

BOARD OF HEALTH MINUTES  
Town Building- Health Dept. Office  
July 16, 2018

The meeting was called to order at 7:00 p.m., present were John G. Schuler, M. D. (JS) Chair, Arne Soslow, M. D. (AS) and Robert DeFrancesco DMD, (RD). Also present were Julia Junghanns, (JJ) Director of Public Health, Darren MacCaughey, (DM) Health Agent/Sanitarian and Patti White Department Assistant.

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

**7:05 p.m.          Public hearing to suspend Tobacco permit for (7) days as per Wayland Regulations Restricting the Sale of Tobacco and Nicotine Delivery Products- 28 Boston Post Rd. - Gulf Station- owner Manheim Mack**

JJ reviewed the violations: 1) selling a cigar product for less than the price outlined in town regulations. On May 21, 2018, the product was found being sold in the store during a compliance check by the Food Inspector. 2) Selling cigarettes to persons under 21; the Wayland Police conducted a compliance check on June 13, 2018 and the staff person sold to someone under 21.

As per Mr. Mack, the employee who sold to the person under 21 worked for the prior owner and was retained by the new owner. He was notified of the violation and informed of the town regulations.

Mr. Mack Purchased the store 7/16 2017, he now has a license for Beer and Wine as well.

The pricing violation was Mr. Mack's issue, he now does quarterly pricing. Increased inventory of all items is outlined on a spreadsheet. Orders are being tracked with vendors, to avoid the problem from occurring again in the future. Mr. Mack takes these issues seriously and stated that all employees are being sent for additional training on the town and state regulations. He is very apologetic and would like the Board not to suspend his tobacco license.

The fine is \$300 for each violation for total of \$600.00 and the tickets have already been issued to Mr. Mack. Tonight is a discussion by the BoH and his opportunity to plead his case so his tobacco license is not suspended.

**JS: Motion to waive the 7 day suspension for the 2 violations, the owner has taken steps to be sure this will not occur again. Second RD vote 3-0 All in favor**

**7:20 p.m.          25 Bow Road- Septic Variance from Town Regulations for new construction: addition of over 60%- owner Dan Hill (DH) and Kevin O'Leary, Jillson Company**

DM explains to the board that the owner will be designing a new septic system, and they are adding a detached office building. The project will add over 60% and triggers full compliance for the new septic system. There was a discussion of the total number of rooms, number of rooms that may fit the potential bedrooms definition and the total size of the addition being greater than 50% of the project.

DH: This is a 3 bedroom house with 2,200 sq. ft., we added a sunroom last year, and the lot is 22,000 sq. ft. in a septic zone 2. We have applied and received approval from the Historic District Commission and will need to go before the ZBA. We are proposing to add a 2 car garage, a family room, enlarging the kitchen and adding a master suite to the second floor over the garage with an additional full bath.

The proposed addition to the house will add 1,398 sq. ft. for a total of 61%. Regulations say over 59% you are in new construction.

Mr. Hill is asking for the opinion of the BOH regarding the definition of new construction; not every increase in square footage results in an increase in sewage flow. The project will not add bedrooms and the homeowner agrees to add a 3 bedroom deed restriction.

The detached 2 story home office (for Mr. Hill's legal work) is an additional 908 sq. ft., Title 5 says a home office does not count in design flow. The house alone is just 61%, Mr. Hill is asking that the detached office not be considered as increase flow which keeps the project at 2% over the requirement. The homeowners are installing a new 3 bedroom septic system at this time.

JS: how many bathrooms are in the house presently and what is proposed? DH: the house currently has 1 and ½ baths, we are adding 1 full bath in the master and one 1/2 bath in the detached office. DM: The septic code does not address the number of bathrooms in a home, regulations look at bedrooms and total number of rooms. The floor plans were reviewed with the Board.

The septic plans are designed at 165 g.p.d. to include for a garbage grinder; the plans have not yet been approved, they are under review by staff.

**JS: Motion to grant the variance for 25 Bow road, for construction that does exceed 60%, we will allow the additional rooms. The separate home office building will not be used as additional living space. There will be a 3 bedroom deed restriction filed and the owner will be installing a new 3 bedroom septic system. Second RD, vote 3-0 all in favor.**

**7:40 p.m. 40B projects**

**24 School St.**

The Director has prepared a draft Memorandum to the ZBA regarding the applicant's requested waivers for the comprehensive permit

JJ: the ZBA is looking for the Board of Health's input regarding the waivers the Applicant is requesting for this project. The ZBA is the granting authority for the requested waivers. The revised septic plans are still under review by BOH staff.

At this time we have been advised of the following:

the reserve trenches will be installed

Language was added regarding noise reduction protection for blower unit

The blower (shed for septic system controls will (NW property line) include a backup generator.

The numbers in the revised waiver list are updated from the original septic design, based on the mounding analysis and the design layout. The system has been moved slightly away from the wetlands.

JS: regarding the noise reduction; can the blower be moved away from the abutter? JJ: we do not have any specific details on what is being done. I have included the info in the ZBA memo.

DM: Just remember that in the future the owner of the apartment unit closest to the blower unit will be having the noise closer to them. JS: The current abutter is our concern. JJ: This may/will be our problem with a new resident, if they call regarding the issue.

AS: do the numbers in the proposed column meet the state requirements? JJ: The proposed numbers are the state requirements.

Sheree Greenbaum(SG): speaking as a resident- What does the developer have to show for the offset to the wetlands? Can you consider how it would impact the wetlands? JJ: the state offset is what we have to go on. State regulation addresses impacts by the required offset that is listed in the regulations.

Dan Hill: Chair of the Planning Board- not all bylaws and regulations that are requested should get waived. The ZBA relies on the Conservation Commission and the Board of Health to provide their opinions regarding the requested waivers. The developer can only get waivers that make the project work economically, waivers can be denied. The Planning Board advised the ZBA they don't think these waivers should be granted. There are a large number of units, on a small lot abutting wetlands.

Letter from Michel Wiggins, (Weston Patrick) Atty. for George Bernard, discusses his serious concerns regarding est. high groundwater analysis and methods used to create the mounding analysis. Henry Nover (Nover Armstrong) concluded that he was satisfied (verbally) not yet in writing. There was much discussion at the ZBA meeting between Dr. Wang and Nover Armstrong. The complete letter from Mr. Wiggins can be found in the ZBA School St. Drop box at:

[https://www.dropbox.com/sh/fimwoudz1e46dvq/AACxbVJHvzcWjOgoEgEr3GvOa/2018-07-11/\(4\)%20Correspondence%20from%20Public?dl=0&lst=&preview=Sachs+Jonathan+and+Greenbaum+Sheree+letter+of+July+5+2018.pdf](https://www.dropbox.com/sh/fimwoudz1e46dvq/AACxbVJHvzcWjOgoEgEr3GvOa/2018-07-11/(4)%20Correspondence%20from%20Public?dl=0&lst=&preview=Sachs+Jonathan+and+Greenbaum+Sheree+letter+of+July+5+2018.pdf)

George Bernard: Nover Armstrong did not read all the letters from Mr. Horsley, specific letters regarding it being a perennial stream not an intermittent stream.

Also a letter with comments from Mr. Horsley and his analysis and conclusion that the cumulative groundwater mounding will have a long term effect impacting the water table (creating a rise in the water table) that has not been addressed in the proposed designs. JS: questions regarding runoff and drainage. JJ: The stormwater review is still being discussed/reviewed by conservation.

SG: We have not received an updated stormwater report, the Conservation Commission has continued their hearing and they are waiting for that report.

Molly Upton, Bayfield Rd.: The runoff amount is greater than what was previously reported. With 4571 cu amounts of fill, if you raise the center by 3 feet, all building must be raised by 3 feet. I don't feel the plans are final. JS: This is the conservation review.

Sheila Carel, Joyce rd. The State buffer is 100' from wetlands. JJ: The State Regulations require a 50' offset from wetlands (the town regs require the 100 foot offset). SC: is there anything else inside that buffer? JJ: the tanks are.

Michelle Galia, Aqueduct Rd: how much higher is the stormwater? Now 3 feet. Scott H. says it should be closer to 5 feet. If you raise the stormwater, do you need to raise the septic tanks? JJ: if they change the design water

table elevations, they would need to revise the plans. We have not approved the plans, they are still being revised. August 30 is the current ZBA deadline, the next ZBA hearing is August 21.

**AS: Motion regarding the requested waivers for 24 School St.: Design flow, distance of trenches, offset to wetlands.**

**1) due to uncertainty as to high ground water mounding calculations**

**2) the density of the project**

**3) the proximity to wetlands and town property**

**4) the wastewater and stormwater influence**

**5) fan and noise abatement**

**The BOH does not recommend granting of any waiver/variances at this time.**

**Second: RD: vote 3-0 all in favor.**

Michelle Galia, Aqueduct Rd., she has questions regarding Natick watershed/potentially taking drinking water from Lake Cochituate. Has anyone questioned the impact of this project on this? Middle pond on Lake Cochituate is the evergreen watershed.

**Cascade at 113-119 Boston Post Rd.**

AS: Can you outline deficiencies in hydrogeo? JJ & DM spent quite a bit of time going over the report, the report is very technical and complex, the Peer Review is in process, we were hoping for some info by tonight's meeting, but we haven't received it yet.

The hydrogeo report/study is done to determine how well the land will receive the waste water (in this case close to 9,900 gpd). As part of the investigation, numerous deep test holes, percs and borings for monitoring wells (not all witnessed) were done. Boring hole samples are taken and tested for permeability at a lab, along with monitoring well readings taken at different times. The readings of the monitoring wells were done in December 2017, March 2018 and April 2018. AS: are those dates a dry time? Low or high readings?

JJ: The readings were higher than the models were, that was not necessarily expected. Of note: the report referenced 7,850 g.p.d. day; that is not matching project size which should be 9,980 g.p.d. (that may be how they run the report) JS: There were no septic designs? JJ: We do not have a septic design yet, at this time all we have received is a proposed septic location, we also received some letters from their engineer.

Dan H: Where was the well that read almost a foot higher? Was it in the leach field area? Well #3 read at 4 feet and Well #4 is 1.65' from the surface. JJ: There is ledge on the property and this is a great concern for me, we have asked about elevations of the wells and how deep they were dug, regarding ledge. DM: They state bedrock was not encountered, but did have notes of refusal as did we.

JJ: referencing the report showing monitoring wells, 2 are in the proposed leaching area. We have questions regarding wells referenced in the report, some are borings and some are monitoring wells but the report is missing some information. In a recent email, the flood plain issue was discussed and now they have refused to

do further investigation on the flood plain issue. They had previously said they would get the flood plain numbers.

JJ: regarding the updated waiver requests for this project:

The first one "Board of Health Regulations" - was to be removed and is still included on their list. They are not being clear.

The second one listed is "Floor Drain Regulation", is still on the list, and we had been told it was going to be removed/complied with.

We/BoH have already notified ZBA that we do not recommend waivers to be approved. The current closing date for the hearings is now August 31, 2018.

Lisa Newton, Sycamore rd. - How close is the leaching area is to the stream? JJ: we do not know exactly how far it is, we know they have asked for a waiver that is outlined in their waiver list but no distance is referenced. JG: We are aware this is an important resource to be protected.

Dan Hill: Do you have an update on the Town review of the project? JJ: We have identified funds from Conservation and Health and now that we have received the hydrogeo report we will request that the engineer begin the review and provide a report.

**8:30 p.m. Gas line leaks and health impact concerns consider potential BOH support letter - Sabine Von Mering, Jennifer Riley and Lisa Newton**

These residents have concerns regarding climate change and specifically the impacts of natural gas. They have stated that the public is not aware of the dangers. Documents were presented that present concerns regarding ventilation of gas stoves and respiratory illness in US children and Health risks of gas pipeline infrastructure.

They are requesting that the BOH sign a draft form letter to Governor Baker regarding health and safety concerns and discussions regarding the potential development of fracking gas infrastructure in Massachusetts. The letter is asking for a mandatory health impact assessment. The Sierra club says many BOH have already written their own versions. 59 BOH's have already done this, several are under consideration as well.

JS: what are you looking for from us regarding this? S: To end the use of natural gas. JS: I use natural gas and many others also do, what are the other options for us, what are we going to use? I have a problem with our opposing of a resource where there are people who need it and use it, what are the alternatives? S: new construction could be required to electrify.

There are concerns that the existing gas infrastructure leaks a lot and there is no incentive to fix it. We all pay for that, if they are brought to notice, they may fix the leaks; that alone would be a cost savings and health protection.

JS: We will read the information and discuss at a future BoH meeting. Sabine: I have forwarded maps of gas leaks of Wayland.

**8:40 p.m. Update on Marijuana Ballot question**

JJ: There was a very comprehensive discussion at the last Marijuana Working group meeting. We discussed time lines, factors impacting the choice of election dates, staffing, ballots, timeframes/timing. JJ and Sarkis have spent a lot of time on a memo outlining all the details to the BOS for review and consideration at their 7/23/18. The memo is still in draft form but we should have it ready in the next couple of days.

We will be recommending a special election before special town meeting in November. The ballot question will be voted on (majority needed), and then STM will require a 2/3's vote. The planning board will have the zoning in place as a backup (an area in town where a recreational marijuana business could be located). We took a straw vote at the marijuana working group meeting, and all were unanimous of the strategy/timing regarding the total ban.

**8:45 p.m.        Discuss High School project petition for BoH support on variance request to Plumbing Board for number of bathrooms being provided related to improvements at the High School Athletic Facilities. Weston & Sampson to present.**

Weston & Sampson has designed several of these projects and has obtained variances from other towns for 50% reductions (or similar/close to this amount) of the code requirement. G. Larsen (Building Commissioner) is in support of the request. A handout has been presented with the breakdown, asking for BOH endorsement to the Plumbing Board for the request of variances.

Currently at the field house and north building of the High School (combined) there is a total of 12 women's toilets, 5 male toilets and 6 urinals to serve 360 women and 660 men.

The proposed addition of 5 toilets for women, and 2 toilets and 3 urinals for men will cover the total capacity of men's requirements and 60% of the women's requirements.

Grandstand capacity is 1,400 with an addition of 80 persons on field (teams and coaches.) Full capacity of the field is expected for graduation and Thanksgiving and the Town will bring in portable toilets for those events. Ben Keefe and Paul Brinkman feel they can handle the capacity events in this manner.

JJ: The treatment plant is not presently working but is over designed at present for the school and should not have any problem accommodating the additional facilities. The plan makes sense given the expected event attendance and they have a plan for the 2 big events; Thanksgiving and graduation. The calculated numbers of toilets that would be required otherwise are really overkill.

The restroom building is planned to be located in the area where the existing concession building is located (current water and sewer at that location).

**JS: Motion to support the recommendations as presented by W & S to use the 50 % figure for standard capacity to be supplemented by the report. A letter will be sent on our behalf to the state Plumbing Board, second RD. Vote 3-0 all in favor.**

JJ: We will do a letter to support their request of a variance to the State Plumbing Board

**8:55 p.m.        Inquiry regarding concerns of fluoride in town water**

JJ: We have been contacted by a resident repeatedly who wants to have fluoride removed from town water. The person has raised concerns as referenced in the materials provided that was distributed to the Board.

RD: If we remove the fluoride from town water it will be create a problem for Wayland. There was a drastic decline in caries after Waltham added fluoride, it was a big change. There would be many dentists in town that would not be in favor of eliminating fluoride.

The Board reviewed the materials provided by the resident and discussed the points of concern made.

JJ: The board held several meetings and then a public hearing to hear the pro and con sides of fluoride in town water back in September 2013. There were some residents speaking for the con side and many dentists who attended and spoke in favor of keeping fluoride in town water and did not even want levels reduced. Through a BoH vote we ended up reducing our levels to the CDC recommendation of .7ppm in 2013. At that time MDPH had not adopted that lower level of .7 ppm yet but they eventually did.

After a discussion the Board stated that they feel it is best to leave fluoride levels in town water as it is. They do not want to open discussions to make changes to lower or eliminate fluoride levels.

**8:50p.m. Fees for pool abandonment**

Residents don't want to maintain in ground pools and we have had a number of requests for pool abandonment. As part of the process, we review the abandonment and do a site visit to be sure the work is done property. We are looking to set a more reasonable fee to cover the site visit, we recommend \$50.00

**JS: motion to approve the \$50 fee for Pool Abandonment. Second RF, all in favor vote 3-0**

**8:55p.m. Update on Community Health Nurse Job share HH School**

The current full time Community Health Nurse will be retiring in the near future, she would like to do a transition plan reducing hours and then retiring. An MOA to create a job share, splitting the job in half (and getting someone trained at the school), has been approved by Union and will be going to the Personnel Board. A Substitute nurse who is already in our sub-pool has expressed interest in the position. This type of job-share has been implemented in the past to help with a retirement transition and worked well.

General Business:

Future meeting dates - -August 13 Dr. Soslow will be away 8/27 to 9/10

There were no bills to be paid

The director's report was reviewed and is attached

Meeting minutes: May 7, 2018

**JS: motion to approve minutes as submitted- adding Dr. DeFrancesco's credentials (DMD), second AS vote 3-0 all in favor**

**9:00 p.m. JS: motion to adjourn Second AS**

Respectfully submitted

Patti White

Department Assistant

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APPROVED 09/17/18

