

BOARD OF HEALTH MINUTES
TOWN BUILDING- HEALTH DEPT OFFICE
MAY 13, 2019

The meeting was called to order at 7:00 p.m., present were: Brian McNamara (BM), Robert Defrancesco, DDS (RD), Susan Green (SG) and Arne Soslow, M.D. (AS). Also present were Julia Junghanns (JJ) Director of Public Health, Darren MacCaughey (DM), Sanitarian/Health Agent and Patti White Department Assistant.

7:00 p.m. Public Comment- there were none

7:05 p.m. 120 Old Conn Path- Animal Keeping Permit to keep horses, Nicole James (NJ)

Ms. James purchased the property April 4, 2019, several prior owners have had animal keeping permits for horses; there is a horse barn on the property. There are no changes to the barn, and no plans for construction at this time, there are 9 potential stalls and the applicant will only be using 8. With regards to manure management, they will muck stalls daily and remove droppings from the paddock and use the manure container, which will be serviced as needed, probably every 2 or 3 weeks,. JJ: We visited the property recently and inspected the manure collection container, things look ok and there are no complaints to date. The animal inspector makes an annual visit in October for the health of animals and to ensure a safe and sanitary environment.

BM: Where do you obtain the water for the horses? NJ: The water is from a well. Brian: Do you have a well permit? JJ: The property has Irrigation well. NJ: The horses have been drinking the water from the well since the barn was built.

The applicant notified abutters by certified mail and copies of the certified mailings are in the file, there were several green cards returned.

BM: Do we have any abutters present who wish to comment? There were none

BM: motion to approve the Animal Keeping application for 120 Old Connecticut Path for 8 horses with no restrictions. Second RD, vote 4-0 all in favor.

7:15 p.m. Approve minutes of April 8, 2019

There are changes and corrections needed; these minutes will be approved at the next meeting.

7:20 p.m. 60 Shaw Drive- Animal Keeping Permit to keep goats, chickens and ducks, Owner Kaat Vander Straten

Ms. Vander Straten (one of the owners) and her family just moved into the house at 60 Shaw drive and are looking to keep animals. They have many friends who have chickens and goats who are assisting them with education on caring for these animals.

JJ: I have visited the site and inspected the barn where animals would be kept, the barn was in good shape; a few small repairs to be done. The lot is very large and sheltered from abutters, lots of trees. We have received two emails from abutters with no concerns. BM: How many abutters were notified? KV: 8 abutters, two of those are Sudbury Valley Trustees. SG: Is there a fenced yard? KV: We are planning to use an electrified semi-

permanent fence for the first year and will plan for something more permanent. The waste will be regularly removed and composted. BM: Is there a waiver being requested for distance from the house on the property to the barn? (66 feet). JJ: The 150 foot requirement speaks only to adjacent dwellings.

SG: What is the status of the failed septic system? JJ: The septic tank has been installed and is acting as a tight tank. KV: We are still working on a plan of what will happen with the property, but need to have the house occupied during the interim. All the mold damage from the house being vacant for several years has been repaired and the house has been cleaned and painted. It will be at least several months, possibly up to a year for us to know what will happen regarding development of the property. SG: Is there a problem with not having a septic system? BM: Have they received an occupancy permit? SG: Will there be a problem with animals and a non-functioning septic system, using a tight tank? JJ: There is no requirement for an occupancy permit. For the animals there is really no issue other than supplying the animals with shelter, food, and drinking water. Brian: There is a failed septic system and just a tight tank? JJ: The BoH had allowed this situation at a previous meeting as the owners are working on a development plan for the property. They have an approved septic design, we agreed to allow the tanks to be installed and monitor the situation(pumping contract is required). There are two tanks with a combined capacity of 3,000 gallons. DM: the tanks were installed and I inspected the two tanks, the outlets were blocked, therefore the tanks are acting as tight tanks. KV: We know the capacity is 3,000 gallon and we have a contract with a pumping company. BM: Do we have all the return receipts? JJ: We like to see return receipts, but the certified mail receipts show that they were sent to the identified abutters.

SG: Motion to approve the animal keeping permit for 60 Shaw Drive for up to 5 goats, 30 chickens and 10 ducks. Second BM Vote 4-0 all in favor.

7:35 p.m. BOH appointment for the Youth Advisory Committee (YAC), Lisa Raftery (LR) (re-appointment)

LR: I have been on the YAC since November 2016, the committee is a great group of people and I would like to be reappointed as the representative for the Board of Health. The group is a good variety of people, with members from the schools, local clergy and the Police Department. Together they have an understanding of what is happening with the schools and youth of Wayland with an emphasis on the trends of violence awareness. Jason Verhoosky, the Director of Youth and Family Services has worked on the Marijuana moratorium and had worked hard with other key officials to get the article ready for the town election and the associated town meeting article. The moratorium process has been educational to see how other towns are handling marijuana in their community. Lisa is personally involved at the elementary and middle school level and sees Wayland Cares involved in concerns with juuling. I believe there is a concern at the high school level, but not as much at the middle school based on information from the Metrowest Survey. There was a recent vaping education program, but due to a change of venue it was not well attended. The YAC is working to present this program again in the fall, at that time they will have the results from the Metrowest Health Survey, they are looking to educate middle school parents to be aware of signs. SG: We recently discussed a dental article on problems associated with vaping and dental health. LR: we are working to continue vaping education at the schools which might involve supervision in bathrooms and communication with parents.

The Board is hoping to have Lisa come back with regular updates on the work being done by the committee.

Arne Soslow: Motion to reappoint Lisa Raftery as representative of the Board of Health for the term 7/1/19 through 6/30/21. Second BM vote 4-0

7:45 p.m. Update on tobacco inspections:

JJ: Beth Grossman (food inspector) has done a round of inspections on businesses that have tobacco permits and submitted a list of products being sold. JJ: I had asked Beth to observe what is being sold in these retail locations, even if the items are not regulated (locally or state). This will give us a sense of what new and interesting products are being sold in our community. Susan: I see that Wayland Variety and Deli is selling CBD products. RD: I see that the Rite Aid pharmacy is not selling tobacco at present. BM: Are we still over the original 15 permits we started with? Rite Aid will not be renewing. What about Wayland variety what can they sell? JJ: If they have a permit to sell tobacco products they can sell anything that is outlined in our regulations; we do have a requirement for single cigars, they were not in violation of any regulations. BM: CBD oil? How is that tobacco? JJ: I asked Beth to observe and list what was being sold in these stores other than cigars and cigarettes; it helps to know what new items are on the shelves. Brian: Is there a permit needed for CBD? JJ: It does not have the THC in it and is currently not regulated.

7:50 p.m. 87 Dudley Road- Septic Repair - Ruti Robart owner

JJ: this is a repair of an existing 2 bedroom septic system located on Dudley Pond which has been proposed to be moved as far from the pond as possible. It is an improvement from an existing old cesspool that is closer to the pond. They are requesting 2 local upgrade approvals from state regulations 1) leach area setback to lot line; 10' required, 5' proposed, this is a property line offset for the street, DPW commented that they did not have a problem with that. 2) Reduction of system location setback from bordering vegetated wetlands (Dudley Pond) - 50' required, 40' proposed. The plans have been reviewed by the Conservation Commission. Microfast system has been proposed to provide better treatment, above the standard Title 5 pipe and stone leaching system. They are also requesting 2 Local Waivers; the leaching area to be designed to Title 5 size requirements of 110 g.p.d. per bedroom(not 165 gpd) and a leaching area setback reduction to the wetlands (Dudley Pond), 75' required, 40' proposed (with I/A treatment). It falls under maximum feasible compliance, they can't move any further away from the pond.

DM: The current system (a cesspool), per our records, was less than 60' from the water (although the owner believes his system consists of a tank and a leach trench.

BM asked numerous questions regarding the specifics of the provided design plan and associated retaining wall, about the road location and the parking area being created above the septic leach trenches.

RR: The existing wall is in failure, the railroad ties in are in failure.

AS: do we need to add anything to this? Is this the best/ anything additional? JJ: Darren and I are both comfortable with the design, and pleased with the added treatment, we are pleased to get it installed. DM: it is fed by gravity to the pump chamber. The existing laundry system will be re-plumbed to the main sewer drain in the house. SG: Is this I/A an active system? JJ: Yes, they will need an O & M for this system. BM: We have had prior discussions regarding conditioning approvals of active O & M systems. SG: with an active system we ask for a financial assurance mechanism(escrow). DM: we have done that in the past. AS: this is another task by us to add security for finances to maintain the requirements of technology. JJ: In our last review of the septic regulations, for O & M, we were discussing a 2 year contract being required prior to C of C. BM: escrow funds? JJ: it can be problematic to get access to the money and be able use it to make repairs to a septic system on private property. We would have to hire a company to do the work. BM: There was a short discussion regarding if a bond would be more appropriate to ensure system maintenance is provided. JJ: Personally, I feel this is more appropriate as a requirement for a larger project with a larger system (River's edge, multifamily, rental property, etc.)

AS: Maybe we need to continue this discussion, I agree about the larger projects. We need to be sure there is O & M funds, in the issue of a legal problem with owner, it needs to be repaired. I think we need to have financial assurance mechanism for smaller projects. JJ: If system was failing, we'd go out to inspect, if there was breakout, we can do a legal order and require regular pumping if needed. BM: It's ok if you approve, with variances, with the escrow account is a budgeting issue? RR: Are there other systems that have bonds? I feel this is a waste of money. JJ: We would collect the funds during the installation of the project. DM: We allow the escrow funds to be deposited, up to the time of the signing of the Certificate of Compliance. AS: If we have done this previously, we should follow prescedent. DM: Applicants generally set up an account through the town for 1.5 times the average O&M yearly price. JJ: It is not unusual, the money stays in the account just for your property. RR: This amount is a problem, for \$1500.00? DM: whatever the average annual cost of the maintenance contract is. However, my feeling is that it is closer to \$500.00.

AS: approve the waivers as requested on the variance request form signed 5/9/19, with the additional funds of 1.5 times the average yearly O & M costs. The approved plan date was 2/1/17 revised through 3/16/18. RD second vote 4-0 all in favor.

8:10 p.m. 268 Commonwealth Rd.- Local upgrade approvals for septic repair including reduction in property line offset, Septic Designer David Schofield, Owner Jack Carr.

Variance from BOH regulations for leaching field to bordering vegetative wetlands - 75' required, 50' proposed (state setbacks) Local upgrade waive request for leach field to property line 10' required, 5' proposed.

DS: this was a difficult design; we have already submitted several revisions. The property is on Rt. 30, close to School St. there are wetlands at rear of property and around to the NW side as well as across the street. The lot contains very difficult soils; with a lot of fill and peat, two test holes dug showed a ground water table at 4-5 feet. The soil was sent out for sieve analysis, as a percolation test could not be performed. We needed to keep the water and gas service offsets as well as the lot line setbacks. We are proposing to use a geomat septic system; which was presented at a training seminar about 2months ago, as per MassDep it can be installed as close as 2 feet to groundwater and allows for a 40% reduction in leaching area, as compared to a normal pipe and stone leach area. One great benefit is that there is no 5' overdig required for the leach field, keeping the property line undisturbed. Existing system is in the area being proposed for new system. It will be gravity fed, no pump, and is a passive I/A system.

BM: At 2 feet above the water table how does it filter/treat? DM: treatment is in the 1' mat with sand under, it is a patented system. There has been extensive training at the test center on the cape. BM: is this system title 5 approved? DM: this technology has been approved by the State, with conditions written into their approval letter. AS: This is a failed 2 bedroom currently, and a complete repair of the existing system.

Is the staff comfortable with the I/A technology being proposed? DS: The present system is 39' from the wetlands, the proposed system will be moving out to about 50'. The proposed system will be about 5' to the property line, the abutter is Covered Bridge, staff has received no comment regarding the property line variance and there has been a green card returned. BM: looking at elevations on plans. AS: Longevity? How do we know how long this will last? DM: I don't currently have that information but we can inquire. JJ: There are a lot of issues to figure out for this property. This is brand new technology that has been approved by the State, after extensive testing. DM: To get state approval, you need to have at least Title 5 quality of effluent. JJ: we are not currently looking to approve numerous projects at this time using this technology, we will see how it goes and

will hear from the test center. Currently we feel comfortable that this technology is a good option in the designer's tool kit to design a system that works for this property with complications/obstacles.

As: Motion to grant the variances requested as described on variance request form dated 5/9/19, for the wetlands reduction from 75 to 50' and the property line reduction from 10' to 5'. As submitted on the revised plans dated 4/27/19. Second RD vote 4-0 all in favor.

8:30 p.m. Animal Inspector Appointments:

Motion to appoint Michael Albanese, Jennifer Condon, Donna DeWallace and Sarah Macone, employees of Boardman Animal Control Inc., as Animal Inspectors for the purpose of quarantining dogs and cats for the term of one year from May 1, 2019 to April 30, 2020. Second RD vote 4-0 all in favor

Motion to appoint Bruce Sweeney as Animal Inspector for the Board of Health for the purpose of Animal Health for the term of one year from May 1, 2019 to April 30, 2020. Second RD vote 4-0 all in favor.

8:30 p.m. Update on possible Verizon cell tower location at Wayland High School

The Town Planner is working with Verizon to possibly locate a cell tower at the high school. He will be asking for a representative from Verizon to speak to the School Committee. We have not recently reviewed information or our prior memos on Cell Towers, is this still the Board's opinion? SG: We have supported the 900 foot setbacks. JJ: There were in-depth discussions many years ago to determine the offset. BM: What was the data basis? AS: I am trying to recall where the 900' number came from. I am surprised that anyone is looking to place a cell tower at a school and waive the 900' setback, with kids in school and out on fields. JJ: I am just touching base, at some point this will be coming back to the Board with plans for a larger discussion in the future. JJ: currently the ZBA has been hearing the potential cell tower location at the Rod and Gun Club, people don't want it there and there is an initiative to find a better location that is not in a heavy residential neighborhood. There is not a location that meets 900'. AS: Is there any other new guidance or information about towers at schools or on school property?

Molly Upton: the town created a wireless district. Trying to keep cell towers located away from schools, residences, etc., the committee worked hard to keep the Reeves Hill tower as far away from people as possible. The Town Bylaw, involved a lot of discussion. The Town Planner brought this to School Committee, with no agenda item. MU: What is the fall zone? MU: I feel there is a concern, and stated there would be some kind of high pole where the cell tower would be located, the pole could break and be a safety hazard.

JJ: At this time, I am just sharing the information about this potential project with the Board for a future discussion. AS: I believe we need to put the brakes on this. I would like to ask for time to discuss, and gather data, I am not comfortable to waive the setback for high schools at this time until we have a better understanding.

Stanley Robinson- the phone company says they have new technology, that requires cell towers every block. The applicants are stating there is not coverage, this should not be allowed.

AS: At this time the Wayland Board of Health has concerns as to the health risks regarding locating cell towers at WHS athletic complex and waiving the 900' distance requirement. AS: would like to draft a memo and is asking for information to include from some of our prior memos.

SG: When we heard from Verizon for the tower at the Rod and Gun club, what happened with that? JJ: They came before the BoH. The only experts that came in to speak with BoH were representatives of Verizon, there were no independent experts. Let's check with the Mass Association of Boards of Health to see if they have any newer information. JJ: I can reach out to MAHB.

8:45 p.m. draft memo for Rivers Edge Wastewater Treatment Regulation variances.

JJ had drafted a detailed memo to BOS notifying them that the requested variances were approved. The memo was reviewed and there was no further comment from the BoH.

8:50 p.m. 10 Shore Drive- update

A legal order had been sent to the homeowner back in 2017 regarding the condition of the yard. Julia has been regularly following up on this property and other properties of concern that are discussed at the land use meetings where updates are provided if there is new information. On a recent drive by this property Julia noticed that the property was looking worse. The homeowner had been making progress with cleaning up with the assistance of another person(a roommate) living at the property and had been in communication with this person. Julia has concerns as she found out that the roommate no longer lives there and she is concerned that the conditions may continue to go downhill. The homeowner was previously a dog breeder, but assures Julia that she is not able to breed dogs any longer; Julia did not hear any dogs barking on her last visit. The changes in the condition of the property had been brought up at the Land Use/properties of concern meeting. JJ has also spoken with the former roommate, the property owner, and another friend of the owner's. Years ago Chief Smith and JJ had worked successfully with the owner on issues with ingress, egress. The property owner currently will not allow staff to enter the house. The owner has assured me that things are safe. Her former roommate will be traveling to Mass very soon and will touch base with me regarding the conditions to assure me that there is safe egress/ingress. The owner's other friend has also advised that he will touch base with both owner and former roommate to discuss the concerns.

8:50 p.m. Director report

River's edge, JJ said she received an email from MassDEP(dated May 8, 2019). They are working on the final details for their approval of the scope of work for the hydrogeo. MassDep has consulted with other sections of DEP; Bureau of Solid Waste, and Asbestos cleanup, regarding arsenic hits, and other potential concerns for contamination including asbestos. They are aware that the property has adjacent landfills where arsenic is likely coming from. These things will be considered in the final report. At this time they have not made final decision on scope of work for the hydrogeo evaluation. They will prepare their final conclusions and approval letter once the planned additional deep test holes are completed.

A conference call was held on Friday (May 10th) with Paul Brinkman (PB), Louise Miller (LM) and the peer review consultant from BETA. They discussed the DEP comments, and anticipating the Phase 2 Environmental site assessment report to see what they have found in their investigation, testing of soils, etc. looking for concerns of contamination. PB and LM met with Wood Partners to push for an updated report to see what has been done with testing and any findings. We don't know what is out there and would like to see if there are any concerns/hits. JJ will be witnessing additional soil testing for the leach field area this Friday.

HHWD – Julia will be investigating a joint event with Sudbury for the Fall of 2019. Julia will meet with Bill Murphy (Health Director of Sudbury) to go over the details and logistics to set up the event. There would be one

setup fee for the day(saving both towns money), providing morning hours for Wayland residents and afternoon hours for Sudbury residents.

Julia discussed the basics of the ongoing investigation of TB, lead by MDPH, at the Wayland High School. This has been a huge undertaking for PHN/Nurse Leader Ruth Mori and other town staff has been very involved including the High School Community Health Nurse, School Physician, School Superintendent, Principals, etc. PHN/Nurse Leader Ruth Mori has been in constant communication with many parents, MDPH and the High School Community Health Nurse. The second round of testing is planned for Thursday May 23rd. JJ feels things are being well managed and is constantly being updated about the situation.

There was a brief discussion brought up by SG regarding the outbreak of measles in other states and concerns. JJ said she would put Ruth in touch with Susan to discuss her concerns.

Next meeting will be held on June 10th.

Vote for change of BOH chair from Dr. Schuler to Susan Green BM: motion to approve Susan Green to Chair Board of health. RD second. Vote 3-0 BM, RD and AS.

9:05 p.m. SG: motion to adjourn BM second, all in favor.

Meeting adjourned.

Respectfully submitted
Patti White
Department Assistant
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