



Billerica Board of Health

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Mike Grady, Chairman
Robert Reader, Vice Chairman
Sandra Giroux, Secretary
Marie O'Rourke

Kristel Bennett, Director

BOARD OF HEALTH MINUTES June 7, 2021

Mike Grady, Chairman called the meeting to order at 7:00 p.m. Also in attendance were Robert Reader, Vice Chairman, Sandra Giroux, Secretary, Marie O'Rourke, Kristel Bennett, Director and Joanne White, Recording Clerk.

OPEN MICROPHONE

Mr. Grady asked if anyone would like to comment on Open Microphone.

No one was present to comment on Open Microphone.

ACCEPTANCE OF MINUTES

Mrs. O'Rourke made a motion to accept the Meeting Minutes of May 3, 2021 as presented.

Mrs. Giroux seconded. So voted unanimously.

BOARD OF HEALTH BUSINESS

Board of Health Activity Reports

Mr. Grady stated the first item under Board of Health Business is the Health Department Activity Reports.

Copies of the Health Department Activity Reports for May are included in the Board's package.

Mr. Grady stated the first activity report is from the Public Health Nurse, Christine West.

Mrs. Bennett explained that Christine West is still busy with COVID cases and contact tracing however the case numbers have greatly decreased.

The Board Members did not have any questions regarding the Public Health Nurses report.

Mr. Grady stated the next activity report is from Health Agent, Phavy Pheng.

Mrs. Bennett explained that the courts are now scheduling sessions however they are prioritizing which cases would be seen. Phavy has attended several zoom hearings.

Mrs. Giroux asked for more details about the housing complaint at Linnell Circle.

Mrs. Bennett explained that Phavy and I issued an Order to Vacate the trailer because of the uninhabitable living conditions.

Mrs. Giroux asked is there someone living in the trailer and is there a health concern.

Mrs. Bennett replied that she would talk to Phavy and send an email with more details regarding the trailer on the property.

Mrs. O'Rourke asked is there a house also on the property?

Mrs. Bennett replied yes, there is a house on the property. The trailer is in addition to the house.

Mrs. O'Rourke asked why is someone living in the trailer instead of the house.

Mrs. Bennett replied that she did not know however she would find out and send a follow-up email to the Board Members.

It was brought to the attention of the Board that the dumpster on 5 Andover Road had been taken care of.

Mrs. Giroux commented that she is glad that the problem was Liberty Bell's and has been resolved. Thank you very much for pointing that out.

Mr. Grady asked the Board Members if they had any comments or concerns.

Health Director Update

Mr. Grady stated the next item under Board of Health Business is the Health Director's Update.

Mrs. Bennett gave the Board Members an update on the ongoing Health Department activities. The Community Services Coordinator position has been posted and several applications have been received. Mrs. Bennett explained the orders that Governor Baker has rescinded and what activities can resume. Mrs. Bennett provided Billerica's information of the COVID 19 cases since March 2020. Christine West and Joanne White have played an important role in the coordination

and implementation of the COVID clinics. Gary Courtemanche has been conducting food inspections and reviewing food plan reviews since May while Shelagh is on maternity leave. Richard Berube has been observing deephole tests, reviewing septic plans and onsite inspections. I have been meeting with Tighe & Bond and DPW Engineering to discuss MS4 requirements and an update of the Stormwater Regulations. I have completed the Title 5 System Inspector training and exam and will receive a Title 5 Certificate. The plastic bag ban began June 1st. An inspection will be scheduled to ensure that the affected establishments are complying with the ban. I have been working on a bee complaint concerning Merrimack Valley Apiaries. I have visited the property several times and have not observed public health nuisance conditions. I will talk to Town Counsel regarding the resident's concern. I have attended a pre-construction meeting for the demolition of the Old Ditson School. I have met with the new Farmers Market Committee and discussed the requirements for food operations. The plan is to have the Farmers Market ready to go on June 21st. Alexandra Collins, a summer intern from UMass Lowell is currently going to help out for 12 weeks. Ms. Collins collected information for the marijuana establishment fee survey and drafted a permit application. Ms. Collins is working on developing a town wide task force to assist hoarding cases. She has also developed a flyer for plastic bag ban. Mrs. Bennett explained that the Town of Tyngsborough has obtained a grant of \$350,000 from the Commonwealth of Massachusetts' Executive Office of Health and Human Services to be shared between the towns of Tyngsborough, Billerica and Tewksbury for health services. Mrs. Bennett explained what services this grant would cover. Billerica will need to submit a letter of commitment by July 31, 2021 to be part of the Shared Services Area.

Mrs. Bennett introduced Ms. Collins.

Mr. Grady asked the Board Members if they had any questions.

Mrs. Giroux asked Mrs. Bennett if she could put a letter of thanks into Christine West and Joanne White's folder for the COVID work that has been done. Mrs. Giroux also thanked Mrs. Bennett for her assistance with the plastic bag ban for the food pantry. Mrs. Giroux thanked Ms. Collins for the assistance that she is giving the Health Department.

The Board Members did not have any questions.

Reappointment of the Board of Health Representatives to the Substance Abuse Prevention Committee

Mr. Grady stated the next item under Board of Health Business is the Reappointment of the Board of Health Representatives to the Substance Abuse Prevention Committee.

Dina Favreau, Chair of the Substance Abuse Prevention Committee identified herself.

Mike DeLucia Vice Chair of the Substance Abuse Prevention Committee identified himself. Mr. DeLucia stated that he has been on the committee for four (4) years. Mr. DeLucia gave an update on services that the committee has provided. The committee has not been able to do as much because of COVID. The committee has donated scholarships and set up half-way houses to treat people that have an addiction.

Mrs. Favreau stated that she has been Chair for the past three (3) years. Mrs. Favreau explained that the committee has written and implemented By-Laws and Best Policy Practices. The committee has provided in person services in the schools to address substance abuse disorders and set up homeless shelters for people transitioning to sober living. A warrant article was passed that provides mandatory monthly overdose reporting to the Police Department. The Police Department provides statics as well as spikes in our community.

Mr. Reader asked if there has been an increase or decrease during COVID.

Mrs. Favreau replied there has been an increase in overdoses since COVID. There was 7 non-fatal overdoses last month.

Mr. Reader made a motion to reappoint Dina Favreau and Michael DeLucia as the Billerica Board of Health Representatives for the Substance Abuse Prevention Committee.

Mrs. Giroux seconded. So voted unanimously.

Next Meeting – July 12, 2021

Mr. Grady stated the last item under Board of Health Business is the schedule for the next meeting. The next Board of Health Meeting is scheduled for July 12, 2021.

Mrs. Bennett explained at this time I do not know if the meeting will be via zoom or in person. I will let the Board know.

7:15 p.m. 68 Gray Street, Billerica Revoc. Trust – 66 Gray Street – Request for a Variance for Work within the Flood Plain

Mr. Grady stated the first hearing is 68 Gray Street, Billerica Revocable Trust for 66 Gray Street requesting a Variance for work within the Flood Plain.

Gary Litchfield, applicant for 66 Gray Street, identified himself. Mr. Litchfield explained that he is requesting a variance for work within the Flood Plain. Mr. Litchfield is proposing to raze the existing dilapidated dwelling and construct a new dwelling within fourteen (14) feet of Green Engineering Flood Plain (GEFP) and within twenty-six (26) feet of the FEMA Flood Plain at 66 Gray Street. There are 2 houses, several sheds and half gravel/half paved semi-circle driveway on the property in the Historical District. Mr. Litchfield explained that he hired a structural engineer to inspect both buildings. A report was provided to the historical committee and the Board of Health. The historical committee agreed that the buildings need to be demolished. The Conservation Commission and the Board of Health decided that a third party peer review was required. Brian Dunn, MBL Land Development and Permitting, Corporation conducted the peer review. Three (3) situations exist, the first is that there are 2 major wetlands on the property, the second is that the property is Riverfront and the third is the GEFP on the property. We finally resolved all the issues with the Conservation Commission. Once we get the variance from the Board of Health we will go before the historical committee with the final plans. We have already removed 4 thirty-yard dumpsters full of trash and debris. We will probably remove another 3 dumpsters of trash and debris. A lot of planting will be done.

Mrs. Bennett explained that the houses will not have a basement, they will be slab on grade. There will be no work in the flood plain. Brian Dunn has completed the peer review and will be doing the environmental monitoring during construction. I have spoken with Isabel Tourkantonis, Director of Environmental Affairs and the Conservation Commission will be issuing their order of conditions.

Mrs. O'Rourke asked what the proposed pump chamber would be for.

Mr. Litchfield explained the purpose of the pump chamber and how it would function. The septic systems will be removed. Both houses will be on town sewer.

Mrs. Giroux asked Mr. Litchfield if he had anything from the Historical District saying that they agree to razing these properties.

Mr. Litchfield replied yes, I included the documentation when I filed the application. We would not get a demo permit from the building department without the Historic District sign off. The building department will notify the Historic District once we file.

Mrs. Giroux asked how are you going to compensate for the fill you are taking out.

Mr. Litchfield explained that we are taking out a lot of trash and debris. Both these houses are slab on grade so we are not digging down and removing a lot of gravel.

Mrs. Giroux asked about the wildlife. I want to make sure that nothing is going into the neighbor's property. I do not want to hear from the neighbors.

Mr. Litchfield agreed.

Mrs. Bennett asked if the asbestos survey has been done.

Mr. Litchfield replied that the survey has been done and the results have been sent to the State.

Mr. Reader asked will the driveway be paved.

Mr. Litchfield explained that some of the driveway will be paved. Some of the pavement will be removed. Mr. Litchfield explained that there will be two (2) individual driveways that will not connect, one for each house.

Mrs. Giroux asked will the driveway be paved or will it be half stone.

Mr. Litchfield explained that it will be paved.

Mrs. Giroux stated is one going to compensate the other? I have a concern with the driveways.

Mr. Litchfield explained that the Conservation Commission has approved the plan.

Mr. Grady asked if any abutters were present.

Linda Baker, 67 Gray Street, identified herself. Mrs. Baker stated that she lives across the street and is concerned about water when the property is cleared of all the trash and debris and the new houses are constructed.

Mr. Litchfield explained that the Town's Consultant reviewed the property regarding all the issues that Mrs. Baker is concerned with.

Mrs. Giroux reiterated that she will make a motion however the motion will be contingent that all the appropriate paperwork be submitted from the Historic District and the Conservation Commission.

Mrs. Giroux made a motion to grant the Variance to demolish and reconstruct a new single family dwelling within twenty-five (25) feet of the Green Engineering Flood Plain at 66 Gray Street with the stipulation that all the appropriate paperwork has been provided by the applicant if not the applicant needs to come back before the Board at the July 12, 2021 Board of Health meeting based upon the following findings of fact and pursuant to the following conditions:

FINDINGS OF FACT

- 1) The work described in the applicant's request is within an area subject to protection under the Billerica Health's Rules and Regulations, Chapter 5, Section 5.5.005 (1).
- 2) The applicant proposes to demolish and remove a dilapidated dwelling and shed followed by construction of a new single-family dwelling with associated deck, driveway and utilities approximately fourteen (14) feet from the Green Engineering Flood Plain (GEFP) and approximately twenty-six (26) feet from the FEMA Flood Plain. The applicant proposes to abandon existing septic system and connect dwelling to municipal sewer. The applicant proposes to remove trash and debris scattered throughout the property, install stormwater management features to capture and infiltrate runoff from roof and paved driveway surface area,
- 3) The project was reviewed by Brian Dunn of MBL Land Development & Permitting, Corp., the Board of Health's Consulting Engineer, for potential impacts to the Flood Plain as well as compliance with applicable drainage regulations and the Board of Health Rules and Regulations, Chapter 5.
- 4) The Board of Health has determined that the actions proposed by the applicant are adequate measures to protect the public health and environment and complies with the intent of Board of Health Rules and Regulations. Further, approval of the applicant's request will not be detrimental to the public health and environment.

CONDITIONS

Special Conditions #1, 2, 3, 4, 5, 6, 9, 10, 13, 14, 15, 24 and 25.

- A) All construction must be in accordance with plans submitted for review and approval, prepared by Notice of Intent Site Plan, 66 Gray Street, Billerica MA. Prepared by: Eastern Land Survey Associates, Inc.; signed and stamped by Christopher Melo, PE No 31317, dated December 6, 2018; Final Revised April 26, 2021.
- B) Proposed dwelling must be serviced by town water and sewer.
- C) In conjunction with the Conservation Commission and/or the Director of Environmental Affairs the applicant shall retain the services of an independent Environmental Monitor to monitor critical stages of construction, overall compliance with this approval.

Marie O'Rourke seconded. So voted unanimously.

7:20 p.m. 68 Gray Street, Billerica Revoc. Trust – 68 Gray Street – Request for a Variance for Work within the Flood Plain

Mr. Grady stated the next hearing is 68 Gray Street, Billerica Revocable Trust for 68 Gray Street requesting a Variance for work within the Flood Plain.

Mr. Litchfield explained that he is requesting a variance for work within twenty-three (24) feet of the FEMA Flood Plain and forty (40) feet of the GEFP for the second house at 68 Gray Street.

Mrs. Bennett explained that the same situation exists with this property. The applicant proposes to install a drip edge on the house for roof runoff. The same conditions apply with 68 Gray Street as with 66 Gray Street.

The motion that Mrs. Giroux made for 66 Gray Street also applies to the property at 68 Gray Street.

Mrs. Giroux made a motion to grant the Variance to demolish and reconstruct a new single family dwelling within twenty-five (25) feet of the Green Engineering Flood Plain at 68 Gray Street with the stipulation that all the appropriate paperwork has been provided by the applicant if not the applicant needs to come back before the Board at the July 12, 2021 Board of Health meeting based upon the following findings of fact and pursuant to the following conditions:

FINDINGS OF FACT

- 1) The work described in the applicant's request is within an area subject to protection under the Billerica Health's Rules and Regulations, Chapter 5, Section 5.5.005 (1).
- 2) The applicant proposes to demolish and remove a dilapidated dwelling and shed followed by construction of a new single-family dwelling with associated deck, driveway and utilities approximately forty (40) feet from the Green Engineering Flood Plain (GEFP) and approximately twenty-four (24) feet from the FEMA Flood Plain. The applicant proposes to abandon existing septic system and connect dwelling to municipal sewer. The applicant proposes to remove trash and debris scattered throughout the property, install stormwater management features to capture and infiltrate runoff from roof and

paved driveway surface area.

- 3) The project was reviewed by Brian Dunn of MBL Land Development & Permitting, Corp., the Board of Health's Consulting Engineer, for potential impacts to the Flood Plain as well as compliance with applicable drainage regulations and the Board of Health Rules and Regulations, Chapter 5.
- 4) The Board of Health has determined that the actions proposed by the applicant are adequate measures to protect the public health and environment and complies with the intent of Board of Health Rules and Regulations. Further, approval of the applicant's request will not be detrimental to the public health and environment.

CONDITIONS

Special Conditions #1, 2, 3, 4, 5, 6, 9, 10, 13, 14, 15, 24 and 25.

- A) All construction must be in accordance with plans submitted for review and approval, prepared by Notice of Intent Site Plan, 68 Gray Street, Billerica MA. Prepared by: Eastern Land Survey Associates, Inc.; signed and stamped by Christopher Melo, PE No 31317, dated December 6, 2018; Final Revised April 26, 2021.
- B) Proposed dwelling must be serviced by town water and sewer.
- C) In conjunction with the Conservation Commission and/or the Director of Environmental Affairs the applicant shall retain the services of an independent Environmental Monitor to monitor critical stages of construction, overall compliance with this approval.

Marie O'Rourke seconded. So voted unanimously.

7:25 p.m. Middlesex Canal Association, Inc. – 2 Old Elm Street – Request a Waiver of Regulations Exterior Grease Interceptor

Mr. Grady stated the next hearing is the Middlesex Canal Association, Inc., 2 Old Elm Street requesting a Waiver of Regulations for an exterior grease interceptor.

Stephanie Holinko, identified herself. Ms. Holinko explained that the Middlesex Canal Association is requesting a waiver from the installation of an exterior grease interceptor for the Middlesex Canal Museum. The applicant is planning to construct a kitchen to be used for special events and catered meetings. Minimal cooking will be done. I have proposed the installation of an interior 150 lb./75 GPM PolyTrap grease trap that is double the size of a minimum grease trap. A monthly grease trap service/cleaning by Baker Commodities will be done frequently as determined by Baker Commodities to prevent fats, oil and grease from entering the municipal sewer system.

Mrs. Bennett stated that the exterior grease interceptor will be costly and has to be installed in the right way due to constraints of the property. I recommend granting the waiver.

Mrs. O'Rourke asked what the occupancy of the building is.

Ms. Holinko replied that she did not know.

Mrs. Giroux commented that the museum will not have a restaurant. Food will be brought in.

Ms. Stephanie explained that they will be preparing some food. There will be a stove and an oven. There may be a function that needs to use the kitchen facility occasionally. I don't know how often there will be meetings. There will not be a restaurant located at the museum. It can be compared to a church kitchen.

Mr. Reader made a motion to grant a Waiver of Regulations for the installation of an exterior grease trap to serve the proposed food establishment located at 2 Old Elm Street based upon the following findings of fact and subject to the following conditions:

FINDINGS OF FACT

- 1) The work described in the applicant's request is within an area subject to protection under the Board of Health's Rules and Regulations, Chapter 5, Section 2.2.001.
- 2) The applicant proposes to construct a commercial kitchen to be used for the Middlesex Canal Museum for special events and meetings.
- 3) The applicant has proposed to install a 150 lbs./75 GPM Ashland PolyTap Grease Interceptor. The interior grease interceptor will be monitored and cleaned every month. Maintenance records will be kept and made available for inspection by the Board of Health. In addition, the applicant agrees to implement the Best Management Practices (BMPs) provided by the Billerica Health Department.
- 4) The applicant proposes to have grease trap serviced/cleaned by Baker Commodities, a qualified service company to pump and maintain the interior grease trap.
- 5) The Board of Health has determined that the actions proposed by the applicant are adequate measures to protect the public health and environment and complies with the intent of Board of Health Rules and Regulations. Further, approval of the applicant's request will not be detrimental to the public health and environment.

CONDITIONS

Special Conditions #10, 14, 15 and 25

- A. These conditions, imposed by the Board of Health, cannot be changed without the written approval by the Board of Health and only after a proper public hearing is held.
- B. The applicant shall keep all interior grease trap pumping and maintenance records and make them available for inspection by the Board of Health.
- C. The food service establishment (FSE) shall continue to work with the Board of Health to implement Best Management Practices (BMP's) to prevent or reduce the discharge of

- D. Fats, Oil and Grease (FOG) to the building drain and the sewage disposal system. The FSE shall train the staff to ensure that the BMP's are followed. The owner and employees of the FSE shall sign an acknowledgement of BMP's for Food Service Employees and submit the acknowledgements to the Board of Health.
- E. This waiver shall be subject to periodic review by the Board of Health to ensure compliance with applicable rules and regulations.
- F. The Board of Health in conjunction with the Town of Billerica Department of Public Works Wastewater Division shall periodically monitor the grease discharge from said Food Service Establishment for any violations of the Town of Billerica Sanitary Sewer Rules and Regulations and the Board of Health Rules and Regulations. All costs associated with the monitoring shall be paid for by the applicant.
- G. In the event of a grease blockage or other significant violations relative to the maintenance of the grease recovery system, this waiver shall be **immediately** revoked. The applicant shall be required to install an exterior grease trap to serve the food establishment. The exterior grease trap shall be designed and constructed in accordance with the State Environmental Code, Title 5.
- H. This waiver cannot be transferred from one person to another person, from one food establishment to another or from one type of operation to another.

Mrs. Giroux seconded. So voted unanimously.

7:35 p.m. Review of Draft Billerica Board of Health Regulation Amendments for Stormwater Management – Chapter 1, Chapter 5 and Chapter 6

Mr. Grady stated the next hearing is the review of the draft Billerica Board of Health Regulation Amendments for Stormwater Management for Chapter 1, Chapter 5 and Chapter 6.

Kelley Conway, Town Engineer introduced Emily Scerbo, P.E. Senior Project Manager for Tighe & Bond.

Ms. Scerbo explained that Billerica's Stormwater Management Program specifically addresses the impacts of construction site and post-development stormwater runoff which can adversely affect public safety, public and private property, surface water, drinking water supplies, groundwater resources, recreation, aquatic habitats and other uses of lands and waters. The U.S. Environmental Protection Agency (EPA) regulates the discharge of stormwater runoff that is transported through municipal drainage systems into local waterbodies through the National Pollutant discharge Elimination System (NPDES) stormwater program. Since 2003 the Town of Billerica has been required to implement specific policies and procedures to help reduce pollution. Ms. Scerbo explained the Small MS4 General Permit and its requirements. Effective July 1, 2018 the MS4 General Permit was reissued with more stringent design standards that require Billerica to update the Board of Health Rules and Regulations. Ms. Scerbo explained in detail the proposed updates to Chapter 1, Administrative Procedures, Chapter 5, Environmental and Miscellaneous Regulations and Chapter 6, Stormwater Management Regulations. The new permit requires some additional design criteria. Some of it applies to redevelopment projects with disturbance of one or

more acres of land. The updated regulations set clear stormwater management goals, standards and design criteria to reduce the impacts of development and construction projects on local water resources. The Massachusetts Stormwater Handbook is in the process of being updated. Ms. Scerbo stated she would answer any questions that the Board may have.

Mr. Grady asked are these the regulations that were being questioned by Mr. Dresser at the last Board of Health meeting. Can we make sure the updates include what is required by the Massachusetts Stormwater Handbook?

Ms. Scerbo stated that now the Town of Billerica is base lined for the current standards.

Mrs. Bennett explained that there will be a public hearing on the updated regulations.

Mr. Reader asked why is the contractor allowed two (2) years to provide an as-built.

Ms. Scerbo explained it is stated no longer than two (2) years.

Mrs. Bennett explained that the reason for two (2) years is to make sure all the conditions are being maintained.

The Board thanked Ms. Scerbo for her presentation.

7:55 p.m. Public Hearing for Marijuana Regulation – Chapter 7 – Regulation to Ensure the Sanitary and Safe Operation of a Marijuana Establishment and the Sale of Marijuana

Mr. Grady stated the last hearing is a Public Hearing for Marijuana Regulations, Chapter 7 to Ensure the Sanitary and Safe Operation of a Marijuana Establishment and the Sale of Marijuana.

Mrs. Bennett explained that the Town Manager, John Curran has requested that the Board review the email from Nicole Costanzo of K & P Law regarding the flavored marijuana vape products. If the Board votes in favor of prohibiting the retail sale of flavored marijuana vape products it could be litigated and would cost the Town of Billerica a lot of money. Mr. Curran is recommending that the Board request that Town Counsel come to the next meeting to discuss this issue. No one else in the state has prohibited the retail sale of flavored marijuana vape products. My recommendation is to hold off on the vote until Town Counsel comes before the Board.

Daniel Rosa, Police Chief identified himself.

Mrs. Giroux asked who is David Giannetta?

David Giannetta, CEO of Community Care Collective and applicant of the proposed marijuana facility, to be located at 4 Republic Road, identified himself.

Chief Rosa stated that he has some concerns regarding the retail sale of marijuana products in Billerica. Chief Rosa also stated that he was not in favor of the proposal for a marijuana facility in Billerica. The proposed facility will be in an underutilized area. This applicant has been awarded the proposal by the Select Board. This applicant is committed to the State Regulations and all the Town of Billerica's Regulations. The applicant has made a huge monetary agreement and

investment in this town. I am going to advise the Board to discuss this regulation with Town Counsel before voting on this regulation.

Mr. Giannetta stated that 30% of retail sales is flavored marijuana.

Mrs. Giroux stated that she is concerned. There was a reduction in the school system of cigarette vaping. If we restrict this will there be a reduction in the school system of marijuana vaping. Mrs. Giroux explained that even though we restricted it there is still vaping issues. The Board of Health is concerned with the health issues not the legal cost.

Mrs. Bennett explained that Billerica is like a test case. It has been zoned. Very few municipalities regulate marijuana establishments. The By-Law that Billerica voted on and adopted gave the Board of Health authority to regulate the sale of Marijuana. The regulation is a little stricter focused on sanitary conditions and the intention to prohibit the sale of the flavored vape products. The Cannabis Control Commission will check the operation of the establishment.

Mrs. Giroux asked what is the average age of someone who comes in and buys flavored vape.

Attorney Phil Silverman, from Vicente Sederberg representing Community Care Collective, identified himself. Attorney Silverman replied over the age of fifty (50) for all marijuana products. Attorney Silverman gave the Board a little background of the marijuana vape products. Attorney Silverman explained that he has been to over 100 cities and towns in Massachusetts and has not seen anyone take the step of prohibiting marijuana flavored vape products. If you prohibit the sale of marijuana flavored vape products it is not a great public policy. Prohibiting this product is not an appropriate solution. Attorney Silverman stated that if you inhale the vapor it is safer and much better for your lungs. A lot of the health problems were from products from the Black Market. The question is what is the other stuff that may be added to the products from the Black Market. The biggest problem is not enough money has been put into the research of the products from the Black Market. If they cannot get the product here, they will go to the Black Market and buy it. This is bad for people that use the product. No matter what, kids and adults will still get the products from another town or the Black Market. The product from the Black Market is an unregulated product and not independently tested. Mr. Genetti does not have a medical license and is not selling the product for medicinal reasons. Attorney Silverman explained that he spoke with a member of the Cannabis Control Commission (CCC) and she told him that the CCC would not support this decision. She stated that it is best not to prohibit the product. The best thing to do is get the product out of the Black Market. Attorney Silverman urged the Board to hold off making a decision until more research on prohibiting the flavored vape product has been done. Attorney Silverman explained the process of the roll your own machine. A lot of businesses use the machine so that the product is not handled by everyone and does not get contaminated.

Mr. Grady explained that the Board does not want the customers to have access to contaminate the products from a roll your own machine. The Board does not want the customer to buy the tobacco and roll their own product and then sell it on the street.

Mrs. Giroux agreed with Mr. Grady. Mrs. Giroux explained that she was not in favor of the facility however it is the Town Manager's decision and the Board just wants to make sure it is done in the safest way possible.

Mr. Giannetta explained that he wants to keep minors out of the facility. The facility will be highly regulated and will be stricter than other tobacco or liquor stores. After we have our space fit out the CCC will come in and do an inspection before we can open. They will make the last call whether or not we can open based on other stores that are running successfully.

Mrs. Giroux stated that she has seen a store in Allston and the store was well run however down the street there were some people selling the product they bought in the store. That is what makes her question what is going to happen.

Attorney Silverman reiterated that he would urge the Board to hold off on their decision about prohibiting the sale of flavored marijuana vape products.

Mrs. O'Rourke made a motion to continue the hearing until the next Board of Health meeting on July 12, 2021 when Town Counsel can be available to discuss this concern.

Mr. Reader seconded. So voted unanimously.

Mrs. O'Rourke made a motion to adjourn.

Mrs. Giroux seconded. So voted unanimously.

The Board adjourned at 8:45 p.m.

Respectfully submitted,

Sandra Giroux
Secretary

Joanne M. White
Recording clerk