

BOARD OF HEALTH MINUTES  
DECEMBER 12, 2016  
WAYLAND TOWN HALL  
BOARD OF HEALTH OFFICE  
41 COCHITUATE ROAD, WAYLAND

The meeting was called to order at 7:00 p.m., present were Thomas Klem, (TK), chair, Brian McNamara (BM), John G. Schuler, M. D. (JS) (7:35) and Michael Wegerbauer (MW) . Also present were Julia Junghanns (JJ), Director of Public Health, Darren MacCaughey, Health Agent/Sanitarian and Patti White, Department Assistant.

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

7:05 p.m. **General Business**

Director's Report: Annual Town meeting articles: Plastic bag ban Bylaw and Polystyrene Food Container Bylaw: This is being proposed by residents to be enforced by the Health Department. This initiative would not be "zero" cost to the town, as the article is asking the health department/BoH to enforce this. This will be discussed at next meeting.

The barrels removed from Castle Hill Conservation land have been inspected by Clean Harbors and we have received a bid for the cost of the removal. Who is paying for the removal? MW: does not feel that BoH should have to pay for this out of our budget, refer back to Conservation.

January 3<sup>rd</sup> there is a meeting with the Planning Board and BoH will join to discuss a 1 year moratorium on Marijuana.

7:30 p.m. Discuss existing septic systems in Zone 1's of a Public Drinking Well

The board is reviewing a spread sheet compiled of addresses of properties inside the Zone 1 of the town public drinking wells. There is a discussion regarding possible BoH action regarding existing septic systems and next steps.

TK: Notify homeowners regarding the need for an inspection of their system with a timeline (1 year?)

MW: BoPW oversees the water supply- look over and plan a joint meeting with BoPW to discuss options for protecting the water supply not involving the purchase of the property.

What did we do on 8 Glezen Lane, BoH asked them to pump the system in spring and for staff to go out and inspect system at that time to be sure it is functioning properly (and not in a state of failure or risk to public health).

MW: we need to figure out the options to upgrade septic systems and/or move out of Zone 1 with the possibility of funding assistance?

BM: look over the systems to see what options there would be for moving the systems out of the Zone 1

Kevin O'Leary: how solid are the boundaries of the Zone 1? MW: I think the boundaries need to be looked at. We should also look at the possibilities or if there were future planned expansions of the wells.

7:35 p.m. **Review existing WBOH Polices: Policy for Innovative and Alternative Technology Use and Policy for construction projects requiring septic system variances from BoH Regulations**

MW: we have a policy that has been in effect for a while, and may be outdated. We need to have a policy that we can agree on and that we can limit the amount of time that these projects are being discussed at the meetings.

As some history: the policy was created with Zone II areas in mind, but it is not specified in the policy.

JJ: has done some looking into the various possibilities and put together some draft revised policies:

I & A technology

Passive I & A technology

Non Passive

Zone I

Zone II

JS: how does the square footage policy affect the septic system. If the square footage doesn't effect, why does Board of Health have this policy? Doesn't this belong with zoning?

JS: feels that people should be able to do what they wish with their property and make the most of it as their investment. Why should BoH be restricting square footages of a home? It is a zoning board issue not BoH.

MW: this was a guideline for the Board to follow if a septic variance is granted for new construction; we were using the square footage averages of 2, 3 and 4 bedroom houses received from the Assessor's Office.

BM: new construction and 60%, can you explain how these work? JJ: if someone is adding over 59% of living space to a house then as per BoH septic regulations this triggers a septic upgrade (and means the same thing as tearing a house down and rebuilding or adding a bedroom). If they needed variances for approval of the septic system, we then use the policy. This was created to be used as a guideline; one issue is that smaller homes reach 59% much faster than larger homes.

MW: I/A systems, requiring O & M contracts and inspections to keep them functioning properly. The original intent of the policy was more for active alternative technologies that require O&M's (moving parts), and concerns for properties in Zone II's. We didn't want these technologies to be used on undersized lots in Zone II's. JJ: these systems vary greatly in their state approval, they are used for a variety of reasons, (reducing the footprint of sq ft, nitrogen reduction, difficult lots) technology testing is different for each type and changes all the time. MW: we need to be more consistent with how we are making decisions on projects that come before the BoH, especially when variances are allowed. There should be a general consensus of where the Board is at with how we review/approve projects.

DM: I would like the board to differentiate from Active and Passive technologies. Leach field site reduction, is allowed by right by the state code. The local I/a policy currently means they have to come to the Board. For a new construction project looking to use I/a technology, the design would still have to show that they can install a fully compliant system.

DS: active I/A systems are not if but how. If there is a sloping lot, a traditional system does not work as well, the design can create a better system using a Presby, Cultlec or Infiltrator system. These are under the state I/A umbrella, but they are a Passive systems; no moving parts, no inspections. DM: using this technology can save a cost on things like a retaining wall which might be needed to be able to install a conventional system.

JJ: the state guidelines require the designer to demonstrate the ability to site a conventional system. DM: 40% reduction in size, allows better treatment in smaller areas.

DS: where is the hardship? I view a passive I/A system as a tool for a designer in their toolbox, when there is a sloping lot (slow perking/site restrictions), it is a difficult design with a lot of extra material and/or a retaining wall.

JJ: when the passive technologies started to come out, it was very new and we were being on the cautious side, as these were new systems that were unknown. These systems have been out for 15 or more years now and

they have been tested and the state has either altered their approval letters and O&M requirements or rescinded them if applicable.

BM: to JJ what is the answer to how the septic leach field effluent should be distributed out over a larger leaching area or concentrated. JJ: the state regulations and approval letters account for this through studies and tests and the approval letters outline these details. DM: these systems are allowed by the State 40% smaller than needed to be – state uses 110 g.p.d. with 40%. We could require 165 g.p.d. and then reduce 40%. MW: zone II? BM: repair or new construction?

JJ: for repairs, we work to get the best we can for square footage and treatment on these lots, sometimes there is a hardship of a type, small lot, setbacks?

BM: if it is new construction, there is no hardship.

BM: what is the data on life expectancy of these systems? DS: the 40% the state is conservative number, as the “open bottom system (no stone) allows for so much more.

JS: if they can build a septic system that meets the state regulations why should I care about what type of technology they are using if it’s state approved? If it’s state approved that means it can be used. Why should BoH try to regulate this? Does not feel it’s appropriate or necessary for BoH to spend time on this when it could be reviewed by staff.

MW: I don’t have a problem with the passive technologies, how are we using this? Are we allowing for expansion (increase number of bedrooms) the passive systems can allow an unbuildable lot to now be buildable? JJ: no expansion with reduced square footage. These come to the Board.

JJ: some considerations are: zone II’s/nitrogen sensitive areas, and state regulations, lot sizes, number of bedrooms.

DM: new construction and adding bedrooms (0 to 4?), depending on how many bedrooms being added?

BM: is there data regarding failure rates of these systems, if they have only been in use less than 20 years? JJ: we can ask someone at Barnstable County that studies these technologies down the cape and runs a test center.

MW: Other things to consider; Septic repairs, failed systems (not voluntary upgrade) not zone 1 or zone 2 If passive I/A technology is proposed then our town regulations for square footage must be met or at least demonstrated.

There was an agreement that we would table this for a future discussion.

8:00 p.m. Policy Discussion- Policy on Use of Variances to Support Expansion  
(this was all part of the prior discussion)

8:55 p.m. **31 Aqueduct Rd. Use of passive innovative/Alternative technology for new construction, Variance from WBOH Regulations, Owners Merline and Ketan Bhukhanwala, David Schofield (DS) of Schofield Engineering Group**

DS: The soils in this area are not great, there is also some high ground water (perc between 2-5 m.p.i.) this area is 17 m.p.i. there are variances in the groundwater from as high as 2.5 feet down to 4.75 feet. Primary system with Presby, there is area (split) where you can fit a conventional 4 bedroom system. Using the Presby, it will save money by being able to avoid using a lot of fill.

There was a discussion about I & A technology and using it for new construction, the square footage it provides and reductions allowed by the state.

JJ: They are looking to add one bedroom to the septic system, the new construction project will be adding over 59% but not the 4<sup>th</sup> bedroom to the house.

MW has left the meeting.

**TK: Motion to approve the use of passive I/A system(Presby) at 31 Aqueduct Road per the septic system plans received October 15, 2016. With respect to the floor plans for the addition dated, received October 17, 2016. Second JS vote 2-1, oppose BM, yes JS and TK.**

Mike Wegerbauer has returned to the meeting

8:45 p.m. **8 Lincoln Rd. Use of passive Innovative/Alternative technology (Presby) for new construction, Owner Michael Anderson, David Schofield (DS) of Schofield Engineering group.**

The proposed construction project is to add 2 bedrooms (New construction). There is the ability to construct a conventional system, but it would have required a pump, this is now gravity fed system by using the presby.

A Presby system is being used to reduce the leaching area footprint and keep the existing trees on the side of the lot (also sloping). There was a discussion regarding the allowing to use this passive technology for new construction as in some cases there is less square footage provided.

**TK: Motion to approve the request for passive I/A technology for new construction at 8 Lincoln Road, per septic plans as approved by staff, and per building plans dated received November 7, 2016.**

**Second JS: vote 3-1 yes JS , MW and TK no BM**

9:00 p.m. **Discuss request from Finance Director regarding \$8,000 from non-salary to salary (if applicable) for FY18 budget.**

When these funds were approved by the Board, a portion of the funds were to provide coverage for the office during times when the Department Assistant or Senior Clerk are on sick or on vacation. The person covering the office is being paid through the Town Payroll system, so the funds need to be in a salary line item.

**TK: Motion to approve the transfer of \$4,000.00 from non- salary (contractual services) to salary for fy18. Second JS vote 4-0 all in favor.**

Next meeting January 3<sup>rd</sup> and with the Planning board

9:55 p.m. TK: motion to adjourn second JS: vote 4-0 all in favor

Respectfully submitted  
Patti White  
Department Assistant  
121216minutes  
Approved 013017