

Board of Health Minutes  
May 14, 2012

The meeting was called to order at 7:30 p.m. Present were Thomas Klem (TK()), Chair, Cynthia Hill (CH), and Michael Bean (MB), M. D. Also present were Julia Junghanns (JJ), Director and Patti White Department Assistant.

7:30 p.m.       **Public Comments:** Cynthia Hill presented Julia and the Board with the MRC award.

7:35 p.m.       **Andy Irwin, 73 Plain rd.- speaking on behalf of the Conservation Commission regarding setback for 75' from wetlands.**

Mr. Irwin, Concom Chairperson, has brought a statement from the Conservation Commission regarding "Area of Common Interest". This is the statement read at the meeting:

Wayland Board of Health has a regulation that requires a 75' setback of septic system leaching fields from wetlands. MassDEP gives a presumption that properly designed conventional systems located outside the 50' or local wetland setback, if greater, are not expected to have a negative impact. If the project is within 100' of a wetland, the Conservation Commission will have jurisdiction, and we want to coordinate with BOH on what will be required of the property owners, especially when systems may be located closer to wetlands or surface waters. The Conservation Commission recognizes that the BOH may give a variance from the 75' wetland setback the Conservation will expect that property owners consider use of alternative treatment systems for higher levels of treatment as a condition for obtaining the variance. This additional treatment for leaching fields located less than 75 feet from wetland, and particularly surface waters, is necessary to avoid higher loadings of nutrients reaching the wetland resources area and causing significant environmental and health impacts including eutrophication, algal blooms, proliferation of invasive plant species, and other unhealthful conditions from discharge of inadequately treated sewage.

Mr. Irwin is looking to connect the Conservation Commission and Board of Health in discussion regarding setbacks from wetlands and waterfronts. If the setback is under 75' or in some cases further away there may be impact with the buffer zone. He has questions regarding our garbage grinder requirements and 50% greater size of leaching area. Surface Water Quality Committee has raised concerns regarding possible systems that could need alternative treatments. The Conservation Commission is very interested in areas like Dudley pond and other areas close to the water, possibly considering shared or collective systems and taking into consideration use of I/A technologies. They would like to propose a drip irrigation system for the shared system at 122-124 Lakeshore Dr., Concom is hoping to have a representative attend the meeting on May 29<sup>th</sup>.

7:40 p.m.       Mike Wegerbauer has joined the meeting

7:40 p.m.       **4 Cobblestone Circle- Animal keeping permit for chickens. Sharon Hornstein- owner**  
They will be building a coop with a fenced run for the chickens. Sharon will notify staff when the coop and the fencing are done, the staff will go out and inspect. The waste will be added to their compost. It is an enclosed container with a turner. They have 4 plots at the community garden, so they will put some in the beds there.

**MB: Motion to approve animal keeping for chickens at 4 Cobblestone Circle, as presented to the BOH. Second TK, vote 3-0 all in favor.**

7:50 p.m.       **14 Hidden springs Lane- Daryl Nash owner and developer- Deed restriction approval for finished basement.** This house is part of a new development. All septic systems meet new construction standards and Town BoH Regulations. The septic system is for 5 bedrooms with 11 rooms total. There are 10 rooms in the upper level. The proposed plans for the basement will bring total room total to 14 rooms.

**TK: Motion to grant deed restriction approval. No more than 5 bedrooms based on plans presented tonight dated April 18, 2012, with a total of 14 rooms. Second CH vote 4-0 all in favor.**

8:00 p.m. **17 Rich Valley Road- Richard & Tanya Peck Owners; Robert Drake, Engineer. Deed Restriction and modification of Board condition.**

Kevin Neprud is presenting the design plan for finishing two rooms in the basement. The design calls for using insulated concrete foam on the walls, which require sheetrock and primed painting. The Peck's came before the Board on 3/26/12 regarding construction of the addition of a 4<sup>th</sup> bedroom. The Board decision stated that the total finished living space was limited to no more than 2800 sq ft. the two rooms in basement will have windows that are not approved for bedrooms. This is a 4 bedroom house with a total 9 rooms. With the basement finished will add another 418. Sq ft.

**MW: Motion to approve plans dated 4/12/12 number A100. Subject to a 4 bedroom deed restriction being filed. The maximum room count of 11 rooms, total maximum square footage of 2800 square feet, excluding the basement area square footage. Subject to the 4 conditions being met. (add 4 points from the 3/26 minutes). Tk second. All in favor 4-0.**

8:25 p.m. **6 Haven Lane- variance request for local upgrade for septic system repair. Engineer Civilized Solutions- Paul Saulnier, P. E.**

This is a very small lot abutting the Mass Pike, with wetlands in the backyard. The house is 3 bedrooms. The project will require removing about 8 feet of fill material in the front yard. The property has been surveyed this past weekend, the lot small, the proposed system has been moved closer to the house.

- 1) Variance request from Wayland regulations to reduce the leaching area to 500 sq. ft., which will meet title 5 regulations (Wayland regulations require 800sq ft.),
- 2) Variance to allow the leaching area to be as close as 15 feet from the foundation vs 20 feet required. Staff is requesting 40 mil barrier between leaching area and the foundation.
- 3) Variance request for the leaching area to be 5 ft. from the property line with Haven Lane vs 10 feet required.
- 4) Variance request for the septic tank to be within 5 feet of the property line with 4 Haven Lane vs 10 feet required.
- 5) Variance to allow the septic tank to be 5 feet from the foundation vs 10 feet required. To have a 40 mil barrier included between the tank and foundation.
- 6) Variance to allow the bottom of the leaching area to be 3 ft over seasonal high groundwater verses 4 feet required in order to avoid the use of a pump chamber, also limited area and grading issues, on a difficult lot.
- 7) Variance request to allow sieve analysis to be performed on soil samples instead of a perc test due to the presence of groundwater making a perc test impossible.

Check with the building commissioner regarding inspecting the foundation because of the excavation comes within 5ft of the foundation.

**Tk: Motion for allow the variances for septic system repair/upgrade at the property 6 Haven lane as requested in the letter from Civilized solutions dated May 14, 2012 . The approval is subject to the addition of a 40 mill barrier to included along the limit of excavation between the system and the foundation (#3) and a 40 mill barrier added between the septic tank and the side of the house.(#4). CH second vote 4-0 all in favor.**

9:00 p.m. break.

9: 05 p.m. **Steven Garvin PE representing Devin Hamlen for a special permit project at Covered Bridge Conservation cluster development.**

The project was originally allowed to have 15 units on 15 lots and they are now looking at doing 13 units on 12 lots. The Homeowners Association will cover the "condo unit" and they will maintain the "covered bridge" which is not a town road. The road to Apache Trail is a locked fire road, this is not paved.

In the Conservation Commission Order of Conditions for lot three, one of the restrictions was that Concom felt that there should not be a garbage grinder. The Planning board is looking for BoH recommendations before their hearing on May 27<sup>th</sup>, at which time they are hoping to approve the changes for the project.

Each lot would need detailed septic plans. BOH is recommending separate tanks for the multi-unit building that will be sharing the leaching area.

9:20 p.m.           **150 Main Street- former Finnerty's restaurant. Steven Garvin from Samiotes Consultants representing Matthew Levy and Jesse Adleman, applicants and owners of the former Finnerty's restaurant.**

Requesting variance from Wayland regulations to construct restaurant with mixed and retail use. Previous use was 276 seat restaurant, the new owners are proposing to construct 170 seat restaurant and retail space.

They expect a reduction in flow of approximately of 2,700 g.p.d. Prior projects seen include the former VFW property septic system, which went from VFW (commercial use) to a 4 bedroom house with a reduction in flow of 1700 g.p.d.

Staff has met with the owners and Samiotes Consultants to discuss the regulations. They are looking for the restaurant flow to be 35 gallons per day as opposed to Town Regulations of 70 gallons per day. There is a BoH staff concern for the longevity of a leaching area serving a restaurant, that is the basic reason for the Town Regs of 70 gpd. Restaurants take a toll on septic systems with food use, waste, grease/fats and solids entering the system and clogging things up. There have been other restaurants that have experienced premature failures. Our town Regs were written with concern for new restaurants and the additional stress on the system from food and grease from the restaurant. Is there an I/A system to address the grease issue?

Request for the variance from 70 gpd to 35 gpd for the design to serve the proposed restaurant building.

**MB: Motion to approve variance for 150 Main Street for a restaurant not to exceed 170 seats with a grandfathered flow rate of Title 5 35 gpd per seat. It is understood that final approval for the project at 150 Main Street is subject to review by the BoH including grease traps. And is also subject for the inclusion of the design of alternate leaching area. TK second   vote 4-0 all in favor.**

10:20 p.m. Mike Wegerbauer has left the meeting.

10:25 p.m.   Approve minutes of 2/27/12 and 3/12/12

**TK: Motion to approve minutes of 2/27/12 & 3/12/12. Second MB   all in favor 3-0.**

The Board has been presented with the revised guideline document as requested by the Board regarding Local upgrade approvals for septic system repairs: see attached.

**TK: Motion to approve local upgrade approval guideline document for septic system repairs dated May 11, 2012   CH second.   vote 3-0 all in favor**

Bills have been approved.

10:30 p.m. **Animal Control and Food Inspection contract positions.** Finance department had advised us that they have been notified through the auditing process that due to the amount of these contracts we are required to put both contracts out to bid.

The Director's report has been reviewed.

The next meeting dates are scheduled for Tuesday May 29<sup>th</sup> and Monday June 4<sup>th</sup>.

10:55 pm. Meeting adjourned.

Respectfully submitted  
Patti White  
Department Assistant  
051412 minutes  
Approved031714