

BOARD OF HEALTH MINUTES  
JULY 6, 2015

The meeting was called to order at 7:10 p.m. Present were Thomas Klem, Chair (TK), members Michael Wegerbauer (MW), Cynthia C Hill (CH) and John Schuler, M. D. (JS). Additionally present were Julia Junghanns, (JJ) Director of Public Health and Patti White, Department Assistant.

7:10 p.m. Public Comments- There were none

7:11 p.m. **341 Old Conn Path- discussion regarding potential development project options- Professional Engineer- Bob Drake (BD)**

BD: The property owners Jim and Michelle Steele own the property at 341 Old Connecticut Path on the corner of Pinecrest Road. They will be selling the property; the lot consists of over 40k square feet and is zoned to be able to subdivide the property. The property has an existing 4 bedroom house with a 4 bedroom septic system, the property is in a Zone II which as per the State Title 5 Regulations would require 10,000 sf of land area per bedroom per lot if the house is to be torn down and new construction is to take place. The options are for one lot with a 4 bedroom house or 2 lots with 2 - 2 bedroom houses. Title 5 allows a I/A technology denitrification system added to a septic system to construct 2, 3 bedroom houses. A recirculating sand filter RUCK or a FAST system – 2 most frequently used types of de-nitrification I/A technology.

Mr. Drake has done soil testing and believes that he can design 2, 3 bedroom systems with I/A used for reducing the nitrogen on the two lots.

JS: I have concerns with this being in the area of the town wells Zone II and protecting the groundwater.

MW: There is a concern regarding the additional burden on the Health Dept. staff to make sure the properties are under contract for the I/A system and being properly maintained.

BD: The effluent from the two proposed properties would have been treated and would be much cleaner going into the groundwater, the effluent from a conventional system is not as well treated and is being released into the groundwater.

Michelle Steele: If these are built as 2- 2 bedroom houses, the house designs often have an art room or a bonus room that eventually gets treated and used as a 3 bedroom system. Having 3 bedrooms with I/A treatment is cleaner/better for the environment, and is proactive.

JJ: I/A systems have documents registered at the registry of deeds to make sure all future prospective owners understand the system and it's requirements.

BD: can staff discuss this with DEP regarding their assistance with enforcement of maintenance.

MW: We see these systems as being needed for difficult repairs that cannot fit a conventional system.

The discussion has ended.

7:35 p.m. **Later School start times Discussion- regarding Adolescent Sleeping Patterns- Jenny Silberman –79 Oxbow Road**

MW: Jenny is working with a group looking to move the start times for Middle and High School students. There have been several articles written and presented to the Board.

Jennie S: (handout that was presented to school committee) Start School Later ( nation committee) chapter with Kim Reicheld- Adolescent sleep pattern are now showing teens going to bed at 11pm. and the current wake times for school start time is said to disturb REM sleep. The American Academy of Pediatrics thinks 8:30 a.m. is a better time for these students to begin their school day. Wayland looked in to this back in 2004, the most recent publications have been building the interest.

JohnS: the article he read, that with a later start time (1hour) the students were staying up later and only getting about 15 minutes of more REM sleep. Where has the 9 hour recommendation come from? Jennie: National Sleep foundation. JS: Is this a position with a recommendation on the Academy of Pediatrics? Jennie: Yes. There would be a lot of areas to be considered.

Jennie S: Current recommendations are for 8 to 8.5 hours of sleep time. High school starts at 7:30 a.m., buses arrive at stops at 6:45am. Framingham School Committee (Mass Assoc. of School Committees) is looking to start a state wide policy to have later start times. Senator Cream (Newton) is looking to do a study to have funds for supporting this. When this was implemented in Minnesota, there was reduction in depression, anxiety, car accidents and increased numbers in student learning. Sharon High School had done this and have numbers that can be gathered for future discussion.

TK: looking to get information regarding who is driving this program, is there more of a town wide support. Where does the School Committee stand on this proposal? CH: They are meeting on this item tonight and they may be appointing a charge to lay out how this might work and what needs to be adjusted.

CH: can you poll the parents of Middle School and High school parents to get ideas?

Jennie: it is a little premature, there are logistics to be looked at and they may not be ready to support the idea right off the bat.

MW: there are a lot of logistical issues that would need to be addressed. There is a health component to this proposal- does the Board feel this is something they are supportive of? The bus schedules would need to be adjusted, teacher contracts changed, before and after school activities would be affected, parents schedules.

TK: The Board is looking to get more information regarding other towns that have enacted this plan: JS: yes we would like to see more information about towns that have done this and how it is working CH: some feedback from parents is needed to see if they are in support to this.

7:55 p.m. **Willowbrook Condos- Update on Septic System situation and repair working.**

The board has asked them for an update in September (so if it is not working) they can get a new system implemented before winter.

JJ: Discussion regarding Willowbrook Condominiums on Rt. 30 and Oak Street- the plan on filing for their White Knight Technology permitting with DEP. History: one of their septic fields at the Willowbrook Condominium complex has failed, and they tried to install a barrier, that did not show improvement and decided to come before the Board to get approval to try White knight Technology. They have gotten DEP approval and started installation last week and will complete installation this week, and they can now begin the monitoring of the system to see if the new technology is working.

8:05 p.m.      **399 Old Connecticut Path- Update on current assessment and next steps**

JJ: It was brought to our attention that the assessment for the original owners was 3 bedrooms, JJ was contacted by Sally Gaglini (SG)- 10 Hawthorne Rd., that the property had recently been sold. JJ and Ellen Briedau (EB) (Director of Assessing) have met and EB is trying to contact the new owners (which assessors can do) to allow them access to the property, (which is allowed when the property transfers) she has not had any reply and it has been about 3 weeks. There was conversation back when the original owners and the builder (new owner) came before the board back in 2011 or 2012 regarding JJ being allowed to enter the property if there were any questions about the number of bedrooms being used.

SG: the original applicant for a 3 bedroom septic was the builder who has now purchased the house. The legal title was in another family name. In April this year, the house was transferred to the builder for just under \$175,000.00. Shortly after SG brought this to the board 2011 and 2012, the assessment showed up as a 3 bedroom back in 2012) Mark Lanza (email) said that if proof could be found that this was a 3 bedroom house with the 2 bedroom deed restriction then we could inspect the property. She believes 2 grown couples and their children have resided in the property since occupancy. Mr. Gaglini: claims that this house is just under 6000 sq. ft., with 5 rooms that could be used as bedrooms and 5 bathrooms (we would need to verify with assessment).

JJ: The lot was conforming for building/zoning (20K +/-) requirements, so they did not have to take their project before the ZBA. BoH does not have authority to regulate size of a home.

SG: PTO directory shows 3 children living there.

TK: My recollection is that there was language regarding the property to be used as a two bedroom not a 3 bedroom house.

JJ: we would need to look into the file and minutes to see what the board had discussed and the letter that was sent and specific language. The project was brought before the board to request a 3 bedroom septic system that was denied. The house was constructed and deed restricted to 2 bedrooms. I am working with Ellen Briedau on ways to understand and close the gap of discrepancy between septic permit/deed restricted numbers of bedrooms and assessed number of bedrooms.

Molly Upton 23 Bayfield Rd.- There needs to be coordination between the BOH and the Board of Assessors to determine the differences in the way they look at properties. There is no way the Assessing dept. can enter the property if the owners deny them entrance. Wayland Zone II is in the more densely populated areas of town. It is very limited to these properties. I/A allowances by BOH would enable Zone 2 properties to use this technology to expand.

MW – brought up the question as to the policy we have in place where the Board can place requirements to restrict square footage of a home related to variances granted (we have a reference document/policy). The square footages in the policy are based on assessor's averages of 2, 3, 4 and above bedroom houses (work/research had been done to come up with these numbers when the policy was established).

JJ: The recommended square footage numbers in the policy and the policy itself is regarding projects that where variances are granted (new construction projects with a new septic that needs a variance). We don't have the ability to restrict/regulate square footage/size of homes unless there are variances granted by BoH. Square footage restriction of a house would be a ZBA jurisdiction but the town does not have a bylaw for this. This particular property was brought to the Board due to the variance request for the septic system, but did not need

to get ZBA approval. JJ was not aware that this property was assessed as a 3 bedroom but was advised from an abutter. EB and JJ are working to share property information regarding deed restrictions and we will be providing this information to the Assessor's office. We are working together to come up with solutions to solve the discrepancy issues (assessment -vs- BoH deed restriction or permitted number of bedrooms on septic permit).

Linda Segal (LS): please make sure the next agenda with this information has more detail regarding the specific discussion and maybe invite the homeowner.

TK: the house was sold for much less, can they file for abatement?

LS: in conversation with ML- how can this be connected with school enrollment- can we confirm sleeping needs. 2 children, one female one male (broadly not specific to this property)? Do they require separate sleeping quarters? School enrollment numbers would need to be verified?

Linda Segal, associate member of ZBA- not recommending ZBA- one piece of paperwork that comes to the boards is the septic approval paperwork. Unless there is a deed restriction noted on the plan, they cannot restrict.

JS: can we have ML come to let the board know what the options are, what should BoH do? CH: can we demand entrance to the house?

JJ: BoH voted to return deed restriction approvals to the staff with Director approval.

MW: regarding the vote that returned deed restrictions to the staff- he would like that reversed. He does not feel this is a good idea and thinks BoH should continue handling deed restriction reviews. He feels that it puts people on notice with their projects.

JJ: A very high percentage of the deed restrictions have been approved by the board. Very few are denied.

MW: Homeowners coming before the board adds some legitimacy to the process.

TK: it appears that Deed restrictions had been holding up building approval and backlogging the Health Department. It can be hard to get quorums. Projects can get delayed, people waiting. The board discusses and asks JJ advice regarding the process.

JJ: Bringing all deed restrictions to the Board had increased the volume of paperwork and time preparing Board packets for the meetings. We were short staffed for almost a year so we are still catching up on backlogs. However, we have been doing BoH deed restriction reviews for several years now. There are regulations that need to be updated a lot of BoH time is needed for this, BoH list of priorities, etc. Building approvals and septic are reviewed by staff for Title 5 compliance with regulations and reviewed by staff/Director, typically BoH involvement would be for any variances, or certain I/A technologies, large projects, subdivisions.

MW: requesting that we go back to BOH approving deed restrictions. He would like this on a future agenda for discussion and vote. I understand that this was a 3 member vote, but I feel this should be a full member vote. Can we find a way for improved process to allow for all deed restrictions to come before the board in a timely manner? There must be an improved way to do this without requiring a lot of staff time and paperwork copying.

MW: would JJ have brought 341 OCP to the BoH, would you have approved this project? JJ: no this would not be a staff review and would be disapproved by staff and advised they would need to go to BoH for an agenda and approval. This project was a variance, undersized lot in a Zone II, with request for I/A to reduce nitrogen. I/A to reduce nitrogen is like a mini treatment plant which triggers O&M and BoH review also. These are the technologies that are more of a concern. Some I/A's are just for leaching areas and don't require any O&M, they are just being used more as they can provide more square footage.

There was a discussion regarding the volume of paperwork involved with preparing for BoH meetings regarding building projects, phone calls for arrangements. Usually several phone call per agenda item if it's a deed restriction, related to, are they on the agenda, what time are they on the agenda, confirmation, who should attend, etc. This has been something that has been burdensome for the staff in preparing for BoH meetings. We/office staff still have to review all building approvals even if they come to BoH on an agenda (providing feedback/advice to residents and information to BoH members). The main things are length of processing time, waiting for a BoH meeting, preparing for packets.

TK: due to the high approval rate of deed restrictions, I felt that these would be ok to be returned to the staff.

There was a discussion regarding ways to improve the process for BoH packets in general, electronic packets? Look into what BoS is doing and other boards. BoH members were not aware this process had so much paperwork and copying involved and how staff felt about it. JJ: we had brought this up before, although it is clear that these difficulties were not realized by BoH members.

Future Agenda items: Deed restrictions, Electronic Board Packages- to reduce office paperwork for packets. Some plans would not be able to be scanned in electronic format due to large size of septic plans and some building plans.

9:30 p.m.        **Item not reasonably anticipated by the Chair 48 hours in advance of the meeting**

9:30 p.m.        An unsigned letter from a former employee of the Wayland Nursing and Rehab (188 Commonwealth Rd.) was received regarding multiple issues they wanted to have investigated. The letter was reviewed. It was suggested that the letter be sent to the state. On our end we have handled what is in our jurisdiction; food inspection and investigation of potential septic issues.

The food inspector will be on the premises tomorrow to inspect the kitchen and review procedures with the Staff.

9:40 p.m.        Mosquito control: this week's DPH Mosquito pool testing report, they are now reporting numbers of Human Chikungunya Virus and Dengue Fever cases in the state of Massachusetts. EMMCP (East Middlesex Mosquito Control Project) has almost completed all the catch basins treatments in Town and we will be sending out the annual notice, regarding the colored dots for the catch basin having been cleaned and the dot for the briquette treatment. Julia will be checking with Dave H at EMMCP to get more information regarding new diseases being reported. Staff is working with EMMCP to identify new locations for new mosquito gravid traps and light traps for the Wayland collections to give us the best reporting/monitoring conditions. EMMCP has certain criteria for the location of traps.

Julia has received from the Town Administrator a revised copy of the RFP for the River's Edge project. She will be reviewing the RFP.

The board has been given information received from Mike Lowery regarding fluoridation and health concerns for children.

General Business

The bills have been approved and signed

The Directors Report has been reviewed.

Tentative dates are being discussed for future meetings, due to upcoming summer vacation schedules.

9:50 p.m. TK: Motion to adjourn second CH

Respectfully submitted

Patti White

Department Assistant

070615minutes

Approved08/26/15