

BOARD OF HEALTH MINUTES
Select Board Meeting Room 41 Cochituate Rd.
FEBRUARY 13, 2023
(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.

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L.c.30A, §18 meetings in the Town of Wayland will be conducted via remote participation. Interested parties may view the meeting either directly through an online teleconference via Zoom or by watching the meeting live streamed on WayCam. Members of the public may participate by calling a designated phone number if they wish to make a comment during the proceedings. All persons who wish to make a comment will be provided an opportunity to be heard. The connection information for Zoom as well as the public comment phone number will be listed on the meeting agenda which will be posted on the Town website and available in the Town Building lobby at least 48 hours in advance of the meeting. In addition to being live streamed, Waycam will record the meeting and this recording will be made available to the public as soon after the meeting as is practicable. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings.

The meeting was called to order at 6:30 p.m.

Roll call for attendance: Robert Eyre, M. D. (RE)- yes, Genevieve Anand, M. D. (GA)- yes, John Schuler, M. D.(JS) yes, Arnold Soslow, M. D. (AS) yes, and Robert DeFrancesco, DMD (RD) yes

Public comment

Chair DeFrancesco read a letter from Tom Maglione, 29 Rice Road regarding the PIP comment meeting on February 21, 2023 6pm. He has written to the Board to bring awareness of the hearing on the Loker field project at 410 Commonwealth Road.

6:33 pm Animal Keeping Application 5 Pleasant St. –owner Chris Lyons (CL)

Mr Lyons resident of 5 Pleasant Street is applying to the Board of Health to keep 10 chickens on his property. CL notified abutters of his plans for the location of his chicken coop, the original location of the chicken coop that was sent certified mail to the abutters required 5 variances. After a closer review by the applicant he relocated the chicken coop and reduced the number of variances down to 2. Since the coop location had been changed after the original certified notification to abutters was mailed, it was suggested to contact the abutters with the new information and ask them to sign a letter stating they had received the changed location and had no objections. The applicant was not able to contact the resident at 90 Pemberton. The new coop location would reduce the number of variances for 150' setbacks to adjacent dwellings down to 1; 90 Pemberton St. which would be now a distance of 75' from the chicken coop.

The applicant is now requesting 2 variances, one for the reduced lot size of ½ acre from the 1 acre required and 75' distance from 90 Pemberton Road.

With the change of the location only 90 Pemberton is a variance for 150 setback. That approval must be received in writing in order for the Board to approve the variance and approve the permit to keep chickens. JJ: Have you heard from 90 Pemberton regarding their approval or objections to the change in location of the coop and the request for a variance from the required 150' setback? CL: we have not been able to speak with them.

After discussion the Board will approve the permit to keep 10 chickens with the condition that the letter be resent to 90 Pemberton via certified mail as notification regarding the variances. If they don't reply with objection then the location is considered approved. CL to send certified letter to abutter at 90 Pemberton.

JS: Motion to approve the application for 10 chickens at 5 Pleasant St. conditional on staff receiving approval/verification of certified notification on the new coop location from 90 Pemberton road.

Roll call vote: JS=yes, AS=yes, GA=yes, RE- yes, RD: yes Vote 5-0

6:41 pm 60 Shaw Drive, Mendler Woods Definitive Subdivision/Conservation Cluster, BOH vote – guests representing the applicant, Russell C. Tedford (RT) project Engineer of Hancock Associates. Contracted peer reviewer for drainage calculations and plans for compliance with Local Septic Regulations Bert Corey, P.E. of DGT associates.

All documents discussed at this meeting are available for view on the Planning Department website at: <https://www.wayland.ma.us/planning-board-department/pages/2023-applications>

The subdivision is 5 lots in a unique layout, maintaining the existing house (lot 1) with a close loop turnaround containing parcels for open space and trails, with possible trail relocations. The Applicant proposed a 30 bedroom septic system, 5 lots with 6 bedrooms each. Several lots have garages equipped for charging electric cars. There also some attached/detached community recreation/home office buildings being proposed.

The septic effluent will flow from the 5 houses using sewer manholes, to 2 septic tanks in series, with a leach field in the "common use lot". Soil testing was performed and witnessed, perc tests were running about 8 minutes an inch in the primary leach area and testing was also performed for a reserve area adjacent to the primary leach field. All roof drainage will go into infiltration basins under the driveways on 2 lots.

The full detailed septic design for the 30 bed shared system is expected to be a Presby general use I/A system. The proposed septic design plans are being checked and will be forwarded to Planning, Health and the peer reviewer. The comments from the preliminary Peer review are still being worked through. Dr. Soslow has some questions and concerns regarding water runoff. There is a series of 5 SVT trails at back of property can we confirm that water drainage from the subdivision will not drain down to the trail system at back of the property. What is the total of the slope of the property?

RT: The property does have a natural swale on right side of property that slopes significantly north to south, front to rear about 100'. A portion of the trail will be relocated.

JJ: Staff reviewed the soil testing shown on the plans; the testing for the primary and reserve areas were witnessed by staff, additional testing done throughout the site were not; some refusal was noted, possibly from either boulders or ledge. The 30 bed shared septic system has to be approve through the DPH process. We will closely review the detailed plans for the septic system. There was discussion regarding the O & M requirement for the I/A septic system RT: There will be a homeowners account that will handle the fees for utilities and stormwater.

JJ: Will there just be one septic tank as opposed to a tank at each house? RT: We are planning for 2 single tanks in a series; septic will flow to a sewer main and then collect in 2 tanks. JJ: Will the design include garbage grinders? RT: Typically we do not suggest garbage grinders as they are the most common reason for septic failure. DEP regulations for garbage grinders require design to be 150% of proposed daily flow, the Wayland design of 165gpd covers that requirement.

JJ: Bert Corey, P.E. of DGT was contracted to do the Peer Review of the proposed subdivision, can you speak to your review? BC: The review was based on the existing Subdivision Regulations that date back to 1987, they spoke of stormwater management, prior to it being required by DEP. Applicant and engineer, will be working on the stormwater management, they are proposing an infiltration basin. A lot of testing for stormwater was done, but not witnessed by staff. The tested sites for the proposed leaching area and reserve area, showed soils suitable for subsurface sewage disposal with perc tests running well.

BC: They should provide the 50 year storm event, easy to run with software. 100 year storm event was run. JJ: 4 to 1 slope should also be looked at in that one small area. These are the two comments as related to BoH review/BoH Subdivision Regs. BC: Ch. 193 must be met, this is a much more detailed and more involved which is in addition to the BoH Subdivision Regs.

JS: motion to approve the Definitive Subdivision for 60 Shaw Drive (Mendler Woods Eco- Development LLC) as presented this evening. The Board recommends that there be regular pumping of the septic tank and an O& M plan for the maintenance of the I/A Presby leaching system. Second RE. Vote RD-Y, RE-Y, GA-Y, JS-Y, AS- N Vote 4-1

7:35 p.m. Private wells discussion regarding possible moratorium on Irrigation Well Permits, information regarding number of private wells, updates on potential MWRA connections emergency and long term solutions, Town Counsel guidance and potential next steps; guest BoPW Chair Cliff Lewis (CL)

(email to board from town counsel- regarding moratorium and well regs)

Mr. Lewis has updated the Board on the DPW plans to connect to MWRA, this is expected to be a 5 year plan, several years to engineering, design, permit and connect. The DPW Board is concerned regarding the water draw up by private irrigation wells and what effect that has on the available water for the Town Wells. There will be several levels of investigation regarding hydrology investigation (a Board member has some expertise on that subject)

JJ: we have a list of wells in town, 257 irrigation; and 20 potable wells. Our records go back to 1994 and there are prior wells that do not have a lot of information. Irrigation wells permitted each year; 2015-12, 2016-4, 2017-8, 2018-15, 2019-3, 2020-5, 2021- 0, 2022- 3. The Board had a brief discussion regarding the need to look deeper into this situation.

By having a permanent connection to the MWRA system, as Wayland Town wells need to be upgraded to meet the regulations, we have the option to decide if we can we afford to upgrade wells or do we just purchase more water from MWRA. JS: Can the North Wayland wells be upgraded like HH wells – CL that is a temporary system, the North Wayland wells do not have the space to add the type of treatment we have at HH.

Once we have the connection to MWRA, we have a choice to draw water as it may be needed. The North Wayland wells are ok for now, if regulations for purity (PFAS20 ppt) are reduced, the wells would not be in compliance.

Cost of MWRA water vs Town water; Wayland water is essential free and we pay the cost of distribution and maintenance. MWRA water is a fixed cost per gallon, we can continue to use the HH well water as long as the pfas filtration and any other treatment needed remains cost effective.

Massachusetts General Law gives the Board of Health the right to issue a moratorium. Town counsel asks that we amend our well regulations to be updated and efficient with a clear definition of irrigation wells. The current regulations are outdated and insufficient in their definition of irritation wells. There could be significant other updates, this will be quite a job; we can table the update of these regulations. If the Board chooses to do a moratorium, the first step would be to advertise and hold a public hearing. In preparation for the Board to consider a moratorium for XX time with an outline as to we are making this decision; items to consider: Why we are making this decision? How many wells, per year are being permitted, concerns for the town aquifer supply for water, estimate of how much water may be being drawn from these irrigation wells (no idea how this number would be figured) After discussion at the public hearing, the meeting will then be closed to comments. If there are significant comments, the board can hold another meeting to discuss and possibly vote. If the comments are not significant, the board could vote the same evening. Town Counsel is suggesting that we revise the Well Regulations at the same time we are doing the moratorium.

Private wells do not have water meters; there is no way to know how much water is being used at each private residence.

The plan is to use some Wayland wells in combination with MWRA water. MWRA has 3 aqueducts; Weston, Hultman and the MW tunnel; we would be able to connect at the Elm street pump station in Saxonville. The State can close down one of three and run water on just two wells, so we need to be able to connect at a specific location.

There was a discussion regarding the question of water quality and the capacity to treat the well water for pfas to meet the state and federal regulations. The BoPW will need to provide data/information regarding draw down of water from private irrigation wells, how much water is drawn down? What are the timeframes of the considered moratorium, what would trigger it being lifted, scientific data is needed to backup this action. A hearing would need to be held and residents may oppose the moratorium, cause for such action would need to be researched, documented/justified. A moratorium would need to have backup data and justification for putting in place.

JJ: we have a list of private wells in town, some are quite old, but we have records back to 1994 (permitting started) some old and may require research approximately 257 irrigation and 20 potable wells. Applications per year 2015-12, 2016-4, 2018-8, 2018-15, 2019-3, 2020-5, 2021-10, 2022-3.

No way to know how much water is being drawn up by these private well, there is no way to monitor. There may be some type of formulation.

8:00 pm Dr Soslow has left meeting

Sheree Greenbaum has concerns regarding the drawdown of the by irrigation well of groundwater that effects the river, has not been considered. The irrigation wells affect the drawdown of the river. That is regulated by the water drawdown permit by DEP, even with MWRA water, we also will have the river.

Under DEP permit, the drawdown of the river. How do you measure the effect on the river? A study of the hydrology, there is a relationship, there is more than just the water supply, but also the drawdown on the river, which is important to DEP. DPW is looking to do a study Town of Canton instituted a moratorium since 2014 regarding the reduction of groundwater, Sheree is not aware of any other town doing this.

What are the town Golf courses doing? CL: one golf course is on private wells. JJ: We get info from WCC, who has a well, they provide info on usage, that was required by the Board many years ago; Sandy Burr draws directly from the river. There was a question regarding Golf clubs having an exemption.

Information is needed from BoPW.

8:15 p.m. Household hazardous Waste Day problems with securing an event and possible interim solution

We have an annual budget of \$15,000 and for many years we have held two events with Clean Harbors at the DPW. We advertise, register residents and have staff onsite the day of the event to assist with the process. Since COVID we have not been able to secure a date in 2022 and 2023, no reply from Clean harbors, regarding events in Wayland. There are serious concern that the hazardous waste will go into trash, dumped on the roadside or dumped down the drain. DEP has advised us that many town in the State are having trouble and similar problems securing events, and they are Looking for communities to create regional models/depots. This is a very large and complicated process to create and fund, the health department does not have staff and time to develop a regional depot. I have found a short term solution, there is a company located in Sutton that has a pay as you throw process. The Town contracts with them, contributes funds and residents can go there and dispose of their waste, this is permanent facility that is open year round. It is a bit of a drive, but if residents are selling their house and need to remove hazardous waste items, it is the best option.

We have looked at regional collaboration with Sudbury, but the Director has left, so there is no one to work with right now. There will be some investigation to start some regional events, but there is currently no interest from other towns and it is a lot of work to create a large regional disposal event.

We are part of the Great Meadow Regional Health Collaborative, and this has been brought up for discussion, as most of these towns too have had trouble scheduling events. It is not presently something the collaborative is looking to initiate.

It is a bit more difficult as, not all the town in the collaborative hold these HHWD events through their health Department but through their DPW.

8:30 p.m. Directors report; legal orders and vacant property compliance work, Nuisances and complaints, update on 356 Boston Post Rd., Staff trainings, revised Housing Regulations, Discrimination and Sexual Harassment, Conflict of interest, Mid-year budget review and update provided to Finance Dept, public health Nurse updates.

Our front office had water leaking through the ceiling from upstairs, a heating coil burst in the attic above Children's way. Quite a bit of water, there was trouble shutting off the water. Service master came in and started clean up. Several businesses and Loker School there were a lot of water/frozen pipes issues due to the cold weather. Working on legal orders and compliance orders for vacant properties. 356 Boston Post Rd, dealership on Rt. 20, moving forward for connection. JJ and DM attended trainings new housing regulations, state code changes, Department heads and staff will be doing Sexual Harassment training and Conflict of interest training. Mid-year budget review for the Finance Director, the one issue we have was the funds we were expecting from the School Dept, for the 2nd half of the School Nurse leader/CHN. We had a verbal agreement with the Acting Town Manager and School Superintendent, but we have not received the funds, all other line items are working without issue.

Michele Schuckel, Public health Nurse-Covid 19 pandemic- end of pandemic plans and vaccine information to come. Vaccine clinics we partnered with a company, we vaccinated a number of children from Wayland and surrounding towns. Working with contact tracing and mental health teams. Looking to a mental health focus, substance abuse issues, and we will be refocusing that staff over to those issues. Wellness committee - WPS prevention and education on gambling addiction and sports betting coming on line, prescription drugs issues (campaign) working with Wayland Youth and Family Services. Working on AED survey, we have grant funds that we are looking to replace many of the AED past warrantied. WFD/WPD emergency procedures, working with schools and nurses, to do drills for communication and emergency procedures practice. Master project list of SNL list of best practice and training for same. MIIS immunization training. Non profit eoc-america training. Opioid crisis training –JS- have we had opioid involved situations.

Do we have Narcan? Yes we have it and the schools do as well.

JJ: also Regional Municipal tobacco program continued participation. Renewing our agreement with this regional program (Framingham is Host) Dr. DeFrancesco as the chair is to sign commitment form. Compliance checks, educational materials are provided by the regional staff.

Town election and candidate needed for BoH, nomination papers must be submitted by March 7th at 5pm.

The Board will have an opening, Dr. Soslow is stepping down. JJ will check with front office regarding advertising for Board openings.

Correspondence if any – The State tested for PFAS in fish tissue, in waterbodies around the state. This includes many state parks and Lake Cochituate (Natick, Framingham and Wayland) was also included. JJ will be attending the meeting to hear the results and what next steps will be. There was similar testing down on the Cape, and they are working to get signage out for fish consumption.

General business, bills- Bills have been circulated for signatures.

Motion to approve bills JS-Y GA-Y RE- Y RD-Y

Topics not reasonably anticipated by the chair 48 hours in advance of the meeting, if any - There were none

RD: Motion to adjourn second JS.. all in favor Meeting adjourned

021323minutes

Approved 071023