



Tyngsborough Board of Health

Town Hall
25 Bryants Lane
Tyngsborough, MA01879
Office: (978) 649-2300 Ext 118
FAX: (978) 649-2301

Sheila Perrault, Chairperson

Bernadette Harper – Vice Chairperson
Steve Berthiaume

Christopher Mellen
Tracie Looney

Board of Health Meeting Minutes October 21, 2013

Members Present: Sheila Perrault (SP), Christopher Mellen (CM), Tracie Looney (TL), 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: all in favor

6:10 Meeting Minutes:

BH: Made motion to accept meeting minutes from Sept. 9, 2013.
CM: Second the motion
Vote: all in favor

6:15 Health Agent's Notes

Burial Permits: KO informed the Board that starting 2014, burial permits will be done online. KO will sign up.

Dr. Bown: KO sent flowers to Dr. Bowen's wake. Town does not pay for it.

Flu Clinic: KO informed Board that she had asked Dr. Lazaros Xanthopoulos from Westford to sign the standing order for the flu clinic and prescription for epipens. Flu clinic will be held at Council on Aging on Nov. 7, 2013. KO requested MRC and Pat Quinn to help with flu clinic. SP suggested that Pat Quinn should be pay for her time.

TB cases: Tyngsborough received 2 TB cases. KO referred patients to Lowell TB clinics. Had these been active TB cases, LBOH would be required to hire case manager to oversee case.

6:30 300 Westford Road

Jeff Hannaford from Norse Design Services is present on behalf of his client, Dale & Betty Ann Carpenter, requesting variances to Title 5, the State Environmental Code and local regulations for the system setback to wetlands. System failed Title V and needs to be upgraded. Due to the location of the existing well and the house, there is no alternative for location of the system. MW noted that Mr. Hannaford overdesigned the system for 4 bedrooms instead of three. MW has no issue except with conditions set forth in his letter.

SB: made motion to grant the following variances:

- Title 5, State Environmental Code: 310CMR15.405(1)(e) – Minimum Setback Distances 40 feet from a Bordering Vegetated Wetlands to a soil absorption system (50 feet per Title 5).
- Tyngsborough Supplemental Regulations: Section 2.1 – Distance to Wetlands_40 feet from wetlands to soil absorption system (100 feet per Tyngsborough Regulations)

with following conditions:

- Owner provides letter acknowledging that their system is an IA system.
- Subject to MW's final plan review.

TL: 2nd the motion

Vote: all in favor

6:55 22 Westford Road

Jeff Hannaford (JH) was present to update the Board on the emergency repair done at 22 Westford Road. On September 30, 2013, the property was operating in failure and effluent was breaking out onto surface. KO, MW, JH (engineer), the installer, and owner were onsite to observe the failed septic system. MW said he was not sure why the system failed because no biomat was observed. Septic design plan was on file. Due to site constraint, a variance had been granted in 2002 and MW felt that variance extends with the facility. The construction permit was issued for emergency repair with following conditions:

- The facility shall connect to the municipal sewer system if it becomes available.
- The leaching system shall be pressure tested by the design engineer and the Board of Health or its agent prior to backfilling.

7:00 69 Kendall Road

Douglas Smith of Soilsmith Designs was present on behalf on his client, Elizabeth DeRienzo, to request a variance on groundwater separation to the soil absorption system. The system uses the Presby system. Due to site constraint, Mr. Smith is requesting to reduce 5-foot off-set to 3-foot. MW has no issue with variance but want all conditions in his letter dated Sept. 19, 2013 letter to be met.

SB: made motion to grant following variance:

- 310 CMR 15.405(1)(h) - Reduce the 5-foot groundwater off-set distance from bottom of the soil absorption system to the estimated seasonal high water table (3 foot provided) with following conditions:
 - Plan must be revised to indicate an area for a conventionally sized soil absorption system in accordance with Standard Conditions. This area shall also be labeled to prohibit the property owner from constructing any permanent buildings or structures that would preclude the future installation, if necessary.
 - Provide a certification, signed by owner of record, stating that owner read and understands the Standard Conditions.
 - No increase in design flow is allowed for this facility.

- Prior to a Certificate of Compliance, a deed disclosure shall be recorded disclosing both existence of the alternative on-site system in accordance with the Standard Conditions referenced above.

TL: 2nd the motion

Vote: All in favor.

7:15 Olive Garden

Dale McKinnon (engineer) and Steve Blaise (manager of Olive Garden) were present to update Board. Mr. McKinnon informed the Board that the contractor is working on leaching field 2B. They ran into issue of unsuitable soil and had to remove soil layer A and B. They will bring in suitable Title V soil. Mr. McKinnon will request BOH/ MW for inspection of soil removal. Mr. McKinnon referred to poor construction of previous contractor in 2004. He said that there was 11 feet of fill in one area. Mr. McKinnon said field 2 should be done in 2-3 weeks. As of right now, they are also waiting to get electricity in. Further testing will be done later in field 1. Right now wants to get field 2 to into operation. Mr. McKinnon said that the design is oversized. System should be running OK on one field. MW said we will need to talk to FAST system to ensure that it is ok to run on one system. MW needs to do bottom bed inspection by end of this week. MW explained how FAST system worked as a mini treatment system. Plan shut down on Dec. 28th. MW will update Board on the progress at November meeting and Olive Garden does not have to attend..

7:30 104 Middlesex Road

Frank Serafini and Steve Catalano, owners, were present to give Board update on plan to connect to sewer system. Mr. Catalano said they have submitted an engineer plan to sewer but sewer wanted changes to plan. The plan has been revised and has been resubmitted to sewer and they are waiting for approval from Sewer Department. Once approved, contractor (PAP's Excavation) is ready to start the work in 2 weeks. They will use the same tank plus an extra tank. MW will check with Dale, the contractor and update Board. Board informed Mr. Serafini and Mr. Catalano that they do not have to come to next meeting unless project is not progressing.

7:40 172 Middlesex Rd. (Bridgeview Convenience)

SP abstained from conversation. Peter Nicosia (attorney), Doug Lee (engineer), and Jay Patel (owner) were present to address the short and long term solution for the septic system. Peter Nicosia informed Board that Mr. Patel wanted to turn the lot into a retail plaza with convenience store and a restaurant. For short term solution, the owner is planning to fix the system. Will get the plan to the Board within 60 days. The long term solution is to hook up to sewer as soon as it becomes available. SB asked MW for his thoughts. MW said that since there is no immediate public health threat, he is okay with the proposed short term and long term plan.

8:25 Administrative Assistant's Notes

Business Recycling: DC reported that she has sent 2nd letters to businesses asking for recycling plan. There are quite a few businesses that have not sent in their recycling plan. KO asked if the recycling committee would like the list and go and talk with the individual businesses regarding their recycling plan. SP felt that BOH office should send 3rd letter addressing the name of owner and business. BOH will also send out trash hauler renewal

applications requesting tonnage report at end of year. SP suggested asking for tonnage report 2 times per year.

Dumpster: Board discussed why are some of the dumpsters permitted. KO said that this was how it was done before her time. The Town may have a dumpster by-law that allows the BOH to permit the dumpster.

Trash Tags: DC reported the numbers of toters that were tagged and the number of calls the office has received. Callers from last week were very upset and gave the office a very hard time. TL mentioned of a lot of negativity in Tyngsborough Citizens.

Stickers Sale: Library has sold 7 stickers last week.

Landtech Consultant: DC reported that Landtech has sent letter increasing their fee from \$70 to \$90. This has been their first fee increase in many years. Board asked that BOH go back and ask Landtech to only increase it to \$80.

9:30 CM: made motion adjourn meeting

TL: 2nd the motion

Vote: all in favor