

BOARD OF HEALTH MINUTES
TOWN BUILDING 41 COCHITUATE RD
BOARD OF HEALTH OFFICE
MAY 22, 2017

The meeting was called to order at 7:00 p.m. present were John G. Schuler (JS), M. D., Elisabeth N. Brewer (EB) M. D. and Susan Green (S.G.). Also present were Julia Junghanns (JJ) Director of Public Health and Department Assistant Patti white.

7:00 P.M. **Public Comment-** Ed Collins – of Plain Road is speaking regarding the letter dated received by the town May 15, 2017 from McLean Middleton regarding Verizon’s interest in locating new wireless facility in town. He had concerns regarding the fact that the letter was addressed to 6 other Boards, but not to the Board of Health. The Board of Health has provided feedback and comment regarding Wireless communication issues since the 1990’s, when the Wireless Communications District was formed and there were many public hearings. The zoning bylaws were developed for wireless communications devices to be located in the defined area/location with reference to the 900 foot setback. Health issues are not being allowed for the denial of wireless communications. He is requesting that we please continue to stay with the policy the board has always represented, to protect public health. Also suggesting that we not take action at this time to keep ourselves out of any potential issues/problems perceived with the wireless company.

Peggy Patton – of Plain Rd. Presented the Board with two memo’s from prior BoH work regarding Wireless communication in Wayland. Of current concern is that the possible proposed placement is too close to existing schools.

JJ: the town has not received an application nor are we aware of a potential location being requested. This is on our agenda later in the meeting to review the letter only and inform BoH.

7:12 p.m. **Vote in BoH Chairperson, Dr. Elisabeth Brewer**

JS: I nominate Dr. Elisabeth Brewer as chairperson- second Susan Green. Vote all in favor 3-0.

7:15 p.m. **Discuss outreach plan for Plastic bag and Polystyrene ban Bylaws, also review Pipeline letter to Governor Baker and consider BoH support; Guest: Paul Dale- 12 Grace Rd.**

Town meeting passed 2 bylaws one for banning plastic checkout bags and one for banning polystyrene for take-out food.

Paul Dale provided JJ with draft letters that JJ revised/edited on both bylaws. PD: Plastic checkout bags will soon be banned in 40 towns in Massachusetts and polystyrene in over 20 towns. JS: where did the fine structure in the letters come from? JJ: the bylaw contains those fines, the bylaw has not been officially approved by the Attorney General yet, but the notification should be received probably sometime this summer. We felt that outreach should be done as soon as possible to give the retail businesses the time needed to use up current stock and start to investigate new product(s) they will be using. EB: If someone is looking to file for an extension do they come to us? JJ: Yes, they would come before the board. JS: Do we know how many businesses will be affected? JJ: We permit approximately 35 Food establishments, there are many other businesses and/or affected parties and vendors in town (farmer’s market) that will need to be notified. JS: How

much time do you expect to spend on this in the future? JJ: We will keep track of our time to do this initial outreach. It will depend on compliance to see how the facilities are complying and if they are amenable to compliance. JS: what will it take for time to cover the inspections? JJ: Beth Grossman goes into most of the establishments, she will be handling that part, as she is familiar with those businesses, I don't know how much time it will take, getting the letter out, will allow time for them to reduce inventory and look at new products. She is aware of the project, I will discuss this with her to see what the cost will be. EB: the letters talk of an extension of 6 months. Can we change that to allow them to apply for "up to 6 month extension". JJ: yes we can change that in the letter. JS: will Russell's Farmer's Market contact their vendors? JJ: we will be reaching out to them as well?

EB: Can you explain about the pipeline letter? PD: In Ma, we on a trajectory to an environment of healthier alternative energies. We should be going on record with disagreeing with the construction of new pipelines as requested by MAHB to sign on. There are no projected new pipelines for Wayland, but this could happen in the future. There are other towns in MA where this is happening. It is hoped to get as many Board of Healths to sign on this letter to the Governor.

JS: how do you compare the effects of noxious fumes from pipelines to gasoline from fuel stations? PD: The pipelines are methane, that is treated with chemicals, methane is odorless, they add chemicals to create the odor., methane is not pure and has a number of toxic chemicals that you do not find in gasoline. JS: What do you suggest to homeowners that have gas? PD: There are three grades of gas leaks- grade 1 leak- highly dangerous- class 2 leak, poses a potential immediate threat, that is watched. Grade 3 is out in a field, or roadway, and they are under no obligation to repair it. A heat plan of grade 3 leaks in Wayland was presented to the BOS last year to encourage them to ask for the leaks to be repaired. Street lines are low pressure lines, the high pressure lines (main distribution lines) are the ones being addressed in the letter. Massachusetts has enough high pressure lines for the State to cover the needs of residences and businesses. EB: Are there pipelines proposed to be built in the near future? PD: There was a line to be constructed and charged to electric users, the MA supreme judicial court denied the proposal. It is believed that there may be a return pipeline that would be charged only to natural gas customers. SG: Who initiated the letter? PD: It was sent to me and I honestly don't know who it was distributed by. JJ: it was distributed by the MAHB (Massachusetts Association of Health Boards) EB: are we voting? JS: I don't have enough information to go on record for this yet. JJ: I understand what Mr. Dale is saying, but I agree with Dr. Schuler. I don't feel that I know enough about this personally to recommend signing on personally. Although MAHB is a highly recognized reputable organization, I don't know where the information was gathered from to draft this letter. EB: I feel similarly.

PD: what research information would you like presented for you to feel it would be reliable? JS: Maybe information from the Public Utilities Boards, who are in charge of these. PD: I am aware that there are several other Boards of Health that also would like additional information, and I am looking for additional resources for you to feel comfortable. EB: Maybe information from MAHB? JS: I would like to hear from someone from the Utilities Board. PD: If you could copy me on any information you receive? PD: I will contact the Board of Public Utilities. SG: I don't know who handles the health issues regulating naturel pipelines. JJ: I can reach out to MAHB and see if they can provide information regarding the reference materials used to draft the letter.

7:40 p.m. Review/discuss the differences between town and state septic regulations regarding granting variances for new construction- guest Health Agent Darren MacCaughey

JJ: We want to focus on a discussion regarding the difference between Town and State Regulations and variances.

In Wayland it is considered "New Construction", if you are adding a bedroom, adding on more than 60 % of the original house square footage, tearing down and rebuilding or construction on an empty lot. With a tiny house, an addition will reach 60% quickly, whereas a larger house can add on more square footage without reaching the 60% as quickly. The reason for the 60% rule in Wayland was to trigger the process to get older systems (cesspools, etc.) to be upgraded.

In MA (state) regulations, you can tear down and rebuild and it is not considered adding additional flows and not new construction. If you are adding a bedroom then that would be considered new construction (adding flow).

JS: What is the definition of adding a bedroom? JJ: The state allows you to use flow of 110 gpd, in Wayland you use 165 g.p.d. which also incorporates adding a garbage grinder.

JJ: we are working with the Assessor's office to make sure that the rooms, being added, that are not bedrooms do not have closets in the hopes that when the assessors go out, they will have the same count for bedrooms that we have on file. This is a struggle for all towns in the commonwealth.

JS: how do variances differ between town and state.

DM: there are no written processes in Wayland Regulations for variances. State regulations have a specific procedure regarding the processing of variances, they generally do not allow for the granting of variances for new construction. JJ: Historically (7-8) years ago and further back, we (the Board) were not allowing variances for new construction (therefore there was not a formal process in place). With the introduction of progressive technologies (passive I/A systems), people are considering them more often to improve their property (especially if there are site constraints) and engineer's try to meet Wayland's local regulations for leaching size requirements. However, most often the reason a variance is requested is due to square footage differences, if using I/A passive technology. This has been the most common reason for the variances becoming more frequent.

A common scenario- the lot has either; poor soils, high water table or ledge and would not allow for a full sized system to be installed as sized/required by our local regulations. Using passive I/A technology systems, the state regulations provide a reduction credit for the size of the leaching field (smaller size with the same treatment). These I/A systems are State approved technologies, so they are not a variance from State regulations, but our current interpretation necessitates a variance from the Town regulations (which cite specifics regarding square footage requirements). EB: What happens if they can fit the primary but not a full size reserve area? JJ: State regulations for square footage of new construction are different from Wayland's. We require more square footage and it's automatically sized for a garbage grinder. EB: Has the Board given variances for new construction? Yes we have in the past but it varies. We are trying to have consistent decision making regarding projects that come before the board. JS: What happens if it is a small lot and cannot fit a standard septic? JJ: In most of those cases, there is a provision in Title 5 that allows certain waivers through a local upgrade approval, but they cannot add bedrooms, cannot add additional flows and do not need a reserve area. JS: Would you recommend an I/A system? JJ: These systems have been used much more often in recent years throughout the commonwealth and they are state approved. I am pretty comfortable with these systems. At first, years ago we were a bit hesitant but it's now been numbers of years. If there are problems it's usually related to a bad installation/driving over the system/or potentially bad design. Often these systems have been used to improve

the project/property if there are topography issues, potential retaining walls with a conventional stone and pipe system.

JJ: Board policy re: alternative technology and size of house.

In the recent past, the Board created policies to assist with making decisions. We are now facing questions regarding passive technology use. If we grant a variance, we will allow you to add on up to a certain amount of square footage. SG: Are the policies to cover the issues coming before the board? Are they covering the issues? JJ: The current policy does not really talk about passive technology for new construction that does not meet the town square footage requirements. SG: Do you feel the alternative systems are as protective for the Town's public health? JJ: They are approved and tested by the state, I feel comfortable with them. The I/A technology systems must be properly installed; we inspect them, make sure they are not driven over or built over, to be sure to protect them. SG: Is this more work? DM: The passive systems are not much more work for review and inspection, the plan review is a bit longer, however as the regulations are updated regularly by the State, so you need to be able to stay on top of the changing system requirements. The septic installers, must be certified by the company that developed the system. JS: There was hesitation regarding these systems 8 to 9 years ago and now there is more comfort with the technologies today. DM: the industry has been permitting them regularly since about 2005. Along the same lines, we need to discuss the interpretation of the local sizing/square footage requirements and the computations for each technology. JJ: Septic Zone II issues are different, we interpret it regarding what is required on the lot; if it was a new house for 4 bedroom it required a 40k sq. ft. lot, if someone wants to tear down and rebuild a 4 bedroom house on a 30k sq. ft. lot, they are undersized, that triggers a Wayland variance, but not by the state. SG: Are the automatically required to use technology? JJ: It come up more frequently, but has not been decided on use. JS: We are looking for a consistent approach to use of alternative technology. EB: If we write a formal policy, if alternative technology that meets the square footage, it will not need a variance? JJ: right now it would be a policy and in the near future, we can write it into the new septic regulations. JJ: we would like to have the ability to assist homeowners and engineers regarding the use of I/A technology (passive), without the need to come to a BOH meeting for every instance. JS: I think that work in Zone I must come to the board, and maybe zone II? DM: There are nitrogen reducing technologies that are approved by the State, that are not considered a State variance to use. JJ: There is nothing in our current Septic Regulations which prohibits that for zone II. We have very large zone II area in Wayland. There is more work for the staff using active I/A technology for nitrogen reduction that have moving parts, requiring contracts and maintenance agreements, tracking of paperwork, defaulting of contracts and chasing people down with letters, etc.. SG: How do we write new policy? JJ: We will have a full Board in attendance by June, and we can have a full Board discussion to review the current policy and discuss some of the situations that are being presented to the Board. Hopefully we will be able to provide a more uniform and consistent approach to the use of I/A technology.

8:15: Review new information regarding the Wastewater Treatment Plant at Wayland High School- possible guest from O & M company, Wastewater

JJ: I am sorry, Ben Keefe (facilities director) nor his representative could be present. JS: Please have someone here for our next meeting that understands the system, why did the system fail? Do we have information regarding training and education for the protection of the treatment plant? EB: Is there a warranty? JJ: There was a one year warranty, which has expired. JJ: I have reached out to Ben and I believe he is available and able to attend our next meeting.

8:20 p.m. Update regarding letters from Environmental Resources Management

JJ: Does anyone have any questions or have you listened to Board of Selectmen (BOS) meeting that Ben Gould (BG) attended? I spoke to Ben G. before the BOS meeting, my understanding is that Raytheon has removed themselves from the 2 new plumes that have been identified. The new area is located by the Stop and Shop parking lot by the new rail trail by Cook's automotive (near RT 20). DEP has assigned new tracking numbers for the 2 plumes, BG agrees with the removal of the tracking from Raytheon, he agrees the plumes are not part of the Raytheon problem. DEP will reach out the 8 businesses identified that may be involved in the problem, that is a series of steps that will take place, and we will be notified if there are any updates on the process.. The email of 4/26/17 identifies the 8 businesses that may be involved in the newly identified problems.

8:25 p.m. Review draft memo to Recreation commission on Artificial turf

JJ: I have drafted a memo for the Rec. Commission; they are considering removing and relocating the high school artificial turf field (made of crumb rubber). The draft memo was reviewed. SG: If you are facing the field, from the parking lot where will the new field be located? JJ: the existing field is not in good shape and likely needs to be replaced (they have an engineering company working with them on this whole project)so they are considering to just move the location, likely to where the tennis courts are presently. JS: We need to be sure the crumb rubber is not being used again, there are organic products that can be used in place of the crumb rubber. JS: the problem with grass fields is that they are not often ready to go for the start of the spring seasons. JJ: there are few alternatives for teams to use in early spring when the grass fields are muddy and not ready to be used that is why they need the artificial turf for early spring and then rotation. EB: I think this a great letter to get the discussion started.

The Board supports the memo to the Rec commission as presented.

8:30 p.m. Review letter from Attorney for Verizon Wireless regarding proposed Wireless Communication Facility locations in Wayland.

Ed: telecommunications act of 1996 could not ban wireless towers, The town established a wireless communications district with 2 areas; Reeves Hill and on Rt 20 by the Transfer Station. The letter does not state where they are looking to establish the new location. If or when the town receives a request, can the board request that the proposed locations be away from the schools, kids are in those locations for long days, 5 days a week?

JJ: this is just informational review/discussion, there have been no applications yet, The Board has not been asked to comment yet. This agenda item was to make BoH aware.

The BoH reviewed the letter from the Attorney, and reviewed the historical letters sent from BoH regarding wireless communication devices in Wayland.

8:40 p.m. Animal inspector appointments

EB: Motion to appoint Bruce Sweeney, Jennifer Condon, Michael Albanese and Donna DeWallace as animal inspectors, for the term of May 1, 2017 to April 30 2018.

Second JS: all in favor 3-0

8:45 p.m. Director's Report

JJ: I do not have a written Directors report, I mainly wanted to talk about ticks. We have had quite a few inquiries, complaints and concerns regarding the tick season. Marni Roitfarb, the Town Physician along with Ruth Mori, R.N., B.S.N, Public Health Nurse/School Nurse leader and myself have written a press release regarding ticks, that is posted on our website and has been sent out to our media contacts including the Town Crier, Waylandnews. One of the concerns was regarding the Children's way playground; here at the town building, as well as the playground at the Claypit Hill elementary school, and people complaining about unmaintained lawns/yards. There is no State program for Tick control, and not much leadership from the state on what locals should do regarding this emerging issue. In the press release there is information regarding how to reduce tick habitat on your property. Fences help keep animals that carry ticks off the playground. The Wayland School Dept. has a policy of no pesticide use on any school properties. There has been mention of wishing to use organic products at Children's Way, I have reached out to Dave Henley Superintendent of East Middlesex Mosquito Control Project (EMMCP) regarding organic products. There is no information on the use of Organic oils regarding health effects, and no data on how these Organic oils will have effect on other insects, wildlife or animals. Also, there is no residual. Once you spray the product it could eliminate ticks that are in the area but will not have any lasting effect(chemicals have a residual effect). I have suggested the Town mow a wider area around the Childrens' Way playground and trim things back to reduce tick habitat, do tick checks and consider possible repellents or other measures to be taken.

EB: In order to create a health issue, the tick has to bite and be imbedded for over 24 hours. If you do daily tick checks, you can avoid getting Lyme disease. If you think the tick has been there over 24 hours, you can then take a one dose of a prescription within (72 hours), if it has been over 72 hours it then becomes a wait and see if symptoms arise.

JJ: The press release has a lot of helpful ideas to avoid tick exposure with proper clothing, doing tick checks, reducing habitat, and using repellents. Using Tick tubes saturated with Permethrin, can also help with the spread of disease through mice, as the mice will pick up the cotton or lint inside tubes to use in their nests. This is a chemical product being used, so you have to be careful with pets and small children.

8:55 p.m. Minutes of March 20, 2017 and April 12, 20217

EB: Motion to approve the minutes of March 20, 2017 and April 12, 2017 as presented JS second, vote 3-0 all in favor.

Bills have been signed.

Future meeting dates. June 5th? Looks good sg and eb, if JS has a meeting in Boston then he would be a bit late . If the 5th doesn't work what about the 12th. No 19th for EB.

9:00 p.m. EB: motion to adjourn second JS: vote 3-0

Respectfully submitted
Patti White
Department Assistant
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