

6:45 – Hearing- Frank Antonucci – 325 Linebrook Road – request for extension on septic repair.

Frank Antonucci presented, and a hearing was conducted to consider a request to have the order for the repair of the septic system serving 325 Linebrook Road, Ipswich modified.

A Title 5 inspection was done on July 21, 2007 that revealed minor repairs were needed; septic tank tees, a distribution box cover, and a riser for the distribution box. An order to repair the system by January 31, 2008 was issued by The Board of Health.

Mr. Antonucci put the house on the market a year ago. During the past year, some buyers have been interested in the home and some buyers have been interested only in the land.

Mr. Antonucci obtained bids for the cost of the repairs to the septic system. It will cost up to fifteen hundred dollars (\$1,500) to make the necessary repairs to the system. Mr. Antonucci requested an extension on the timeframe to make the minor repairs to the existing septic system since the thirteen (13) acre property is for sale and it could be subdivided and subsequently, the existing septic system may be abandoned. There is no one currently living in the dwelling served by the septic system.

Dr. Amesbury asked Colleen for her input. Colleen felt the request was a reasonable one since the parcel could be subdivided and the existing septic system may be abandoned. Given that the necessary repairs are minor, it was also her opinion that the system could function with no problems for two (2) years from the inspection date of July 21, 2007.

Dr. Amesbury made a motion to grant an extension until July 21, 2009 for the installation of septic tank inlet and outlet tees, the replacement of the distribution box cover, and the addition of a riser for the distribution box. Chuck Hill seconded the motion. The motion passed unanimously.

6:50 – Hearing- Larry Clifford – 43 Boxford Road –review of proposed building plans.

Larry Clifford presented, and the Board reviewed proposed plans for renovating the first floor and adding a second floor to the existing dwelling at 43 Boxford Road, Ipswich. The proposed building plans are for the addition of a second floor with two (2) bedrooms, a bathroom and a loft space; and the first floor would have a kitchen, living room, office, bathroom and a kennel room.

Colleen reported that this is an existing (two) 2-bedroom septic system from 1978 serving a one (1)-bedroom dwelling. When the existing system fails, a (two) 2-bedroom deed restriction will be required as a part of the upgrade approval unless a system for three (3) bedrooms, meeting new construction standards, can be installed. No septic upgrade is required at this time.

Mr. Clifford submitted proposed plans for the Board's review. The proposed plans have two (2) bedrooms on the second floor, a small office and a kennel room proposed on the first floor, and an addition to the bath and living space.

The Health Agent reviewed the plans previously and determined that there would be too many rooms for the existing two (2)-bedroom septic system. The office would be considered a bedroom since it was seventy three (73) square feet and exceeded the seventy (70) foot threshold in the Title 5 definition of a bedroom.

Colleen viewed the proposed plans as being a three (3) bedroom, seven (7) room dwelling. Three (3) options were given to the homeowner; record a 2-bedroom deed restriction at the Essex County Registry of Deeds, modify the plans, or request a hearing with the Board of Health.

The homeowner revised the proposed plans to make the office sixty five (65) square feet, subsequently eliminating the bedroom issue.

Mr. Clifford questioned how he could further modify the building plans since he needs a private space for his mother to live.

Chuck Hill suggested recording a 2-bedroom deed restriction at the Essex County Registry of Deeds. The homeowner wished to avoid a deed restriction; if possible, feeling it may hinder the re-sale of the home.

Dr. Amesbury suggested making the entrance to the bathroom through the kennel area; therefore, making it non-private and not considered a bedroom under the Title 5 definition.

Dr. Amesbury made a motion that approval would be given on the plans as proposed at the meeting if a two (2)-bedroom deed restriction was recorded or if the plans were modified so that the entrance to the bathroom would be accessible only from the kennel room, thereby altering the kennel room so that it is no longer private. Chuck Hill seconded the motion. The motion passed unanimously.

6:55 – Hearing- Fernando Hernandez, Jr. – 9 Longmeadow Drive – review of proposed building plans.

Mr. Hernandez did not attend the meeting so no hearing was conducted.

6:55 – Hearing- Julie Phillips and Ken Huling – 16 Chattanooga Road – incomplete septic system with expired Disposal System Construction Permit.

Ken Huling, the proposed buyer, requested a hearing to determine what actions were needed to obtain a Certificate of Compliance for the septic system partially installed at 16 Chattanooga Road. The Disposal System Construction Permit had expired before the system was completed.

The property is currently served by one cesspool. A new system was installed with a Disposal System Construction Permit issued on October 4, 1999, but was never completed and connected to the dwelling. The Disposal System Construction Permit expired on October 4, 2002.

The proposed buyer asked the Board for guidance on how to complete the system and bring it into compliance since the Disposal System Construction Permit and all variances for the Disposal Sewerage System Plan had expired.

Colleen said Title 5 and Board of Health regulations were revised in 2006. There did not appear to be major changes needed to bring the existing Sewage Disposal System Plan into compliance with current regulations but since she did not review and approve the earlier plan she could not say for sure.

Colleen questioned whether

1. the Board would require the applicant to submit new septic plans showing the building sewer extension to the septic tank and changes needed to bring the design into compliance with the 2006 version of Title 5 and Board of Health regulations and obtain approval of all variances needed, or
2. the Board would require the applicant to submit new septic plans showing how the building sewer from the existing dwelling will be connected into the tank that exists without requiring changes to the system already installed.

Colleen explained that the original plan was based on a proposed addition that never occurred, the elevation of the existing building sewer is unknown and; therefore, it is unknown if the existing building sewer elevation would work with the new system.

Colleen stated that a Certificate of Compliance would be issued once the system was completed. If the system is not modified to meet 2006 standards of Title 5 a disclaimer indicating that the Disposal System complies with pre 2006 standards although the Certificate of Compliance was issued post 2006, would be needed. Modifying the system would be the cleanest approach but it would also be more costly.

It was the decision of the Board that a Title 5 inspection must be conducted on the partially completed system and a sewage disposal system plan, meeting current Title 5 and Board of Health regulations, must be submitted to the Health Office for approval prior to the completion of the system. If the inspection results in a passing determination and the sewage disposal system plan is approved, an Ipswich licensed installer will be able to receive the Disposal System Construction Permit to complete the system. An as-built plan of the system will need to be submitted prior to the release of the Certificate of Compliance.

7:05 – Hearing- Robert Bouley – 326 High Street – White Farms – variance to use Time as a Public Health Control.

Robert Bouley presented, and the Board reviewed a proposal to add Sal's Pizza to the White Farms establishment. In accordance with the State Sanitary Code 105 CMR 590.004 (H) and Federal 1999 Food Code 3-501.19, he requested a variance to use time only, instead of time and temperature, as a public health control for potentially hazardous foods (PHF's). A HACCP plan for potentially hazardous food to be displayed or held for service for immediate consumption was submitted to the Board for review.

The HACCP plan limits the time to four (4) hours for potentially hazardous foods (PHF's) to be displayed or held for service for immediate consumption. The plan is intended only for the pizza slices available for lunch and dinner.

Ipswich Food Inspector, Allen Gromko, and Colleen reviewed the HACCP plan. Other than a few minor corrections needed, the plan was good. The only concern was the training section of the plan.

Since the written plan (HACCP plan) complied with Federal 1999 Food Code 3-501.19, Dr. Spencer Amesbury made the motion to grant the variance to use time as a public health control as requested with the following conditions:

1. The employee-training plan must include employee health and hygiene, cleaning and sanitizing procedures, cross contamination prevention procedures, in addition to training on the HACCP plan.

2. The aforementioned required employee training must be documented for each employee and provided to all new hires.
3. Time as a Public Health control is not allowed for take-out-operations. Food must be made to order for take-out operations.
4. The written HACCP procedures must be maintained in the food establishment and made available to the Food Inspector at all times.
5. Manger's records must be available in the food establishment and accurate.
6. The HACCP plan must be reviewed and modified annually and the plan must have a signature and date documenting the annual review by the manager.
7. Compliance with 105 CMR 590.000 must be maintained.
8. If non-compliance with the approved HACCP plan is found, the approval of Time as a Public Health control will be suspended immediately.

Chuck Hill seconded the motion. The motion passed unanimously.

Report of the Health Agent:

No report was given due to time constraints of the Board members.

Next Board Meeting: The next meetings of the Board of Health were scheduled for April 7th, and May 5th 2008 at 6pm.

Adjourn: Dr. Spencer Amesbury made the motion to adjourn at 7:15 PM. Chuck Hill seconded the motion. The motion to adjourn passed unanimously.

Spencer Amesbury, Board Member

Charles Hill, Board Member