



Tyngsborough Board of Health

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Sheila Perrault, Chairperson
Bernadette Harper – Vice Chairperson
Steve Berthiaume

Tracie Looney
Carolyn Rae Ryan

Board of Health Meeting Minutes **June 12, 2015**

Members Present: Sheila Perrault (SP), Bernadette Harper (BH), Steve Berthiaume (SB), Tracie Looney (TL), Carolyn Rae Ryan (CR)

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

6:00 Meeting Opened

SP opened the meeting.

6:05 142 Massapoag Rd

Jack Mahoney from Ducharme & Dillis Civil Design Group Inc. was present on behalf of his client, Mr. Dan Locapo, to request variances to Title 5 and Tyngsborough Board of Health Regulations. He provided the green cards for the certified mail from the abutters. He asked for the variances due to the small lot size. MW asked if Conservation has given the order of conditions and Mr. Mahoney said that they gave it last week. MW has no issue except for the vent and for the wells to be tested. He recommended monolithic tank or the tank to be vacuum tested and water testing for the well on the property and on the 2 neighbors. The following variances are requested:

Variances from the Tyngsborough Board of Health Regulations:

Section 2.1: Distance to wetlands shall be 100-feet. (Provided-87')

Section 2.2A: Total number of deep holes/percolation tests-3. (Provided-1)

Section 2.2B: Soil testing to be configured in a triangle.

Section 2.2F: Percolation tests to be conducted in a triangle.

Variance from Title 5:

15.211(1): Distance from a private water supply well to a septic tank: 50-feet.

(Provided-31 & 48' to a septic tank & 41 & 58' to a pump chamber)

Title 5 Local Upgrade Approvals, (15.405):

15.0405(1)(b): Reduction of the system setbacks from a cellar wall or slab foundation:

15.405(1)(b): Increase in maximum allowable depth of system components from 36-72":

15.405(1)(e): Reduction of system setbacks from bordering vegetated wetlands:

15.405(1)(g): Reduction of system setbacks from private water supply wells:

15.405(1)(k): At least one deep hole performed in the proposed system area.

TL: made motion to approve the above variances request with the following conditions:

1. That the tank be monolithic or tank be vacuum tested.
2. Water testing for the well on property and the 2 abutters.
3. MW final review.

SB: 2nd the motion.

Vote: All in favor (BH and CR abstained).

6:25 338 Middlesex Road

Mr. Bill Franks, resident from 338 Middlesex Road, was present to request the Board to reconsider the order and make an exception for him to put the trash and recycling in Town provided trash totes. Mr. Franks said that when the town went to the automatic trash system, he had called and spoke the former BOH administrator who had recommended him to talk with the trash company. He called and spoke with the trash company. Due to his 300 foot driveway, the trash company agreed for him to put out trash bags on Middlesex Road instead of using the toter. He claimed that the most he ever had were 2 bags. The Board said that the Town has a new policy where the residents are limited to one trash toter and had seen there were many bags put out on that street that exceeded the one barrel policy. In addition, there are many houses that have long driveway or road that has to take their trash out also. One example was Redgate Extension. TL asked if the bags that Mr. Franks put out have ever been opened. He claimed that they had bags that were torn open but he always cleaned up the area. Now he put the bags out in the morning. SP discussed if he would consider putting the trash and recycling containers near the end of the road so that he does not have to drag his carts too far. He said that probably can be done in the summer but it would be hard in the winter due to the steep slope at the end of the road. KO said that Town Counsel had suggested to Town Administrator Assistant to allow Mr. Franks an option of taking trash to the Highway Department. The Board is not comfortable with the option because there could be liability issue and the Highway Department may become a transfer station. The Board asked KO to explore other options such as contacting Mr. Franks' neighbor who has been putting out their trash in trash toter and to call Counsel on Aging to see if a volunteer can help.

7:05 Sewer

The Town has voted to approve Phase I sewer project. Sewer Commission has a fully engineered plan and planning to put the project to bid in the Fall and start construction in Spring. MW has drafted a policy to consider for all properties affected by the recent Town Meeting approval to expand the sewer district along Middlesex Road (Route 3A). BOH reviewed policy. KO and MW will have a department head meeting with Sewer, Building, and Conservation regarding policy.

7:30 Meeting Minutes:

SB: Made motion to approve meeting minutes from May 11, 2015.

TL: 2nd the motion

Vote: Yes – 4 no – 0 (SP was not present at meeting)

7:32 Tobacco Regulation:

KO contacted Town Counsel on matter of Rubin's Cigar. KO spoke with Town Counsel by phone and has also emailed him.

BH: Made motion to not allow smoking in smoking bar and retail tobacco store.

CR: 2nd the motion.

Vote: All in favor

7:50 Health Agent's Notes:

Recycling Grant: KO informed the Board of a MassDEP Recycling Dividend Program. To qualify for the grant, the Town needs at least 6 points. Tyngsborough qualified for 4 points. To get 2 more points for the Town, KO suggested that the Town can do the Household Hazardous Waste (HHW) Day with Devens or Lexington. Devens has about 20 HHW days per year and Lexington has about 8 HHW days per year. Each point is worth \$200 and Tyngsborough can earn \$1200. There are fees for disposal at both facility and an initial fee for the Town with Devens HHW facility. The Board felt the locations are too far, may cost the Town more money, and the residents may not be willing to dispose of the materials properly.

Vacation: KO informed the Board that she will be taking 2 weeks vacation from July 13th to July 23rd.

8:04 Other Business:

CR was contacted by a resident at 1 Bryant Lane regarding her well water.

8:15 Meeting adjourned