

BOARD OF HEALTH MINUTES
TOWN BUILDING- 41 COCHITUATE ROAD
BOARD OF HEALTH OFFICE
MARCH 20, 2017

The meeting was called to order at 7:00 p.m. Present were Thomas Klem (TK) chair, Michael Wegerbauer (MW), Brian McNamara (BM) and John G. Schuler, M. D (JS). Also present were Julia Junghanns, (JJ) Director of Public Health and Patti White, Department Assistant

7:00 p.m. Public Comment

7:05 p.m. 17 Hereford Road-Variance from WBOH Regulations for leach field sizing, demolition /new construction project, Designer Mike DiModica, Owner Rebecca Devine

Owner started developing a plan to renovate under 60% and after discussion with the Building Inspector there were questions of the ability of the structure to support the proposed additions, so it was suggested to tear down and start from scratch, trying to add footings would be more of a problem. The proposed new house will be 3 bedrooms the property is in a Zone II with over 2 acres.

Water records to show usage have been presented. A new system was installed in 2001 with a 1500 sq. f.t leaching area, greater than 4 bedroom no variances no issues with code. Lacking monitor port and magnetic tape on components. Willing to do title 5 to show current condition and would add monitoring port as well.

BM: is bedroom count changing? MD: no it is presently a 3 bedrooms, but was a 4 bedroom . The drawings for the new house is 3 bedrooms. Current septic repair was for 4 bedrooms.

Jj: the leach field size meets size requirements for a repair, but not 165 gpd for 4 bedrooms. MD: this is larger to allow for a garbage disposal and would do a deed restriction. Order of conditions from ConsCom?. Many towns are getting rid of the requirement for a garbage disposal for new construction.. MW: do we have construction plans? BM: the septic is for 4 bedrooms- will you ever add the 4th bedroom? MD: first floor supports would not support for additions

TK: assessors? RD: three bedroom, family owned. Parents owned

MD: addition for garage existing septic is outside for 100' reserve area will be outside 75' (discussion regarding an established biomat? Water flow is so low-)

Sizing? Regs for repair at 110 gpd. New construction is 165 gpd. (allows for garbage disposal) larger system will last longer.

JJ: even with large lot, they could not fit in compliant new construction system with a full sized reserve area. There are wetlands concerns as well.

MW: Motion to approve the request for leaching field size variance for 17 Hereford Road, according to the as-built plans dated 2/7/2001 and building plans dated received 3/20/17 along with sketch plan of proposed reserve area, dated received 3/20/17 subject to staff approval of suitable soil conditions for a reserve area and on a passing Title 5 inspection second tk: all in favor-3 opposed-1 (JGS)

7:30 p.m. 57 School St. - Variance from WBOH Regulations for leach field sizing, to add bedrooms- Professional Engineer Bob Drake, owner Nathaniel Lindzen

Mr. Lindzen has just purchased the property, a 2 bedroom house on a 10k s. ft. lot located on the east side of School St., the house is presently serviced by 2 cesspools and one overflow trench, the property is not in a septic zone II. The 2016 Title 5 inspection had failed; soil testing was done; soils are restricted by shallow ledge,

dug 6 holes many encounters of ledge. However, they were able find a suitable area to design a conforming 2 bedroom septic repair system that has been approved. The new owner is looking to convert to 3 bedroom house, there is not sufficient area on the property to design a conventional system(w primary and reserve) to meet new construction Wayland Regulations.

Additional soil testing was done and the present design (3 bedroom) is proposed as a Cultec passive alternative system, but will not satisfy Wayland new construction requirements using 165 g.p.d. The Cultec design, using the square footage allowance as per state approval letter does provide the required square footage but by utilizing the alternative technology to get the additional square footage needed. Cultec (stoneless system) applies effluent directly to soil and the state allows an increase (by not using stone system, effluent around stones) of the leaching area size. The design using the Cultec system can meet the State Regulations using 110 g.p.d but not Wayland Regulations requiring 165 g.p.d. for a 3 bedroom system. The state allows for additional square footage by using the Cultec system in their approval letter but it does not meet the traditional square footage that outlined in town regulations. When using I/A technology/passive, the state requires that the design must show where a conventional system and reserve area could go, using 110 g.p.d. However, if they design conventional on 110 g.p.d. they cannot get the required square footage to meet this requirement. They are proposing to not allow a garbage grinder.

Alternative technology recorded on deed. This is a passive system that will not require maintenance contract. MW: do we have floor plans to add the 3rd bedroom? BD: there are no plans presently to enlarge house. JJ: if we approve the variance, they could tear down the house and build a new 3 bedroom house. BM: what is the hardship to grant the variance? BD: the variance is only for Title 5 (state) that requires you to show that you can place a reserve area for the conventional design. Soil conditions have defined the area available for the septic system, only in the front, back has ledge.

NL: I have just purchased and I am not sure if I would add another bedroom in the basement or raise the dormers to enlarge a second floor. MW: we usually see the building plans in conjunction with enlarged septic plans. Are you living in the house? NL: No, I was planning to move in in May. BD: money is in escrow for new septic system. There is not much ability to expand this house, as there is only area for the expansion area on the lot. TK: concerned that there needs to be a system for the house, but not comfortable to add a bedroom. JS: we need to see the plans for the addition of another bedroom. BM: you purchased a 2 bedroom house, there is no hardship right now. JJ: there are approved 2 bedroom septic plans. BD: I am requesting to continue the decision to a future meeting date where I can present building plans for adding one bedroom. What else would you like to see? JGS: we need to see the building plans to be sure it is not being torn down and rebuilt. BD: The funds for the septic are in escrow and the bank is requiring the septic system be installed by 4/30/17, it may be possible to get a small extension.

8:10 p.m. 188 Commonwealth Rd.- Royal Wayland Nursing Home- Update on use of "Soil Air" Innovative and Alternative Technology to rejuvenate a septic system leaching field, Engineer Timothy Santos of Holmes and McGrath

James Mamary Jr., owner of the Royal Wayland Nursing Home is here to discuss the proposed work on the septic system

JJ: email today from DEP

Due to the pressure distribution requirement for the soil air system. The state has found another deficient item. Is there a secondary treatment being proposed (fast system?). New email using water meter readings increase % required for DEP.

JMJ: We wish to proceed with Soilair system, we have used this technology at several other facilities that we own and have experienced good results. The current system is only in a technical failure due to multiple pumping (4 per year) there have not been any breakouts of the system. Where there is an older field, with a soil air system, this will rejuvenate the field to eliminate any breakouts. A recent Title 5 inspection shows it to be functioning adequately. We were looking to redevelop the property and the adjacent lots which we had purchased with the Nursing home. We had plans for all lots, but cannot now because of the changes in zoning bylaws from last fall special town meeting. Installing the Soilair system was working to "band aid" the system, keeping the existing nursing home up and running until the new facility could be built with a full wastewater treatment plan. Town meeting says they cannot develop assisted living facilities on single family residential lots, we had purchased adjoining residential lots to allow for the new development. JS: zoning change? MJM: the town planner assumes we will be grandfathered as long as the existing use remains on the existing lot. JS: can you put the treatment system on the residential lots? JJ: are you still going to do that project? MJM: we are looking to go for zoning for a variance. TK: will soil air be on the nursing home lot? MJM: we are still pumping and switching between the two leach fields. JJ: the switching is helping to allow the leach fields to rest. MJM: There have been no problems with continuing the pumping, but if you pump more than 4 times, it is considered a technical failure. MW: do you have room to expand? MJM: abandon the existing facility. 40 licensed beds, in 4 bed wards. Current design is just to expand to 52 beds. TK: Soilair was band aid for? MJM: to hold the system until the new project could be built.

JJ: I am not sure who is the approving authority to the use of the soilair system. Is it the state or the Town? MJM: The hiccup is because the system is failing, but it is technical. The occupancy at the Nursing Home is now down to 30. If we could reduce the pumping to 3 pumps per year and then enhance the system with the Soilair? When proposed development was complete, we were hoping to move the soil air system over to enhance the new Treatment plant. We recently installed the Soilair system in our 87 beds facility in Falmouth and it is working well. JJ: the Soilair system blows air into the leach field. Is it approved for failed or is it approved for enhancement? MJM: we are looking to get the system out of technical failure (reduce the pumping) and then use soil air as an enhancement, not for a repair of failed system.

Has the system ever broken out? Was the pumping ordered to avoid a breakout?

JMJ: the nursing home has not had more than 30 beds occupied since July. MW: can we just say 3 pumps and they are out of technical failure? JJ: I cannot recall that there was or was not a breakout. I know that it was not being switched out. MW: is there anything that we can do? JJ: The Title 5 inspection did not fail it. JS: we made sure the pumping was being done to prevent a breakout.

JJ: state regulations state it is in failure if you pump more than 3 times a year. The inspection was done, can the Board provide relieve going forward to keep things moving along? BM: if the system wasn't being maintained previously, and we requested to be pumped additional times. Can they reduce to 3 times a year and see if it will function with the fields being switched? MW: let's have the staff work with the owners to help move this ahead. JJ: thank you for coming this evening, we needed to sit and have this dialogue, we have the deadline of the extension coming up next month.

MW: Motion to extend the deadline to August 31, 2017 subject to the owner working with Staff to review the current system with opportunities to enhance/repair the system. Second JGS vote 4-0

8: 40 p.m. 8 Glezen lane- Review and discuss letter received from Attorneys representing owners Karen and Frank Chase

JJ: I spoke with Town Council and was advised to speak to DEP, I place a call but have not spoken to anyone yet. In conversation with Town counsel regarding the letter from the attorney, they do not feel there is anything

that we need to be concerned about and will be reviewing the original information regarding the original ???.

We properly enacted our regulations by asking them to move the new system out of the Zone 1.

MW: were they expanding or just selling? JJ: just a sale. JGS: they have a kennel, is that a health issue? JJ I will look into it, I don't know how many dogs they have? BM: it is a fenced in area that shows on the plans as a fenced area for the dogs,

JGS: we may have to develop a policy to assist homeowners to come into compliance. For any abutters that are in these areas, will we as a board ask the town to contribute a % to give them financial relief?

Is there any state financing to assist for the upgrades to protect water?

8:50 p.m. 24 School St. Preliminary application for 40B Affordable housing development- review initial comments

JJ: I have put together comments (memo attached), but we have not seen an official septic plan. The developer is going through the process to apply; there is only a preliminary plan. When plans are received, we will do a full review, as a 40 B project, they do not have to comply with our regulations.

JGS: if they need to do soil testing, should they test now? Brian: Darren will be able to see the ground water limits.

8:45 pm. Annual town meeting Article- Plastic Bag Reduction Bylaw- update.

JJ: The DPW does not want to be the enforcing authority. JGS: are we speaking to this at Town Meeting, do we need to make an official statement? JGS: we do not want to enforce this article.

8:50 p.m. Information from East Middlesex Mosquito Control project regarding new opting out process with the State

The process is changing and the State will be the coordinator of people opting out from spraying. Previously, opting out was a letter recorded by deadline to Town Clerk. There is not a time frame, you can now opt out at any time directly to the State. East Middlesex; who does the spraying is quite familiar with most of the people who are usually opting out in Wayland. JJ: we have not yet seen the plan yet. We expect it to be out to us any day now.

JGS: what is the cost we pay JJ: we purchase the pellets. The licensing had changed and now it is a reduced license. With the change in the license requirements it is possible the Town may be able to do the catch basins applications.

JJ: just as long as this is done; it must be a priority. MW: they go out and clean the catch basins; they could do it at the time. MW: what is the cost of the treatment? So we can see if it is financially workable for the town to do it.

JJ: We treat 2300 catch basins, and \$5,112.00 was the 2016 estimate from EMMCP. Could the Town save money on this?

9:00 p.m. Status update on the Wastewater Treatment Plant at Wayland High School

JJ: The plant is up working; they did not have to replace the membranes a second time. They are looking into preventative maintenance going forward and additional questions regarding the design. Ben Keefe wants to look at the costs for the pumping and repairs. The facility was closed at the end of October.

Last meeting (2/13 minutes) the Treatment Plant was shut down in October and was being pumped from end of October till early March. First membranes went in in October, the sludge from tank clogged the new membranes; the plant was again shut down. The concern was that the new membranes were damaged; the manufacturer was able to clean them and reinstall. The system is up and being monitored. JS: is this covered by a warranty or Insurance? JJ: The warranty was only for one year.

JS: I have several questions regarding operating expenses, expected and actual. How was the contractors chosen? Was this a bid process? Did the job go to the lowest bidder? Was this facility designed for use in schools or general businesses? Is this the right type of system for schools? What preventative measures are being put into place to prevent a reoccurrence? Will there be training of the facility staff? Did the O/M manual address this type of disposal? If this was designed for schools was there language in the o/m manual stating that nothing but effluent was to be put into the system?

JJ: the Treatment Plant System at the High School is going on its 4th year of operation. JS: we need to be sure this will not happen again. Has anyone spoken with the Designers? Why did this happen?

9:00 p.m. General Business
The Director's Report (attached) was reviewed.

There has been a Medical Marijuana Dispensary inquiry to BOS and it has been determined that if we locate a Medical Marijuana dispensary in town, when recreational marijuana is ready to open, they would be able to open in the same location.

209-213 Old Connecticut Path- Whittemore Place subdivision- it is a Conventional Subdivision that was submitted back in the 1980's there will need to be some revisions made for it to be approval with the current regulations. The BOH has to approve the revised Definitive Subdivision within 45 days of submittal or it will be assumed to be approved. We are in the process of getting the Drainage review and provide comments. Soil testing was done in the 80's and there was quite a bit done, staff will need to review the prior testing results. The parcel is located in a Zone II containing about 5 acres and the plan is for 5 lots.

The bills have been approved

Approve the minutes of February 13, 2017

TK: Motion to approve the Minutes of February 13, 2017 as submitted. second MW: all in favor 4-0

Next meeting date--April 11th? Tuesday Brian ok, Dr. Schuler. may attend by 7:30

Brian and Dr.Schuler will be out of town the week the week of 17th.

9:30 p.m. Tk: motion to adjourn second JS

Respectfully submitted
Patti White
Department Assistant
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APPROVED 052217