

Board of Health Minutes
Town Building-Council on Aging
June 11, 2018

The meeting was called to order at 7:05pm Present were Arne Soslow (AS), John Schuler (JS), Robert DeFrancesco (RD), Brian McNamara (BM) and Susan Green (SG). Also present were Julia Junghanns (JJ), Director of Public Health, Darren MacCaughey (DM) Health Agent/Sanitarian and Patti White, Department Assistant.

Public comments - there were none

Future BOH meeting dates June 25th, and July 16, August 13th

7:10p.m. Approve minutes of April 9, 2018.

JS: Motion to accept the minutes of April 9th as modified. Rd second, all in favor 5-0.

Directors Report has been reviewed and is attached.

7:25 p.m. 10 Glezen Lane Title 5 inspection in a Zone 1- Owner - Mrs. Helen Skeen (HS)

The homeowner is looking to sell the house and hired a Title 5 inspector, who came to BOH to review the file and alerted staff the property is in the Zone 1 of the Baldwin Pond Wells. Due to the DEP policy, it was decided that it would be best to discuss first with the BoH before having the Title 5 inspection done so as to not waste the homeowner's money. Ms. Skeen has contracted Sullivan Connors for engineering.

JS: what is the age of the system? HS: has lived there for 20 years, system is working fine. JJ: The system is from 1959, when the house was built. Before the DEP policy regarding Zone 1 was available, a Title 5 inspection was done in 1997 that passed. The system is comprised of a tank, d-box and 3 trenches, located behind the house, which is closer to the zone 1.

HS: The driveway and water line go up through the corner of the property that is not in Zone 1.

JS: It would be preferable to site the system as far away from the zone 1 as possible.

AS: If they inspect and it passes, does that change anything? Can she sell with the existing system?

JJ:they would still need BoH approval along with the BoPw approval.

SG: Mike we saw your email regarding this property

Mike Lowery, member of BOPW is present to obtain information to bring back to the Board of Public Works. Their recommendation is that the system be moved out of the Zone 1, there is 7000 sq. ft. of area outside of the Zone 1. This is a DEP requirement, if the property is to be sold, it must have a Title 5 inspection, it fails unless the BOH says otherwise along with consultation of the BoPW.

There was a general discussion and several talking points and concerns were raised.

JS: Would the system pass if this is not a Zone 1? BM: DEP says it is an automatic fail if it is in Zone 1.

Mike provided the homeowner a copy of the DEP guidance. Susan G: if the system passes Title5 what can be enhanced? AS: let us see what can be built outside of Zone 1. JS: We are recommending that your engineer see if the new system can be built in the area outside of the Zone 1, or as feasibly possible away from the Zone 1.

HS: Mike Sullivan from Sullivan Connors looked at the property.

DM: we will know more when we do soil testing and identify soil types and if a watertable exists.

Staff will work with Mike S to look at design criteria once the plans are drawn up.

The Board thanks, Mrs. Skeen and Mike Lowery for attending the meeting.

HS: the system requires a tank and leaching field does it all have to be out of Zone 1?

JJ: All the components are considered. BM: If there had to be a variance granted, it could be for the tank and/or pump chamber.

Mike Lowery- The Baldwin Pond wells were drilled in 1962.

7:43 pm Discuss the results of the Community Information Session “pro’s and con’s of Marijuana Commercialization in Wayland” discuss BoH position, with potential recommendation or Vote.

There was a discussion regarding the forum results and points that were raised as well as questions regarding pro’s and con’s. In general the forum was very successful; we had a good turn out with about 80 people. The panel speakers were excellent and we thank Dr. Schuler for presenting for BoH. JJ: the panel speaker to represent the “pro” side ‘Dr. Tischler’ was not able to attend. However, we did have a Wayland resident, business owner of “Wisp”, James Winokur, who was able to pinch hit for the “pro” side. There was some good debate among the panel as well as some great questions from the audience. Many people in the audience were parents and had some young adults attending also.

The board discussed some of the pro and con talking points.

- 1) Is this a pro talking point or is it really misrepresented/falsely advertised? Potential enhanced tax revenue in Wayland- for either sale or manufacture. State revenue in CO is not huge, based on some research and information.
- 2) SG: town enforcement (unfunded mandate and no training regarding inspection/enforcement) and police involvement could be impactful. Potential increase in crimes related to cash only businesses, as well as no effective methods for police officers to handle measuring/testing people driving under the influence of marijuana.
- 3) JS: In Colorado, all towns were set to opt out unless they specifically requested to opt in. There was reference to a map of the state of CO showing where the Pot shops are, the increase of

crime, high teen use (gateway drug) and high Marijuana use in 12-18 yr. olds. All the areas come together when overlaid.

- 4) JS: like alcohol, kids see parents using alcohol, so they think it is ok for them to use it("familiarity"). This will occur with pot use, when it is more accessible. Neither DEA nor FDA control the quality of the products (the naming of products and the visual packaging and advertising of the products look like other candy types.) There is no monitoring done on the amount of THC into edible products. There is no proven benefit for glaucoma. It has shown to decrease muscle spasms for some diseases. Is there a liability issue for the town for edible product sales?
- 5) The Board will take a straw vote for banning commercial recreational marijuana—for sales, growth, dispensing or processing.
- 6) The straw vote results show that the full board is looking for a full ban on all levels of commercial recreational marijuana.
- 7) Three options for the town: Do nothing, Vote for limited ban or approve full ban.
- 8) JJ: there were a lot of people (parents and concerned residents) at the forum who were speaking against having any marijuana shops in Wayland, and in general speaking on the con side for many reasons.
- 9) AS: is there any value to vote to ban all types? If the town does a partial ban it would need to be reflected in the ballot question clearly.
- 10) JJ: there is a pot working group meeting tomorrow.
- 11) This will still go to an election, likely for a special election and special town meeting, both this fall.
- 12) AS made a motion: The Board of Health recommends the town of Wayland ban the growth, sale, dispensing and manufacturing of recreational marijuana and products containing recreational marijuana. BM second. Vote 5-0 all in favor.**

8:10 p.m. Discuss Ch40B projects: peer review, updates, any new information

Cascade-JJ: ZBA has requested new documents to be submitted by 6/12/18 for Cascade Wayland, the next meeting is scheduled for June 28, 2018. The BOH had sent a memo to ZBA, advising that we do not recommend they grant the waivers being requested. The hearing is closing on July 28th. The BoH has approved covering the cost of ½ of the Nover- Armstrong Cascade review.

SG: has any work been done with the funds we approved? JJ: as advised by the Finance Director we talked to Town Administrator to confirm the process. We are to polish up the letter/agreement between the town and the consultant, however, we want to do it when it's most beneficial; i.e. we have the most information we can gather from the developer (and not do his work for him). If we get new info tomorrow, we want to have that included in the Cascade review.

Windsor Place - 24 School St.-The Hydrogeo report was received on 6/6 with the mounding analysis, and the peer review was completed. DM and JJ have spent hours reviewing the document. It appears the septic system will have some modifications, we are awaiting revised septic plans, and the project will still be for 12 units.

The tanks were moved and the leaching area layout/configuration slightly changed due to the drainage structure needing to be raised about 3 feet resulting from the mound analysis, and per peer review comments. The project will be discussed including a presentation of the revised mounding analysis, peer review/comments at a joint meeting of the Conservation Commission/ZBA. Julia and Brian M. will attend. It will be held in the large hearing room ZBA. It will be recorded on Waycam.

DM and JJ looked at the mounding report and spoke with the peer reviewer 3 times with Conservation and Engineering. One major talking point is that we will request the primary and reserve to be installed at the same time.

JJ: Explained this to be a full peer review on the mounding analysis. They provided a revised report on 6/6/18. The initial report did not use the high water table point (as found in mottles of a test hole) as a starting point for groundwater modeling found in soil testing. BM: difference? JJ: a foot. They used the analysis with the test hole info. They did not use the soil testing to do report, but used monitoring wells. DM & JJ called DEP to confirm that the soil testing info should be used. There has been much discussion/dialogue on this subject.

JS: Will this redesign work? JJ: Based on the revised peer review, there may be a problem, we are not sure, and there is one test hole that is not referenced. AS: Is there a problem that the developer can mitigate by reducing the size? JJ: This has not been addressed yet. JS: Would this pass Title 5? BM: If they didn't use the correct groundwater elevation, this is not being done properly, is it plus or minus? If they mound the system, they will have to raise the basement elevations.

Conclusion: Nover Armstrong (peer reviewer) ended up doing a review of the revised Title 5 mounding analysis.

JS: It's difficult for the Board to receive the agenda on Friday can we have the agenda sent to the Board on Tuesday? JJ: as per OML rules we are required to post an agenda at least 48 hours before our meeting. So we must post (at the latest) on Thursday if we are meeting on Monday. We can certainly send out a draft agenda on Tuesday to be reviewed by the Board and finalized for posting on Thursday, and do the epackets on Thursday also (instead of Friday). This will give the Board time to comment on the agenda, and it can be adjusted if needed. This will also give the board more time to review packet materials.

Julia will be setting up meetings with members and IT staff to get the Board email accounts set up.

8:30 p.m. Motion to adjourn second RD

Respectfully submitted
Patti White
Department Assistant
061118minutes
APPROVED082018