



# Tyngsborough Board of Health

## *Town Hall*

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**Sheila Perrault, Chairperson**

**Bernadette Harper – Vice Chairperson**

**Steve Berthiaume**

**Tracie Looney**

**Carolyn Rae Ryan**

## **Board of Health Meeting Minutes**

**October 19, 2015**

**Members Present:** Sheila Perrault (SP), Steve Berthiaume (SB), Bernadette Harper (BH)

**Also Present:** Kerri C. Oun (KO) – Health Agent, Matt Waterman (MW) – Landtech Consultant

**6:10 Meeting Opened**

SP opened meeting.

**6:12 Meeting Minutes**

Deferred September 19 meeting minutes

**6:20 156 Massapoag Road**

Jeff Hannaford from Norse Design, Tom, Maureen, and Vinny Arsenault and Andrew Wilson were present. Jeff Hannaford, on behalf of his client, Vincent Arsenault, request a variance to Title 5, and the Tyngsborough Board of Health Supplemental Regulations to 310 CMR 15.000, Title 5. Specifically, they are requesting the following variances:

- 310CMR15.405(1)(a) – Minimum Setback Distances - 10 feet from a property line to a soil absorption system required; 3 feet proposed
- 310CMR15.405(1)(b) – Minimum Setback Distances 20 feet from a cellar wall to a soil absorption system required; 6 feet proposed
- 310CMR15.405(1)(b) – Maximum depth of cover over system components 36 inches maximum required over system; 72 inches proposed
- 310CMR15.405(1)(g) – Offset to Private Well 100 feet from private well to soil absorption system required; 51 feet proposed
- 310CMR15.405(1)(g) – Offset to Private Well 50 feet from private well to septic tank required; 40 feet proposed
- Local Supplemental Regulations 2.1 - Distance to Wetlands A 100 foot separation from subsurface wastewater disposal system to wetlands is required; 92 feet is proposed.

The design is for a replacement of the sewage disposal system that services an existing single-family dwelling. It incorporates a Massachusetts Department of Environmental Protection (MassDEP) Innovative/Alternative Technology, the Jet Inc. 1500 Series BAT Media Wastewater Treatment Plant, Model J-500 by Jet, Inc. The design also incorporates a Massachusetts Department of Environmental Protection (MassDEP) Innovative/Alternative

Technology, the Presby Enviro-Septic Wastewater Treatment System, by Presby Environmental, Inc.

The property is about 100 feet from the lake. The soil is good. MW does not have any issues with proposed septic plan and variances request due to site constraints. He recommends issuance of a construction permit for the system with conditions set forth in his letter dated October 19, 2015 and a deed restriction to 2 bedrooms.

Vinny Arsenault, who is living at 152 Massapoag Rd with Tom and Maureen Arsenault, is in the process of purchasing the property at 156 Massapoag Rd. and Mr. Wilson is the neighbor at 158 Massapoag Rd. who is the real estate agent. Buyer will be responsible for upgrading the system.

**BH:** due to site constraint, location of the property to the lake, and existing well, BH made motion to approve the above variances requested with the following conditions of a 2 bedrooms deed restriction and the following conditions:

1. Any approvals would include the conditions set forth by the Standard Conditions
2. Provide a certification, signed by the Owner of record, stating that the property owner has read and understands the Standard Conditions referenced above.
3. No increase in design flow is allowed for this facility.
4. Prior to commencement of construction of the System, the System Owner shall provide to the local Approving Authority a copy of the recorded Deed Notice as required by 310 CMR 15.287(10).
5. The system owner shall enter into an O&M agreement with a qualified service contractor (minimum Grade Level II - for a minimum of 2 years. The facility shall be monitored at least once every 12 months (exclusive of alarm responses or other maintenance visits) in accordance with the following schedule;

Effluent BOD5, TSS and pH - The effluent discharge concentrations from the Secondary Treatment Unit to the SAS shall not exceed secondary treatment standards of 30 mg/L BOD5 and 30 mg/L TSS and the effluent pH range shall be 6.0 to 9.0. and parameter set forth in Lantech's letter dated October 19, 2015.

**SB:** 2<sup>nd</sup> the motion.

**Vote:** All in favor.

#### 6:37 4 Scribner Road

Kevin Ritchie from Civil Solution, on behalf of his client, Greg Peterson is present to request variances to the sewage septic system. The design is for a replacement of the sewage disposal system that services an existing single-family dwelling. The design also incorporates a Massachusetts Department of Environmental Protection (MassDEP) Innovative/Alternative Technology, the Presby Enviro-Septic Wastewater Treatment System, by Presby Environmental, Inc..

Wetland along property and site is rocky and fairly steep. Proposed to put in a Presby System to able to put a sloping bed in and reduce ground water offset. Mr. Ritchie is asking for a variance to:

1. Local Supplemental Regulations 2.1 - Distance to Wetlands - A 100 foot separation from subsurface wastewater disposal system to wetlands is required; 51 feet is proposed.

MW has no issue and recommends approval due to site constraint.

**BH:** Made motion to approve variance request with the following conditions (per Landtech's letter dated October 19,2015):

1. Any approvals would include the conditions set forth by the MassDEP Standard Conditions for Alternative Soil Absorption Systems with General Use Certification and/or Approved for Remedial Use, revised March 20, 2015.
2. Provide a certification, signed by the Owner of record, stating that the property Owner has read and understands the Standard Conditions referenced above.
3. No increase in design flow is allowed for this facility.
4. Prior to commencement of construction of the System, the System Owner shall provide to the local Approving Authority a copy of the recorded Deed Notice as required by 310 CMR 15.287(10).

**SB:** 2<sup>nd</sup> the motion

**Vote:** All in favor.

**6:45 73 Frost Road**

Mr. Melvin Landry, owner of 173 Frost Rd, request variance to install a well that is less than 100 feet. Mr. Landry informed the Board that he has issue of well going dry and wants to dig a new well. The distance, however, will not meet the 100 feet requirement per Title 5. Mr. Landry is in the process of contacting well companies and getting quotes from them. MW wants to go over the wells in Mr. Landry's neighborhood and find the best spot for the well.

**BH:** made motion to approve the installation of the well location to be less than 100 feet but not less than 50 feet from the septic system contingent upon MW and KO's review and approval of well location.

**7:20 Tobacco Regulations**

KO informed Board that Town Counsel has reviewed Tobacco Regulations and DJ has made corrections per Town Counsel's comments. Board decided to hold public hearing on December 10, 2015 at 6:30 PM.

**7:25 Chisholm Road**

Board discussed options for special trash pick up. KO had requested for Republic Services to go down Chisholm Road for pick but Republic has concerns backing down the road on Middlesex Road which is a very busy road. BH suggested case by case and maybe letting the resident takes trash to the highway department. SP believes that if this is allowed for one resident, then it should be allow for other residents who request it. SP wants the policy to be fair for everyone. SB agrees with SP. Board comes to a consensus that there should not be a special pick and all residents are required to put their trash in toter.

**8:15 Meeting Adjourned**