

**WAYLAND BOARD OF HEALTH MINUTES**  
**TOWN BUILDING**  
**June 12, 2023**

Minutes taken in January 2024 by Great Meadows Public Health Collaborative temp R. Keith.  
The meeting was called to order at 6:30 p.m. by Chairperson Dr. Robert DeFrancesco (RD). Present in person: Board of Health members Dr. John Schuler (JS), Dr. Robert Eyre (RE), Dr. Genevieve Anand (GA), and Jonathan Storer (JS2), and Wayland Health Dept. Director Julia Junghanns (JJ) and Wayland Health Inspector Darren MacCaughey (DM). Also present via Zoom: Ms. Camille Payne (CP).

**6:30 p.m. Public Comment**

None.

**6:31 p.m. Animal Keeping Application re. Chickens at 136 Oxbow Road, Owner Camille Payne**

JJ: This is a new application to keep chickens. CP: I originally submitted it in April. You had asked for more information which I've provided. JJ: CP has contacted abutters, one of them is <150' away. CP: Yes, I've been in touch with the abutters, including 132 Oxbow, which is 140' away. They're all ok with this. JJ: We got their replies & they know we're meeting now. If the Board approves tonight, we'll do the site inspection. The required distance is 150 feet, anything less is a variance/waiver request. We will need the green cards.

**RD Chair: Call for a motion. RE: Move to approve application for 136 Oxbow Road to keep 6 chickens with the waivers for distances. GA: Second.**

Roll Call: GA: Yes, RE: Yes, JS: Yes, JS2: Yes, RD: Yes. Application approved.

**6:35 p.m. 5 Lundy Lane Septic System Variance from our Local Regulations for New Construction requiring a 10' separation between trenches for reserve area, Owner Richard (RG) & Nicole Ashley Gilbody; Trustees of the Gilbody Irrevocable Trust, P.E. Chi Y. Man, of Hardy and Man Design Group**

RG: Introduces Ohan Ozcan (OO), Atlas Const., and Chi Man (CM), from the engineers Hardy + Man. OO: We're looking for a variance. Wayland required trench separation is 10' edge-to-edge. State regulation is 6'. We're asking for 7'. We've done 16 perc tests and had Health Inspector DM out to the site multiple times. The soil quality isn't great. This variance is the only possible way to proceed. The new system as designed can handle it. JS: How far is the system from the nearby stream? RG: Haywood Brook runs on the other side of Lundy Lane. OO: We've had a lot of fill brought in and a retaining wall added to improve leaching. JS2: My concern is that with the reduced space between the trenches –20+ years from now when the system is replaced, where can you fit digging equipment or dig a 3' trench without it collapsing? I'd make a relatively inexpensive change now to put piping and stone for the reserve fields now. OO: You could add a switch or shutoff at the D-box. JS2: Then you're good for 60 years. OO: Designing it to have the reserves built out – it's a good idea. JS: Will you improve the quality of the soil? OO: We already have in this plan. We've built it up about 4'. RE: The added fill will be a big safety factor. Can the Board make that a stipulation? JJ: There's another approval after this of the

revised plans, but if the Board of Health makes that a condition, it will go forward with that.

**RD Chair: Call for motion. JS2: I move the Board approve the variance to 7' trench separation conditional on the applicants building out the reserve area with added fill. RE: Second.**

Roll Call: GA: Yes, RE: Yes, JS: Yes, JS2: Yes, RD: Yes. Motion carried. Variance approved as specified.

**7:00 p.m. [St. Ann's Village](#) Chapter 40B Development, Waivers requested from Local Septic System Regulations, Shaina Korman-Houston (SKH) Real Estate Dir. and Phil Crean (PC), of the Planning Office for Urban Affairs, Archdiocese of Boston; Rob Brennan (RB), Land Use Atty., Smolak & Vaughan, and Stephen Garvin (SG), Engineer, Samiotes**

SKH: The Planning Office is an arm of the Archdiocese of Boston, a 501c3 non-profit. We've developed over 3000 units of affordable housing in E. Mass. We're proposing 60 units of affordable senior housing called St. Ann's Senior Village at 124 Cochituate Rd. SG: This project is 100% units available for < 60% AMI to fill the need for low-income housing common to Metro West towns. The septic system is going to be 8500 gpd with 10 leaching trenches. The current system for the church and rectory is 2300 gpd. We'll redo the system and tie them all together. It will be a [pressure dose system](#). Soil testing has shown this to be a good site for this project. The submission was part of the Project Eligibility Letter (PEL) to the state – a set of waivers – to meet the requirements of the state and most of the Wayland Regs. at the Zoning Board of Appeals (ZBA) according to State 40B standards. The points we want to change in the Waiver Request are: no monolithic tanks, they won't work for so large a system; 110 gal/day/bedroom capacity instead of 165; Title 5 standard of 5' separation from high groundwater elevation, instead of 10'; 6' of separation between trenches; omit the hydrogeological study the state only asks for treatment facilities, where Wayland asks this for new projects with 5K gpd. SKH: We want to do this as a "friendly" 40B proposal and address the needs of our neighbors. SG: But we're limited by how each compromise alters other parts of the project. We've pushed the site as far as possible from abutters to the north, 75'. Changing the setback from neighbors from 20' to 75' affects how we meet requirements for the wetlands buffer. That affects how we can build the septic system. We've met multiple times with all stakeholders. RE: Are you going to renovate the rectory? SG: No. That will stay 3 bedrooms. RE: Are you asking for variances from different boards? SB: Yes. But waivers, not variances. This is all being filed as a comprehensive permit application to the ZBA. JS2: Are any waivers contingent on our vote tonight? RB: No, we're here for the waivers and your feedback, but the ZBA has final authority on granting the waivers. SKH: We'll present any comments from you to the ZBA when we see them Thursday. JS2: Is there a generator in the building? SKH: Yes. To power one elevator, heating/cooling for a community room. SG: And the septic pumps. SKH: So in an emergency there'd be a working septic and a place for people to go. SG: We'll come before you again for a permit.

**Chair: Motion RE: Move to approve the waiver as presented with additional soil testing. JS: Second.**

Roll call: GA: Yes, RE: Yes, JS2: Yes, JS: Yes, RD: Yes. Motion carried. Approved requested waivers.

**7:45 p.m. Harmful Algae Bloom (HABs) monitoring protocol for Wayland Town Beach/Lake Cochituate in North Pond, review, and potential vote/adoption**

Meeting joined via Zoom by Carole Plumb (CP) and Tom Klem (TK) of the SWQC, and Katherine Brenna (KB) of the Recreation Dept.

JJ: Since we last met, we've looked at the protocol and the research on how HABs can have harmful health affects for humans and animals. That's why we're proposing this proactive protocol. Current state recommended protocol is for visual observations that can trigger an advisory or also lab testing as per state guidance can also trigger an advisory, lab testing is done to rescind an advisory and 2 weeks are required before lifting is recommended. JJ: We've been working with Carole, Tom, and Katherine and the state Toxicology Lab. We've observed what we know cyanobacteria in Lake Cochituate, we need to learn more about it. In prior years we've issued advisories as recommended by the state, and in some cases closed the beach. The state doesn't always have funds to do lab testing, but on occasions when they have tested, it hasn't risen to the threshold levels of a HAB, therefore closings and mixed messages for beachgoers. Their protocol also requires two negative tests one week apart to lift an advisory. This can cause beach closures of 2 weeks or longer which is a huge problem. Katherine & I recommend more staff surveillance at the lake & our own protocols. Many MA towns have this issue & take a similar approach. After meetings with SWQC, DPH Toxicology, & this board, we studied what other towns are doing, including Worcester Cyanobacteria Monitoring Collaborative (WCMC). We agreed the existing old state protocols are problematic and we need to establish our own including visual observation of the lake. We brought in a summer intern (Kimberly Garcia, BU SPH) so we propose to do our own HABs Monitoring & Response Protocol. This has been approved by the MA DPH, but they won't guarantee lab testing on their end so we will need to do it. We'll start sampling at the lake 6/15 for lab test #1. We anticipate algae level increases/changes as hot weather sets in. We have test supplies and will save money on testing by having a fixed schedule and doing our own microcystin testing. We've ordered the Abraxis rapid test kits for microcystins. We've chosen testing locations and controls & Kim will take sequential photos for visual comparison. GA: Does DPH test to issue advisories? JJ: No. Anyone can call the state with an observation that could be considered a bloom without lab testing. We're going on scientific data while they're going on visual observations – often from concerned citizens. We need to establish a scientific & visual data baseline. CP: There are 8 species of algae that create toxins, and most lakes stick to only one kind of microcystins. JJ: Here are the protocol scenarios: 1. DPH recommends an advisory for North Pond – we would issue an advisory, post signage, review our monitoring logs & test results available and if there are elevated toxins/cyanobacteria levels, we'd consult with our DPH contact & recommend beach closure. Scenario 2 & 3. The state issues an advisory and we do the follow-up. Either they indicate Town Beach is involved or not, as different parts of the lake can have different levels of involvement. In either case we'd do our battery of tests and proceed accordingly, close

the beach if the levels exceed DPH threshold and post signage as needed. GA: Are we doing any public awareness about fertilizers? JJ: We don't control all the sides of the lake, but definitely a good idea to do some educational work. TK: You can try a passive approach, but it's hard to break habits. KB: We at Recreation do a quarterly mailing to everyone in Wayland promoting the beach. We could work something up to educate people about how what they put on their lawn can end up in the lake.

**Chair calls for motion. GA: I move to approve the protocols. RE: Second.**

Roll Call: GA: Yes, RE: Yes, JS: Yes, JS2: Yes, RD: Yes. Carried. Protocol is approved.

**8:33 p.m. Update on ProcellaCOR treatment at Dudley Pond from Tom Klem of the Surface Water Quality Committee (SWQC).**

TK: Last month I came before you regarding ProcellaCOR application on Dudley Pond. We were going to treat 60 acres and we need to monitor for trace herbicide afterwards. At that time the plan was to do the application in June, but after getting approval we got an earlier date from the vendor to use ProcellaCOR. But we may have to do an additional 7 acres, so I'm here to request approval to add the 7 acres contingent on ProcellaCOR monitoring as we did the first time.

**RE: Move to approve. JS: Second.**

Roll Call: RE: Yes, GA: Yes, JS: Yes, JS2: Yes, RD: Yes. Carried. Authorized approval.

**8:35 p.m. Alta at River's Edge/Oxbow 492 BPR- Discussion regarding Lifeguard coverage for new Semi-Public pool as per 105 CMR 435.00 Minimum Standards for Pools State Sanitary Code, 435.23 Lifeguards – guest Jessica Lutoff (JL), Property Manager/Wood Partners present via zoom**

JL: We're waiting to hear if we're required to have a lifeguard. RD: Correct. Did you go see the pool again? JJ: Yes, today. They need a first aid kit inside the pool area. They need a sign reading, "Shallow Water No Diving". The emergency phone has an issue. When we tested it, the dispatcher's voice at Public Safety was breaking up badly; that needs to be resolved. JS: Are there children? JJ: I don't know how many live there. What's the current occupancy? JL: We have 218 units at 65% occupancy, maybe about 30 kids. JJ: Do you have a summary of pool rules? JL: Yes, there are signs that say pool hours, anyone under 16 to be accompanied by an adult, there's no diving, there's no lifeguard on duty. RE: It should be clear in the language this isn't a suggestion; it's the rule. JL: "Children under age 16 should not swim without an adult in attendance. Adults should not swim alone." That's what the regulation says. JL: We have an older sign that's more traditional. "Unsupervised solo bathing shall be strictly prohibited." That's on the interior of the fence facing the pool. JS2: Since our last meeting I made an informal inspection. The fencing looked secure; the pool is very small. RE: What's the limit on the pool? JJ: Without a lifeguard, 19 swimmers. More than that, BOH requires a lifeguard. Will there be monitoring of the pool by their staff? JL: No. JJ: There's no video camera on it. RD: We discussed sign-in sheets. JL: It's fob access, so anybody coming in we see their name. RE: Do you have a vendor to test the water? JL: No, we have an employee who's CPS certified. JJ: They

have a full-time pool operator. He tested the water today when I was there. He'll be responsible for putting up new signage. The jacuzzi is still closed pending req'd signage. RE: There must be an age limit for that. JJ: That's in the signage. JS: Children must be accompanied by an adult. JS: Do other condos in town have pools? JJ: There are pools at Stone Ridge Village, Glen Oak, The Hill, and Indian Dawn. The only one with a lifeguard is The Hills – on weekends as that is typically busier for them/more swimmers. GA: Can the fob system tell us who goes in the water? JJ: That's a good point. It's a nice area; people might go in to take a nap or read a book. I don't know how else you'd track the number of users. JS: What's our authority here? We make suggestions but we don't run the pool. JJ: We issue their permit, the BoH determines if they need a lifeguard or not. They're required to comply with our regulations. There's a pool code with requirements for signage, drainage, and type of cover. They apply and pay for the permit. All the other pools in town have been around for years. This is the first new pool permit in a long time and we don't know what the bather load will be. JS2: We can do spot monitoring. RE: I pass by there all the time. JS2: Can we give them a month to monitor and then revisit? RE: We need to pass a motion to issue a permit and be advised by town counsel regarding this board's liability.

**RD: Call for Motion. RE: Move we issue a permit once the phone, first aid kit, and signage issues are resolved & inspected. JS2: Second.**

Roll call: GA: Yes, RE: Yes, JS: Yes, JS2: Yes, RD: Yes. Motion carried. Permit approved as stipulated.

**8:55 p.m. Appointments for Food inspector, Beth Grossman, Health Agent, Darren MacCaughey, Health Agent and Director, Julia Junghanns, Health Agent, Ann Loree (Regional), Animal Inspectors; Donna DeWallace, Jennifer Condon**

JJ: Ann Loree is the only person here you are not familiar with. She is our Regional Health Agent. Appointing her makes her available to handle something if Darren and I are unavailable.

**Chair reads appointments:**

- Darren MacCaughey, you are hereby appointed as Sanitarian/Health Agent for the Board of Health for a term of 1 year, from July 1<sup>st</sup>, 2023, to June 30<sup>th</sup>, 2024, pursuant to law.
- Ann Loree, you are hereby appointed as Sanitarian/Health Agent for the Board of Health for a term of 1 year, from July 1<sup>st</sup>, 2023, to June 30<sup>th</sup>, 2024, pursuant to law.
- Julia Junghanns, you are hereby appointed as Sanitarian/Health Agent for the Board of Health for a term of 1 year, from July 1<sup>st</sup>, 2023, to June 30<sup>th</sup>, 2024, pursuant to law.
- Julia Junghanns of Wayland, Mass, you are hereby appointed as Director of Public Health for a term of 1 year, from July 1<sup>st</sup>, 2023, to June 30<sup>th</sup>, 2024, pursuant to law.
- Julia Junghanns, of Wayland, Mass, you are hereby appointed as Inspector for the Board of Health for a term of 1 year, from July 1<sup>st</sup>, 2023, to June 30<sup>th</sup>, 2024, pursuant to law.
- Bess Grossman of Wayland, Mass, you are hereby appointed as Food Inspector for the Board of Health for a term of 1 year, from July 1<sup>st</sup>, 2023, to June 30<sup>th</sup>, 2024, pursuant to law.

- Jennifer Condon of Boardman's Animal Control, Inc., you are hereby appointed as Animal Inspector for the Board of Health for a term of 1 year, from July 1<sup>st</sup>, 2023, to June 30<sup>th</sup>, 2024, pursuant to law.
- Donna DeWallace of Boardman's Animal Control, Inc., you are hereby appointed as Animal Inspector for the Board of Health for a term of 1 year, from July 1<sup>st</sup>, 2023, to June 30<sup>th</sup>, 2024, pursuant to law.

**Motion: JS: I move we approve all the aforesaid nominations. RE: Second.**

Roll call: GA: Yes, RE: Yes, JS: Yes, JS2: Yes, RD: Yes. Carried. Appointments are approved.

#### **9:10 p.m. General business, Bills, Director or PHN updates**

**PHN Updates.** JJ: **Substance Abuse & Harm Reduction.** We received our first shipment of Narcan/Naloxone and we are working on a distribution plan, SOPs, and education. This is part of the GMPHC effort. **Emergency Preparedness.** Participating with region for end-of-year activities & planning agenda for next year. This includes our Emergency Dispensing Plan for our EDC, our Emergency Dispensing Site where we run our vaccination clinics. Updating our plans. Considering our volunteer participation. **School Health.** Assisting with end-of-year activities: slides, budget, Health Service grants, planning professional development dates for next year. **Vaccines.** Returned unused flu vaccines. Planning orders for next fall. It's flu season in the southern hemisphere and the formulations are being tweaked. **Camps.** PHN and I are reviewing camps in Wayland to meet state regulations. There are ~10 so far. We process the paperwork & do site visits. **Food security.** She's working with COA, public schools, and Open Table in Maynard. **Air Quality.** We've had problems with smoke from the Canadian wildfires. **Infectious diseases.** We continue to field questions re. Covid and continue to work with DPH investigating peer-group related GI illness reports. **General Office.** We're coordinating upcoming vacations. Typically, the number of residents coming in falls off this time of year and we can do some catching up. We'll be working on annual reports soon. Our next Board Meeting will be on July 10<sup>th</sup>.

**9:15 p.m. Topics not reasonably anticipated by the chair 48 hours in advance of the meeting, if any.**

None.

**Chair: Is there a motion to adjourn? JS: I move to adjourn. RE: Second.**

Roll call: GA: Yes, RE: Yes, JS: Yes, JS2: Yes, RD: Yes.

**Meeting Adjourned.**

Respectfully submitted,  
Russell Keith

**061223 Minutes**

**Approved 02/12/2024**