



# 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**

**Tracie Looney**

**Carolyn Rae Ryan**

## **Board of Health Meeting Minutes**

**December 14, 2015**

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

**Also Present:** Kerri C. Oun (KO) – Health Agent, Tracie Looney (TL) – Administrative Assistant

### **6:05 Meeting Opened**

SP opened meeting.

### **6:10 Meeting Minutes**

November 9, 2015 meeting minutes – Deferred to next meeting.

### **6:20 88 Chestnut Road**

Jeff Hannaford from Norse Design, on behalf of his client, William Hennessy, was present to request variance to the proposed septic disposal system. Specifically, he is requesting the following variance:

1. Title 5, 310CMR15.405(1)(b) - Distance from Cellar Wall to Soil Absorption System 20 feet required – 10 feet proposed.

The reason for the variance is due to the location of the existing well and wetlands. MW reviewed the plan and does not has issue. He noted that it is a tight lot.

SB: Made motion to grant the variance to Title 5, 310CMR15.405(1)(b) - Distance from Cellar Wall to Soil Absorption System 20 feet required – 10 feet provided.

The variance approval is subject to the following conditions:

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.

BH: 2<sup>nd</sup> the motion.

Vote: SB and BH voted yea, SP abstained, motion passes.

**6:30 57 Althea Ave.**

Jeff Hannaford from Norse Design and Mark DeSousa, the owner, were present to request a variance to the Tyngsborough Board of Health Supplemental Regulations and to 310 CMR 15.000, Title 5. Due to the presence of location of the existing wells and lake, there is no alternative but to locate the system in the area as shown. Specifically, he is requesting the following variances:

- 1) State Environmental Code, 310 CMR 15.000, Title 5:
  - 310CMR15.405(1)(b) – Minimum Setback Distances: 10 feet from a cellar wall to pump chamber required (3 feet provided)
  - 310CMR15.405(1)(b) – Minimum Setback Distances: 20 feet from a cellar wall to a soil absorption system required (10 feet provided)
  - 310CMR15.405(1)(g) – Offset to Private Well: 100 feet from private well to soil absorption system required (78 feet provided).
- 2) Local Supplemental Regulations 2.1 - Distance to Wetlands: A 100 foot separation from subsurface wastewater disposal system to wetlands is required. (50 feet provided).

The owner owned the lot across from the property. Mr. Hannaford had spoken to the Highway Superintendent and he has no issue with the water line going across the street. The system will be a Presby and Jet system. Owner will remove portion of his building to make room for the new leach field. Building is on piers and land slopes to wetland. The land will need fill to even yard. Board comments that owner will need deed restriction for land to be held in common ownership or easement. MW agrees. Owner will also go before Conversation Commission for permission for fill.

SB: made motion to grant above variances request with the following conditions:

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. Owner to provide deed restriction for land to be held in common ownership or easement to the satisfaction of the Board of Health.
4. Owner to provide deed restriction for 2 bedrooms.

BH: 2<sup>nd</sup> the motion

Vote: All in favor.

**6:45 Colony Heights – Building 2 – 43 Sherburne Ave. - Units 11-20**

On behalf of his client, Colony Heights Condominiums, Jeff Hannaford from Norse Design is present to request a variance to Title 5, The State Environmental Code, and the Tyngsborough Board of Health Supplemental Regulations to 310 CMR 15.000, Title 5. Specifically, he is requesting the following variances:

- 310CMR15.211(2) – Offset to Public Water Supply Well 242 feet from Public Water Supply well to on-site system required 115 feet is proposed to septic tank.

Due to the location of the existing well and building, there is no alternative but to locate the building sewer, septic tanks, and pump chamber in the area as shown. Mr. Hannaford explained that the septic system is working ok right now but there was an issue with water quality. The well serving the property is considered a public water supply. The water tested

was found to have bacteria in water. State took over the Title 5 issue but now has handed back to the local Board of Health. In researching the property, Mr. Hannaford believed that the well and septic were installed for each of the 4 lot. Over time, some of the wells were abandoned due to water quality. Now, there is only one well serving the 4 buildings. Survey shows Building 2 is within Zone 1 which automatically failed the septic system. Per State regulation, leach field cannot be within zone 1. Due to the existing well and building, there is no alternative but to locate the building sewer, septic tanks, and pump chamber as shown. Mr. Hannaford spoke to DEP and it is believed that their maybe a crack in the well that may have caused the bacteria to get in the well. MW has no issue but question the water tightness of the tank.

SB: Made motion to approve the following variance:

- 310CMR15.211(2) – Offset to Public Water Supply Well 242 feet from Public Water Supply well to on-site system required 115 feet is proposed to septic tank.

With the following condition:

- the septic tanks are to be replaced and vacuumed tested.

BH: 2<sup>nd</sup> the motion.

Vote: All in favor.

**6:50 Administrative Assistant's Notes:**

TL informed the Board that she has been receiving permit applications and working on issuing the permits.

**7:00 Board of Health/ Board of Selectmen Joint Meeting to appoint New BOH member**

Board of Health and Board of Selectmen voted unanimously to appoint Joseph DelGaudio as the new BOH member.