

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

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**Monday, May 2, 2022, 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.; Brian McNamara; Genevieve Anand, MD, MPH; Arne Soslow, M.D

**Not Present:** Robert DeFrancesco, D.M.D

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

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**Call to Order:** J. Schuler called the meeting to order at 6:30PM

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

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**Public Comment:** Questions may be posed during the Public Hearing. There was no Public Comment.

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**6 Nolan Farm Road – Animal Keeping Permit application to keep chickens. Owner: Lynn Pogorelc.**

L. Pogorelc explained how she just moved to the residence and would like to continue keeping chickens she tended to at her previous residence. L. Pogorelc is compliant with the regulations of being 30 feet from property lines, and 160 feet from abutting residences. L. Pogorelc said she has a receptacle for waste which she disposes of weekly. All abutters have been notified and none have responded with complaints.

B. McNamara motioned to approve the animal keeping permit at 6 Nolan Farm Road as drawn on attachment A attached to the February 11, 2022, notice to abutters from Lynn Pogorelc. G. Anand seconded the motion.

**VOTE:**           **YES: J. Schuler, B. McNamara, G. Anand**  
                      **NO: None**  
                      **ABSTAIN: None**  
                      **MOTION PASSED 3-0-0**

*A. Soslow joined the meeting at 6:42PM*

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**Brief overview of new regulations for on-site Subsurface Sewage Disposal Systems and Wastewater Treatment Facilities**

J. Junghanns reported that the former Town Engineer Paul Brinkman reviewed the new regulations and his expertise contributed greatly, especially when reviewing section on wastewater treatment facilities. He provided a lot of input and feedback which we incorporated into the new regulations, we did significantly peel back oversight from the very outdated version. J. Schuler asked who oversees enforcing these new regulations. J. Junghanns replied that the state does oversee WWTF's and enforces the state regulations, Town BoH Regulations would be in addition to that and entities would need to be enforced by the Health Department but the D.P.W. oversees the operation and maintenance of Town Facilities. Non-Town owned facilities include the Hills at Mainstone Farm, Traditions at Green Ways, and The Meadows at Mainstone Farm. The two Town owned facilities are located at Town Center and the High School. The new River's Edge development will connect to the existing Town Center facility.

D. MacCaughey said the new regulations are general ones that oversee all wastewater facilities. A permit system exists to ensure compliance with existing facilities, and to set a standard for new facilities. Facilities must provide a monthly report to the State, which the Health Department is then copied on. J. Junghanns noted existing regulations have requirements that are above and beyond the State requirements, therefore new regulations would be an improvement to our local regulations which are old and outdated.

J. Schuler referenced the use of the term fast-food restaurant in the regulations and asked how a fast-food restaurant differs from a sit-down restaurant. J. Junghanns replied saying this will be for the Board to define if they wished because the State did not specify.

A. Soslow suggested the Board compare the new regulations with the old regulations side by side. J. B. MacNamara noted that the new regulations were not in the same format. J. Junghanns noted all the changes have been highlighted in the new regulations. B. MacNamara noted that the new regulations have better workflow and an added definition section for clarity.

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**Public Hearing – Pursuant to G.L. c. 111 § 31**

**New regulations for on-site Subsurface Sewage Disposal Systems and Wastewater Treatment Facilities – Hearing to receive information and public input regarding proposed revisions and additions to the Town's Regulations for on-site Subsurface Sewage Disposal Systems and Wastewater Treatment Facilities and to determine which local conditions or reasons, if any, exist for exceeding the minimum requirements for such systems set forth in Title V, 310 CMR 15.000**

The Board made small grammatical changes to the definitions section of the new regulations. J. Junghanns noted a new exemption was added to the regulations: if residents upgrade their septic system to a system compliant with today's Title V/local Standards and wish to add on to their residence,

the system will not need to be altered if the addition is beyond 60%. Residents will not need to come before the Board for a variance in this situation.

Michael DiModica; Installer/Designer – M. DiModica asked if the number of rooms would be taken into account for this exemption. D. MacCaughey replied saying this exemption just refers to living area and the expansion of a space, not number of rooms.

B. MacNamara noted a change to the definition of what qualifies a hardship. This was added to make sure residents know what qualifies a hardship before the Board to request a variance: “Construction projects that create the need for a variance from state and/or local regulations are not considered hardships. In these cases, the applicant must demonstrate that their system can be modified to be compliant with today’s subsurface sewage disposal standards.”

B. MacNamara noted an added definition of “Home office/Library/Study”.

B. MacNamara noted an added definition of “room”. D. MacCaughey took language from the housing code and Title V to clarify mechanically heated and/or partially finished rooms used for sleeping, cooking, or living qualify as rooms. Rooms with bathtubs, showers, or toilets are excluded. B. MacNamara inquired about a screened in porch with a fireplace/wood stove. A. Soslow said something like that would have to be brought before the Board. B. MacNamara noted that since a fireplace is not mechanically heated his question can be disregarded.

M. DiModica asked why there was a March 1 – May 31<sup>st</sup> timeline for the Ground Water Testing Season section. J. Junghanns said the intent was to serve as a safety net for identifying high ground water tables that might otherwise be hard to see from a monitoring well or soil testing. B. MacNamara noted testing during the winter months is difficult. J. Junghanns said in the past, special cases requested outside of this date range would have to go before the Board. M. DiModica noted this puts limits and delays on projects and that many municipalities do not do this anymore. B. MacNamara noted that the regulations say the testing season may be altered by the Board of Health as conditions allow or require. D. MacCaughey mentioned that paying attention to high/low water years would be crucial.

J. Schuler asked if expanding wetlands in Wayland change the modeling system and make it less accurate. D. MacCaughey noted expanding wetlands would increase the ground water table and decreasing wetlands would mean water diverted to other areas, but the modeling should remain. J. Schuler asked if timing for percolation tests should be left to the department. J. Junghanns said there are many variables and for applicable situations residents would have to go before the Board to request for a variance. J. Schuler said that taking all in consideration he proposed getting rid of the ground water testing dates. B. MacNamara also suggested that the department move to modeling tables and dispose of the dates, this section of the regulations is outdated. With the fluctuations in weather, and lack of rain/drought conditions there is often no visible ground water table at all and mottling is mostly used. A. Soslow suggested that the Board follow the direction of J. Junghanns and D. MacCaughey. Both J. Junghanns and D. MacCaughey said they would discuss further and think it through. The Board decided to table this discussion to a later meeting.

A change was made to the periodic flooding section: Elevation is determined by FEMA or 100-year storm event as depicted on the flood insurance rate maps.

B. MacNamara noted the permitting process was changed to clarify who is qualified to apply for a permit and what the permitting process entails. J. Junghanns noted large projects with complex designs may require an outside consultant at the expense of the owner. This was added per recommendation of Town Council.

A change was made to licensing of septic installers section. Wayland is now licensing individuals as installers and not entire companies. The individual is required to oversee the installation and be on site at the time of installation/for inspections. R. Eyre asked if there was a standardized test. J. Junghanns said we have a test that was created for Wayland that could likely be updated, but every municipality has a different test. D. MacCaughey noted this should also apply for the licensing of the next section for septic pumpers/haulers.

R. Eyre noted it might be confusing to say “additional qualifications for applicants” and proposed the language be changed to required qualifications. Applicants are required to have three references from other Boards of Health. B. MacNamara noted that if an applicant only works for one municipality, they will not have 3 references. M. DiModica noted other towns have a first-time installer process where installers get a one-time installers license after passing the test.

The Board reviewed the septic design requirements. B. MacNamara noted that state regulations are 110 gallons whereas Wayland assumes every house has a garbage disposal and allocates for 165 gallons. J. Junghanns noted tank pump chambers and grease traps must be monolithic. She also noted all tanks must contain two compartments. B. MacNamara noted distribution boxes must be H2O loading.

M. DiModica noted that these new regulations would add a lot of cost to installations and shared the cost differences. B. MacNamara noted that the two-compartment tank is essential as the first compartment traps solids and prevents them from reaching the leach field, it is important for a new system longevity. J. Junghanns asked M. DiModica if he thought monolithic two-compartment tanks was unnecessary. M. DiModica said that he believes the pump chambers should be monolithic. B. MacNamara said he thought the benefit of a monolithic two compartment tank would outweigh the cost. D. MacCaughey reviewed the prices comparison between different tanks. B. MacNamara noted that since the price difference between a two-compartment tank and a monolithic two-compartment tank is only \$100 the Board should make this standard. M. DiModica noted that tee filters need to be cleaned often and he found it unnecessary to have one if two-compartment tanks were the new standard. The Board agreed to mandate two-compartment monolithic tanks with no tee filter necessary unless required by the State code. M. DiModica noted 20-inch diameter septic risers are standard and suggested the Board change the language from 18 inches to 20 inches.

B. MacNamara noted the regulations for new construction are 165 gallons per day per Wayland regulations, and 110 per day per State regulations. The Board will view 110 gallons as a hardship, but homeowners must come before the Board for applicable variances that are not repairs. Food service regulations are 52 gallons per seat for full food service, and fast-food regulations are 30 gallons per seat.

B. MacNamara suggested the Board go with the lower standard of 30 gallons per seat. J. Junghanns noted that fast food was added to the regulations and the State regulations are 20 gallons per seat. J. Junghanns also noted information was added regarding the intermediate filter layer to include ASTM C-33 sand which is easily identifiable. M. DiModica asked why this filter layer was necessary. D. MacCaughey said the sand is an additional filter to take out finer particles and prevent clogs. M. DiModica asked if systems that use Title V sand would have to have both sands. D. MacCaughey suggested adding the use of either sand to the regulations.

There was no change or modification to the mounding regulations section. The state requires mounding calculations at 2,000 gallons per day, whereas Wayland requires after 1,000 gallons per day. The new regulations now mandate differential venting for all leach fields. The old regulation mandated venting only if the system was a pump system or if there was greater than 3 feet of material over the leach field.

M. DiModica asked about the regulation pertaining to minimum distance between leaching trenches to be used for a reserve area and asked how many people use this. D. MacCaughey said the 10-foot requirement makes it possible to dig between the old trenches. M. DiModica also noted most people use beds and not trenches. The Board decided to leave the regulation as is.

D. MacCaughey noted in a pit chamber gallery or pit system the regulations keep the mandate to have a velocity reducing tee, and a splash pad. D. MacCaughey said he would like to add a requirement to add risers within 9 inches of final grade on each individual pit. M. DiModica recommended doing one per site, not one per pit. The Board decided to mandate risers per grouping of pits, not per pit.

J. Junghanns noted a change for specific offset distances. There shall be 50 feet of separation from irrigation closed loop geothermal wells to all leaching areas. Drinking water or open loop geothermal wells must have 100 feet of separation distance.

J. Junghanns noted that the passive & active innovative and alternative technology section was added in. B. MacNamara inquired about the 165 gallon per day per bedroom requirement and asked if there was a requirement for leaching fields. D. MacCaughey said they no longer needed this due to the 165 gallons being the new standard. B. MacNamara noted an I/A system at 165 gallons per day would have a much smaller leaching field. J. Junghanns noted that even though this type of system would allow for a 40% decrease the gallons per day would still be above the states regulation of 110 gallons per day. J. Junghanns asked if the standard made sense to have for A/I systems with garbage disposals. The 165 gallons per day calculates the assumption that every household had a garbage disposal. M. DiModica noted other municipalities have done away with designing everything to garbage disposal standards as the extra square footage in the system does not match the flow. D. MacCaughey suggested that I/A systems that have garbage disposals should not get the 40% reduction and should be held to the 165-gallon standard. The Board agreed.

J. Junghanns noted a change to the grading, flood plains, and land subject to flooding section: property owners within flood plains must provide certain information regarding this when applying. Surface

water grading standards were also added to ensure water is not directed to abutting properties and that the grading complies with the septic system design.

J. Junghanns noted that a hydro-geological evaluation must now be performed on projects that generate wastewater flows of 5,000 gallons per day or greater. This was previously 9,000 gallons per day in the former regulations.

The local regulation highlights chart added a section for geothermal heating, irrigation wells, and flow requirements for fast food and full food establishments.

D. MacCaughey noted the septic installation and minimum required inspections section was added to show installers what the Town is requiring of installers. Specifically, installations shall only be done by individual installers who have received a permit from the Health Department.

Under the as built plans and certifications section J. Junghanns noted that plans and certifications must now be submitted to the department within 30 days of system completion.

D. MacCaughey noted a change to Title 5 System Inspection Requirements: when a property transfer occurs, a cesspool is considered a failed system and must be upgraded.

J. Junghanns noted the Wastewater Treatment Facilities section was worked on by the former town engineer. We removed/deleted a lot of redundant sections that the state handles, and noted the permitting process is handled mostly by the state. However, the department would still like to be involved with certain areas should a facility be proposed. J. Junghanns suggested a section be added to allow the Board to engage in the services of a professional consultant to conduct a plan review should it be needed. The Board agreed to require an annual permit to operate as well as an annual compliance certification. B. MacNamara noted that mentioning that the grease trap of the facility must be maintained is unnecessary due to the fact the compliance certificate attests to the entire system running proficiently.

B. MacNamara noted that “the Board of Health deems that the state requirements are insufficient, they may impose additional requirements” was redundant as the regulations are already going beyond the State’s regulations. The Board agreed to change the language to reflect additional requirements would be imposed if both State and local regulations were deemed insufficient. J. Junghanns noted her previous suggestions addition referring to a consultant was already included in the regulations and not needed. J. Junghanns noted the grease trap section of the regulations should remain in place as grease traps fail to get pumped often enough and this has been a problem in the past that could impact the WWTF’s. The Board agreed to make grease traps a subcategory of the regulations mandating they be pumped every 3 months.

D. MacCaughey wanted to clarify that when applicants could not design on 165 gallons per day and had to request a variance from the Board that this was only for New Construction, and not for repairs which can be handled by department staff (DM and JJ). The Board confirmed.

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**Topics not reasonably anticipated by the chair 48 hours in advance of the meeting, if any**

There were none.

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**Motion to adjourn:** B. MacNamara motioned to adjourn; J. Schuler seconded the motion.

**VOTE:** YES: J. Schuler, B. McNamara, G. Anand

NO: None

ABSTAIN: None

**MOTION PASSED 3-0-0**

**Meeting adjourned 9:36PM**

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Respectfully submitted,

Kevin McLaughlin

APPROVED 081522