



Tyngsborough Board of Health

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Sheila Perrault, Chairperson

Bernadette Harper – Vice Chairperson
Steve Berthiame

Christopher Mellen
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Board of Health Meeting Minutes **May 14, 2013**

Members Present: Sheila Perrault (SP), Christopher Mellen (CM), Tracie Looney (TL), Bernadette Harper (BH), Steve Berthiaume (SB)

Also Present: Kerri C. Oun (KO) – Health Agent, Dariza Chan – Administrative Assistant, Matt Waterman – Landtech Consultant

6:08 Meeting Opened:

BH: Made motion to open meeting

TL: 2nd the motion

Vote: yes – 3 no - 0

6:09 Meeting Minutes:

BH: Made motion to accept meeting minutes from April 8, 2013.

CM: Second the motion

Vote: yes – 4 no – 0 SB was not present at last meeting.

6:10 Olive Garden

KO informed the Board that Jeff Hannaford (JH), Chairman of the Sewer Commission, has informed her that Nashua may be interested in offering Tyngsborough sewer connection. Mayor of Nashua, Jeff Hannaford (chairman of Sewer Commission), Allen Mello (Olive Garden landlord), Rick Reault (BOS), and Michael Gilleberto (MG), Town Administrator were supposed to meet earlier today. JH will be at the meeting later to inform the Board the outcome of the meeting. SP has concerns that meeting did not happen sooner and that the contractor may not be able to do the work due to the delays.

6:25 Memo from Town Administrator

MG sent out memo to all Boards to request the Board to allow videotaping during meeting. BH and SP felt uncomfortable being on TV. SB, TL, and CM do not have issue on being videotaped. JH said that anyone can record a meeting and the only provision is that the Chairman has to be informed of the meeting being recorded.

6:27 37 Riverbend Road

Jeff Hannaford is present on behalf of the applicant, Doris Peredina, to request a variance for a system upgrade. Riverbend Road is a dead end road that has a number of houses along the Merrimack River. This property is on the side of the river. There is 20 foot drop from the backyard to the river. The system may be down on the slope. There is a well in the front right corner of the property and the existing septic system that has 2 building sewers: one from the front takes the bathroom waste into septic tank and the one from the rear takes grey water from the kitchen. The proposal is to eliminate the 2 building sewers and combine to one that would take it to the 1500 gallon tank into the new leaching area. The leaching area would be in the rear of the building at the top of the slope. This would give the 100 foot setback from the neighbors well but it would be 78 feet from the property's well. This leaching system is about 46 feet from the edge of the river. Title 5 requires 50 foot setback from wetland. The soil is fine sandy soil with 2 minutes perc rate. There will be a poly barrier on the side of the river and on the side of the house of the system to prevent effluent from entering the river and the house. Due to the location of the existing well and the small lot size, the following variances are requested:

- 310 CMR 15.405(1)(b) – Reduce the 10-foot off-set distance from the cellar wall to septic tank (5' provided).
- 2. 310 CMR 15.405(1)(b) – Reduce the 20-foot off-set distance from the cellar wall to septic tank (5' provided).
- 3. 310 CMR 15.405(1)(g) – Reduce the 100-foot off-set distance from the private water supply well to soil absorption system (78' provided).
- 4. 310 CMR 15.405(1)(e) and Tyngsborough Board of Health Regulation 2.1 – Reduce the 50-foot (TBOH Regulation - 100-foot) off-set distance from a wetland to the soil absorption system (46' provided).

CM: made motion to grant all variances with following conditions:

- 2 bedrooms restrictions
- At time of construction, leach field shall be exposed and abandon accordingly.
- Conditions of MassDEP General Use Permit.

BH: 2nd the motion

Vote: All in favor

7:00 Olive Garden

JH informed the Board that the meeting with Nashua has been postponed to Wednesday morning. The Mayor of Nashua had a meeting with State Senator.

JH gave brief history of sewer study. In 2009, Sewer Committee completed sewer master plan that identified the areas that need sewer and identified that Tyngsborough does not have enough capacity with the existing inter-municipal agreement with Lowell, Chelmsford, and Dracut. The needs assessment was done and prioritized from Phase 1 to 7. And once phase 7 is completed, the Town will be out of capacity. Phase I – Middlesex Road South from Bryants Lane South to existing system (around Merrimack Landing). Phase II – Middlesex

Road North from Maximillian to the State line with pump station around Dream Diner. The initial design was to use the capacity from Dracut. The design calls for a line that runs under the river to Farwell Rd. The cost is estimated to be high. Another option was to look to Nashua for sewer connection. Nashua told Tyngsbrought in 2010 that they do not have the capacity to give to Tyngsborough.

At this time, Nashua has been showing interest for an exit ramp to the mall. Part of the ramp would be in Tynsborough. Allen Mello, landlord of Olive Garden approached the Sewer Commission that Olive Garden would be willing to invest a great sum of money into sewer. Sewer Commission approached town administrator and Rick Reault to request a meeting with mayor of Nashua to find out once and for all if there is a possibility of an agreement for sewer with Tyngsborough. Nashua treatment plan is around 70% plus capacity. Once reached 80%, Nashua has to do a study per condition of permit. Nashua treatment plan contacted Tyngsborough Sewer Commissioner to see if Tyngsborough is willing to participate and help pay for the study. The Town is interested if the Town can enter into an intermunicipal agreement with the City for sewer. At this point, JH felt that the Town can pay for Phase I without major detriment to the tax payer. Sewer Commission is looking to do Phase II at the same time frame. JH is cautiously optimistic and felt this is the best chance of procuring sewer with Nashua. Geoff Robillard (GR) of Olive Garden informed the Board that Darden has approached Nashua a few months ago with a substantial amount of money to run a sewer line to Nashua but they were shut down. Once "we put the shovel to the ground" for the septic system, GR said Olive Garden would not consider connection to sewer. At this meeting, JH hoped that Nashua agrees to an immediate need to connect Olive Garden and TJ Maxx and expand for the rest of Phase II.

GR said Olive Garden has ordered equalization tank and preliminary work has been done to the site. His contractor is ready to proceed if the deal with Nashua does not work out. Darden will continue to pump weekly.

7:40 Health Agent's Notes:

Household Hazardous day is this Saturday from 9 am to 1 pm.

Trash – single stream recycling starts July 1, 2013. Republic Service requested to change trash pick-up day to Monday. Some of the benefits of the change are that trash will be picked up right after the weekend and there would be less confusion coming out of a Monday holiday. Republic Services are willing to get the words out to every residents and the first of couple weeks, they are willing to go back to ensure all residents get their trash picked up.

Board in favor of changing day to Monday pick up except CM.

Cardboard Dumpsters: is available at the Middle School and will be available at DPW after HHW day.

Stonehedge Inn Swimming Pool and Spa: KO will be inspecting the pool for compliance on Wednesday. TL will be inspecting the pool with KO.

Trash Hauler Meeting: Board wanted a trash hauler meeting. Carolyn Dann would facilitate the meeting. Board has approved letters to trash haulers and businesses at last meeting. SB was not aware that the letters have been approved. SB said Diana Keohane have made few changes. Board wants to see the revised letter before approving Recycling Subcommittee to send out.

Flu Vaccines: CM recommends not having a flu clinic this year due to the declining numbers of people coming to the flu clinic. SP said that since the Board gave about 100 shots at flu clinic last year, the Board should continue the flu clinic. KO has reserved 100 doses.

Memo from Town Administrator (cont.): CM, TL, and SP have concerns how the Board may not have an in depth discussion if meeting is to be videotaped. SP is not comfortable being on TV.

CM: made motion for the Board of Health meeting be exempted from being videotaped.

TL: 2nd the motion

Vote: yes – 4 no – 0 BH: not present

Trash pick-up:SB had done research on mandatory recycling. Most towns have mandatory recycling but most cities and towns do not have mandatory trash by law. Town can work with the trash company to implement the new rules of trash not being picked up if recycling is not put out or lid is not closed all the way. KO said she had spoken with Republic Services and they can implement the Town’s policy. KO felt that not picking up trash if recycling is not put out is going to be a big issue especially when people are left with extra trash and they may end up buying extra trash bag sticker to get rid of their trash. SB said that the trash haulers can handle all calls regarding trash and do not have to come through the BOH office. KO said that when the residents are not satisfied with what Republic Service told them, the residents will call the BOH to make complaints. SP felt the Town will need a lot of education before the policy is in place.

Reorganization: BH had to leave the meeting early. Board is in agreement to table it for the next meeting.

8:55 TL: made motion to adjourn

SB: 2nd the motion

Vote: yes – 4 no -0