

BOARD OF HEALTH MINUTES

June 24, 2015

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

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

7:00 p.m. Discussion with Town Planner Sarkis Sarkisian (SS) regarding potential Marijuana Dispensary Zoning.

JJ: described the process to start a dispensary or grow house there is a formal process to be followed. There is a formal application process that the State requires. We had gone over this at our last BoH meeting. The process involves 4 steps. The first step is to submit an application with the state. The second step includes the Town Administrator (or CEO) being formally notified in writing that their town is being looked at for either a dispensary or growing site. This process is formal and involves, background checks, investigations, siting profiles, business plans, etc. The state wants the dispensaries/growing locations to get buy in from the towns they are looking at. They do not encourage areas to be pursued if the town is opposed.

SS: in January 2013 when the State was preparing to approve the use of Medical Marijuana, the Planning Board was to create a district on Rt. 20. Where the district was being considered and with all the setbacks for the area, it would be very difficult for it to be developed. It was expected that there were only to be 15 permits for the state, but the first round Town of Wayland Zoning bylaws say, "if it is not specifically listed in the Bylaw it is not allowed". The Planning Board, in part, was considering waiting based on whether the Board of Health was going to decide to write regulations over and above the presently permitted state regulations. The Planning Board believes that setting up a Medical Marijuana use district should be done in hand with Board of Health Regulations if there are more strict regulations than the state. The big question is where it would be located, or is it even wanted in Wayland. Does the town support it or not want it? The most logical location would be along the Business District, either along RT 20, RT 30 or the Cochituate Village area. The City of Brookline created separate zoning for dispensary use.

JJ: I spoke to the General Counsel for the State, who advised me that the State wants the companies that are looking to set up a business, to be looking in towns that will welcome the industry. They do not want the businesses to push their way into town where they are not wanted.

SS: The planning Board has asked the Town Administrator for funding for special Counsel to assist in working with the Planning Board to get the bylaws written properly.

TK: I will put together some ideas on this subject for the Board to discuss at a future meeting.

7:25 p.m. 7 Spring Hill Rd.- Wendy Zhong (WZ)- owner. Adding rooms to an already Deed Restricted property to finish an exercise room in basement- also use part of the basement for use as a Dental Lab.

Ms. Zhong is looking to finish her basement and use one corner for her Dental Lab. She will not have customers or employees, she has been running a Dental lab in Framingham since 1994, her lease is coming up for renewal and Ms. Zhong would like to bring the business into her home. She works with 5 dental offices and receives impressions to work with; she doesn't have patients come to her office.

JJ: I spoke with the Building Commissioner and Fire Chief and both have questions regarding the equipment to be used and the ventilation for this type of work. The model trimmer uses water with the equipment and the water runs through a trap that is changed out every 3 months. The Casting oven uses propane and oxygen, these pieces of the business have to be inspected and approved by the Building Commissioner and the Fire Chief.

The room in the basement is already finished (photos presented) so we don't need to give an approval to finish another room. There is already a deed restriction in place (the application paperwork was somewhat unclear as to what work is being done.). There is no need for a vote or approval, the applicant needs to meet with the Fire Chief and Building Commissioner next. The approval will be conditioned with these reviews.

8:00 p.m. Reappointments: Animal Control Officer, Milk Inspector, Sanitarian/Health and Food Inspector

TK: Motion to approve Julia Junghanns as Inspector of Milk for a one year period: July 1, 2015 to June 30, 2016, Darren MacCaughey as Sanitarian/Health Agent for a period of one year from July 1, 2015 to June 30, 2016, Beth Grossman as Food Inspector for a period of one year from July 1, 2015 to June 30, 2016 and David Poirier as Animal Control Officer for a period of one year from July 1, 2015 to June 30, 2016. Second: CH vote: all in favor 3-0

8:05 p.m. **Deed Restrictions- discussion of review and approval process:**

There was a discussion regarding room count and bedrooms designation. Boh has Title 5 Regulations to follow for our process and a deed restriction is an option provided in Title 5. BOH has Title 5 Regulations that we must oversee/enforce with comparison to the Assessor's office who has different rules that they follow when they go to inspect the house. The Health Department must follow town and state regulations to determine the approvable number of bedrooms that the septic system can/should be designed for. Sometimes we need to deed restrict the number of bedrooms. TK: feels that there are other things BoH could focus on, regulations to be redone. Also, he feels it could be done by staff, less waiting for customers/residents, when quorums can't be made, work can get backed up. Also, the amount of staff time spent on preparing paperwork for meetings. JS: asked if JJ feels that this is something they can handle on a staff level. JJ: I am comfortable taking this back on. Darren and I work closely on these projects. I would review any application that needs a deed restriction and would bring anything out of the ordinary regarding building projects and deed restrictions to BoH. Nothing else would change, BoH would be involved with variances, and any other projects or issues that trigger BoH review. We/staff have to review all the building applications regardless of whether they go to BoH or not. It's what we do on a staff level for all projects whether they do or don't trigger BoH review.

TK: Motion to return authority to staff level to approve Deed restrictions and bathroom renovations in basements. CH: second vote 3-0 all in favor.

8:30 p.m. Discussion regarding Health Director Performance Review process- TK: will contact the board members to request they send him their comments on Julia's performance from the past year. Staff to compile list of items Board had worked on and/or approved, and any other projects that staff has worked on during the year. JJ will obtain feedback from Nan Balmer also.

8:30 p.m. **River's Edge RFP- discussion/update- review M. Wegerbauer email**

Mike Wegerbauer responded to Julia's email regarding the application to DEP for presumptive approval. Mike Wegerbauer says that the RFP is being revised to include the wording from the memo drafted by the Board of

Health regarding suggested testing for the property to be developed. The River's edge committee would like Julia to review the language that has been revised.

8:45 Approve minutes of June 16, 2014

TK: Motion to approve the minutes of June 16, 2014 as amended. Second CH vote 3-0 all in favor

8:40 p.m. **33 Aqueduct Road- Greg and Joanna Hartunian- owners-Deed restriction to add 4th bedroom- Board approval for use of I/A technology to meet New Construction square footage requirements- Bob Drake- Professional Engineer**

The back of the house is being built out for a basement with a 4th bedroom and to enlarge the kitchen and family room. The total number of rooms after the addition will be 11 rooms. A new septic system is being designed for 4 bedrooms and they wish to use an infiltrator (alternative leaching system) to get the square footage required.

TK: Motion to approve request for a Deed Restriction to add a 4th bedroom at 33 Aqueduct Rd. After the home renovation there will be a total of 11 rooms. The home is originally a 3 bedroom home, supported by a 3 bedroom septic system. A new construction septic system will be installed to support the 4th bedroom, due to square footage limitation the board approves the use of and I/A infiltrator system (O&M is not required or needed). Second CH, vote 3-0- all in favor.

9:10 p.m. board meeting tentative date 7/6/15

TK: Motion to adjourn second CH

Respectfully Submitted
Patti White
Department Assistant
062415minutes
Approved08/26/15