

TOWN OF WATERTOWN
Massachusetts



BOARD OF HEALTH

email: www.ci.watertown.ma.us

Barbara D. Beck, Ph.D., Chair
John H. Straus, M.D., Clerk
Carl N. Brownsberger, M.D., Member

Steven J. Ward, M.P.H., C.H.O.
Director of Public Health

June 20, 2008

Hand Delivered
by Constable:

Dr. Santamarie
Date: 6/20/08

Barbara Dziwanowski
41 Katherine Road
Watertown, MA 02472

Re: Administrative Hearing, 41 Katherine Road

Dear Ms. Dziwanowski:

As you are aware,

Acting under the authority 105 CMR 410.831 (A, B, C and E), the Board of Health scheduled a hearing at the Council Chambers of the Watertown Administration Building located at 149 Main Street, Watertown on June 18, 2008 at 9:00 PM to determine whether the Inspection Report and Violations listed in the order letter dated June 12, 2008 (see enclosed) warrant a finding that the dwelling located at 41 Katherine Road, in the Town of Watertown is unfit for human habitation and should be condemned, and that the premises be vacated.

DECISION OF THE BOARD OF HEALTH

After hearing the findings of the owner, the witness, and of the June 9, 2008 Fire and Health Inspection, and after much discussion thereof, the Board of Health ordered a condemnation order. As a result of history of serious and repeated violations of 105 CMR 410.000, "Minimum Standards of Fitness for Human Habitation", as documented in the Order letter dated June 12, 2008 the Board of Health hereby condemns the dwelling at 41 Katherine Road as Unit for Human Habitation.

DWELLING UNFIT FOR HUMAN HABITATION

As part of the Order of Condemnation the owner of the dwelling is hereby ordered to vacate and secure the dwelling within forty-eight hours upon service of this of the Order. No dwelling or portion thereof which is order to be secured shall be occupied without the

prior written permission of the Board of Health based upon the board's written finding that the dwelling or portion thereof to be occupied is fit for human habitation.

You are hereby ordered to correct all Orders as listed in the letter dated June 12, 2008 within fourteen (21) days of receipt of this letter.

Any person who shall fail to comply with any order issued pursuant to the provisions of the State Sanitary Code, Chapter II, 105 CMR 410.000 shall upon conviction be fined not less than ten nor more than five hundred dollars. Each day's failure to comply with the order shall constitute a separate violation.

In addition, you may be fined up to \$300 per violation of the Board of Health Regulations pursuant to MGL Chapter 40, § 21D (Non-Criminal Disposition). These fines are as follows:

\$25.00	For First Offense
\$50.00	For Second Offense
\$100.00	For Third Offense
\$300.00	For Fourth Offense, and Any Further Offenses

Each day of a continuing violation shall constitute a separate offense and shall be subject to a separate penalty.

Should you have any questions concerning this matter you may contact this office at 617-972-6446.

Sincerely,

Kristel Bennett
 Kristel Bennett
 Chief Environmental Health Officer

Steven J. Ward
 Steven J. Ward
 Director of Public Health

cc: File
 Fire Department
 Town Manager
 Deborah Schreiber, Esq.
 Michael Cabral, Esq.

TOWN OF WATERTOWN
Board of Health



Steven J. Ward, M.P.H., C.H.O.
Director of Public Health

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Carl N. Brownsberger, M.D., Member

June 12, 2008

Barbara Dziewanowski
41 Katherine Road
Watertown, MA 02472

Hand Delivered
by Constable:

Date:

Dina Santamaria
6/12/08

Re: 41 Katherine Road – Inspection Report/Order and Notice of Condemnation Hearing

Dear Ms. Dziewanowski:

On June 9, 2008, at approximately 4:00 PM, Barbara Dziewanowski allowed access to the interior and exterior of the property at 41 Katherine Road to Kristel Bennett, Mark Waksmonski of the Watertown Health Department. The inspection of the dwelling revealed violations of Chapter II of the State Sanitary Code 105 CMR 410.000 et seq. that are in need of correction. The inspection report, the specific Sanitary Code violations and the necessary corrective measures which must be taken are listed below. Please note that, when referring to the specific rooms in the dwelling, we have identified them as on the A,B,C,or D-side of the dwelling. The A-side is the side of the dwelling facing Katherine Road. The B-side is the side of the dwelling perpendicular to the A-side going clockwise from the front of the dwelling. The C-side is the back side of the dwelling and the D-side is the last side of the dwelling perpendicular to the C-side.

INSPECTION REPORT, VIOLATIONS, CORRECTIVE ACTIONS

EXTERIOR

1. 105 CMR 410.602 states in part that that the following is a violation of the State Sanitary Code: "(B) The occupant of any dwelling unit shall be responsible for maintaining in a clean and sanitary condition and free of garbage, rubbish, other filth or causes of sickness that part of the dwelling which he exclusively occupies or controls."
105 CMR 410.750 (I) states in part that that the following is a violation of the State Sanitary Code "(I) Failure to comply with any provisions of 105 CMR 410.600, 410.601, or 410.602 which results in any accumulation of garbage,

rubbish, filth or other causes of sickness which may provide a food source or harborage.”

Town of Watertown Nuisance Control Regulations Section 3 A states in part that “The owner of any building or structure used for business or habitation shall be responsible for maintaining the building or structure and the real property free of garbage, rubbish, and other filth or health hazards.”

In violation of 105 CMR 410.602, 105 CMR 410.750 (I), and Watertown Nuisance Control Regulation Section 3 A, inspection revealed piles of rubbish including but not limited to unused building materials, containers, wooden scraps, and assorted items.

ORDER: Dispose of rubbish; maintain property free of all unsanitary conditions.

2. 105 CMR 410.602 (see Item 1 for full cite).

105 CMR 410.750 (I) (see Item 1 for full cite).

Town of Watertown Nuisance Control Regulations Section 3 F states in part that “The owner of any parcel of land, vacant or otherwise, shall maintain such parcel of land free from overgrown vegetation as determined by the Board of health and its agents utilizing their reasonable discretion, standing water, and/or the accumulation of rubbish or other conditions deemed to be public health nuisance.”

In violation of 105 CMR 410.602, 105 CMR 410.750, and Watertown Nuisance Control Regulation Section 3 A, inspection revealed numerous containers filled with standing water.

ORDER: Empty and remove containers to prevent accumulation of standing water which is a source for vector-borne diseases.

3. 105 CMR 410.602 (see Item 1 for full cite).

105 CMR 410.750 (I) (see Item 1 for full cite).

Town of Watertown Nuisance Control Regulations Section 3 A (see Item 1 for full cite).

In violation of 105 CMR 410.602, 105 CMR 410.750, and Watertown Nuisance Control Regulation Section 3 A, inspection revealed a car port with accumulated material that could not be identified in boxes. A tarp covered a brown/red car from which the make and model could not be identified. (See Photograph 1 attached hereto)

ORDER: Remove accumulated rubbish material. Organize the material inside the car port by placing materials on the existing shelving.

INTERIOR

First Floor

4. 105 CMR 410.500 states in part that "Every owner shall maintain the foundation, floors, walls, doors, windows, ceilings, roof, staircases, porches, chimneys, and other structural elements of his dwelling so that the dwelling excludes, wind, rain and snow, and is rodent-proof, watertight and free from chronic dampness, weathertight, in good repair and in every way fit for the use intended. Further, he shall maintain every structural element from holes, cracks, loose plaster, or other defect where such holes, cracks, loose plaster or defect renders the area difficult to keep clean or constitutes an accident hazard or an insect or rodent harborage." 105 CMR 410.750 (K) states in part that "The following conditions, when found to exist in residential premises, shall be deemed conditions which may endanger or impair the health, or safety and well-being of a person or persons occupying the premises. This listing is composed of those items which are deemed to always have the potential to endanger or materially impair the health or safety, and well-being of the occupants or the public. (K) Roof, foundation, or other structural defects that may expose the occupant or anyone else to fire, burns, shock, accident or other dangers or impairment to health or safety."

In violation of 105 CMR 410.500, 105 CMR 410.750 (K), inspection of the kitchen revealed a hole in the ceiling approximately 3 ft by 6 ft along the C side wall and an additional hole in the ceiling along the A side wall, measuring approximately 2 ft by 8ft in size. (See Photograph 2 attached hereto)

ORDER: Repair holes in the kitchen ceiling in a professional manner.

5. 105 CMR 410.190 states in part that "The owner shall provide and maintain in good operating condition the facilities capable of heating water. The owner shall also provide the hot water for use at a temperature of not less than 110°F (43° C) and in a quantity and pressure sufficient to satisfy the ordinary use of all plumbing fixtures which normally need hot water for their proper use and function, unless and to the extent the occupant is required to provide fuel for the operation of the facilities under a written letting agreement. The hot water shall not exceed 130°F (54° C)."
- 105 CMR 410.350(A) states in part that "Every required kitchen sink, wash basin and shower or bathtub shall be connected to the hot and cold water lines of the water distribution system (see 105 CMR 410.180) and to a sanitary drainage system (see 105 CMR 410.300) in accordance with accepted plumbing standards."
- 105 CMR 410.750 (A) states in part that the following is a violation of the State Sanitary Code: "(A) Failure to provide a supply of water sufficient in quantity, pressure and temperature, both hot and cold, to meet the ordinary needs of the occupant in accordance with 105 CMR 410.180 and 410.190 for a period of 24 hours or longer."

In violation of 105 CMR 410.190, 105 CMR 410.350 (A), and 105 CMR 410.750 (A), inspection revealed no hot water service in the kitchen, or throughout the entire home.

ORDER: Restore hot water service to the entire residence.

6. 105 CMR 410.504 states in part that "The owner shall provide (A) on the floor surface if every room containing a toilet, shower, or bathtub, and every kitchen and pantry, a smooth, noncorrosive, nonabsorbent and waterproof covering. This shall not prohibit the use of carpeting in kitchens and bathrooms, nor the use of wood in the kitchen, provided they meet the following qualifications. (1) Carpeting must contain a solid, nonabsorbent, water repellent backing which will prevent the passage of moisture through it to the floor below; and (2) Wood flooring must have a water resistant finish and have no cracks to allow the accumulation of dirt and food, or the harborage of insects."

105 CMR 410.280 states in part that "The owner shall provide for each habitable room, and room containing a toilet, bathtub or shower, ventilation to the outdoors consisting of: (B) Mechanical ventilation capable of exhausting air at the following rates:

<u>Occupancy Classification</u>	<u>Required Air Changes per hour</u>
Habitable rooms other than	2
Bath, toilet or shower rooms	5."

105 CMR 410.190 (see Item 5 for full cite).

105 CMR 410.500 (see Item 4 for full cite).

105 CMR 410.350(A) (see Item 5 for full cite).

105 CMR 410.750 (A) (see Item 5 for full cite).

105 CMR 410.150 (A) states in part that "The owner shall provide no less than the following: (A) For each dwelling unit: (1) A toilet with a toilet seat in a room which is not used for living, sleeping, cooking or eating purposes and which affords privacy to a person within said room. (2) A wash basin in the same room as the toilet, or if the wash basin cannot be placed in the same room as the toilet, it shall be placed in close proximity to the door leading directly into the room in which the toilet is located. The kitchen sink may not be substituted for the wash basin required in 105 CMR 410.150(A). (3) A bathtub or shower in the same room as the toilet or in another room which is not used for living, sleeping, cooking or eating purposes and which affords privacy to a person within said room. (4) Each room which contains a toilet, bathtub or shower shall be fitted with a door which is capable of being closed.

105 CMR 410.100 states in part that "(A) Every dwelling unit, and every rooming house where common cooking facilities are provided, shall contain suitable space to store, prepare and serve foods in a sanitary manner. The owner shall provide within this space: (1) A kitchen sink of sufficient size and capacity for washing dishes and kitchen utensils; and (2) a stove and oven in good repair (see 105 CMR 410.351) except and to the extent the occupant is required to do so under a written

letting agreement; and (3) space and proper facilities for the installation of a refrigerator.”

In violation of 105 CMR 410.504, 105 CMR 410.280, 105 CMR 410.190, 105 CMR 410.500, 105 CMR 410.350(A), 105 CMR 410.750(A), 105 CMR 410.150 (A), and 105 CMR 410.100, inspection of the bathroom revealed the following: corroded linoleum flooring; the flooring was partially missing near entrance to bathroom; the mechanical ventilation system does not function; ceiling cracks; no supply of hot water provided at bathroom hand sink; and food storage in the bathroom. (See Photograph 5 attached hereto)

ORDER: Repair or replace bathroom flooring so that it is made of a smooth, non-absorbent, non-corrosive, and an easily cleanable surface; repair or replace mechanical ventilation in a professional manner to ensure that it functions properly and that there are five air changes per hour; repair ceiling so that it is free of cracks and in good repair; provide hot water; and remove all food from the bathroom. The room containing toilet shall be located in a room not used for cooking or eating purposes.

7. 105 CMR 410.500 (see Item 4 for full cite).

105 CMR 410.750 (K) (see Item 4 for full cite).

105 CMR 410.602 (see Item 1 for full cite).

105 CMR 410.750 (I) (see Item 1 for full cite).

Town of Watertown Nuisance Control Regulations Section 3 A (see Item 1 for full cite).

105 CMR 410.280 states in part that “ The owner shall provide for each habitable room, and room containing a toilet, bathtub, or shower, ventilation to the outdoors consisting of : (A) Windows, skylights, doors or transoms in the exterior walls or roofs that can be easily opened to a minimum of 4% of the floor area of that habitable room or room containing a toilet, bathroom or shower, provided, that a skylight which if open exposes the interior dwelling to direct rainfall shall not satisfy this requirement.”

In violation of 105 CMR 410.500, 105 CMR 410.750 (K), 105 CMR 410.602, 105 CMR 410.750 (I), 105 CMR 410.280, and Watertown Nuisance Control Regulation Section 3 A, inspection of the A/B side bedroom revealed one wall lined with clothing on hangers, assorted materials piled against A, B side walls, consequently the B side window was inaccessible, and hole in ceiling along B side wall. (See Photographs 6, 7, and 8 attached hereto)

ORDER: Repair hole in a professional manner to ensure that ceiling is free from all holes and in good repair; remove all obstructing items to ensure access to the windows for ventilation purposes; and remove all rubbish, maintain in a sanitary condition.

- 8. 105 CMR 410.602 (see Item 1 for full cite).
105 CMR 410.750 (D) (see Item 1 for full cite).
Town of Watertown Nuisance Control Regulations Section 3 A (see Item 1 for full cite).
105 CMR 410.280 (see Item 7 for full cite).

In violation of 105 CMR 410.602, 105 CMR 410.750(A), 105 CMR 410.280, and Watertown Nuisance Control Regulation Section 3 A, inspection of the D side bedroom revealed chairs, blankets, clothing, storage bins, and assorted materials piled against all walls, the windows on D, and A side walls were inaccessible. (See Photographs 9, and 10 attached hereto)

ORDER: Remove rubbish and maintain in a sanitary condition.

- 9. 105 CMR 410.602 (see Item 1 for full cite).
105 CMR 410.750 (I) (see Item 1 for full cite).
Town of Watertown Nuisance Control Regulations Section 3 A (see Item 1 for full cite).

In violation of 105 CMR 410.602, 105 CMR 410.750 (I), and Watertown Nuisance Control Regulation Section 3 A, inspection of the interior of the porch revealed large accumulations of rubbish throughout, including but not limited to the following: unused furniture, clothing, crates, hangers, bags, and assorted materials.

ORDER: Remove accumulation of rubbish.

Second Floor

- 10. 105 CMR 410.602 (see Item 1 for full cite).
105 CMR 410.750 (I) (see Item 1 for full cite).
Town of Watertown Nuisance Control Regulations Section 3 A (see Item 1 for full cite).
105 CMR 410.280 (see Item 6 for full cite).

105 CMR 410.501 states in part that "A window shall be considered weather tight only if (1) all panes of glass are in place and (2) the window opens and closes without excessive effort and (3) exterior cracks between the prime window frame and the exterior wall are caulked; and one of the following conditions is met: (A) a storm window is affixed to the prime window frame, with caulking installed so as to fill exterior cracks between the storm window frame and the prime window frame; or (B) weather-stripping is applied such that the space between the window sash and the prime window frame is no larger than 1/6 inch at any point on the perimeter sash, in the case of double hung windows and 1/32 inch in the case of casement windows; or (C) the window sash is sufficiently well fitted such that, without weather-stripping, the space between the window sash and the prime window frame is no larger than 1.16 inch at any point on the perimeter of the

sash in the case of double hung windows and 1/32 inch in the case of casement windows."

In violation of 105 CMR 410.602, 105 CMR 410.750 (I), 105 CMR 410.501, 105 CMR 410.280, and Watertown Nuisance Control Regulation Section 3 A, inspection of the A/B side bedroom revealed large accumulations of rubbish including but not limited to papers, boxes, crates, and assorted materials, and the B side window had a missing glass pane. (See Photograph 11 attached hereto)

ORDER: Repair or replace window in a professional manner to ensure that window is weathertight and fit for the use intended.

11. 105 CMR 410.602 (see Item 1 for full cite).
105 CMR 410.750 (I) (see Item 1 for full cite).
Town of Watertown Nuisance Control Regulations Section 3 A (see Item 1 for full cite).
105 CMR 410.280 (see Item 6 for full cite).
105 CMR 410.501 (see Item 10 for full cite).

In violation of 105 CMR 410.602, 105 CMR 410.750 (I), 105 CMR 410.501, 105 CMR 410.280, and Watertown Nuisance Control Regulation Section 3 A, inspection of the B/C side room revealed the following: large accumulations of rubbish including but not limited to papers, clothing, and assorted items, the B side window had a missing glass pane, and C side window does not open. (See Photographs 12, and 13 attached hereto)

ORDER: Remove all rubbish and maintain in a sanitary condition. Repair or replace windows in a professional manner to ensure that windows are weathertight and fit for the use intended.

12. 105 CMR 410.180 states in part that "The owner shall provide, for the occupant of every dwelling, dwelling unit, and rooming unit, a supply of potable water sufficient in quantity and pressure to meet the ordinary needs of the occupant, connected with the public water supply system, or with any other source that the board of health has determined does not endanger the health of any potential user. (See 105 CMR 410.350 through 410.352)."
105 CMR 410.750 (A) (see Item 5 for full cite).
105 CMR 410.150 (A) (see Item 6 for full cite).
105 CMR 410.100 (see Item 6 for full cite).
105 CMR 410.150 (D) states in part that "The fixtures shall have a smooth and impervious surfaces and be free from defects which make them difficult to keep clean, or create an accident hazard."
105 CMR 410.351 states in part that "The owner shall install in accordance with accepted plumbing, gasfitting and electrical wiring standards, and shall maintain free from leaks, obstructions or other defects, the following: (A) all facilities and equipment which the owner is or may be required to provide including, but not

