

BOARD OF HEALTH MINUTES
WAYLAND TOWN HALL- HEALTH DEPARTMENT OFFICE
JANUARY 14, 2019

The meeting was called to order at 7:10 p.m., present were Susan Green (SG), John G. Schuler, M. D. (JS), chair, Robert DeFrancesco, D.M.D. Also present, Julia Junghanns Director of Public Health and Patti White Department Assistant.

7:10 p.m. Public Comment- Jaya Mills- 9 Carpenter Road, WHS student – Ms. Mills has come before the Board regarding a proposed project for Girl Scouts. She is proposing an article for Spring Town meeting to ban plastic straws in restaurants/retail and is asking the BOH to support her article. The Board had discussion and does not feel that this is a health issue, however, supports the idea of the ban for environmental reasons (less waste/more environmentally friendly products). The ban on polystyrene was brought to the town meeting as a petitioner's article, and was set for the Health Dept. to oversee the ban. The plastic bag ban was also a petitioner's article and the BoS have control although the Health Department has received complaints/calls on both bans and assists when we are able. These bans had heavy outreach to impacted businesses in town to prepare them way in advance. We did mailings/emails so businesses could use up products and plan for new products to be ordered. This process should be followed again if the ban passes.

SG: Move to support plastic straws ban for retail use (restaurants and fast food) second JS: JS: No, 2 votes yes, RD and SG.

7:20 p.m. Discuss possible Local Regulation Addendum to new State Food Code, 105CRM.001 to include establishments that offer only prepackaged foods that are not time/temperature controlled for safety.

The new food code does not include businesses that carry nonperishable food items. Since it is not in the new state regulations the Food Inspector and Health Director feel this is still needed for us to continue to inspect these establishments, and also be able to check for other new products being brought in for sale, so we are able to inspect bathrooms and confirm that there is no sale of expired food products. Staff will compose language and will come to the Board for a public hearing.

7:15 p.m. 30 Davelin Rd., Construction project adding over 60%, request for waiver from Local Septic Regulations, owners Bakul Wadgaonkar (BW) and Rahal Datar

The homeowners are proposing an addition over 60% which triggers new construction requirements. The septic system that serves the property was upgraded in 1999 but does not meet new construction and therefore the project would trigger the septic to be updated. The current floor plan of the house is 4 bedrooms with a 3 bedroom septic system. JJ: The septic system was upgraded in 1999 for 3 bedrooms on a lot of 20k sq. ft., which passed a title 5 inspection in 2014; the current owners purchased the property in 2015. JS: the basement currently has a finished family room and room with closet- not used as bedroom. BW: We have been having problems with water in the basement. As part of this project, we will un-finish the basement and remove rooms. There was no sump pump in the basement at the time of purchase and were no water issues reported at time of purchase. At present the first floor has 3 bedrooms, one of those "bedrooms" has a door to the outside and it is a pass through from the kitchen to other bedrooms. We have tried to reconfigure the rooms, but this bedroom is the second egress from the house and the only way to go from the bedrooms to the kitchen. A previous design was to move two bedrooms to the second floor and leave the master on the first, this would have been under 60%, but the appearance of the smaller second floor was not aesthetically pleasing. It's a 20k square foot lot. JS: do we need to do deed restriction? This project as presented will not put additional flow into the septic system.

JS: Motion to approve the variance request for 30 Davelin Rd. Permitting the addition as proposed with for an increase of over 60%. The existing 4 bedroom home will be reduced to a 3 bedroom home according to plans date 10-10-18. A Deed restriction for 3 bedrooms will be required. Second RD: vote 3-0 all in favor.

7:40 p.m. Application for Body Art practitioner permit to perform scar camouflage, applicant Annela Qureshi

The applicant works as a licensed surgical assistant for a plastic surgeon in Wellesley. At her prior job in Texas, she had been doing scar camouflage work; this is more surface work not as deep as traditional tattoos. She brought the scar camouflage work into the practice in Wellesley; she is now looking for an individual license to perform this work in other locations. She has some potential work with a doctor's office in Wayland and was looking to become licensed in the town. The Wayland Regulations are for Body Art Establishments and Body Art Practitioners. The regulations are written to grant a permit to perform body art in an establishment that has been granted a permit by the Board. Without a licensed establishment in mind to perform the work at the Board cannot grant the applicant a license to practice.

JS: You would need to apply with a potential location/office of practice; this would be attached to a practitioners office that would meet the criteria for a Body Arts establishment. We would need the applicant to apply with a letter from the physician in Wayland to come and practice body art in their office. At that point we may reconsider a practitioners permit.

7:50 p.m. 60 Shaw Drive, Request for more time to complete septic repair for failed system, Owner Janot Suarez Mendler (JSM)

The property failed a title 5 inspection in October 2016; a septic design for 5 bedrooms was approved in April 2016. In June of 2018 the owners resubmitted septic plans for 7 bedrooms which was approved in June 2018. Under Title 5 requirements repair of the failed septic system must be installed within two years. The owners have requested a 2 year extension on the installation of the system. The property is now owned by Ms. Mendler, her Husband, Kaat Vander Straeten and her husband Satra Ghosh. They are presently in discussions for possible future development of the 5.83 acre property with an abutter. They have also discussed keeping the original house and installing the 7 bedroom septic; doing work on the house and possibly dividing up the house into condos.

The house is currently vacant and now has a mold issue; they have hired a company for remediation. They are hoping to rent the property after the mold is taken care of. Because of the outstanding questions regarding a possible development at the property the owners are requesting permission to install a tight tank which would allow the home to be rented/occupied and would provide time to continue working on plans for development. They are looking for advice to get approval for occupancy of the house. It has not been decided whether the house will be rented or occupied by one of the co-owning families.

John S: The house is vacant with a failed system, the 2 year window for repair has passed; there has to be some type of septic system. JJ: we need to figure out the most reasonable way for something temporary. John S: how many people will be living there, tank must be accommodating.

JJ: Darren and I reviewed this situation and we think if you are using the approved 7 bedroom plans that include a 2500 gallon tank, you could begin installation and put the tank in. Then the tank could be plugged to act as tight tank and then can be opened and connected to leach field. This is an option to consider that would likely work.

John S; if the leaching field is not installed how often pumped? JJ: it depends on the size; a 2500 gallon tank is larger than a typical tank which is usually 1,500 gallons. A typical tank may be \$250 to pump, that would probably double for a larger tank. We do not want to have breakout, the tank would have to be pumped on regular schedule and we would need to be kept in the loop. It would probably cost several thousand dollars to install just the tank. How long would you be doing this, it is unusual and unsettling, regarding the number of people and the time frame requested. Janot S: No more than 2 year time frame. JJ: We would need to set a

schedule of time for pumping as we are the enforcing agency for state sanitary code. We would have to enforce for the tenants. Janot S: We are not sure if it will be co-owners as tenants. JS: It has been 2 years, and we understand the need for time to be able to work on development plans. JJ: we will require the 2,500 tank to be installed; it is already designed and approved. JJ: Use and pumping frequency will depend on the number of people; as owners you have control on what is being used, multiple showers and laundry, dishwasher and will be responsible to set up the amount of wastewater pumping. We don't want to create an issue with tenants occupying a house with a failing septic system. Owners have an interest; where you do not want to have tenants who do not care how much water they are using. Janot S: This can be installed now? JJ: Weather permitting, yes this can be done, once the work is started, (tank installed) there is an end time as to when the rest of the system has to be installed. JS: The applicant is to return to BoH to confirm when the house will be occupied and who will occupy and we will require the tank to be installed before occupancy. JJ: I will send a letter to outline the details.

8:00 p.m. Review and discuss preliminary 3- lot Subdivision on Shaw Drive and draft comments for the Planning Board.

Brian Levy, attorney for owners of property abutting 57 Shaw Drive. The west side of the vacant land is the proposed development, the east side of the property abuts 60 Shaw drive. We are requested to comment on the preliminary plan at this time, in the future if the project moves forward they would move to a definitive plan and BoH would formally vote on the plan. JJ: Staff reviewed the plan for the three house lots which showed soil testing and perc testing areas. Soils show suitable materials for designing/constructing a septic system. There are areas of identified ledge on the property so if things move around that needs to be considered. The definitive subdivision plan will have more detail regarding setbacks and the final septic layout, detailed septic design plans for each lot would be engineered after the definitive plans are approved by the Planning Board. JJ: I will be providing my draft comments to the Board. Attorney Levy is working with the owners of 60 Shaw Drive; they are still in discussion.

8:10 p.m. 533 Boston Post Rd, Herb Chambers Jaguar/Land Rover of Sudbury, Application to extend an existing commercial building, Provide comments if any to ZBA for site plan review.

Kelly Killen (KK) of CHA is here to discuss the proposed project. The project will go before the ZBA for setbacks from the parking area and they are here for BOH questions/comments that will be provided to ZBA. The majority of the project is in Sudbury but there is a small addition in Wayland that includes a floor drain. Also, there is significant site work upgraded landscaping/stormwater drainage also planned both in Sudbury and Wayland. Questions were submitted to Atty. Fox regarding floor drains in the service drop off area (as per Town BoH Floor drain Regulations). We have been advised that the floor drain will flow into a tight tank, similar to one currently on the property. They will provide pumping records on a spreadsheet. JS: how much new area is being constructed? There will be approximately 2400 sq. ft. in Wayland, most of the site work in the parking lot and renovation work in the building is in Sudbury. We are not sure of the size of the septic system but it is located in Sudbury. JJ spoke with Sudbury Director Bill Murphy and he said that Sudbury will look at the project and they are supposed to be meeting this evening also. KK: the floor drain is in the drop off area where cars will enter the building; the drain will collect droppings from cars. The parking lot will have storm water recharge systems designed. Plans for the Wayland addition include an interior service drop off, and expanded greeting area away from service. It is a 2 floor addition with office spaces above. ZBA is asking for comments, JJ is looking for more info regarding tight tank info. They have provided a certification letter that the design will comply with BoH Regulations and they will provide the detail for review by Health Dept staff and plumbing inspector once it is prepared. Conservation will review the stormwater design. Applicant: the whole building will be remodeled; the current dealerships are Jaguar, Land Rover, Alpha Romeo and Lamborghini.

8:40 p.m. Ch40B Projects any updates or new information: 24 School St. – Winsor Place, revised septic design plans. 113-119 Boston Post Rd- Cascade Wayland

We have received revised septic plans for 24 School St.; the plans have been redesigned with technical updates from review comments. Staff questions are in the process of being answered. We are still waiting on detail on the retaining wall. The plans will not come to the board until after the ZBA has approved the Comprehensive permit and made their decision on the waivers requested. We will determine next steps after ZBA makes their decision and writes the conditions.

George Bernard, 103 E. Plain St., and Michelle Galia 20 Aqueduct Road have come before the Board to provide comments and discuss the project at 24 School St. They have concerns they wish to express about the septic design and the requested waivers from BoH regulations.

Scott Horsley will present to ZBA on January 22nd prior to the opening of the School Street hearing. The neighbors would like the Board of Health and/or staff to come to the meeting and provide comments. The ZBA asked Ms. Leifer to invite BOH. JJ: I am not sure but I may be away for the holiday weekend, if so I may not be back for meeting. JS: We will try to have someone there. Michelle: We will be discussing the 75' setback to wetlands. SG: have we talked about setbacks with larger flows?

Molly Upton, Bayfield Road has submitted a document dated January 14, 2019 to the Board regarding Letter 12/21 Scott Horsley, and referenced work done by the project proponent's engineer Mr. Deshang, as well as the ongoing debates on mounding analysis and long term impacts on mounding. Also, mentioned the offset waiver and septic effluent impacts on wetlands; nitrogen, pathogens, phosphorous/etc.

Ms. Upton is questioning if the septic design is adequate. She has concerns regarding the layout of the units, at present there are 10 units with 2 bedrooms and 2 units with 3 bedrooms for a total of 26 bedrooms. Ms. Upton has concerns that there is the option for each of the 2 bedroom units to be used at 3 bedroom units, increasing the septic flow of the system. The design shows a room on the bottom level of the townhouses; it is the 3rd bedroom for the 3 bedroom units and is listed as an office for the 2 bedroom units. Ms. Upton is a past member of the Board of Assessors and has toured houses, and does not believe that deed restrictions will keep from tenants using the office as a third bedroom. If the project is not downsized, it will really be a larger project than 2860 g.p.d. If the proposed F.A.S.T. system is installed closer to wetlands is that better than no F.A.S.T. system with a longer distance to wetlands? JJ: the Fast system will not reduce phosphorus; but will reduce BOD and TSS. In our memo to ZBA we provided comment that the fast system should be required and written into the conditions of any approvals.

SG: If this project is designed for a specific number of bedrooms and there are other rooms, is there a margin in design for more bedrooms? JJ: DEP Regulations say that 110 g.p.d. per bedroom is more than what is used on a daily basis, it does have a fudge factor however it depends on use. JJ: Dep Regulations and offsets for wetlands were designed with science in mind to account for considerations of treatment in the soil of pathogens, nitrogen, etc. That is what the soil testing and septic design process is intended for; Soil testing/perc testing, determining the high ground water elevation, and soil types are identified/tested to determine a loading rate to size the system. JJ: Rental units are not carefully cared (specifically water use/what goes down the drain) for as opposed to owner occupied homes. JJ: Staff has reviewed the project very closely and has provided numerous comments and memos to the ZBA. JJ and SG attended a ZBA meeting and spoke and identified concerns. SG: what else can we say? We will try to find someone to go and speak; all the information has been provided to the ZBA in writing. Michelle G: There has been so much paperwork presented to the ZBA, it would be helpful to have someone there to speak to top concerns.

JJ: I will pull up last memos that included the information and recirculate these memos to the ZBA and BoH.

MU: We need info regarding setbacks. Michelle G: we also have questions on groundwater and the flow of the water table. George Bernard, East Plain St., Brett Leifer was not able to attend tonight and ask for his written statement be read into the meeting minutes. Mr. Leifer is concerned about the 7' retaining wall that is within 2 feet from the property line. His second concern is that he is worried that the ZBA will not take the BOH concerns

regarding the waivers seriously and has asked that a strong letter from the BOH to the ZBA regarding the waivers be written.

Cascade Wayland 113-119 Boston Post Road

The Comprehensive Permit for the Cascade project was approved by the ZBA and the Board has denied the BOH waiver requests. The project proponent may take appeal the decision with the housing court. We will have to wait and see what happens. At this time there is nothing we need to act on.

9:00 p.m. Review and discuss revised draft Local Septic Regulations

We are passing over this agenda item to the next meeting.

8:45 p.m. Discuss BoH Chair role and potential rotation, nomination papers due March 5th for expiring board seats; election is April 23rd.

JS: I believe this should be a rotating position on an annual basis, in order to allow each member to experience how it works. SG: I am ok with that. RD: I am still learning the process. JS: next acting chair should be Brian. JJ: his term expires soon but he said he will be running again and pulling nomination papers. I will let him know when the deadlines are.

8:50 p.m. General Business

Bills have been signed, Set meeting dates for February, we will meet either February 4 or Feb 11th and will focus on review of the revised septic regulations, DM will be present. JS may have meeting on Feb 4th. JJ will check with other members to find out availability also.

8:55p.m. Minutes of October 15, 2018 and November 5, 2018

Sg: I have several small edits for the November 5, 2018 minutes and I will provide them in writing.

JS: Motion to approve 10/15/18 and 11/5/18 minutes as amended. Second SG: vote 3-0.

9:00 p.m. Discuss Juuls and vaping product ban

JJ: If we adopt Town Regulations, there would be an effective date in the future and we would likely do outreach beforehand to advise any impacted businesses so they can prepare. Dr. DeFrancesco has sent information to Julia regarding oral health from vaping; Julia will share the information with the board. JJ: I will send Dr. DeFrancesco's letter to Jason in Y&FS and share Jason's letter with the Board. There will be a presentation at the schools on March 3rd regarding vaping. We should plan for more discussion at a future meeting.

9:10 p.m. Director's Report- The Director provided a written report. It came to our attention at the pre-permitting meeting on the River's Edge project at our meeting with MassDep that our town WWTF Regulations are very outdated. Setbacks and testing requirements in our regulations exceed what is necessary for advanced technologies that provide much improved treatment since the regulations were written. We should update the Wastewater Treatment Plant regulations in the near future, a consultant will be needed for review and to recommend revisions. The owner of the property at 138 Lakeshore has been cooperative and responded to our letters and we have spoken on the phone as well as communication via email. We will be arranging a meeting with the owner, engineer, and Conservation agent at the site. It will be a very difficult septic to repair due to the very close proximity of the land/house to the pond and the small lot, as well as the low elevation (at pond level).

Update on River's Edge project (484-490 Boston Post Rd.)

Soil testing for the WWTP to serve the River's Edge project is scheduled for January 15, 2019, department staff will be present to witness.

Update on 8 Hill St.

The project is still in court regarding the potable well permit for 65 East Plain Street. Weekly monitoring well readings are being recorded at 3 locations around the lot (on the property of 65 East Plain Street). We have been working with soil/wetlands scientist consultant Peter Fletcher, and have also consulted with MassDep on a plan to address our concerns. We are leaning towards initiating a plan to install a monitoring well in the proposed leaching area location on 8 Hill Street.

Update on Town review process for Loker Conservation and Recreation project

This project was initially before the Planning Board for site plan review but it was determined that the project should be before the Zoning Board instead. Comments were initially sent to the Planning Board and JJ will send finalized comments to the Zoning Board of Appeals in preparation of the hearing.

After the last BoH meeting's discussion (12/3/18) a revised memo was written to BoPW to memorialize our discussion and feedback regarding domestic water shutoff policy. The memo has been forwarded to the BoPW.

The Atty. General approved the Zoning Article for Marijuana as presented/approved at Special Town Meeting. The Planning Board is now initiating amending the Zoning to be for Medical Marijuana only. This article will be included in the Annual Town Meeting Warrant more information is forthcoming.

9:30 JS: Motion to adjourn- Seconded, all in favor.

Respectfully submitted
Patti White
Department Assistant
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APPROVED 021119