

**TOWNSEND BOARD OF HEALTH**

272 Main Street

Townsend, Massachusetts 01469

***Christopher Nocella, Chairman James Le’Cuyer, Vice-Chairman Gavin Byars, Clerk***

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**November 12, 2021, at 9:30 a.m., EST**

**Meeting Room 2 First Floor**

**272 Main Street**

# PRELIMINARIES

* 1. Roll Call
  2. Additions or Deletions not anticipated 48 hours in advance
     1. Legal review update

APPOINTMENT/HEARINGS

* 1. CO-VID Update
  2. 478 Main Street – Proposed dog grooming business
  3. 22 Main Street – Proposed dog daycare business
  4. Stable Permit Update
  5. Other permits for review

WORK SESSION

* 1. Invoices
  2. Minutes of September and October 2021
  3. Waste-Zero Overflow Bag Contract Renewal
  4. Recycling Center Updates
  5. Future Agenda Items
     1. Septic Regulations Update – Work Session December
     2. Permit and Fees Update 2022–2024 – Work Session December
     3. Next Meetings 11/22/21 6pm, 12/13 6pm, 12/27 6pm

ADJOURNMENT

* 1. Meeting called to order at 9:30am. Roll call all present

1.2 **Additions/Deletions:** Legal review Update 1.12

Vice-Chairman JL would respectfully like to remove the mandate for masks at the beginning of the meeting. COVID Update is 1.3. Chairman moves to COVID Update.

* 1. **COVID Update:** Carla Hitzenbuhler distributes numbers of current cases are 24 from 44 positive cases. Vaccination rates have not changed much they are on the website. NBOH has limited amount of children’s vaccinations and they are going to hold a clinic with pre-registration for school children only. They will not be holding it as a mobile clinic, so we hope to hold it at the library. Vice-Chair would like to make this mask mandate optional as numbers have been going down now. Gavin is still trying to figure out the percentage for the spreadsheets with vaccination data. Chairman feels like the clusters have been resolved and it might be an option to just have unvaccinated people in the town buildings wear masks. **A MOTION was made by JL and 2nd by GB to allow vaccinated people in municipal building the option of wearing a mask or not. Voting 3/0 MOTION passes**.
  2. **478 Main Street – Proposed Dog Grooming Business**: The Board reads the background report from Rick Metcalf. The owner and applicant has submitted a written proposal, complete with water meter readings from her previous address in Lunenburg where, as he understands, she ran a similar business to the one she is proposing at her Townsend address. Title 5, 310 CMR 15.203(2), states “A home office or home retail business whose only employees reside in the home, where no additional wastewater is generated other than toilet and hand washing waste, is not considered a change in the type of establishment and does not require the addition of flow for the purpose of designing the system.” Based on the proposed use, there will be wastewater generated other than that associated with toilet and handwashing waste. Therefore, he believes Title 5 requires that this additional wastewater be accounted for and applied towards the design capacity of the system. A new system consisting of a 1500 gallon two-compartment septic tank and 15'x40' leaching field, designed to accommodate four (4) bedrooms (440 gallons per day) was just recently installed and received a Certificate of Compliance. According to the assessor's records, the home currently has four (4) bedrooms, which would appear to indicate the system is at capacity. There are several ways he believes that this could be accomplished:
     1. The house could be physically converted to only have three (3) bedrooms, as defined by Title 5, making 110 gallons per day available to be credited towards the proposed dog grooming use. You would then need to determine whether the proposed use could fit within the available capacity of 110 gallons per day. He believes there are two ways you could choose to do this:

1. He does not believe any of the flows listed within Title 5, 310 CMR 15.203, would represent the proposed use. 310 CMR 15.203(6) states "(6) Facilities other than those listed in 310 CMR 15.203(2) through (5), and nonresidential facilities with unique design features that result in significantly different design flows than those listed above may apply to the Department for a determination of design flow using actual meter readings of established flows from existing or similar installations without the need for a variance pursuant to 310 CMR 15.410 or 15.416. Prior to deciding the Department will consult with the local Approving Authority. For state and federal facilities, the Department may also establish system design flows other than those listed above using actual meter readings of established flows from existing or similar installations. Any design flow established by the Department pursuant to 310 CMR 15.203(6), shall be based on 200% of average water meter readings to assimilate maximum daily flows or on other methods determined to be appropriate by the Department." Application is made to MassDEP through a BRP WP 70, and the flow must also be approved at the local level by you.
2. The other way would be to evaluate the water meter readings and decide locally that the flow associated with the business is X gallons per day and then whether that fits within the 110 gallons per day that was made available through eliminating a bedroom in the home. This was recently done for the property at 29 Main St. for the proposed vet clinic at the direction of MassDEP.
   1. The liquid waste associated with the dog grooming use could be determined to be non-putrescible waste. Title 5 systems are designed to only accept non-putrescible waste.  Therefore, this waste could not be discharged to the system and would need to be discharged to an industrial waste holding tank. Approval for industrial waste holding tanks falls under MassDEP and the tank would need to be designed per the requirements of 314 CMR 18. If you went this route, you would want to make sure that the approval paperwork for the tank is submitted to the Board of Health prior to occupancy/your approval for the use. This would then have no effect on the system, as the only waste associated with the business would be toilet and hand washing.
   2. The Board could determine that the proposed residential and commercial uses exceed the design capacity of the system (440 gallons per day) and that a new system must be installed, or the existing expanded, to accommodate the proposed use on the property. A determination would still need to be made as to the flow associated with the proposed dog grooming business.

Based on the water meter readings presented for her last address and the business use starting in June of 2018, he calculated an average use of 169 gallons per day prior to June 2018 and 204 gallons per day after (although this number may be a little higher because of a pool they filled at the previous address). This calculation would indicate an average use associated with the business of 35 gallons per day. This number would then be doubled, as required by 310 CMR 15.203(6), which provides a design flow of 70 gallons per day for the dog grooming.

Rick concluded if approved, you may want to condition your approval to limit the grooming to X number of dogs per day and make scheduling records available to the Board of Health for review upon request.

The applicant stated she was only using three (3) bedrooms. Chairman asked if Rick has done a site walk but he has not. Gavin reminded the applicant the assessing process and a 4-bedroom septic helps the applicant if she is only utilizing three bedrooms. Applicant distributes calendar with number of dogs she plans daily and water reports. She stated she wants a small business; one client at a time. A dog can take up to three hours to groom. Gavin is not happy with the number of dogs on the calendar. He likes the overall idea. Applicant small dog is a few minutes for rinsing. 3 minutes for a larger dog. Its more scrubbing time. Six dogs only works Wednesday and Friday. Has 8 on several spots but they are smaller dogs. For the most part she does just a few. Vice Chair feels the water will be adequate but worries about the hair from the cutting. Most of it will be in the trash and a hair trap will be installed. The Board discussed how long it would take to groom large dogs and small dogs. The Board discussed adding the holding tank to capture the hair. They concluded they need to investigate the matter more. The applicant stressed she did not want to wait to State approval she will lose her clients. Applicant states she specializes in poodles, and they do not shed. The Board discussed putting conditions on the number of dogs that can be groomed in one day. They requested water bills be submitted to the Board to ensure she will not be using too much water. 3 days a week work 2-3 hours and 2-3 days a week work full 8 hours. **JL MOTION to continue the discussion to the next scheduled meeting and 2nd by GB. Voting 3/0 all in favor. MOTION carries.**

* 1. **22 Main Street – Proposed Dog Daycare:** Rick spoke to the folks proposing the dog daycare at this location and requested that they provide a written business plan, to include how they plan to dispose of solid and liquid wastes associated with the business. We have not yet seen that document, but it is his understanding that the building will only be used for the business and not for residential. They also stated that the dogs would be outside as weather allowed and they would not be offering any other services (grooming, boarding, etc.). They plan to bag feces and clean up urine with paper towels and a disinfectant. The bagged feces and paper towels will then be placed in the trash for disposal as solid waste. He expects liquid wastes, to be discharged to the system, to consist of bathroom use, handwashing use, and mopping/cleaning as needed. The existing system serving the property consists of a 1,000-gallon septic tank and 20’x50’ leaching field. The permit lists the design capacity as “a three-bedroom house” (330 gallons per day). A Title 5 of the existing system would need to be completed (last one was completed 10/23/2013) to comply with transfer requirements within Title 5 (310 CMR 15.301(1) and to comply with the change of use inspection requirement (310 CMR 15.301(5)). Title 5, 310 CMR 15.223(1)(b), states "When designed to serve facilities other than a single-family dwelling unit or whenever the calculated design flow is 1,000 gallons per day or greater, a two-compartment tank or two tanks in series are required. The design of the tanks shall be in accordance with 310 CMR 15.224 for multiple compartment tanks and 310 CMR 15.225 for tanks in series. At a minimum, the total, combined effective liquid capacity of both tanks in series or of the multiple compartment tank shall not be less than 1,500 gallons." Therefore, if the system otherwise passes inspection and it is determined that the existing system has the capacity to handle the proposed use, the change from residential to commercial would require replacement of the septic tank with one that meets the requirements of 310 CMR 15.223(1)(b). We would still like to review the written plan, once available, to be sure that everything was correctly understood as far as this portion, but assuming it is consistent, I feel confident that the existing system capacity will be adequate for the proposed use, but would suggest that you condition any approval with a limitation on the number of dogs and employees that they could have at any particular time. If you are looking for a flow number to use to determine this, 310 CMR 15.203(4) states flow for a daycare is 10 gallons per day per person and I believe it would be a conservative estimate to use that same flow for each dog/employee based on their description of how they plan to run the business. I also discussed that there are certain nuisances (noise, odors, etc.) that could potentially result from the use, and they would need to address how to handle these potential issues. However, they are surrounded by other commercial properties and do not expect this to be a big issue. Applicant has passing Title 5. Permit shows 30 max dogs at property. They feel more around 10 dogs for now. Small family operation just two employees. Hours 7-530pm. No boarding. The Board discussed parking and the High School being across the street. Chairman states this is a change of use and needs to go to the Planning Board. Fencing and other issues were discussed with the animal control officer. They ask for a dumpster for waste, odor control and flies. Will the kennels be lined for urine? Did the building inspector mention go to the Planning Board for site plan review for things like parking, signs, lighting etc.? No, he did not only say to talk to the animal control officer. The Board pointed the applicant to the right department. They will not be living at the house they live in Shrewsbury but have been bringing their dogs to the Townsend Vet for decades and love the area. The Board continued the discussion to the next meeting.
  2. **Chair asked to move Stable to next meeting.**
  3. **There were no other permits for signature.**
  4. **Invoices were signed as submitted.**
  5. **Minutes were continued to the next meeting.**
  6. **Waste Zero contract was up for renewal in Spring**. It needs to be signed but is in legal review**.**
  7. **Recycling Center update**: Sean new employee working well. Record revenue. Need sit walk for concrete pad with Stan and Jim. Chair states members should visit the Center it is looking beautiful with all the work that has been done.
  8. **Legal review Update:** Hard time getting emergency search warrant request is still in legal from September. Chair will ask Town Administrator for an update.
  9. **Future Agenda Items:** Chairman asked for the fee schedule be added to the agenda.
  10. **A MOTION was made by Jim Le’Cuyer and 2nd by Gavin Byars. Voting 3/0 all in favor MOTION passes. Meeting adjourned at 10:40 a.m.**