

BOARD OF HEALTH MINUTES
September 8, 2014

The meeting was called to order at 7:03 p.m. Present were Tom Klem, (TK), chair, Cynthia Hill (CH) and Elisabeth Brewer, M. D. (EB). Also present were Julia Junghanns, Director of Public Health and Patti White, Department Assistant.

7:04 p.m. Public Comment- there were none

7:05 p.m. Castle Hill Conservation Area- Removal of old drums- Resident Mike Lowery

JJ: The DPW began work to remove the barrels today, the Fire Department (Chief Smith) is overseeing the efforts on FD side. Three of the 10 barrels have been removed, there is a dry asphalt type material inside the barrels and the containers were quite heavy. The barrels are believed to have been in place for the past 20 years or so. The DPW is working with the FD and overseeing efforts to get the barrels moved out of there. During the project of removing the barrels with a motorized cart, the foot bridge collapsed. 3 barrels have been removed and the bridge has now reportedly been repaired. Chief Smith will be providing a report of findings, and actions on this issue and their efforts. The Board wished to be copied on Chief Smith's report and the final reports on the clean-up.

Linda Segal Aqueduct Road- speaking as herself. She has not heard of the mention of a LSP (Licensed Site Professional) onsite for the removal project. Linda is familiar with reports from LSP with DEP file numbers and they do the removal closure report. (Is Chief Smith a LSP? Or did DEP not require that). JJ: Chief Smith has been working directly with Dep on this effort and has gone through a process to determine what needs to be done and how things should proceed with removing the barrels.

CH: Is this in the purview of the BOH, since we are not responsible for the barrels or the property and we are not involved in cleanup?

JJ: although not typically the department to handle cleanup or actions, BoH can be the watch dog for these types of things.

7:20 p.m. Mike Wegerbauer has arrived at the meeting. Dr. Bean has arrived at the meeting

7:20 Home sizes w/deed restrictions- Resident Molly Upton

Septic systems have restrictions for a reason; the Zba has limits regarding expansion over 20%. Con com has restriction to 30% of impervious surface. Building construction restrictions are vague, deed restrictions are not enforced after the certificate of occupancy is issued, The assessor's need to have permission to enter a property, but do not have to be allowed to enter.

Molly U. has submitted a document for board review. She is concerned about properties that come before the BOH office- new construction or renovation that require a deed restriction. She wants the Board to set restrictions for the amount of square footage of the project.

There are questions raised regarding owner's rights to do what they wish with their property and develop their property as they wish.

JJ: the BoH has no regulatory jurisdiction or authority over the sizing of a home (square footage). We have a policy to use as a guideline for projects that request variances but it is not a regulation. We have the 60% rule that is part of our town septic regulation that triggers an upgrade to your septic if your house addition is over 60%. This sometimes limits people from construction over 60% if they can't meet our regulations but some may

request a variance. For home construction projects we have regulatory authority over septic systems through town and state septic regulation (Title 5). If the town wishes to impose restrictions on sizing/square footage of homes it would be best suited in the Zoning Bylaws of the town and overseen by the ZBA.

David Hill- Orchard lane: Isn't the crux of the problem –enforcement? JJ: deed restrictions would be very difficult to enforce. A deed restriction is attached to the deed of the property forever.

TK suggest a future discussion regarding bedrooms/vs living sq footage and Pumping reminders.

7:45 p.m. 7 Lincoln Road- Septic System Design- Jason Lavoie (JL) of Jillson Company

JJ updated the board regarding the last conservation meeting. JL: There are two separate regulations being heard and decided. Wayland (chapter 194 wetlands bylaw) and the State Conservation Regulations. Public Hearings are held, and then the hearings are closed one at a time (closed: not receiving any further input on the matter), the Commission makes their decision at their next meeting, and then they move on to the next 1 of the process. The hearing for the State Regulations has been closed, but the decision has not been made public. Once the State regulations have been decided, then the Wayland regulations will be finished review and closed for comment, with the decision to follow.

CH: Sheere Greenbaum commented at the last BOH meeting that the plans presented to BOH were new and had not been seen by Con/Com. JL: that is correct, the revised plans were submitted to BOH for Septic approval before the continued hearing with Conservation. CH: I attended the Con/com meeting and I am still confused regarding 3 bedrooms vs 5 bedrooms

Jason : the 5 bedroom septic design is fully compliant with Wayland and State Title 5 septic Regulations (no variances requested) They may not meet con/com regs. The con/com has asked for a 3 bedroom design. The original engineer had done some 3 bedroom design on another area that would have created a much larger disturbance and would have taken down many more trees. The new location of the 5 bedroom is a much smaller disturbance area.

If the system was done as a 3 bedroom repair they could ask for variances from the BOH. Con/Com wants the septic to be as small as possible, but requesting variances they could even reduce the square footage of the leaching area.

The septic system has failed a title 5 inspection. Jillson is designing a 5 bedroom system for the Family Trust. The property will be sold with an approved 5 bedroom system and the new buyers will proceed with the necessary approvals from the Con/Com for the new owners construction projects for the house. The house is presently a single family house that has been gutted so adding rooms to the house could be done without changing the footprint.

JJ: if a septic system design meets our regulations for new construction then we are required to approve it, if we do not approve it we open ourselves up for litigation. In this case the design meets BoH new construction septic system regulations and no variances are requested. We do not oversee conservation regulations or compliance and that is the charge of the concom. BoH oversight involves management and ensuring regs are met for Title 5 and ensuring a compliant fully sized leaching area is designed for new construction. A smaller leaching area requiring variances for new construction would not be advised unless it is a repair (no increase in bedrooms) on a difficult lot.

MW: Motion to approve the 5 bedroom septic system for 7 Lincoln road with plans dated received July 28th. Encourage the owner and builder to meet all conservation regulations, restrictions and recommendations. Second TK vote yes 3 no 2 (TK and CH).

8:25 p.m. 125 Dudley Road property Lien authorization

There was a failed septic system that the Board had been paying to pump the system and putting liens on the property until a new septic system could be installed. The new septic system has been installed. All liens from the pumping have been attached to the property except for a final lien for approximately \$1050 and pay for abandonment of a potential un-expected cesspool on the property.

JJ: is looking for board authorization to place the lien on the property for the outstanding pumping records and approve the abandonment of the cesspool and lien for the total outstanding amount due.

8:25 p.m. 8 Haven Lane Deed restriction for finished basement and adding $\frac{3}{4}$ bathroom- Owner- John Zhang Purchased house in 2009 from bank. The property is not owner occupied. New septic system has been recently installed to replace the failed system, it is a 2 bedroom septic system. There are 2 bedrooms on the first floor. The house was purchased with a finished room in the basement.

TK: Motion to approve a two bedroom deed rest for 8 Haven Lane. Second MW, vote 5-0 all in favor.

Motion to deny request to add a $\frac{3}{4}$ bathroom at 8 Haven Lane second CH, vote 5-0 all in favor.

8:45 p.m. 125 Dudley Road- property lien continued

JJ will get bids for the abandonment of the cesspool.

MB: motion to authorize JJ to get lien for pumping done. Second EB vote 5-0

MB Motion for JJ to get bids for the abandonment of the cesspool second EB vote 5-0

8:50 p.m. General Business

The bills have been paid.

The directors report has been reviewed

TK: Meeting adjourned second MW

Respectfully submitted

Patti White

Department Assistant

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Approved 111714