

Board of Health Minutes  
December 8, 2014

The meeting was called to order at 7:00 p.m. Present were Tom Klem (TK), Chair, members Elisabeth Brewer, M. D. (EB) and Cynthia C. Hill. Also present were Julia Junghanns, Director of Public Health and Patti White, Department Assistant.

7:00 p.m. There were none

7:05 p.m. Discussion of Draft Article- Provisions for Water Body Septic Protection Zones- SWQC members- Toni Moores (TM) and Bob Goldsmith (BG)

BG: SWQC is finding there is an increasing nutrient flow (nitrogen and phosphorous) into Dudley Pond and resulting weed problems and other water quality problems and they feel it is related to septic system effluent and they feel related to lack of septic pumping. In order to help correct this, they would like to have BOH sponsor a Pumping article for areas near ponds, the Sudbury River, Lake Cochituate, and perennial streams to pump their systems on a regular schedule. They are willing to help out any way they can and have volunteers that could help also in the summer. This schedule would be related to the distance from the property to the water body.

A map was prepared by the GIS Coordinator, Brendan Decker. The map was reviewed. Mansion Beach area (on Dudley Pond) has had water sampling and testing by the lab for ecoli, some samples have failed in the past swim season, signs were posted. Water has been re-tested and passed within state guidelines. There was a general BoH discussion regarding this article. The article proposed would require some detail that would be difficult to determine (number of people living in a household); creating a database, maintaining it, setting up a process for fines and follow-up, inspections by Health Department staff and potential need for added staff, added cost to residents. There is a question of fairness; some people use less water/no garbage grinder/and are very conscious of what they put into their septic, also may have small number of people in households. Others may have higher use, use garbage grinders and have more people living in their homes (families with kids, etc.). The Director indicated that a better fit for this proposed article would be to incorporate something into our existing town septic system regulations and officially update these regulations which includes the Public Hearing process (town meeting is not required). Also, we could look at considering not allowing a cesspool to pass a Title 5 inspection. Currently, cesspools in Wayland can pass Title 5 for a property transfer. A cesspool is an open pit of solid waste and water with direct access to the groundwater (if in area of ground water). A cesspool can pass Title 5 if it's "not in the water table". This means it can technically be within a few inches of the water table. This is written in the State Title 5 Regulation for a Title 5 inspection. Even a pumping regulation would not improve this scenario. Although there have been a lot of septic system upgrades around Dudley Pond there are still some cesspools. The Board feels that there is a lot to be considered and reviewed regarding the important issues brought up in this draft warrant article and there is not enough time to review and thoroughly vet this for the Town Warrant. Staff would also need to be involved and we are currently short-staffed a full-time inspector since August, Director is covering for both jobs. The new Tobacco Regulations will be in effect as of Jan 1., focus will be on tobacco compliance checks to begin. The BoH has other things they are currently working on; Concussions Policy review, Artificial Turf concerns. The BoH septic system regulations are in need of being reviewed and updated. The concerns brought up in this article can be considered when we do a thorough review/updating of our own septic system regulations to determine how best to address these concerns regarding the pond (Dudley Pond) and/or areas near water.

We will add to a future agenda to begin discussions regarding updating our BoH septic system regulations. Chair Tom Klem wants to thank the SWQC for bringing this information to the Board.

There were questions regarding what other towns are doing about these types of problems. Somehow we need to communicate to all residents regarding the importance of pumping and identify who/where would be targeted if we create pumping regulations, especially in areas around the pond (Dudley Pond).

BG: 106 houses directly on Dudley pond, the increased nitrogen is causing blue green algae and other weeds growing in the pond. Suggested letters being sent to these houses.

TK: we could send letters to residents directly on Dudley pond.

BG: they have a list of these addresses/houses and will even provide the addresses and a draft letter for us to help with the process. Target for early spring.

8:00 p.m. 201 Boston Post Road- David Kim- deed restriction for finished basement

The house is new construction that is 8 rooms and they are looking to finish 3 rooms in the basement.

**TK: Motion to approve the request for the finished basement at 201 Boston Post Road on the plans dated received November 2, 2014 which include, family room office and library. The property is restricted to 4 bedrooms total. CH second Vote 3-0 all in favor.**

8:05 p.m. Request to incorporate Milk and Cream Permits to be included (combined) with Food Service Permits. The board was updated on the process involved with the Milk and Cream Permits; basically there is a lot of administrative work involved to generate a permit for Milk and Cream that could be eliminated by including/combining this permit with Food Service Permits (which are generated for basically the same permit holders). Julia is informing the Board that it would require new regulations to be written, but does not need to be done at this time. There was a discussion regarding the fees charged for the food permits and then it was agreed that it would be better addressed at another time when more information can be prepared for review if an increase in fees is considered.

**TK: Motion to approve the request to incorporate the milk and cream permits with the Food Service Permits effective January 1, 2015. Second CH: vote 3-0 all in favor**

8:15 p.m. 15 East Plain St. China Rose- Owner Jeff Mei- Food Variance request for Acidification of Rice to Render it Non-Potentially Hazardous (Sushi)

Food Inspector Beth Grossman was in attendance.

The process of preparing the rice and the testing process are being discussed. The sushi will be prepared to order.

Dr. Wong (a specialized consultant for sushi) will be coming onsite before the sushi will be served, and he will be coming into the office to train the chef: Beth will come in and do preopening inspection. Jeff should be in when the training is done so he can be sure the plan is being followed.

**TK: Motion to approve the request from China Rose for a food variance for Acidification of Rice for Sushi. Subject to follow up visits from Food Inspector B. Grossman for Compliance. CH second vote 3-0 all in favor.**

8:30 p.m. 27 Brooks Road- Septic design & Assessment discrepancies-

The septic system was designed for 3 bedrooms with many variances granted from MassDep to get the design approved (difficult lot/difficult soils and conservation issues). There is a lot of correspondence in the file regarding the discrepancy in number of bedrooms 3 –vs- 5 going back to when the house was originally built (including town correspondence between BoH and Building Dept. and abutters). The house was demolished and

reconstructed 25 years ago and the plans in the building department show a section (in the hvac detail) that includes bedrooms in the basement and that it was built as a 5 bedroom house.

**TK: Memorandum to file for 27 Brooks Road, the BOH acknowledges the house was constructed in 1988 as a 5 bedroom home, supported by a 3 bedroom septic design with a garbage disposal. The Board of Health recognizes this discrepancy and will allow it to exist based on the passing Title 5 inspection from May 2014, annual pumping and continued functioning of the system and recommend removal of the garbage grinder. The Board further recommends that future potential owners consult with Septic Engineers regarding technology available to support a 5 bedroom house should the need arrive in the future. Second EB, vote 3-0 all in favor.**

**9: 15 p.m. TK: Motion to adopt Wayland BOH Regulations to Restriction the sale of tobacco and nicotine delivery products and the Wayland BOH Regulations prohibiting smoking in work places and public places, both effective January 1, 2015. Second EB vote 3-0**

**9:25 p.m. Pinebrook Road Water Main Replacement- NOI BOH Comments.**

**The Board of Health has no comments.**

**The Directors Report has been reviewed.**

**The bills have been paid**

**BoH goals for 2015, continued discussions and review regarding the Concussion Policy, Septic Regulations and Turf fields.**

**9:40 p.m. Minutes of September 22, 2014 TK: Motion to approve the minutes of 9/22/14 as submitted, second CH vote 3-0 all in favor.**

**January BOH meeting Wednesday January 7<sup>th</sup> and Wednesday 21<sup>st</sup>. or Monday 26<sup>th</sup>.**

**9:45 p.m. Motion to adjourn second CH vote 3-0**

**Respectfully submitted**

**Patti White**

**Department Assistant**

**120814minutes**

**Approved 010715**