

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

Monday, January 23, 2023, at 6:30 PM

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 Way CAM as soon after the meeting as is practicable.

Present: John G. Schuler M.D., Robert DeFrancesco D.MD., Robert Carnes Eyre MD.

Also Present (via Zoom): Gigi Anand M.D, Arnold Soslow MD

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

Roll Call: R. DeFrancesco ~ YES, J. Schuler ~ YES, G. Anand ~ YES,
J. Junghanns

Public Comment 6:30 PM

TS: Tom Sciacca, Rolling Lane, for the past 23 years I've been Wayland's Rep to the River Stewardship Council speaking on the Wayland river sewer and I know you're talking about private wells tonight and having a moratorium. One of the members of the Board of Public Works asked me to be here because they're meeting with the Select Board tonight and can't be here. The reason I'm involved is that the basic motivation for restricting private wells and the town wells is to protect the river. The BoPW has to deal with the state imposing restrictions on pumping of the town wells, again to deal with the increasingly major issues with effects on the river and private wells will also although, with a longer time lag will also affect the river levels. RD: I think we will discuss our regulations and follow up with any questions. We have another person who's raising their hand and we have a few other comments that came in. Cliff Lewis is planning to attend our next meeting so maybe we can talk about any questions we have tonight and bring them forward then.

CP: Good Evening Carol Plum Bald Rock Rd. I just had a process related question tonight at the Select Board meeting the St. Annes Good Shepherd affordable housing project is going to come up with a schedule and my question is have you guys as a board been asked to put it on an agenda to look at it because of the septic system. They made a nice schedule for the legal people and town staff but I don't see anything where it actually says what the process is for boards, so the boards have time to look at things? JJ: Hi Carol it's Julia I just asked Bob if he wanted me to answer, I

can tell you that we have been informed of this project recently and the Board of Health has not reviewed anything yet but office staff have soil testing coming up. I expect that we'll be discussing the project with the Board once we have something more formal, and when a plan needs review. CP: there's a whole schedule laid out on its agenda item 6A in the packet for tonight and if they are going to try to push this through they need to have a process where everybody can see what the deadlines are from Concom and from BoHs and that's just my only comment.

RD: We had two public comments sent to the Board of Health regarding that topic on the private wells by Cliff Lewis, we had another public comment from Bruce Tofias, he also included an article on the groundwater threatened by climate change so I just want to make sure that everybody read that. We're going through the permitting process for well permits. JJ: that's on our agenda and the correspondence was on there as well so you know, Cliff Lewis had reached out and sent an e-mail that the BoPW would like the BoH to put a moratorium on new irrigation well permits for a period of 18 months. They are planning to do a study of impacts and they potentially could have a recommendation on what actions would be appropriate to take at that time. He is willing to come to our next meeting on the 13th of February to talk more about it. We will discuss it more tonight.

RD: Cliff's e-mail mentioned the BoPW is concerned about the amount of water available from our town wells that supply drinking water for Wayland. We are also under fairly strict regs from the state which restrict the amount of water we can withdraw, and these limits generally result in town water moratoriums on lawn watering during the summer. Private wells do not have these state-imposed restrictions and we do not know to what extent these private wells may affect the underground aquifers from which the town derives its water. The BoPW have initiated a study to figure out the impact and it's possible that the study will conclude that private wells are having a detrimental impact on the water table. It will take some time to complete study and we would like to request that you place moratorium on new private wells for irrigation purposes. It probably will take us 18 months or so to figure out the impact so we are requesting this time frame for the moratorium. I would be more than happy to come to one of your meetings, but I cannot make it this Monday. We have a presentation to the Select Board Monday evening regarding making a permanent connection to MWRA. However, I'm generally available Monday evenings and would be happy to come to a BoH meeting just let me know. That was his e-mail and we have the other comments on groundwater preservation. I just wanted to start a conversation because we haven't talked about this. RD: I think the Board of Health needs to understand what our regulations are first. JJ: There is a permitting process, we do permit private wells. A few years ago questions about the application process and requirements were raised specifically regarding irrigation wells, so we had and town council weigh in and recommended that we amend our regs specific to irrigation wells which we haven't done yet. Although we have changed how we review irrigation well permits and what we require. One of the questions I have is if the board decided to do a moratorium how do we do that properly and can we do that based town counsel's recommendation to amend the regulations? JS: and how old are they? JJ: They are dated 1982. I reached out to the interim town manager and town council today asking those very questions to get guidance so that when we have our next meeting we are prepared with that information JS: they're not under the same regulations for watering in the summers are they? JJ: We don't have regulations for restricting water use on private wells. JS: so maybe that's going to be part of the discussion. Should there be? JS: I would think the town council is going to have to weigh in on whether we can have any

authority on people's existing private wells. JJ: These are two different topics. The moratorium would basically put a pause on issuing new permits for irrigation wells, how do we you know go about that and is that a public process, hearing. RD: What about the planned connection to MWRA, will it not affect or will it affect if there is a connection to the MWRA. JS: I had a long talk with Cliff part of the issue with MWRA is the water that we will purchase from them is expensive so part of the plan would be for Happy Hollow wells to continue to keep functioning so we would have a hybrid system. Happy hollow walls might be able to provide close to half the towns water needs each year. That is why we're there is a concern about the effect of private wells on the water table. Since they've cleaned up the Happy Hollow wells from pfas, using the filtration system, and so on those would be the ones that we would say for town use to help diminish the cost to residents for their water. So that's the problem and it may be difficult for people who have already installed wells. That was before all this other stuff happened to the water supply and so it's nothing that could have been predicted and a lot of these are put in are four or five years ago. I think that it has to be a careful open/public discussion to include residents that have wells. JJ: Also, I don't know if people are looking to include private wells in water bans when they take place and how does that happen who's going to monitor and police that because the town DPW does for town water but we don't have staff/resources to do that for private wells. JS: One of the things that might be helpful if you if you could look back over your records within the last number of years, for the number of wells that are out there private wells, is it 50 is it 100? JJ: It varies. JG: Are there 20 or several hundred that's different JJ: It's been very popular as you can imagine, but it varies. JS: I think there are flagrant violations of the water too JJ: Right now there are no rules or restrictions for private well owners who are watering with their own water they probably are aware but they think it's not a ban on them because they have a private well, yet they might be out watering their lawn (rain or shine) which isn't really what should happen when there's a drought and a water ban on town water. JS: Also, they may find that wells in certain areas have much more of an impact on the groundwater than wells in other areas. I'm not sure if they can determine that; areas that are more sensitive to the wells and maybe determine that those are the areas that are most effected by the town water and places from the periphery may not be having as much of an impact. It may be totally inadequate to single out wells as it can potentially be worse doing more damage to the potential water supplies and others, it's a complicated issue and it's going to be useful to hear what Cliff has to say because he's already studying this pretty significantly and fielding lot of these questions. JJ: As far as the impact on the river, that's something I don't have information about but there are businesses that use river water to water their lawns that are golf courses in town. There are other businesses that use irrigation wells so there's a combination of different things that go on and some of them are regulated by DEP not necessarily by us. Private wells are regulated by us however there's a little bit of a gray area between potable wells and irrigation so I have to get that squared away so that we understand where our authority lies within that. We do permit both potable and irrigation wells we have Regulations we also have folded in offsets for irrigation wells in the new septic regulations and those were newly adopted so you know there's a few different layers to this and but there's not currently anything regarding bans when there's a town water ban or anything like that. JG: so you have a list of all the wells that are approved JJ: we do and we've been working on the list for years, trying to get it as accurate as possible. There are many older properties that had wells done that were never permitted by us because they were done before the regulations were in place and we probably didn't know they existed some of them are very old. Our list doesn't give with the state's list we look at both and we are working on figuring out what the differences are. We've merged together some of these

old lists that we have obtained from different departments (dpw, the state, etc) over the years, and by verifying if they have town water or don't and vetting the list, adding new properties on as they get permitted by us. It's a little bit cumbersome though because if someone pulls a permit we add them to the list but that doesn't mean that we know for sure they actually drilled a well until the well driller submits their report. If they don't dig a well they still have a permit they could dig a well so we rely on well completion reports and doing some digging into the DEP website to see if they filed a completion report that they didn't send to us and then we print it out and file it/add it to our excel sheet. It's a cumbersome and painful process. JG: When we do the discussions can you bring the data that you have to us so we have some idea whether 10 wells or 400 wells? JJ: Of course. We have more irrigation than drinking wells. JG: I think it would be good if you can send the current rates for us to review as well. JJ: I sent the current regs and they're on our website they are very old. We have looked at them to revise them a number of times and it's a big job. Also, the state may adopt a new Private Well Regulation that would cover all towns in the Commonwealth for consistency (similar to the state Title 5 Regulations). Towns could have their own more restrictive regulations if they wish. There is a lot of discussion about this and there is a bill that will go before the house. It's hard to know if the bill will pass. We do have the state model regulations we can start reviewing to consider. JG: part of the problem is the increase of necessity for water with these condos and apartments going in, that's 200 families or tenants going in now that's a lot of water maybe we have to have a moratorium on new apartments, it's not just wells its these new buildings being contemplated. JJ: That is not direction the town is going, there are a number of large housing projects coming up. JG: It's going to look like a city pretty soon with dense development, instead of a town. RD: What is the MWRA connection emergency is that what they're discussing tonight? JJ: yes they're discussing a temporary emergency connection I don't know exactly when but I believe it would be happening sometime before the summer starts. They are also working on a long-term connection to MWRA that would be the permanent connection. As Tom Sciacca mentioned there's a plan for a combination; some town water and some MWRA water. How that works and what the impact of private wells will be is unclear. Because if we would be drawing less town water. RD: that can create different decision making, less impact from private wells. JG: when does the town complete the population study? JJ: the census? JG: how many people actually living in Wayland now and what's the projection for people living here within the next two years? When you add all these buildings and more residents I think that's something that we need to know and makes the issue far more stark, it's not just the water it's the number of users/people. JD: unfortunately I think the Select Board has a very different view and I don't think they're thinking about the water issue. JG: they're thinking of more people and you know 40B and they have different interests, tax rates, meeting 40B percentiles. RE: Do we need guidance from the town council about what the jurisdiction is for the Board of Health? JJ: I think it would be helpful if the Board voted on that tonight to support my request, it would be helpful to have that support to have town council's opinion on the moratorium question and the current regulations that we have some questions about. **JJ: Dr. Soslow just joined us.** REL I would say the motion that we approve your discussing the town council the limits of the jurisdiction of the Board of Health as Regards to moratorium on wells and the existing Regulations contract DS: Sorry for joining late and I don't want to delay this issue so they concerned by the board tonight what was the issues that rose that are different than other years? JG: We don't have enough water so well DS: Is that a fact or is that a worry? JG: It's a fact and it's going to be getting worse I think DS: Is there a statement from the board that oversees the well water that this is an important matter for the town or? RD: yeah we discussed it a little bit earlier we sent it out I believe

in your packet JJ: Yes so doctor Soslow the board of public works wants to do a study and so they're asking for a temporary moratorium on private wells irrigation specifically and so they have a chance to look into it and I think Cliff will be joining us at our next meeting to probably explain a little bit more about that and in the meantime I have Reached out to town council to get some guidance on how a moratorium works for this type of a Regulation and also on the Regulation itself which there were some questions from town council about two years ago Regarding some suggested amendments that they made and so we want to make sure that we understand where we're at with our jurisdiction with these regs as well. DS: OK and what's the jurisdiction of the Board of Health with the DPW Responsibility to oversee that? JJ: Well we have our own private well Regulations and so we would be talking about the regs that are for the Board of Health specifically? DS: No, I'm in general agreement I think this has to be looked at and it's reasonable to conduct a study and formulate a potentially different perspective or approach.

RD: We have a motion by Dr. Bob Eyre and second by Dr. John Schuler, roll call Dr. Gigi Anand – YES, Dr. John Schuler – YES, Dr. Bob Eyre – YES, AS: I'm sorry can someone just read the motion itself I came in a few seconds after that JJ: the Board of Health supports that town council provide guidance or consultation regarding the board's jurisdiction with respect to Local Private Well Regulations and a potential moratorium. AS: OK thank you RD: are you in favor of that motion? AS: Yes RD: so that motion is approved. Do we have any other discussion on that tonight? Director's report.

JJ: I have updates on large projects, Cascade or formerly Cascade which is over at Mahoney's is currently going before conservation and we haven't seen anything come before us yet. JS: Do you know anything about the scope of the size of what they're asking for? JJ: It's larger then what we had seen before because they're doing a wastewater treatment facility. JJ: I don't know the exact number of occupants at this point so but we'll keep you in the loop of when we get something. The Council on Aging Center is going before the Planning Board for site plan review soon. Office staff have not received anything to review yet. I'm sure there'll be other information as the project moves forward. We did hear about a project that Carol Plumb had mentioned earlier at 124 Cochituate Rd./St. Ann's. They have some land next to the rectory and they're looking at about 60 units for over 60 affordable housing, it's considered a friendly 40B. As far as the septic system goes, we don't know whether variances will be requested or not but we do know that they are planning on scheduling soil testing around the beginning of February. Also the Coptic church at 169 Rice Rd. is doing a large addition and a separate building for some kind of daycare use for school probably after church hours we haven't received any plans yet. We had done soil testing a while back they need to design a new septic system. For 60 Shaw Drive we received an extension to make a decision on the Definitive Subdivision, that is on our agenda tonight. Tobacco compliance checks were done beginning of January and there were no sales to a minor. Although I was able to find after digging through a website, that the FDA did compliance checks in Wayland. They do make it difficult to find out what the results were. I found out that Wayland mini mart sold tobacco to a minor and they got a letter from the FDA at the end of September. It was a warning and because the FDA did it we had no jurisdiction and so we can't do anything but at least we know about it. We're still part of that regional tobacco compliance collaborative with a bunch of different towns so that's a benefit for us to have that support and those compliance checks. We conducted a housing re-inspection today at 87 old Connecticut path, it's a very large house and we saw that all the violations had been corrected. A prior inspection was done in September and

housing violations were cited. The owner corrected all the things that we had identified. We have also seen recent complaints regarding rodent problems at a restaurant in Wayland and potential roaches, two different places. We also had a septic odor complaint near Craftsman village on Old Connecticut Path, we did not smell the odor. Its that time of year for rodents to try and get inside when it's a little colder they're looking for a warm place to hang out and get some free food. The business involved is addressing the problem with a pest management company and it's being watched closely so I can assure you that it's being addressed by. AS: I have a question how does the public hear or are these available for public appreciation to see which restaurants have roaches or rodents. JJ: It's not it's not available at this time, I inform the board and we bring it to their attention and make sure it is addressed and corrected. If we had a problem with getting cooperation and compliance we would surely bring enforcement and possible Board action. I can assure you we follow up on any of these things and they're common in every town especially in Boston where they have such density with businesses and food. We also moved our Title 5 inspection reports to the open Gov viewpoint permitting system people can now access Title 5 reports online at home or at work. This will help reduce foot traffic in the office. We are very pleased to move forward with this improvement for public access to information. JS: Are the people who do the septic pumping giving you slips in a timely manner? JJ: That's part of what they're required to do, the state regulations require it. JS: I understand that you were behind at collecting them a couple of years ago. JJ: We work on that with our tax work off help because it's a lot of manual sorting and alphabetizing and filing but it is done on a regular basis. Also, Katherine Brenna and I had a meeting last week with the state regarding cyanobacteria/harmful algae blooms. I can say that I'm happy to hear that they're actively aware and listening to us. Itt was sort of an information sharing meeting. I plan to meet with members of the Surface Water Quality Committee, Tom Klem and Carol Plumb to discuss ideas of how to manage things and then eventually bring it to the board. It may end up a regional plan and approach with Natick and Framingham. The is made up of North Pond, Middle Pond and South Pond, touching on the 3 towns in different areas. RE: Was the state willing to listen to some of your suggestions for streamlining the process? JJ: Yes they were. It's complicated because there are state protocols, best practices/scientific approaches and then there are other ideas to try and simplify our protocols. Michelle has been very busy as well she's doing a great job she continues to support the community relating to the prevention of and the response to COVID-19 and influenza with high rates across the region encouraging masking. We have still have a lot of tests on hand and through provision of pediatric COVID-19 vaccination and boosters found to be an underserved population in and around Wayland. We continue to encourage Long Term Care facilities to provide vaccinations to all staff and residents. All facilities are offering testing per Mass Department of elder affairs guidance and they're being monitored for outbreaks as of the second week of January, 63% of all elder care facilities in mass had in progress outbreaks of COVID-19 reported. Providers associated with these facilities are encouraged to share treatment to those at risk of severe COVID-19 infection response including those over 65 and a nursing home or congregate setting and with underlying health conditions as per guidance of MMA and mass DPH and CDC. Some news about Ebola on January 11th the Ministry of Health of Uganda declared the end of the Ebola disease outbreak caused by the Sudan Ebola virus we are no longer required to follow returning travelers we had no known returning travelers to Wayland during the outbreak. We are working with the COVID-19 grant team to refocus on meeting the increased mental health needs of the community and region following results of the needs assessment conducted by the region, more to come as we create a project plan. We're working with the department of youth and Family Services to create a coordinated response to the ongoing opioid

crisis and to utilize the relief funds across the spectrum of prevention. We have staff resources from our COVID-19 grant that we're utilizing to do some of this work, we're just starting to get into this but I think it's going to be a good use of their resources. We're also working with the Fire Department to assess the location and condition of AED's around town that are not in schools and see if there are any changes that need to be made to the maintenance schedule and to signage. Community Health Nurses are responsible for checking AED's for daily battery function and pads are replaced when expired. She's also working on a master project list with the school nurse leader to make progress towards policy revision to put in place a framework of best practices that has not existed yet and to get community health nurses the training they need. Also working on a review of both the "Color" registration system for vaccinations and the MIS system to remove old vaccine inventory and be sure we're correctly trained to use these tools. DS: Question just to follow up on something I had touched base with you before on CPR in the community, have you had a chance to chat with the Fire Chief with the questions I had asked? What are the numbers for Wayland tying to CPR to AED outcomes how many cases, break down about age, just to get an idea of CPR events occurring in Wayland? Also, if we're doing the paramedic ambulance station times to arrivals from that because with the hospital closing a year or so ago or maybe more now. Who is providing medical control it's probably MetroWest Framingham but I think it's good it's reasonable for the Board of Health to have some of that data and some of those answers to be sure our community our Wayland community is serviced as speedily, professionally and carefully. JJ: Thank you doctor Soslow and I did reach out to our Fire Chief and so I will follow up on that I know he's looking into it so that he can respond to your questions.

RD: 60 Shaw Drive-45 day extension. JJ: Based on our Subdivision Regulations the Board of Health has 45 days to review and either approve or disapprove a definitive subdivision. In this case 60 Shaw Drive has submitted plans, there's still work being done to be prepared for a presentation so it's going to be beyond the 45 days so I requested an extension and they provided one to February 13th. The project will be on our agenda at our next meeting Feb. 13th. JS: Is this a straightforward plan or problem with it? JJ: It's a subdivision and there's a shared septic system for five or six houses. There is some ledge shown in results from the soil testing but Darren and I are comfortable with the testing that was done in the proposed area where they're planning for the leach fields. The drainage review is still being done that's part of what we're waiting for. The engineering/consulting company DGT is peer reviewing the drainage report/calculations. A fee is collected as part of the application process for the Definitive Subdivision and it's used for the drainage review, \$3,000.00. If there is money left we would refund it but at this point I don't know exactly what the cost is. I know we received an estimate of the cost but this is a joint review so it's just it's not just the Board of Health. It includes Conservation, and Planning, three different areas of drainage review. DS: Julia question 50 Shaw is not the Mendler project? JJ: Yes, this is the Mendler Woods project. AS: There's another project right off of Shaw before the Mendler project what's that called. JJ: That's number 57 Shaw and that's another subdivision that's actually going to be getting started soon. DS: I just wondered I live nearby and we walk up there, who is the board that oversees? Right now they're doing logging and rough preparation of their lots on Shaw. There's a lot of damage at the Shaw & Deer run streets. I'm assuming one of the big rigs that pulls out the trunks of the trees the tractors but there there's lots of gouges of the soil opposite that that new road they're building in and there's the metal fence gate a big gate it's locked down. I took photos so who is responsible in the town to review that area and make sure they're properly cleaned up and the other houses have the same issue. JJ: I would think the planning board or the

planner because they are involved in all these projects and I don't know exactly what the process is, would be but I think you could probably reach out to the town planner and bring it to their attention. DS: That's what I wanted to hear thank you JJ: The Town Planner's name is Robert Hummel its on the town website AS: Great thank you

RD: Move on to general business, bills and then minutes. **Motion to approve January 21, 2022 minutes. Dr. Bob Eyre – YES Dr. Gigi Anand I wasn't at that meeting, OK Dr. Soslow – YES, Dr. John Schuler –YES. Dr. Bob DeFrancesco – YES. Approved the minutes of January 10, 2022.** Next is October 24th 2022, need a second. Dr. John Schuler – YES Dr. Arnold Soslow -YES Dr. Gigi Anand - I wasn't there for that one either. Dr. Bob DeFrancesco. Yes approved. All right, let's move on to November 14th, 2022. Reviewed, addition, vote for approval? **Motion to approve, is there a second, second. Dr. John Schuler - YES Dr. Arnold Soslow – YES. Dr. Gigi Anand – YES Dr. Bob DeFrancesco – YES Approved for November 14th 2022.**

RD: do we have any other topics for tonight. AS: yes I wanted to announce that I won't be running for the Board of Health position this coming April. JJ: Thanks for letting us know, does anyone have any thoughts or ideas. Well we'll certainly miss you Doctor Soslow thank you. JJ: Anyone can run, if anyone knows someone that might be interested that's always an idea. They don't have to be a doctor, we currently have 4 MD's and 1 DMD. The person can be an engineer or someone with a background in septic/building or construction, or another field that may be public health related, Nursing background, or any layperson. RE: I can ask Bruce Tofias. JJ: what's his background RE: he's an internist at Wellesley but he's the one who wrote the letter about the wells he's sort of very involved in conservation and town things. He's still working, I can ask. JJ: Of course anyone can run that's why it's an election process but if board members know someone who might be interested it would be helpful.

RD: Anything else that so make a motion we adjourn. JS: second. OK Dr. John Schuller – YES Arnold Soslow- YES Doctor Gigi Anand – YES Dr. Bob DeFrancesco – YES meetings adjourned