

**TOWN OF WAYLAND  
BOARD OF HEALTH  
MEETING MINUTES**

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**Monday, July 19, 2021 at 6:30PM  
Wayland Town Building  
41 Cochituate Road, Wayland, MA 01778**

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**(Hybrid meeting; in person and via zoom)**

One may watch or may participate remotely with the meeting link that can be found at <https://www.wayland.ma.us/public-body-meeting-information-virtual-inperson-and-hybrid> Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted in person and via remote means, in accordance with applicable law. This meeting may be recorded which will be made available to the public on WayCAM as soon after the meeting as is practicable.

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**Present:** John G. Schuler, M.D.; Robert DeFrancesco, D.M.D, Susan Green

**Present via Zoom:** Brian McNamara, Arne Soslow, M.D.

**Also Present:** Julia Junghanns, Director of Public Health; Darren MacCaughey, Sanitarian/Health Agent; Ruth Mori, Public Health Nurse

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**Call to Order:** R. DeFrancesco called the meeting to order at 6:30PM

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**Roll Call:** R. DeFrancesco – YES, J. Schuler – YES, S. Green – YES B. McNamara – YES A. Soslow – NO

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**Covid-19 topics; update on cases, Delta Variant, lifting State of Emergency in Wayland (vote)**

R. Mori reported that COVID cases have been dropping. There were two weeks in June which saw zero cases. During the week of July 9<sup>th</sup>, the Town saw three cases, and an additional case was reported the following week. Some of the cases were breakthrough cases, and some were children not old enough to be vaccinated yet. None of these cases resulted in hospitalization. One fatality was reported during the week of June 11<sup>th</sup>. One assisted living facility has implemented vaccine mandates for its employees.

J. Schuler inquired about in-school COVID spread. R. Mori said there was one case in the high school right before the school ended. However, there have been no COVID reports since. Students were fully masked indoors until the end of the school year.

R. Mori said she had not been informed which percent of Wayland's positive cases are linked to the Delta variant.

***A. Soslow joined the meeting via zoom at 6:40 PM***

R. DeFrancesco inquired about vaccination percentages. R. Mori said that the last data the department received was from June 22, 2021. This report stated the following:

AGE GROUP	VACCINATION PERCENT
12-15	70%
16-19	93%
20-29	95%
30-49	86%
50-64	84%
65-74	94%
75+	87%

J. Schuler asked about the under 12 age group. R. Mori reported there have been confirmed cases in elementary schools and that the Delta variant could pose a threat to an increase in cases. No children required hospitalizations, and students contracted COVID outside of the schools.

A. Soslow asked what a lift on the state of emergency would mean. J. Junghanns said decision-making processes are different under a state of emergency and lifting this state of emergency would allow for more flexibility. The State has the ability to access resources and funding under a state of emergency. A. Soslow said he is concerned lifting the state of emergency is premature as Wayland interacts with other unvaccinated towns and populations. J. Junghanns said there is nothing happening locally that requires a state of emergency and one can be easily put in place again if necessary.

B. McNamara asked why A. Soslow was against lifting the state of emergency. A. Soslow said he was concerned about the consequences and sees no need to suddenly lift the state of emergency. J. Schuler stated vaccination percentages in Town are high, and the vaccine is effective against the Delta variant. J. Schuler asked if the state is paying for pooled testing in schools. R. Mori said yes, the state provides pooled testing and this would not be lost if the state of emergency was lifted. This is provided if the State continues to provide pooled testing to communities.

S. Green said she saw no reason to keep the state of emergency in place. R. DeFrancesco proposed the board vote.

S. Green motioned for the Board to lift or resend the local state of emergency as of July 19, 2021 pursuant to Chapter 58 Section 3 of the Town Code. J. Schuler seconded the motion.

**VOTE:**           **YES: J. Schuler, B. McNamara, R. DeFrancesco, S. Green**  
**NO: A. Soslow**  
**ABSTAIN:**  
**MOTION PASSED 4-1-0**

**72-74 Main St. – Local upgrade waiver approvals for a septic system repair including reductions in property line offsets, owner Louis Wolfson, Septic Designer Gordon Rogerson from Hayes Engineering, Inc.**

G. Rogerson stated the property is a mixture of residential and commercial use; consisting of a nail salon on the first floor, and two one bedroom apartments on the second floor. The property currently has a cesspool. The cesspool has overflowed and the Board has administered a letter to the owner to resolve the issue. Upon testing, G. Rogerson discovered the percolation test was slow, and that the water table was about 4.5 feet down. There is only about 750 square feet of usable space for a new system. G. Rogerson said the best solution is a Presby advanced system, which has been thoroughly tested in MA, and used in NH. The system has a 1500-gallon septic tank and 1000 gallon pump chamber. The proposal would be to tie into the existing line that comes out of the building and put a 2% pitch down to the septic tank where it will hold waste in a two-compartment tank. From there, the waste will go into the 1000-gallon pump chamber, which will pump into a distribution box, which will distribute in six or seven lines. Under regulations, Presby systems must not have lines that exceed 100 feet. The water meter reading for this site are approximately 147 gallons per day. The code asks for 750 gallons a day due to the four chairs in the nail salon and one-bedroom apartments. This amounts to 1800 square feet, which is essentially the entire property.

The owner is asking the Board of Health for seven variances. The system is 6 feet away from the property line. The current Town Code states there must be a 10-foot separation. G. Rogerson said all abutters have been notified.

The second variance is to have the septic tank and the pump chamber less than ten feet from the property line and ten feet from the foundation itself. They are both about two feet from the foundation, and one foot from the property line.

The third variance is to have the septic system less than 10 feet from the cellar wall. Each system is less than four feet to groundwater. The system has a minimum of 3 feet separation, which is under the maximum feasible compliance with this type of system.

The area calculations for the property require 2200 square feet. There is only 752 square feet provided. The owner would need a fourth variance for this. The linear footage required for percolation testing require 1851 linear feet, and there is only 495 linear feet provided. The owner would need a fifth variance for this. The minimum allowed gallons per day for the system is 720 gallons. G. Rogerson has calculated this system at 315 gallons per day. The owner would need a seventh variance for this.

B. McNamara asked what the requirement would be if the business was a retail space and not a salon with four chairs. G. Rogerson said it would be about 375 gallons per day with a retail business, and the two apartments upstairs. The nail salon owner is an established tenant, which is why G. Rogerson designed the system considering the four salon chairs. If the business went to retail, the requirement would still be short by 50 gallons per day. S. Green asked if the salon really uses 200 gallons per chair. J. Junghanns responded no, this is a state code. The entire property uses 189 gallons per day on average.

D. MacCaughey noted that the design is 1.5 times there average water consumption. J. Schuler asked about the size of the leaching field. G. Rogerson said the leaching field is roughly one third of the size it should be.

B. McNamara asked what would happen if a new salon came in and added higher usage to the four chairs. G. Rogerson noted the current salon is only open 8 hours per day, which gives the system a chance to rest. B. McNamara asked what the difference in grade was between the property and abutters. G. Rogerson said the rear abutter, 8 Damon Street is at a higher elevation than the property. S. Green asked if products that the nail salon uses, like acetone would affect the system. B. McNamara said acetone is not allowed to be put into the system.

J. Schuler asked is G. Rogerson was confident in the systems design. G. Rogerson responded yes, as long as the tenants/owner maintains pumping on a regular basis the system will be fine. The system should be pumped out every year to two years. J. Junghanns said the state recommends every three years or as needed.

B. McNamara motioned to approve the plan as submitted for the septic system at 70-74 Main Street including the seven variances requested as noted on the top of the plan that has been revised 6/29/2021. S. Green seconded the motion.

**VOTE:**               **YES: J. Schuler, B. McNamara, R. DeFrancesco, S. Green**  
                          **NO: A. Soslow**  
                          **ABSTAIN:**  
                          **MOTION PASSED 4-1-0**

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### **Discussion and review of proposed new Local Septic System Regulations**

J. Junghanns said she would like the Board to go page by page and discuss changes that have been made to the regulations. D. MacCaughey noted that a lot of terminology was changed to be more consistent with state regulations. J. Junghanns noted that the term 'upgrade' on page one has remained the same.

J. Junghanns noted the exemption section on page two was changed. D. MacCaughey said historically households needed a larger septic system if they were adding additions that put them over the state code. A local code states that if households expand a living area/room by 60% this qualifies as new construction and therefore a new septic system is needed. This local code is still in place but people that have septic systems that are in accordance with the latest version of Title V are now exempt. Meaning septic systems that were put in 1995 or later are adequate if construction exceeds 60%.

J. Junghanns informed the Board that there were changes made to what qualifies a hardship for clarification purposes. A section was also added to clarify home office/library /study as related to septic design flows and building permits. D. MacCaughey said there is often issues between departments on what defines a bedroom. He noted the state does not have a clear definition on what defines a bedroom, therefore it made sense to include this definition in the new regulations.

The permitting process was added to the new regulations to clarify the process. The old regulations had a less clear version of the process.

J. Schuler inquired about the section that states ground water testing is only required for projects with three or more lots. D. MacCaughey noted that this was for in season only, and that soil testing is year round and would be adequate for a single family or two-plot property.

J. Junghanns noted there was a change to licensing of septic installers. D. MacCaughey noted that the original regulations did not specify that the Department was licensing a particular installer, and not a company. This change was implemented to ensure the person taking the test would be on site when the construction is happening. The companies the Department works with have had advance notice of this change.

J. Junghanns noted there was a change to septic design regulations. D. MacCaughey noted a quick reference section was added to make the regulation easier to comprehend. J. Junghanns noted monolithic tanks, required 2 compartment tanks, required effluent filters on all tanks, and H2O D- boxes were all new to the septic design regulations.

J. Junghanns noted a change to the volume regulations. D. MacCaughey noted the square footage requirement for leach fields was removed. The sizing requirements did not make sense unless they were linked to percolation rates. The Department would rather base the regulation on a slightly higher amount of gallons per day. 165 gallons per day is currently the sizing for new construction. The Department proposed everyone should want a larger leach field for longevity and repair scenarios. If there is a reason a property cannot comply to the 165 gallons per day, they can request a variance closer to the states regulations of 110 gallons per day.

The Department also proposed a change for food service establishment flow; changing from 70 gallons per seat, to 52.5 gallons per seat. The state regulation is 35 gallons per seat. D. MacCaughey noted there was a change to require differential venting systems to all leaching facilities, as they are oxygenated systems. D. MacCaughey also noted that an irrigation well only offset regulation was added. Minor changes were made to system installations and inspection regulations to adapt to changes made to Title V and ensure installers knew exactly what the department was looking for. D. MacCaughey noted that installers/designers need to provide the Department with certifications regardless if they were paid or not. This was added to the regulations and is already covered in Title V.

J. Junghanns noted a change to regulations in the Title V systems inspection requirements section: when a property transfer occurs any cesspool is considered a failed system and must be replaced with a septic system that meets current local and state regulations. Complete septic pumping of solids must be part of every Title V inspection.

J. Junghanns noted there were vast changes to Wastewater Treatment Facility Regulations as the former regulations were extremely outdated. Mass D.E.P. oversees the majority of Wastewater Treatment

Facility Regulations. The former Town Engineer worked with the Department to cut outdated and unnecessary items from the Town's Wastewater regulations.

S. Green inquired about the next steps with the process. J. Junghanns said the regulations would be reviewed by Town Council, and then a public hearing would follow.

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**356 Boston Post Road, discuss options for failed system with a low flow (approximately less than 25 gallons per day)**

J. Junghanns informed the Board there is a new owner at this property and the system has failed. There is an option to connect to Town Sewer, and the fee is \$19,000 to connect for a flow of 25 gallons per day. The owner would like the Board to consider other options as the property is a dealership with low flow. D. MacCaughey spoke to D.E.P. and went over options for the property. D.E.P. suggested the Board clearly lay out regulations for what qualifies a business to opt out of tying into Town Sewer. D. MacCaughey suggested a tight tank for this property may be a good option as the business has low flow. B. McNamara proposed a regulation of opting out of Town Sewer if the property/business uses less than 100 gallons per day. The Board decided to discuss guidelines for opting out of Town Sewer at a future date.

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**Updates on Mosquito Control and toxic algae bloom in Lake Cochituate**

J. Junghanns informed the Board that the State report reflected no positive EEE samples of mosquitos, and that there were 12 West Nile positive samples total in the Barnstable, Middlesex, and Suffolk County. S. Green suggested signage at Dudley Pond to flip Boats over to avoid standing water. J. Junghanns said she would work on this.

J. Junghanns reported that all three basins of Lake Cochituate have evidence of a toxic algae bloom and that the Town Beach is closed. The Health Department is continuing to monitor this, when the water clears and testing done by the state passes two times the advisory can be lifted.

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**Discussion regarding school mandates for: mask wearing, COVID-19 vaccine for staff and/or eligible students, and flu vaccinations for staff and students. Guests; School Committee members Ellen Grieco and Kim Reichelt**

E. Grieco told the Board she spoke with the School Superintendent, Dr. Easy and he shared that he is anticipating guidance from DESE to come through in July regarding mask mandates and vaccinations, but these might be revised before August 15<sup>th</sup>. K. Reichelt added that the CDC recommended on July 9<sup>th</sup> that all unvaccinated people should be wearing masks, and that the American Academy of Pediatrics stated today that all students should be wearing masks regardless of vaccination status. K. Reichelt also shared that last year families had the choice of remote schooling if they were not comfortable with in-person learning but that option is no longer available for the new school year. K. Reichelt also wanted to remind the Board of how transmissible the new Delta Variant is. K. Reichelt wants the Board to think about whether there should be recommendations for masks in schools beyond what DESE puts out, recommendations for vaccination mandates for both COVID and influenza.

J. Schuler inquired about the faculty vaccinations. E. Grieco said she believes most of the faculty is vaccinated but she is not sure as they cannot ask. E. Grieco asked why enrollment physicals for schools do not show COVID vaccinations. R. Mori said if you enroll your child in Wayland Schools/Athletics the electronic record should reflect if the child has received a COVID vaccination. S. Green said they should rely on DESE or the CDC to mandate what percentage of vaccinations would be okay to allow unmasked students. J. Schuler inquiring about athletics. E. Grieco said there are no recommendations from DESE yet in regards to athletic recommendations. R. Mori said the CDC has no recommendations as far as outdoor masking and that there is no requirement for contact tracing if COVID originated outdoors. E. Grieco said she would like to see testing continue in schools and that she does not understand why they cannot ask staff/students for vaccination cards. R. Mori said she does not see why they can't ask this. J. Schuler asked if keeping the unvaccinated students in separate classrooms was an option.

***B. McNamara left the meeting at approximately 8:45 PM***

E. Grieco said J. Schuler's suggestion would be too difficult because of the grade/age demographics. A. Soslow agreed with this. J. Schuler said he wants to find a way to accommodate vaccinated/unvaccinated without having to force students back into masks. R. Mori said summer camps are currently masks indoors/unmasked outdoors and that pooled testing is currently going on. S. Green inquired about rapid antigen testing. R. Mori said BinaxNOW tests were found to be as good as PCR tests. E. Grieco asked if BinaxNOW tests would be available for the new school year. R. Mori said she has not received information on this yet. A. Soslow noted that antigen testing is far more accurate for symptomatic individuals than asymptomatic and that PCR tests are far more accurate overall. R. Mori said when individuals have antigen testing, the type of test does not appear on the forms making testing more difficult. R. Mori noted that several asymptomatic students tested positive via the BinaxNOW rapid testing.

J. Schuler said he worries about student's health but that the younger students are mostly asymptomatic, do not have many receptors, and are less likely to transmit COVID to adults and are therefore less of a threat in terms of transmission and health. K. Reichelt said 5-10% of children who had COVID are seeing long term effects from it.

A member of the audience asked what if there is any data on the Delta Variant in terms of the children under 12 who are not vaccinated. R. Mori said the State is not testing for the Delta variant that she is aware of. J. Schuler noted that the FDA may be approving vaccination for children younger than 12 in the new future. R. Mori said the CDC lengthened the trials on youth testing and that the earliest vaccinations would be available is December 2021.

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## **General business, bills, minutes June 14, 2021, and November 9, 2020**

S. Green motioned to approve the minutes for 6/14/2021. J. Schuler seconded the motion.

**VOTE:**           **YES: J. Schuler, R. DeFrancesco, S. Green**  
                  **NO: None**  
                  **ABSTAIN: None**  
                  **MOTION PASSED 3-0-0**

S. Green motioned to approve the minutes for 11/9/2021. J. Schuler seconded the motion.

**VOTE:**           **YES: J. Schuler, R. DeFrancesco, S. Green**  
                  **NO: None**  
                  **ABSTAIN: None**  
                  **MOTION PASSED 3-0-0**

J. Schuler noted that the Board did not set a term limit for the current chair. J. Junghanns said it is usually once a year the Board discusses positions. J. Schuler suggested the Board discuss this in full attendance at the next meeting.

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### **Public comment**

**Sachin Sawe, 13 Happy Hollow Road** – S. Sawe mentioned the Loker Field project that was voted down in Town Meeting of this year. He brought up a lab report of the field material provided by Dave Bernstein to the Board of Health for review. S. Sawe also noted that although the project was voted down, the Zoning Board of Appeals approved the projects permit. S. Sawe requested that the Board provide a recommendation in the near future and expressed he is concerned with harmful chemicals/products being used in the artificial turf. S. Sawe noted he is neither for nor against the Loker Field, but rather just wants to ensure the field is safe for use.

J. Schuler said the Board has discussed this in the past and he has talked with Recreation as well regarding the field. J. Schuler noted that the discussion will come to the forefront again next spring or fall. J. Schuler noted the Board cannot stop the project, it can only provide a recommendation. J. Junghanns said an article could be proposed via petition if any resident felt so inclined. J. Junghanns noted the Board cannot endorse any consumer product, including turf fields. J. Schuler noted that the Board recognizes that there are harmful materials used in the artificial turf. J. Schuler also noted that there was a study done on the west coast regarding a similar turf field and people who got sick with cancer.

**David Bernstein, 25 Glezen Lane** – D. Bernstein noted the gestation period of cancer is long and that the average pancreatic tumor is 40 years old when first discovered. D. Bernstein also noted that exposure usually takes 40 years to manifest. Therefore, it is too early to tell if artificial turf fields like Loker cause



cancer. D. Bernstein also noted that the ZBA said any Board could vocalize any objections to the project before the start of construction.

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**Motion to adjourn:** S. Green motioned to adjourn; J. Schuler seconded the motion.

**VOTE:**           **YES: J. Schuler, R. DeFrancesco, S. Green**

**NO: None**

**ABSTAIN: None**

**MOTION PASSED 3-0-0**

**Meeting adjourned 9:22 PM**

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Respectfully submitted,

Kevin McLaughlin

APPROVED 081522