



Tyngsborough Board of Health

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Sheila Perrault, Chairperson

Bernadette Harper - Vice Chairperson
Patricia Quinn

Christopher Mellen
Tracie Looney

Board of Health Meeting Minutes **March 11, 2013**

Members Present: Sheila Perrault (SP), Christopher Mellen (CM), Tracie Looney (TL)
Also Present: Kerri C. Oun (KO) - Health Agent

6:10 Meeting Opened:

TL: Made motion to open meeting
CM: 2nd the motion
Vote: yes - 3 no - 0

6:10 Meeting Minutes:

TL: Made motion to accept meeting minutes from February 11, 2013.
CM: Second the motion
Vote: yes - 3 no - 0

6:11 35 Robert Road

Jeff Hannaford from Norse Design Services was present on behalf of the owner, Doreen Stoprya of 35 Robert, to request a variance to the Tyngsborough Board of Health Supplemental Regulations to 310 CMR 15.00, Title V. Due to the location of the existing septic tank and water table elevation and economic issues, there is no alternative but to locate the system in the specified area. Mr. Hannaford had filed a request of determination with Conservation Commission. Specifically, Mr. Hannaford, is requesting a variance to 2.1 "Distance to Wetlands" for an 82 foot separation instead of a 100 foot separation.

CM: Made motion to grant an 82 foot separation instead of a 100 foot separation as required by the local regulation.
TL: 2nd the motion
Vote: Yes -3 no - 0

6:50 104 Middlesex Road

Frank Serafini, owner of 104 Middlesex Road, was present to update the Board on the septic issue continued from December 2012 meeting. Mr. Serefani was confused as to why he has to be at the meeting. KO, the health agent, reminded him that the Board asked him to come back to update the Board on what steps he has taken and to give the Board a timeline as to when his system will be hooked up to the sewer. As she recalled, he was supposed to go to talk to the Sewer Commission on the issue and report back to the Board with a timeline. She also mentioned that MW, the consultant for the Board of Health, has recalled going to the property 3 times on the septic issue. Mr. Serefani claimed that the tenant caused the breakout by letting the water run. After the Board of Health order, he had the septic pumped. The only other time there was a breakout on the property was when the Merrimack River flooded his property 6-7 years ago. Since then he never had an issue with the septic system until this latest incident. Mr. Serefani also claimed he has spoken to the Sewer Commission and had asked the Sewer Commission to contact the Board of Health but KO said that the Sewer Commission had not contacted her regarding this issue. Mr. Serefani said that he will be going to the Planning Board in a month or two regarding the buildable lot in the rear of his property and an easement issue for sewer hook-up. He is trying to get permission to build a residential home with an office building in the B1 zone. The Sewer Commission has recommended him with a pump company to see if they can hook to the old tank pipe line. SP asked if he has contacted the company. He claimed his partner has. He thinks that the work will start in the spring. As of right now, 2 units are occupied and 2 other units will be rented at the end of the month. Total number of occupants will be 10 people. KO will continue to monitor the property for any outbreak. The Board asked Mr. Serefani to come back next month with a letter from the pump company and an update and a timeline.

7:10 70 Chestnut Road

Brian Milisci, the engineer, James Lane the owner, Paul Avery, the legal consul were present to discuss the matter of the variance continued from the last meeting. Mr. Milisci went over the proposed plan. He had tested the soil with the presence of MW, the consultant for BOH. System is designed for a 4 bedroom and meets Title V but does not meet the local regulation of 100 foot setback from the wetland and need a variance for the proposed setback of 51 feet. The above party has gone before Conservation Commission and has been denied to built due to the fact that the lot has been declared unbuildable. At this point, the owner has appealed to DEP. Owner said lot was built in 1961. Land is in the family since 1965. His father-in-law, in 1993, has hired an engineer firm, H-Star to assess the property. H-Star had declared lot unbuildable without doing a perc test and his father-in-law provided the letter to the assessor. Owner also pointed out that a series of catch basins are connected onto his property by the Town and the water is dumped onto his property without his permission. In this proposed plan, the line from the property will be extended to the back of the property. Owner pointed out a study done by the Town that the water from the surrounding property had impacted the property. KO and SP asked if the wetland would be impacted by building a structure on the lot. Mr. Milisci said no because it would be the same amount of water going on to the wetland. SP pointed out that this kind of variance has never been granted for new property and the fact that the lot is unbuildable. Instead of a denial, the lawyer asked if the Board would consider a system that would provide high level of protection by second

means of treatment as suggested by MW's review. The Board wanted more input from MW. The case will continue to next month.

7:35 Health Agent's Report

Administrative Assistant Position –SP said in the past the Board go over the resume and interview the applicants. KO will go over the resumes and submit to the Board for review. She then will schedule the interviews for the Board. The Board then will recommend the person to the Board of Selectmen.

Stonehedge Inn – KO spoke with Town Counsel, Charles Zaroulis a few times. Mr. Zaroulis has been trying to get in touch with Stonehedge's lawyer, Peter Nicosia. He has not gotten a response from Mr. Nicosia. SP said that Stonehedge was ordered to fix the violation and the Stonehedge had agreed to correct violation by December 31, 2012. SP said that the Board needs to hear from Charles Zaroulis. If Stonehedge will not comply, the Board cannot take the step back.

HHAN Alert – SP needs to sign up for the alert.

Solid Waste Contract – Town Administrator requested a joint meeting of the Board of Health and Board of Selectmen on March 25, 2013. KO will provide the Board with the time once she gets a confirmation from the Town Administrator.

Covanta Contract – KO updated the 7 Towns are starting talk with Covanta regarding the tipping fee.

Household Hazardous Waste Day – KO has gotten confirmation with most vendors. She has to make flyers for neighbor to neighbor. Day is set for May 18th.

Recycling Grant – DEP Coordinator, Carolyn Dann, has provided rough drafts of letters to be sent to the trash haulers and businesses. Recycling subcommittee had made revisions. Board went over the letters and made a few suggestions and corrections. CM and the recycling subcommittee will make changes and email the Board with the revision to the Board for review. CM will send the letter to BOH members and to Carolyn Dann by the end of this week.

HHW day with Town of Chelmsford – Town of Chelmsford is interested in having a joint household hazardous waste day with the Town of Tyngsborough. Chelmsford will hold HHW day in April and Tyngsborough can drop off their HHW waste at their event. And Chelmsford residents can come to Tyngsborough in May. KO is worried that this may go over the budget for HHW day. CM recommends charging Chelmsford residents so that we do not go over the budget. Due to this being the last minute, CM recommends maybe looking at this next year.

8:50 **TL:** Made motion to adjourn

CM: 2nd the motion

Vote: Yes -3 no - 0