

Board of Health Minutes
Town Building- Health Department Office
June 25, 2018

The meeting was called to order at 7:00 p.m. present were John G. Schuler, M.D. (JS) chair, Brian McNamara (BM), Susan E. Green (SG). Also present were Julia Junghanns (JJ) Director of Public Health and Patti White Department Assistant

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

7:05 p.m. Public hearing to change permit effective dates for Wayland Animal Keeping Regulations.

JS: Motion to open the hearing for purposes of changing the permit effective dates for Wayland Animal Keeping Regulations. Currently Animal Keeping permits are issued on a calendar year basis, we would like to move them to a fiscal year (July 1 to June 30) to be in line with our other annual renewal permits, financial reporting for town annual reports. There were no comments or persons present. **JS: Motion to change the permit effective dates for Animal Keeping Regulations to July 1 to June 30**
Second BM: vote 3-0 all in favor

7:10 p.m. Public hearing to change permit effective dates for Wayland Refuse Hauler Regulations

JS: Motion to open the hearing for purposes of changing the permit effective dates for Wayland Refuse Haulers. Currently the Wayland Refuse Hauler Regulations are issued on a calendar year basis, we would like to move them to a fiscal year (July 1 to June 30) to be in line with our other annual renewal permits, financial reporting for town annual reports. There were no comments or persons present. **JS: Motion to change the permit effective dates for Wayland Refuse Hauler Regulations to July 1 to June 30**
Second BM: vote 3-0 all in favor.

JJ provided verbal directors report, update on projects(see attached report).

7:15 p.m. 190 Stonebridge Rd- Animal Keeping permit application to keep ducks with variance for offset to adjacent dwelling- Owners Duane and Karen Galbi

Presently the Galbi family have 3 ducks, they are requesting a permit for 6 ducks. The neighbor had contacted our office and advised us of the need for a permit for the ducks. An email was presented by the applicant from the neighbor at 192 Stonebridge Rd in support of the permit (this is the abutter they need the waiver for offset-150 feet from). Waste is disposed of as compost in gardens. They provided certified mail return receipt notices being sent and received by abutters.

BM: Motion regarding 190 Stonebridge, grant animal keeping permit with variance for duck pen being less than 150 feet from an abutter, after receiving the letter from the abutter. To acknowledge that if the abutter house is sold that the duck house may have to be moved.
Second JS: Vote 3-0, all in favor.

7:40 p.m. Discuss plans to merge the 2 Wayland Animal Control contracts into one contract.

There are two separate animal control contracts; BOH has the Animal Control Contract, formerly for Dave Poirier(held this contract for many years), mostly handled rabies calls, dead animals, and other animal problem/complaint issues. The Police dept. has an Animal Control Contract for Dog Officer duties, etc. as described in the contract. Julia explained that after reviewing both contracts and having a full discussion with the Police Chief, they both agree that it would be best to combine the two contracts. This is the best solution for the town to merge the contracts together, there will be less confusion about 2 different people handling similar jobs/roles and holding 2 contracts. We had been made aware of confusion regarding who handles what animal control related situations. There may be associated efficiency. Our contract is for \$12,000.00 the contract for the Police is approximately \$22,000. There is a plan for proper Deer disposal (cremation) that will be incorporated into the joint contract.

JS: Motion to relinquish 12,000.00 from fy19 budget, merging the Animal Control officer position with the Police Dog officer position. Second SG, Vote 3-0

7:50 p.m. Request for approval of Tobacco permit applications from Wayland Country Club, discuss other tobacco violations.

During the tobacco compliance inspection, it was discovered that both the Wayland Country Club and Sandy Burr Country Club are selling cigars and do not have tobacco permits; we received applications from both country clubs submitted on June 22, 2018. Currently the number of Tobacco Permits is capped at 15 by the Board when the new tobacco regulations were approved (there was one permit opening available for one of these permits bringing our current numbers from 14 to 15). There was a general discussion regarding the fact that these 2 country clubs have been selling cigars for many years.

BM: Motion to increase the number of Tobacco Permits from 15 to 16. Second JS: vote 3-0 all in favor

JS: Motion to grant Wayland Country Club and Sandy Burr Country Club licenses to sell tobacco. Second BM vote 3-0 all in favor.

Tobacco violation- Gulf Station at 28 Boston Post Rd, sold tobacco product to a person under 21 during a police Dept. Sting where tobacco compliance checks were being done, it was discovered during the BOH tobacco compliance inspection that they were selling cigars for a price under the cost guidelines set in the Tobacco Sales Regulations. Through our regulations our due process is to suspend their license for a week and have a hearing with the owner where they can attend and plead their case.

8:05 p.m. Discuss CH40B Projects; peer reviews, updates any new information

24 School St. - Brian Nelson, P. E. from Metrowest Engineering

There are some fairly significant changes, peer reviews and comments from BOH We have prepared a draft response letter from Darren's review; we will get letter and revised plans out to you.

There was a re-configuration of buildings; previously 2 rows of 6 units; they have taken one off one unit from the building closest to School street and moved it to the bldg. behind it. They have revised the size and number of leach field trenches, which remains in the same location with the geometry slightly changed and the tanks were moved. Garage elevations, vs top of system.

Distance to wetlands 62' state required 50'.

The Applicant is requesting 3 variances from BOH
Design flow- required 165 g.p.d proposing 110 g.p.d.
Distance between trenches required 10', proposing 6'
Offset to wetlands – required 100' proposing 62.6'

JS: Will the reserve be installed with the primary installation as it is under the driveway? BN: yes, we will be doing that. JS: What is the total number of bedrooms? BN: 26 bedrooms; there has been no change from original permit.

The system will incorporate a fast treatment (unit blower) as a secondary treatment. I will leave a copy of DEP approval letter; the treatment is general use. This treatment is not required, but applicant feels it will help bridge gap between Title 5 requirements and the Wayland requirements. This treatment will increase the cost of the septic system about \$25,000.00 to \$30,000.00 in addition to the semiannual maintenance of the system.

JS: What can you tell us about the impervious area and runoff treatment? Is there an Increase in impervious area? BN: the impervious area is presently 8800 sq. ft., development will add 11,200 sq. ft. of impervious. The runoff from the upper parking area is going into a catch basin, then to the stormceptor and into infiltration. The lower lot will go into a catch basin, then the stormceptor and into raingarden (detention basin) this will be a significant reduction in runoff.

JS: DPW comments? BN: We received comments from the Town Engineer, the Conservation Commission and their peer reviewer and have worked with those comments.

JS: What type of maintenance will you have for the stormwater? BN: The plan for the systems will require 2 inspections per year. JS: Who receives copies of inspections of the infiltration system? BN: the Operation and Management (O & M) reports will be kept on site and available to town.

JJ: At the ZBA meeting there was discussion regarding noise from the blower system. BM: what is the db. rating for the blower system and how often does it operate? BN: I don't have the db. info, and the system runs almost all the time. JJ: It has been moved and is now closer to the property line where there is an existing house; it is also close to the dwelling units of the developments. We are the ones that will hear about it if there are nuisance complaints about blower unit noise. I had asked that this be looked into for ideas to reduce noise somehow from the blower unit.

8:22 p.m. Meet with the Selectmen- Marijuana Ballot Question and Town meeting Article- Health Director and Town Planner to provide updates.

Julia and Sarkis Sarkisian (SS) Town Planner have been working with their Boards and the Marijuana Working Group to be ready for the 12/31/18 expiration of the Marijuana moratorium. Louis J: Does the ruling recently in the news for another town have any effect on our situation? Cherry K: I believe that is already being challenged, I understand it only affects the one community to be extended to June of next year. Our moratorium expires in December, we would have to go to TM to extend moratorium again. JJ: Sarah Greenaway from Youth and Family Services and I attended the Lincoln Pot forum, then put together our working group, Leah Anderson attended the meetings and kept BOS up to date. Wayland had a public forum with a panel of speakers with an attendance of about 70 people; it was recorded by WayCAM and can be seen on the Planning Board website. Dr. Tischler who was at the Lincoln panel, but could not attend the Wayland panel, did an interview that is also on the website. A lot of work has been done on this as the Selectmen wanted this issue vetted. The Working group met a total of 5 times, after the forum the BOH met and discussed the results of the forum, public health concerns, and there was a

unanimous BoH vote (5-0) to recommend that the town ban manufacturing, cultivation and growing of Marijuana in Wayland. The Working Group had their next meeting; focusing on the time line and what needs to be done. SS: With the vote and recommendation from BOH, we need to have everything done by 12/31/18 which is the moratorium deadline. We are preparing a dual path, creating a zoning bylaw in case either the ballot and/or TM 2/3 vote do not pass, the zoning bylaw will cover the town with an overlay district. The Special Town Meeting warrant closes on 8/30; we expect to have the draft to the Planning Board for 7/17, to have it ready by 8/29 for the close of the warrant. If we schedule one public hearing and don't close it, keeping it open till September to allow all public input. Louis J: We are creating one district for all Marijuana production; medicinal and recreational? What do we do now medical marijuana? SS: The Town Bylaw says if it is not outlined as a permitted use it is not allowed; we do not have an area so we do not have any medical. We have a very small commercial (5% zoning district) we want to keep this out of residential neighborhoods, we have to set an overlay district and set up to regulate and control hours of operation, security. If the total ban passes, we will pass over the zoning article at STM. Cherry K: What is the Working Group's position? JJ: After discussion the consensus was to have plan B (a zoning bylaw) to fall back on. We have done a lot of work getting all the pieces in place, and working to get the best time for the election vote; KP law will be advising us regarding the election this coming week.

Both plan A and plan B require 2/3 vote. Cherry K: we are in receipt of the memos from JJ and the Town Clerk regarding various potential voting dates and potential list of challenges regarding voting schedule.

Town Clerk presented a detailed memo with the options with regards for timing and cost; her suggestion is to do a separate election apart from the primary in September and final election in November, if there is a dual election, the Town Clerk will need many more employees due to the double process. She explained the difficulties involved in having a dual election.

Louis J: If we wait to do this at ATM in the spring, will there be a problem for the first quarter of 2018 after the moratorium is over? JJ: If we don't have something in place before the deadline of the moratorium it will leave us at risk for a commercial marijuana retail business to try and locate in town. LJ: if the total ban is what we are leading to, we need to do this before 12/31/18? JJ: Yes, the moratorium expires. Louis J, if ban is passed, can we retroactively deny or is it grandfathered? Cherry K: These are questions for KP law; we plan to decide on 7/16. If we can retroactively deny can we do both in spring? SS: if we do zoning, then the door is open as of January for an application. Cherry K: we will figure out the timing at 7/16/18 meeting.

The Board returned to the Health Department to continue the Board of Health meeting

8:45 p.m. Back in BOH office- Continued discussion on 24 School St.

There was discussion at the ZBA meeting, where JJ and Susan attended. Questions were raised regarding the O & M contract, bonds/ escrow, lease documents, all these things were mentioned to potentially include language in the final written ZBA decision language including installing the reserve trenches at the same time as the primary and some type of noise control for the blower unit. Questions were raised about a generator also and the storage capacity of the septic tank was referenced. Also mentioned was the fact that these units will be rented and that renters will not be as cognizant or careful with what they are flushing or how they are using the septic system. BM: we have a 1 year bond up front to cover O&M costs.

JJ: At the next Board meeting, we will discuss the waiver requests; we have seen the septic system moved farther from wetlands, with alternative treatment. Please have verification of the reserve installation.

JS: What information can you provide regarding the noise for the abutters from blowers? BN: At normal operating volume, the sound is like the humming of a refrigerator; testing said 45 to 50 db operating range, I don't think it is loud, it just runs a lot.

BM: If we are compelled to grant variances, will they install the reserve area and pay a bond for O&M?

BN: I don't think there is any issue regarding installing the reserve trenches. There is still a question regarding installing a generator (ZBA). JJ: Can that be constructed regarding the site restrictions? BN: we are reviewing the grading on the plans.

BN: Placement of the tanks will be tight and possibly challenging. JJ: These are huge tanks and it is in an area that will be next to a huge elevation change from the leachfield/big drop from the field to the tanks.

JJ: Linda Segal asked about Sunrise Assisted living; the system failed prematurely. There are a number of reasons why it could have failed; they did not have any I/A technology, the system was designed using ground water modeling and a mounding analysis was done. In my review of the file; I could not determine the cause of the failure, there was no documentation in the file either. It is hard to say, could have been part of installation or poor materials or something that got flushed into the system.

Tom Sciacca: public comment background in noise. 50 db. at 3 meters would be very quiet 50 db. at 100m would be noisy.

BN: We have done this system in commercial and residential locations; I will try to get more information regarding the noise. JS: Can you ask the manufacturer to send the information to Ms. Junghanns?

Cascade 113-119 Boston Post Road (Mahoney's Garden Ctr.)

We are still waiting for the updated waiver list: they currently list; "all BOH regulations", are there other waivers that were not individually on the list? Currently, the final meeting deadline is now at the end of August. We have not yet received the promised hydrogeo study; the next ZBA meeting is on June 28th.

9:00 p.m. Discuss infill material for the artificial turf fields planned at the High School and Loker Recreation Area and well head protection for the Happy Hollow Wells- Public Municipal Buildings Committee meeting on June 26th at 7p.m. To solicit input into a recommendation

Artificial Field infill material

There is a video of the May 22 PBMBC available on WayCAM; there will be a similar presentation at next meeting tomorrow night. JS: still no update? SG: CA was to issue report this month; nothing yet.

JS: the issue is regarding the superior performance of rubber; which works better than other items and is decidedly less expensive than other infill materials and maintenance.

SG: The Turi report (toxic use reduction institute) looked at 3 rubber products; the Norwegian study looked at TPE and EDPM, both of which contain less toxic materials than crumb rubber. I would suggest asking them to look at TPE a plastic elastomer made from recycled tires.

Well Head Protection

JS: We don't know if there was any problem with the water supply; there was no evidence in the biannual reports reporting any metals. BM: I don't believe they have monitored the wells that were installed. JJ: The water dept. often updates the list of items they test for when they do tests on emerging toxins for public water supplies. They get money, I believe, and guidance from the state to do these additional tests on new toxins that could be of concern for public wells but aren't currently regularly tested for or regulated. Dr. Schuler will attend the PBMC meeting and ask about the TPE product as mentioned In the TURI report.

Public comment

Tom Sciacca: Julia spoke of the tires that contain varied chemicals in them; most of the chemicals have not been evaluated. New issue is; handouts were provided (2 separate articles). The tires are not being tested; we don't test the water for these chemicals. SG: Thank you, it was your list, where I found the TURI report information. BM: the manufacturer's recommendation for how the maintenance is to be done, (by hand is recommended) often it is done by machine.

TS: Weston and Sampson say there is no migration of the crumb products. TS: plastic pollution is in regard to the artificial grass pieces: there have been problems reported of animals eating the plastic. Great Meadows wildlife refuge is right next to the field.

9:15 p.m. Discuss high school project petition for BOH support.

JJ: Part of the new high school athletic complex involves the construction of new bathroom facilities; the location of which has not been determined. Weston & Sampson on behalf of the Town are looking to get a variance from the State Plumbing Board regarding the required number of bathrooms being required through the plumbing code and we are asking the BOH to support our request for the variance. Presently attendees of events at the High School complex have been using the indoor bathrooms in the field house. There was no one available from Weston and Sampson to attend this meeting and explain the waiver and request BoH support. They asked that we try to move forward with this anyway.

JJ: I believe that this request is reasonable. The addition of new bathroom facilities will be a huge improvement for outdoor events at the field complex.

Tom S: newly added information; Weston & Sampson did not include and was part of discussion with PMBC that they are expecting a 100% waiver. This is being added to the cost estimate for the projects. The board has question regarding if the numbers are accurate?

JS: the BoH does not want to make a decision on whether we support this or not without someone here from Weston and Sampson or the town to explain the request. JJ: I will circle back to them to see if anyone can attend our next meeting and put it on our next agenda.

9:30 pm Appointment of Sanitarian and Milk and Cream Inspector

JS: Motion to approve Darren MacCaughey as Sanitarian for fiscal year for 7/1/18 to 6/30/19, second BM vote 3-0 all in favor

JS: Motion to approve Julia Junghanns as inspector for Milk and Cream for fiscal year 7/1/18 to 6/30/19, second SG, vote 3-0 all in favor

Future meeting date is expected to be July 16th, all but Susan will be available. Possible August dates; 8/13 or 8/20.

9:30 p.m. SG: Motion to adjourn, second BM

Respectfully submitted

Patti White
Department Assistant
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