

BOARD OF HEALTH MINUTES  
TOWN BUILDING HEALTH DEPARTMENT OFFICE  
JUNE 10, 2019

The meeting was called to order at 7:00 p.m. present were John G. Schuler, M. D. (JS), Susan Green, chair (SG), Robert DeFrancesco, DMD (RD) and Arne Soslow, M. D. (AS) Also present were Julia Junghanns, Director of Public Health (JJ), Darren MacCaughey, Sanitarian/Health Agent (DM) and Patti White, Department Assistant.

**7:00 p.m. Public Comments** - Paul Greif- 2 Cameron Road- the Cameron Road neighbors are circulating a petition opposing the cell towers at the high school (a copy of the signatures was handed to the Board) along with photos of the balloon test. The photos that were shared show a "balloon test" that demonstrates the location and height of proposed cell tower, taken from the end of Cameron road. The tower will be visible from any of the houses in the Cameron Road neighborhood. Residents of the neighborhood have concerns about 5g usage and their property values being negatively impacted. They report to have no problem with cell reception in the neighborhood. They claim that real estate agents say residences in cell tower neighborhoods have reduced values. As per the telecommunication act, once a waiver has been granted, this will open the door for other towers to be added. The neighbors do not want the tower on school property where students will be in attendance for 4 years and anyone attending or participating in an event at the high school field will be directly exposed.

**7:05 p.m. Dudley Pond – planned herbicide treatment for aquatic vegetation using "ProcellaCor EC", Guest Mike Lowery , Surface Water Quality Committee**

ML:Milfoil has been problem since 2008. SWQC has proposed the use of ProcellaCor EC to the Conservation Commission; this is a new product and it is the first year of approved use in Massachusetts. The company is presently registered in Minnesota and Wisconsin. The product has a 3 year guarantee and there are no restrictions after application. Compared to prior herbicides this is much more benign (less toxic) and will work faster.

AS: Do we know a history of this product? How long have Minnesota and Wisconsin used these products? ML: The EPA feels this is the lesser toxic of choices that area available, or have been used in the past. JJ: Is this the first time it is being used in MA? ML: Yes, it was just registered for use, so it may be the first application in Mass. JS: Not knowing how long this has been used, we won't know what this will do in the future. SG: Florypyrauxifen-benzyl failed to pass the 10 day biodegradability. It is good that it was ok from VT, MN and WI, I feel comfortable with their information. ML: I have EPA documents. JS: if it works this year how often do you expect to reapply? ML: Our history shows 1 treatment every 3 years. The herbicide product is applied by airboat, diluted with liquid and done under water. JJ: What area are you treating? ML: I told Conservation that we might be treating ½ of the pond at a time in the areas to be treated. JJ: I spoke to the Conservation Administrator, Linda Hansen and she was concerned about the large amount of dead plant matter after treatment and how it can impact the aquatic life, with a concern for depleting the amount of oxygen in the pond water(potential die off?). ML: he believes this is reasonable, I think the Minnesota document does not recommend doing it all at one time. Linda Hanson (ConsCOM) may put conditions in the order regarding how much of the pond can be treated at a time/size of the area to be treated. JJ: Will the weeds remain in the water after they die or will they be removed? ML: there is no real way to get them out. When we hand pull, we get the plants and the roots out. AS: do you close pond? ML: We post orange posters within 100' for one day, and we will put sand bags on the outlets to Dudley brook. Also, annually we test the town wells for any pesticide that have been used. AS: I cannot make a decision to recommend, without comparing the old agent and new agents to see how EPA reported. ML: There is another product, but it requires a slower application and has to be applied multiple times a season. AS: Is this information sent out to the Dudley pond committee? ML: Yes and the Dudley Pond Association will reimburse part of the cost. SG: Did Conservation do the comparison that AS mentioned, old product vs new? ML: I am not sure if that was done. I believe the Concom would not amend an order of conditions, they are asking for BOH advice. SG: As an abutter, I understand time is of the essence, and that it must be done during milfoil season. ML: Just as you have advised the town beach regarding weeds

posing a danger; boaters, swimmers, and kayak users on Dudley Pond are all in potential danger. These weeds are very dense in areas and that is dangerous. SG: As a Board, what do we want to do? ML: The season to treat started 2 weeks ago. MGDAR reviews all pesticides, and works with DEP to review new products/pesticides/herbicides. After both reviews are done, they publish in the environmental monitor that it can be used. AS: Do you have a backup plan? ML: We would use Triclopyr, but we would prefer to rotate that out and not use it two cycles in a row, we want a 6 year rotation. AS: By doing smaller sections, can you do a small test section with the new agent and another area with the other agent? We understand that the water moves, but see if you might be able to divide the areas? ML: If that was done we could not promise that the chemicals will not spread, or combine. We are not scientists or engineers. SG: The new product seems more targeted? ML: Triclopyr also treats tapegrass.

There was a discussion about the Board's concerns with this being such a new product and not much data regarding its use so far in other states and no data in Mass since it was just approved.

AS: I have toxicology concerns regarding pregnant women and young children. This is my background. I might be willing to permit if signs and educational material was provided to the Dudley Pond Association, stating that the product is new and has not been yet proven safe for high risk groups. ML: There is no reason that we can't get signs made and distribute information to residents and neighbors. There are often walk in bathers at mansion beach, but our orange signs are very visible. RD: Are most abutters involved in the Association? SG: Not actively but they will receive information.

**AS: The Board of Health will approve the application of this agent (ProcellaCOR EC) for 2019 on Dudley Pond with the provision of appropriate signage and information to Dudley Pond community. As this is a new agent, we recommend that pregnant women and preadolescent children not swim/wade in the pond for 2 weeks post application. Second RD all in favor 4-0.**

Further discussion; water samples are to be taken after the application to test for residual, since this is a new product we want to be very cautious and conservative. Also testing to be done for dissolved oxygen, due to the large amount of dead vegetation and concerns for aquatic life (Conservation had concerns). Sampling/testing must be done for residuals before they open the dam back up. JS: Can you do water samples the first and second weeks after application?

**7:45 p.m. 32 Barney Hill Road, owner requesting more time for new septic installation (existing system has failed) extension previously provided by BoH to May 3, 2019, owners Denis and Larissa Abramiuk (LA)**

Homeowners are looking to get financing, the septic design was to allow for an addition to the house, that project has been put on hold due to family health issues and financial issues. The homeowners are asking for an additional month to decide if they will stay with the septic system design as proposed (allowing for an addition of over 60%) or revise the design to replace the original system as a repair. The Board had concerns regarding the operation of the existing system which failed a Title 5 inspection in November 2015. The homeowners had 2 years to replace the system; they were before the board last fall and were given more time to have the system installed this past May (2019). The homeowners informed the Board that they have been keeping up with pumping the system. Staff advised the Board that conducted an inspection of the property just before the meeting and there were no odors or signs of the system breaking out. JJ: Please report to the board in 6 weeks (end of July) to advise the board of what direction you are taking and progress, a letter would be adequate.

**SG: Motion to approve the extension for 32 Barney Hill Road septic installation and Certificate of Compliance by 9/30 2019 with progress update by July 30, 2019. Second JS: vote 4-0 all in favor.**

**7:55 pm. 8 Goodman Lane- discuss and approve escrow for operation and maintenance of (Micro-fast system) nitrogen reducing technology, New Construction project on undersized lot, Septic Designer David Schofield, Owner Courtney Conery**

DS: This is a proposed 5 bedroom system (adding 2 new bedrooms) on a 33,880 sq. ft. lot in a nitrogen sensitive area (Zone II). This septic design meets new construction, however, the building design has not been finalized. We will need to add an active nitrogen reduction system; the Microfast unit is the most consistent technology for nitrogen reduction. This family is hoping to do an addition and remain in the area for a long time.

The Board discussed the reason for the escrow funds to be setup as part of the Operations and Maintenance program for active I/A technology. Staff answered the homeowner's questions regarding the fact that the escrow funds stay with the town as long as the I/A technology is in use at the property and is not refunded upon change of ownership. These funds will pay for repair/replacement of the system should the homeowners not agree to do needed repairs.

At the October 15, 2018 meeting the Board discussed new construction projects in Zone II areas where there is an addition of bedrooms or additions of over 59% triggering "new construction", and the need for active nitrogen reduction (I/A) technology. There is no BoH regulation that does not allow these projects. Title 5 (State) Regulations allow for the use of I/A technology to reduce nitrogen in Zone II on an undersized lot. The Board had previously written a policy regarding the use of active I/A technology which was being reviewed due to a project coming before them and it was being challenged. The board discussed their challenges reviewing these applications in the past and lack of continuity with decisions made. After much discussion at this meeting, the Board determined that septic designs using active I/A technology to reduce nitrogen in a Zone II would not need to go to the Board for approval unless there was a variance from the new construction regulations.

**SG: Motion to require escrow for 8 Goodman Lane of 1.5 times the one year cost of the O & M contract.  
Second AS: vote 4-0 all in favor.**

DM: does the board want to continue to keep hearing for the O & M funds in the future? The board is allowing the staff to approve the O & M fees for escrow as described above. JJ: we will enter this in the draft septic regulations.

**8:10 p.m. Review and discuss updated draft Local Septic Regulations prior to Town Counsel review and discuss Wastewater Treatment Facility Regulations (WWTF) and whether to update or redact.**

The Board had a brief discussion regarding the updated Wayland Septic Regulations with revisions from our prior BoH meeting, and the outdated Wastewater Treatment Facility Regulations. JJ has continued to explore language from other town's Septic Regulations and WWTF Regulations. She was able to obtain a copy of Concord's Septic Regulations which includes language for WWTF's. There was quite a bit of discussion with the BoH previously regarding the outdated Wastewater Treatment Facility Regulations, which were brought to the Board's attention at the recent when variance requests for the new River's Edge Wastewater Treatment Facility were discussed at length and approved. It is being discussed whether to redact the Wastewater Treatment Facility Regulations or revise/add language to the Septic Regulations as they are being revised. The topic was tabled to a future Board meeting when the Board hopes Brian is in attendance for his input, and staff will continue to work on the draft language of the regulations.

**8: 25 p.m. Discuss potential Verizon cell tower location at Wayland High School, possible drafting of a BoH memo**

Staff has been informed that there is a potential cell tower being proposed at the Wayland High School, as an alternative location to another location that is currently before the ZBA at the Wayland Rod and Gun Club. A balloon test was done last week to show height of the tower and what can be seen from a distance. The School department would need to approve the location since it is at the high school. JJ: I am not sure what the next steps are but I believe the School Committee will be reviewing this at a meeting in the near future and then a radiation specialist representing Verizon will likely present information about the cell tower to the School

Committee. If the School Committee approves this type of use at the property, then the plans may be reviewed by the Planning Board and possibly the Zoning Board of Appeals, however we are unsure. Staff will keep the board advised of upcoming School Committee meetings regarding this subject.

The Board heard concerns from the Cameron/Charena neighbors, and their request for the Board to issue an opinion the School Committee regarding the cell tower proposed for the High School. Dr. Schuler wanted to know if there is any case law for a town that has won against a cell carrier. General discussion among the board; they have concerns for vulnerable populations. A study is needed that can't be done to show clear evidence of cumulative negative health effects, this is really hard to find due to long term impacts from cell tower exposure. Definitive scientific information will never be found, there is an absence of evidence but that does not mean it's not there or that there is no health impacts. With people attending sporting events at the high school as well as all the kids participating in the sports, they would all be directly exposed to the cell tower if it is located there. There was discussion among the board regarding language for a possible memo/statement to be sent in the near future given the unknown steps of the School Committee.

**AS: The Board of Health believes that sufficient health information and concerns exist as to the chronic, negative cumulative effects of cell tower exposure. The Board of Health does not support a cell tower at the high school. JS second all in favor 4-0**

**8:45 p.m. General business**

**Approve minutes of 4-8-19, 4-22-19 and 5-13-19**

**SG: Motion to approve the 4-8-19 minutes, second JS vote 4-0 all in favor**

**SG: Motion to approve the 4-22-19 minutes as amended, second RD, vote 3-0 abstain AS**

**SG: Motion to approve the 5-13-19 minutes, second JS, vote 4-0 all in favor**

**Directors Report: The report was reviewed (copy attached)**

The board discussed the immunization requirements for the coming school year. SG: I have concerns regarding adults who may not have complete immunity for measles, due to vaccinations years ago that were not fully effective. AS: Recommends that Ruth alert adults of the CDC recommendations regarding adults in certain age groups that may not be completely immunized against measles, it concerns persons born between 1963 and 1968 who were immunized when the killed vaccine was used.

Upcoming meeting dates - Monday July 8<sup>th</sup> and August 19<sup>th</sup> for Aug 19<sup>th</sup> JS and SG are not able to attend, we will contact BM to find out his availability. We are not sure about Aug 26<sup>th</sup>.

**9:25 p.m. SG motion to adjourn, JS second, vote 4-0 all in favor.**

Respectfully submitted  
Patti white  
Department Assistant  
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