

BOARD OF HEALTH MINUTES
FEBRUARY 10, 2015

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

7:00 p.m. Public Comment- there were none

7:05 pm. 12 Crest Road- owner Arthur Gerber- Variances for a Septic System Repair/Upgrade- Professional Engineer - Michael Sullivan of Sullivan Connors

The existing property has a metal drum acting as a cesspool; a problem that was brought to the Health department's attention. Because the property is directly on Dudley Pond, Sullivan & Connors had designed the systems location as far as possible from the pond. It is a 2 bedroom cottage that will remain a 2 bedroom septic system with the addition of an I/A system- Singulair Fast system to reduce nitrogen. Staff has requested the use of the I/A technology to supply highest quality effluent in consideration of the distance to the pond. The system will be 50 feet from the pond, which meets Title 5 requirements, but not Town BOH Regulations (75' setback). There is an O & M contract requirement with testing and reporting to the Health Department. The variances requested are as follows:

Variance for distance to the pond 50' proposed – 75' required
Variance for distance less than 20 feet from a foundation - 17' provided
Treatment unit less than 10 feet from property line - 5' provided

Correspondence was received and reviewed from Mike Lowery request Staff look at the possibility that the Recreation commission may own the shoreline of the pond. Mike Sullivan will look into this issue when the survey is being done of the property, that can be researched. In this case the distance from the shoreline to the system is 50 feet. Title 5 regulations for property line distances are 10 feet from a septic system and a buffer notification if less than.

The Singulair Fast system is a Remedial system recommended for use with a repair/upgrade septic system.

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

This system does not satisfy the general use requirements of state approved technologies (new construction), it is not new construction although, it is a repair.

TK: The owner is renting the property- Conscom notes have mentioned back up power usage (backup generator)

JJ: The state only required a backup generator if there is a pump system. The only part of this system that uses power is an aerator; and has an audible/visible alarm.

Sullivan & Connors are attending the meeting representing the owners, they ask that the backup generator not be required, the system is designed to act as a standard gravity system. If power were out for 3 days, there would be minimal issue. Effluent would still go into the leaching area by gravity, it would not have the advanced treatment during the power outage but this would not present a public health risk (no backup into the home).

TK: Mike Lowery had recommended through Concom that a Tight tank be installed. Mike Sullivan: feels that a tight tank would be more dangerous for public health, should it break out it would be raw sewerage near the pond as opposed to . Title 5 does not allow a tight tank unless there are no other options available (in this situation, there is a system that can be designed and I/A is also being proposed)

MS: this system would be much better than any other option to clean up raw effluent.

TK: O & M plan: can we set conditions regarding pumping

MS: explains the tank conditions, recommending annual pumping.

TK: how do we ensure the owner will do annual pumping?

MW: shall we set up a condition with a deposit from the owner with enough funds to cover pumping?

TK: does staff feel comfortable with the plan as presented. JJ: this is a substantial upgrade of the system that is currently onsite, it is an old metal barrel with holes punched into it, the plans meet Title 5 requirements and they are providing additional innovative and alternative treatment so the effluent will be a higher quality than a conventional system. Technically I/A is not required but they are providing it as it was requested/suggested due to proximity to the pond.

Staff will verify with the Town DPW Director that there are no issues with the system being within 5 feet of the road.

Sullivan & Connors have additional hearings with the Conservation commission.

TK: Motion to approve the remedial use singular 960 green at 12 Crest Road per the plans dated received January 23, 2015 with following variances for a local upgrade (repair)

1) variance for distance to pond less than 75 ' (50 ' proposed)

2) soil absorption system sized for 2 bedrooms

**3) soil absorption system and treatment unit less than 10 ' from property line- 5 ft proposed
(we believe for abutter at 43 Lakeshore Drive)**

4) Soil absorption system less than 20 feet from foundation -17' proposed

5) Treatment unit less than 10 feet to property line - 5' proposed (street)

Subject to conditions: an escrow account being established and funded by the homeowner in an amount to cover the cost of 1 pumping and 1 year of the O & M contract fee. Total to be determined by the BOH director.

Approval of the variance to the Road by DPW for 10' to 5' as verified by BOH director.

Second CH Vote 5-0 all in favor.

7:55 p.m. 40 Millbrook Road- Benedetto & Hillary Mele- Deed Restriction for Building Addition

Adding on 3 bedrooms, family room, study and bathrooms. A new septic system had previously been approved, the footprint of the house was changed by design, and the septic plans have been received for review and were reviewed and the director indicated that the plans are approvable.

TK: Motion to approve 4 bedroom deed restriction for renovations proposed at 40 Millbrook Road for the plans dated "received January 29, 2015". Second CH: vote 5-0 all favor.

8:00 p.m. 373 Commonwealth Road- Septic Permit reissue/Ownership Change- Professional Engineer- Fred King of Schofield Brothers

The property is the former Kathryn Barton Nursing home, the property was sold in December 2014, Brian Levey is the attorney for the new owners, Fred King is the Engineer and the representative for the project.

Mr. Levey is bringing the Board up to date regarding the permits that have been issued. The project is for the construction of a 52 unit apartment building and the septic system has been designed for a total of 85 bedrooms, this is a 40B project. The original permit was approved March 24, 2010 and would have been expired in 2013. Under the Permit Extension Act, the permit is extended for an additional 4 years, to March 24, 2017. As a 40B project, the system design meets State Title 5 Regulations, and is not required to meet Town of

Wayland Septic Regulations. The ZBA approved this project and allowing the waivers from BoH septic regulations.

TK: why was it 52 apartments? FK: the septic system was designed to the maximum allowed for a septic system (9350 g.p.d.) if the system was to discharge over 10,000 g.p.d., you would need a groundwater discharge permit and Wastewater Treatment Plant. 82 bedrooms within 52 apartments was the maximum allowed without requiring a Treatment Plant.

The project will be a total of 4 floors; the underground parking garage (1st floor) is accessed from behind the building and will not be visible from the road. The second and third floors will house studio, one bedroom and two bedroom apartments and the 4th floor will have the 3 bedroom units.

Carole Repose - 14 Dean Road. Is there a reserve septic system? JJ: Yes there is a reserve area between the trenches. JJ: the issue is that Wayland Regulations require 10 feet between trenches, but State title 5 Regulations allow for 6 feet between the trenches and that is how the system is designed.

TK: why is the property referenced as 371-373? BL: 371 is western half of property there were two lots; one was a residence and one was the nursing home, that are now combined.

Sam Potter - 3 Timber Lane (speaking as a resident- not as a member of the Waste Water Commission or Economic Development Committee) requests postponement of the vote from the BoH, there are several things to be considered: Is there a comprehensive permit still in order that has not expired? Mr. Levy produced a copy of a letter dated July 29, 2011 from the former Building Commissioner that states that construction had commenced. SP: If project is deemed to have not started, the comprehensive permit has expired. Has the Comprehensive Permit been extended by the Permit Extension Act? He feels there is a question whether there is a legitimate permit on the site. He feels that if there is not a valid Comprehensive Permit, then there is not a valid Septic Permit.

JJ: I attended a preconstruction meeting last week scheduled by the Building Commissioner, many other town officials were in attendance, we also discussed this question with the Building Commissioner and there were no questions regarding the viability of the Comprehensive Permit.

Carole Repose 14 Dean Road- the vacant property was being used by E.W. Wood Company for some type of construction business (leased by previous owner) and neighbors got the Town to stop the work and the contract was ended. JJ: the BOH has information regarding an investigation of the use of the property, including a site walk done by a group of town officials to investigate the concerns that were raised about soil stockpiles. Testing was done on stockpiled soils. Copies of the report are in the BOH files.

The board wishes to review the file information regarding the soils on the property.

BL: The Comprehensive Permit is valid and there should be no need for further investigation. The permits have been approved, and the new owners are ready to proceed.

JJ: The septic permit is still in effect, and we are here to approve the transfer of ownership for the existing Septic Permit to the new owners.

CH: when residents come forward with these kind of questions, we should investigate this and be certain that we do our due diligence. 1) did construction begin? and 2) is there still a valid Comprehensive Permit

BL: what is the permit transfer process?

JJ: when there is a change in ownership, we are required to reissue the permit with a new name and new dates.

Chris Orcutt - 10 Dean Road- there is a crucial issue of the Comprehensive Permit and a question of the permit extension act. He believes that the Permit Extension act does not apply to 40 B projects.

Timothy Ta- 6 Dean Road- He has resided in the neighborhood for 5 years and has witnessed the construction stockpiled soils that have been moved on the property. He wants this resolved.

Residents are asking what construction was done to constitute the start of the construction work:

FK: Demolition was done, the loam was stripped from the lot and there may have been a water line put in.

BL: we have a letter from 5 years ago, the permit has been triggered. There was work done and there is an active comprehensive permit.

CH: we want to get his done proper and legal. We wish to have time to verify with the Building Commissioner.

MW: we are just asking for two weeks to get a couple of questions answered about the soils and the comprehensive permit.

8:30 pm. Concussions- ongoing discussions

Ted Harding (TH) Wayland Youth Soccer – (football, lacrosse, baseball basketball)

TK: Malcom Astley (school committee member) is the driving force to assemble a task force regarding concussion discussion; we are looking for information from involved parties to educate the board.

CH: questions to TH; what are you seeing? What do you do if there is a problem on the field? How fast is there is a response time? Is there a trainer on the field, what is the protocol? We are looking to educate the children, parents. HS video and test for players and parents. Looking to be sure children are checked and followed up properly.

TH: from experience, I find protocols vary from sport to sport, based on the sport. During a baseball game, son hit with ball in eye, there was ER doctor (Mom) present who assisted. In Basketball, continued participation is decided by the coach. Football- call the trainer, need to recognize problems, to have evaluation. Doesn't feel personally responsible to make calls. There are symptoms to look for: pain, pupils dilated. Injured parties are talked to and asked questions, if they remember 3 facts and repeat them back. Football has a concussion policy; each sports organization (Youth Soccer, Basketball, Softball, Youth Baseball, Lacrosse) has a policy from their individual organization.

MW: has personally experienced 3 possible concussion situations - 1) I made the decision for child to sit out and placed a call to parents, 2) a lacrosse player fell back hit turf feeling dizzy, called parent, they picked up child and child was out of sport for several weeks 3) basketball injury during warm ups (prior to game), child brought to bench and sat out ½ game and parent and coach decided out for the rest of the game.

TK: town sports how is coaching training done?

TH: training takes place for football, there is none in place for Basketball Lacrosse provides Head Coach Training and baseball does not provide training.

TH: football coaches are serious about watching their players closely. It is the sports that you are not aware of possible injuries...baseball, basketball, etc. Is there enough understanding and recognition of how and why there are concussions?

MB; often the symptoms are not apparent for days: concentration, headaches. Field side diagnosis can be tricky. The purpose to ID the concussion is to be sure to prevent a second brain injury which is the more serious problem.

EB: we cannot resolve whether or not the coaches and parents are making the proper decisions on the field.

MB: do coaches have cards with information regarding concussion?

TH: there may be something on the clipboards for lacrosse, I will check and see

MW: training maybe in soccer or lacrosse, to provide a good awareness of what to look for

TH: education of parents, to know what symptoms to look for

MW: when he has seen a questionable injury, he recommends parents get it checked out.

CH: education of the kids and parents

EB: injury and parent notification – child returns to practice next day- what do coaches do? What do you ask?

MW: I try to send out emails, check with them when they show up at practice plans, may see parent, but parents may not choose to pursue further?

TH: in football, players can return to play after providing a M.D. form- not sure what is completed if just there is just a questionable situation.

TH: In Weston youth football baselines are done in 5th grade by one of the coaches (VP of WYF in Weston) Baseline testing is done at Weston High school during Football Camp before season begins. It consists of a Video game type test that can be retested if there is a concussion. This has 5th 6th grade age limits. This type of test does not work well with children younger than 5th or 6th grade.

CH: there is an application that can be purchased for cell phones that is a numbers test that costs \$20.

TK: two coaches that spoke tonight both seem comfortable identifying possible concussions and share that some training has been provided. I am hoping they are representative of the other coaches in Wayland.

MW made comment about coaches test or steps on a card to review concussion system. King- Devick (Mayo Clinic) Coaches to have laminated card with concussion

Both coaches mentioned baseline testing and ideas regarding incorporating.

MW said because of awareness of concussion, football has the most training and info where as other sports, baseball, basketball, soccer and lacrosse may not have the training.

Football is under American Youth Football- national organization had their national policy, can they be superseded by local policy. Soccer and Lacrosse have national organizations, what about baseball?

JJ: The concussion policy is the school's policy, other sports groups that are in town that are not school related likely have their own concussion policies or protocols depending on the organization and it is likely different for each organization. We don't have any jurisdiction over any concussion policy with any organization, even the schools, but we can provide recommendation, however, they don't have to take our recommendation.

8:40 p.m. Minutes of August 4, 2014

TK: Motion to approve the minutes of August 4, 2014, as amended- second MB vote 5-0

The DEP meeting regarding the Rivers Edge Site assignment was cancelled due to state of emergency in Boston due to the recent snow storm.

8:50 p.m. General Business

The bills have been reviewed and signed.

The next meeting date will be on Wednesday March 4th and Wednesday March 18th

9:35 p.m. TK: Motion to adjourn EB second Vote 5-0 all in favor

Respectfully submitted

Patti White

Department Assistant

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Approved 031815