

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

**Monday February 7, 2022, at 6:30PM
Wayland Town Building
41 Cochituate Road, Wayland, MA 01778**

(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. Everyone in attendance must adhere the Town of Wayland's new mask requirement dated August 11, 2021 <https://www.wayland.ma.us/home/news/august-11-2021-announcement-covid19-update-and-new-mask-requirement-wayland-town>

Present: John G. Schuler M.D. (Chair), Robert DeFrancesco D.M.D

Remote Participation: S Arne Soslow M.D., Brian MacNamara

Not Present: Susan Green

Also Present (in person): Julia Junghanns, Director of Public Health; Darren MacCaughey, Sanitarian/Health Agent; Vito Colonna, Professional Engineer Sullivan and Connors

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

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

Public Comment, 6:30PM

There was no public comment.

7 East Road Demo/New construction with variances greater than 60% being added (no additional bedrooms) – Mike Sullivan, Septic Designer

D. MacCaughey explained how the applicant, Charles Mazokopos purchased 7 East Road (3-bedroom house) and would like to demolish and build another 3-bedroom house in its place. Local septic regulations define this as new construction and M. Sullivan is unable to design a new system that complies with current regulations.

J. Schuler mentioned 7 East Road is shown as 4 bedrooms. D. MacCaughey said the house is assessed at 3 bedrooms, but the existing house shows 4. The new build will be a 3-bedroom house. The house is in a nitrogen sensitive area, making it impossible to put a primary and reserve system in and still be compliant with regulations. The new build will be more complaint with regulations.

A. Soslow asked the square footage and how many bedrooms. D. MacCaughey said the applicant says the house has 4 bedrooms, but the Town assessed it as a 3-bedroom. The lot is 9,092 square feet, the current house is 1,614 square feet. The new house will be 2,823 square feet.

B. MacNamara questioned if the proposal is to knock down the existing house and put in a new system that is not conforming for new construction. D. MacCaughey said the applicant is before the Board because they did not want to progress further into planning without knowing if the Board would approve the variance. B. MacNamara and A. Soslow asked why the board is even considering the proposal if it is beyond 60%.

V. Colonna said under state law, this would not be considered new construction. Under Town Regulation, it would be considered new construction. B. MacNamara asked why the State would not consider it new construction if the house were being demolished. V. Colonna replied because it is the same flow to the septic system. A. Soslow asked if they were changing the footprint of the house. D. MacCaughey confirmed and said they are moving the foundation away from the septic system making it more compliant.

A. Soslow asked if abutters will be notified. V. Colonna said yes, they will have to go through the Zoning Board if plans continue. J. Schuler asked if the basement was below grade and if there were basement windows. V. Colonna said yes there are windows, and the basement is below grade with a max 2 feet of foundation showing. J. Schuler said the attic is clearly a bedroom because it is finished and has a bathroom. D. MacCaughey said they would remove the bathroom should the build happen.

A. Soslow asked why they are choosing State regulations over Town regulations. V. Colonna said the purpose of the meeting was to define the definition of new construction. V. Colonna said a new, more compliant build that is positioned further away from the septic system would be favorable. D. MacCaughey said there are storm water plans for the new build that were not part of the original house. He also said a tree fell on the existing house and the structural analysis of the framing concluded the house should be replaced.

R. Defrancesco inquired if allowing the variance would set a precedent for future builders. B. MacNamara said yes, and the Board should not set this precedent. V. Colonna shared his screen and showed how the new house would not be a much bigger footprint than the existing, it would just be taller.

R. Defrancesco asked what would happen if there was no house and the applicant wanted to build. J. Junghanns said the applicant couldn't because the lot is in Zone 2 and more stringent state regulations apply. The state grandfathered the house in as long as no new bedrooms are being added.

B. MacNamara asked if the applicant was seeking information from the Board or wanted a vote during this meeting. M. Sullivan said the applicant wanted a vote. B. MacNamara and J. Schuler expressed their disapproval with larger square footage and attic of the new house.

V. Colonna asked if there was anything specific the board wanted to see change (ex. size of house) or did the Board disapprove simply because it is a tear down. A. Soslow said this is a small lot, and the house size is not appropriate. J. Junghanns asked the zoning requirement for a lot of this size. V. Colonna said he needed a variance and had to go to the Zoning Board. B. MacNamara said the issue is the project is new construction on a non-conforming lot with a septic system that can't pass new construction without variance. B. MacNamara said the applicant is seeking two separate things: to have a septic approved like a repair for the existing house, and a variance for the new house's system. V. Colonna said the same septic system would be installed if the project was only an addition and not a rebuild.

A. Soslow asked if the house was to keep the same size and put in a new system, what would the system look like? V. Colonna responded and said it would look very similar to the plan for the rebuild.

J. Junghanns inquired about the house structural engineering report which should have been in the epacket as it is part of the issue with the existing structure. V. Colonna said it is not feasible to just remodel the house. B. MacNamara asked if the house was occupied. V. Colonna replied no. D. MacCaughey said no, there is a hole in the roof. B. MacNamara wanted clarification on if the septic system was conforming or not to Town regulations. D. MacCaughey replied it is non-conforming. B. MacNamara asked if the applicant would need a variance for moving the house footprint to which M. Sullivan replied yes, from the Zoning Board.

V. Colonna asked if they could continue the discussion at a future meeting. The Board agreed. A. Soslow said to come back with a smaller house and a better septic system design.

V. Colonna left the meeting at 7:03PM.

Discuss guidelines for allowing tight tanks

J. Junghanns said there is a property in town seeking a tight tank, its 356 Boston Post Rd. D. MacCaughey said tight tanks are allowed in septic repair scenarios as a last resort. J. Junghanns said the property at question may either connect to town sewer for a high cost or install a tight tank which would be a local Board of Health variance. J. Junghanns has been in contact with the new owner as the property recently sold. The tank has been pumped and D. MacCaughey has taken a water meter rating which concluded the owners use 21.3 gallons per day over the last 4,000 days. The property is a car dealership with one bathroom.

B. MacNamara asked if the property passed a title 5 when it was sold. J. Junghanns said no, it failed. B. MacNamara asked if the owner would know the system failed when he purchased it and would have the pay the cost of connecting to the Town sewer. J. Junghanns said the owner claims he did not know. J. Junghanns said if the Board was to allow a tight tank in this instance, it would need to develop criteria for how and when they would allow tight tanks going forward. This is due to the sewerline running behind the property in that area.

J. Schuler asked if anyone else in that area had tight tanks. J. Junghanns has said, not that the Board has permitted. B. MacNamara said he could foresee a tight tank as a temporary solution for businesses, but

not a permanent one. A. Soslow asked what the downside of a tight tank is, and said it sounds like a secure set up. B. MacNamara replied yes, if pumping is done regularly.

A. Solsow asked if we have any restaurants with tight tanks. J. Junghanns said yes, the Chateau. A. Soslow said offering both tight tanks/and sewer connections should be permitted because it helps local businesses. B. MacNamara said he thinks A. Soslow is proposing a dangerous precedent. B. MacNamara said he presumes the Chateau has a tight tank as a last resort. D. MacCaughey said it is most likely because septic systems have changed in the last 25 years since that tight tank was installed. J. Junghanns said the sewer system did not go by the Chateau so there was no option. The sewer goes by this business, so there is a choice between sewer and tight tank. The Board of would be waiving the state regulation requirement to tie into Town sewer in this area if they allow a tight tank. J. Schuler said because the business has a low water meter rating, the tight tank made sense.

A. Soslow proposed a solution: to allow a tight tank under the condition the business ties into Town sewer within 3 years. B MacNmara said this would be a good solution if it was an existing business, but the owner bought the business recently and he should have known he was going to have to tie into Town sewer. J. Junghanns said the business owner would not want to endure the costs of a tight tank followed by a tie into Town sewer in 3 years.

J. Schuler asked if this was the original system. J. Junghanns replied yes, it dates back to when the building was built. J. Schuler asked the cost of a new tight tank. B. MacNamara replied probably \$10,000, and that the cost of a new septic system would be around \$20,000 (around the cost to tie into the Town sewer). J. Junghanns said the business probably can't put in a new system there because it is located on the flood plain.

J. Schuler asked J. Junghanns if A. Soslow's proposed solution would work. J. Junghanns said she tried this approach with the last owner with no success so she would prefer not to go this route. B. MacNamara asked when you purchase a new property with a failed system don't you have two years to repair it? J. Junghanns replied yes, this period has expired. J. Junghanns said the other way the Board could approach this would be to write a letter to the business owner telling him he is required to tie into Town sewer by a certain date.

J. Schuler asked what would happen if the business owner said he couldn't afford to connect to the Town sewer. J. Junghanns said the business owner would be in violation and the Town would pursue legal action. J. Schuler said the business owner has already had a 3-year grace period and the Board could grant him 1 additional year if requiring the business be connected to Town sewer. J. Junghanns said the previous owner had an engineer design a plan for a connection to town sewer, but the plan never got permitted or constructed. B. MacNamara asked if the new owner knew about this proposed plan. J. Junghann's said he should have known.

J. Schuler asked if the Board was to vote to allow the business owner an option between a tight tank and Town sewer would the new Board reassess the situation? J. Junghanns replied if the vote is taken it would stand, but she is not sure if the new Board members would circle back. J. Schuler said if the business did not change, he would be okay installing a tight tank. J. Junghanns pointed out the criteria for this tight tank must be very specific as this example would set the precedent for tight tanks. B. MacNamara suggested tight tanks be allowed under a standard of a maximum daily flow, but ultimately, he thinks this is a bad precedent to set when businesses could connect to Town sewer.

B. MacNamara said A. Soslow's idea of a temporary tight tank to ultimately be replaced by a sewer tie in was a good idea. J. Junghann's pointed it's still a variance to allow a temporary tight tank. B. MacNamara suggested the Board vote on a temporary tight tank during this meeting, and if the business owner wants to consider a temporary tight tank, he may approach the Board in a future meeting.

Vote on tight tank at 356 Boston Post Road

J. Schuler motioned to vote to inform the business owner at 356 Boston Post Road that a permanent tight tank is not a suitable option for this property. Plans should begin on a permanent solution via connection to Town sewer. B. MacNamara seconded the motion.

VOTE: YES: J. Schuler, A. Soslow, B. MacNamara, R. DeFrancesco
NO: None
ABSTAIN: None
MOTION PASSED 4-0-0

Update on COVID-19 (Rapid home test kits)

J. Junghanns reported COVID cases have been decreasing in number. From January 21st- 27th the Town reported 73 cases, and from January 28th- February 3rd the Town reported 45 cases. (Not including rapid tests being used at schools) During the same time frame, the schools reported 74 cases: 15 from the High School, 20 from the Middle School, 8 from Claypit Hill, 22 from Happy Hollow, 9 from Loker, and 0 from Children's Way. J. Junghann's reported a few new cases from assisted living facilities with no hospitalizations.

A. Soslow said the Boston Globe reported Sudbury had 214 cases, Wayland had 175, and Weston had 152 as of February 7th. He asked where these numbers came from and why they differ. J. Junghann's asked the time frame of the testing.

B. MacNamara left the meeting at 7:36PM

J. Junghann's said it is hard to tell the time frame for State testing and if they are including rapid tests or not. She said she would investigate the state testing numbers.

J. Schuler asked about the severity of cases. J. Junghanns said the Department has not heard much on case severity but that there are no severe cases in assisted living facilities. J. Schuler said the risk of death in a highly vaccinated Town like Wayland is very low.

J. Junghanns informed the Board that the Town received a grant from Metrowest Health Foundation for rapid test kits. The Town will be working in conjunction with other municipalities to purchase a high volume of test kits together for lower cost. J. Junghanns said the initial focus would be on our senior population and the Wayland Housing Authority. J. Schuler asked if test kits were specific to variants. J. Junghanns said no.

J. Schuler said the Town Administrator should consider rescinding the Town Buildings mask mandate as he thinks it will not be necessary in the coming weeks. There was no further discussion.

Update on appointment process to fill Susan Green vacancy (effective 3/25/2022)

J. Junghanns said there is a person interested in the interim seat that has reached out. The Selectmen are planning for a meeting with the Board of Health and the Board of Selectmen possibly on 2/28/2022 (but not confirmed) for a candidate interview. This position would be effective from 3/25/2022 – and then the Town Election will take place in May.

General business, Bills, Review and approve Minutes: July 23, 2020, May 3, 2021, December 13, 2021, January 19, 2022

J. Schuler motioned to approve the minutes for July 23, 2020. A. Soslow seconded the motion.

VOTE: YES: J. Schuler, A. Soslow, R. DeFrancesco
NO: None
ABSTAIN: None
MOTION PASSED 3-0-0

J. Schuler motioned to approve the minutes for May 3, 2021. A. Soslow seconded the motion.

VOTE: YES: J. Schuler, A. Soslow, R. DeFrancesco
NO: None
ABSTAIN: None
MOTION PASSED 3-0-0

J. Schuler motioned to approve the minutes for December 13, 2021. A. Soslow seconded the motion.

VOTE: YES: J. Schuler, A. Soslow, R. DeFrancesco
NO: None
ABSTAIN: None
MOTION PASSED 3-0-0

J. Schuler motioned to approve the minutes for January 19, 2022. A. Soslow seconded the motion.

VOTE: YES: J. Schuler, A. Soslow, R. DeFrancesco
NO: None
ABSTAIN: None
MOTION PASSED 3-0-0

J. Junghanns informed the Board the Human Resources is getting ready to post for the positions of Public Health Nurse and Epidemiologist (paid via grant money. Positions will be employees of the Town but will be shared by the Great Meadows Public Health Collaborative) Both positions are from a two year grant.

Topics not reasonably anticipated by the chair 48 hours in advance of meeting

A Soslow expressed how he feels the Board should treat guest speakers with respect and professionalism. A. Soslow said several residents contacted him and were disappointed with the treatment of the last guest speaker. J. Schuler said he had differing opinions with the guest speaker but was having a discussion, not being rude.

Motion to adjourn: R. DeFrancesco motioned to adjourn; A. Soslow seconded the motion.

VOTE: YES: J. Schuler, A. Soslow, R. DeFrancesco

NO: None

ABSTAIN: None

MOTION PASSED 3-0-0

Meeting adjourned 7:53PM

Respectfully submitted,

Kevin McLaughlin

APPROVED 030722