



TOWN OF CHARLTON

37 MAIN STREET
CHARLTON, MA. 01507
508-248-2210

BOARD OF HEALTH

April 9, 2019

Members Present:

Jon Sanborn, Chairman
Matt Gagner, Vice Chairman
Kathleen Walker, Member

Also Present:

Cheryl Sbarra, J.D. MAHB Director of Policy and Law

- Chairman Jon Sanborn called the meeting to order at 6:04 p.m.
- Health Director, James Philbrook is sick, so could not attend.
- Cheryl Sbarra was first on the agenda to discuss Vaping and Marijuana regulations. Cheryl directed the Board to the MAHB website for templates on two different types of regulations.
- She explained the different kinds of marijuana facilities that were applying to open in the State.
- She spoke about paraphernalia that can be used to get marijuana into your body being legal now, but Boards can regulate that it only be sold in shops that sell marijuana or adult only tobacco stores. As far as vaping paraphernalia, if it is a closed system like a juul than it will be hard to get those out of stores that sell vaping products, but if it is an open system, they can regulate that. BOH can restrict displays. No self-service displays, putting displays behind the counter for example.
- The cannibals control regulations are pretty strict, but these are things you can add. She suggested that they review the regulations and decide which pieces of them that the Board likes and Cheryl will draft it for them. Does the town have the resources to enforce these regulations? Right now, there are concerns that there are not enough state enforcers. Adopting these local regulations allows local Boards of Health to be able to enforce all state and local cannabis

regulations. Boards can do your own compliance checks and inspections and their own local operating permit.

- Vice Chairman, Matt Gagner, asked if the Board gave a facility a permit, would it be just for medical or would they automatically be able to sell recreational as well. Cheryl explained that they would have to apply to the state cannabis control commission to be able to sell both. There would have to be a community agreement and the BOH should be involved.
- Matt went to a store in Charlton and was able to buy a gummy frog that has CBD oil in it. This is a concern to him as it was being sold right out in the open next to regular gummy candy. Cheryl explained the issue of CBD oil products being sold. They are not currently being regulated by the FDA, but they will be. She does not know what to do with the products already on the market at this time. Some Boards are drafting a regulation would require any CBD edible would have to demonstrate that they were produced by licensed grower in MA. The FDA has already prohibited interstate commerce of these products, so this one that Matt found is from Florida and is illegal.
- The Board discussed the concerns of the community about VGG and what the Board can do. Cheryl explained that the Board can require a local permit. If you enact a regulation that requires an operating permit and you have serious concerns that develop as a result of the operating of this facility, the Board can suspend or revoke their permit, which they can't operate without. They would need a hearing before a permit can be revoked. The Board could determine a monetary penalty, but there are limits on the penalties. How do we police the suspensions? You could shut them down by enacting a health order for them to cease and desist.
- Matt asked what we can do if they are up and running and there are odor complaints. We have been dealing with this for quite some time with Casella and nothing has stopped the odors. The Board can put this regulation in place before they open and can remove the permit if it is a nuisance.
- As far as the legality of CBD gummy products, the Board can use the nuisance statute to remove them from the shelves because they "may cause sickness or danger or harm". Also tell the retailers that are selling this to check with the FDA about these products.
- John Sanborn spoke about the concern of the amount of kids that are not even old enough to buy vaping products using them. Cheryl believes that ALL tobacco products should be restricted to adult only tobacco shops. Combustibles and non-combustibles as well as all flavors should be restricted including menthol and mint.

- The Board would like to digest all the information they have gotten at this meeting and come back to the topic at the next meeting. In the meantime, Cheryl can draft a comprehensive tobacco regulation with a check list and the Board can decide what pieces they want and don't want and she can also draft a marijuana one with CBD oils in it.
- A resident asked Cheryl questions about marijuana facilities. Cheryl is going to look into these ZBA questions.
- Jon presented an email that he sent to Ethics to find out if they had violated the Open meeting law when they went into executive session at the last meeting to discuss the candidates that interviewed for Title 5 Engineer position. Cheryl suggested that the Board check with Town Council.
- Perc Extensions was next on the agenda. In the past the BOH was charging \$75.00 for every 2 years of extensions for every lot. According to Title 5 laws, percs do not ever expire. We would like to charge a flat fee of \$75.00 per lot for one perc extension when the builder is ready to submit a plan review if the perc was done more than 3 years ago. Also, if there is a group of lots, should they be charged per lot? Kathleen and Matt believe there should be a \$75.00 fee for each lot even if they are grouped together. Also in question is if the BOH should be responsible for verifying that the perc is still good or should the Engineer be responsible for verifying this.
- Matt would like to make a motion that the Board allows perc tests to be valid per Title 5 law 15.104 indefinitely provided that the soils evaluated within the site evaluated remain undisturbed and unaltered. If the period expires (3 years) that there will be a 3rd party engineer that is required to inspect the site to make sure it is undisturbed and unaltered. Kathleen second all in favor.
- No new news on Flint Rd. Landfill.
- Construction is going well on H. Foote Road water line. Resident Melissa Widing is pleased with the professionalism of the crew and how her yard looks. Marc Widing wanted to know if they are still on track with the Pump house. Discussion of process of hooking up waterline continued. Need to check with Jim Philbrook to see if he can give an update on the progress from the progress meetings.
- Reorganization of the Board. Matt made a motion to table the reorganization to the next meeting on April 30th, 2019. Kathleen second, all in favor.
- Matt made motion to adjourn, Kathleen second, all in favor at 8:03 p.m.