



TOWN OF GREAT BARRINGTON MASSACHUSETTS

BOARD OF HEALTH MEETING MINUTES TOWN HALL CONFERENCE ROOM 334 MAIN STREET, GREAT BARRINGTON, MA 01230 THURSDAY, SEPTEMBER 5, 2019 AT 6:30PM

PRESENT:

Dr. Ruby Chang
Peter Stanton, Vice Chair
Michael Lanoue, Chair

Health Agents:

Rebecca Jurczyk
Locke Larkin

A. CALL TO ORDER

Michael Lanoue called the meeting to order at 6:35PM.

B. APPROVAL OF MINUTES

- July 11, 2019 (Vote) – Not approved
- August 8, 2019 (Vote) – Not approved

C. SPECIAL PERMIT REVIEW:

1. **SP # 897-19:** Application to the Planning Board from Donna and Robert Boyer for a special permit to create a rear lot (a new building lot) in the R1A Zone at 85 Castle Hill Avenue, in accordance with Sections 4.3 and 10.4 of the Zoning Bylaw. (Discussion/ Vote)

Attorney, Kate McCormick presented on behalf Donna and Robert Boyer. The proposed building lot will be serviced by public water and town sewer. The Board of Health agreed that the Special Permit application is non-jurisdictional.

MOTION: Peter Stanton motioned to pass the Special Permit 897-19 onto the Planning Board without comment.

SECOND: Dr. Ruby Chang

VOTE: 3-0

2. **SP # 896- 19:** Application from 79 Bridge Street Realty, LLC, to modify Special Permits 848-15, A, B, C, D, and E, to reflect proposed modifications to the proposed hotel project at 79 Bridge Street. This application is filed per Sections 3.1.4 C(8), 6.1, 7.10, 9.1, 9.2, and 9.4 and 10.4 of the Great Barrington Zoning Bylaw. (Discussion/ Vote).

Attorney Kate McCormick presented on behalf of 79 Bridge Street Realty, LLC. Atty. McCormick explained that this special permit application is just to approve changes to the originally granted special permit. Bridge Street Realty, LLC intends to downsize from the originally proposed project, eliminating a dining and restaurant area. The Health Agent explained to the Board that the proposed project will eventually fall within the Board of Health's purview and the LLC will need to apply for all the necessary demolition, construction, and annual permits with the Health Department. The Board of

Health requested that the applicants follow through with applying for all necessary Health permits in a timely manner.

MOTION: Peter Stanton motioned to positively recommend Special Permit #896-19 to the Selectboard.

SECOND: Dr. Ruby Chang

VOTE: 3-0

3. **SP # 895-19:** Application from Fulcrum Enterprises, LLC for a marijuana cultivation and marijuana manufacturing establishment in an Industrial Zone, at 22 Van Deusenville Road, Great Barrington, in accordance with Sections 3.1.4 C (13), 7.18 and 10.4 of the Great Barrington Zoning Bylaw. (Discussion/ Vote).

Attorney Kate McCormick presented on behalf of Fulcrum Enterprises, LLC. Sarah Gapinski, from SK Design Group, was the presenting civil engineer on behalf of Fulcrum Enterprises, LLC. Ms. Gapinski said that Fulcrum has prepared both noise and odor studies and have found that neither issue presents a case for a nuisance. Chair, Michael Lanoue asked Ms. Gapinski to explain how the studies were conducted. Ms. Gapinski said that for odor control each green house will be equipped with a misting system. Moisture atoms will attach to the odor causing atoms and neutralize any smell. Michael Lanoue asked if this system was similar to a "febreeze effect?" Ms. Gapinski said "no, febreeze masks an odor, this system will completely eliminate any odor through absorption." Mr. Lanoue asked if the green houses will be closed with fans venting to the outside. Ms. Gapinski said that the layout is detailed in the application but all greenhouses will be closed at all times with fan circulating air. Dr. Ruby Chang said that some concerns of the Board of Health in relation to this project are; air quality of the neighborhood, the chemicals used in the process of mitigating the odor, keeping ground water free of contaminants, and how much water is going to be used annually. Kate McCormick mentioned that the neutralizing odor atoms are biodegradable and will have no adverse effects on the ground water.

Ms. Jurczyk asked the Board if they had any questions that they would like addressed in the town's independent peer review of noise and odor controls. Dr. Chang said that should would like the health concerns of the chemicals analyzed in the peer review. Dr. Chang asked Atty. McCormick how employee health will be taken into consideration with the use and handling of the chemicals. Atty. McCormick said that the greenhouses will be well ventilated. Dr. Chang asked what protection employees working in the lab facility will have when using and handling chemicals. Atty. McCormick said that this is outside of the Board of Health's jurisdiction but employees will be trained on proper chemical handling and will be governed by the Cannabis Control Commission. Atty. McCormick said that all lab and chemical specifications have been reviewed and approved by the Great Barrington Fire Department. Ms. Gapinski said that the lab will be equipped with ventilation fans and each fan will have odor mitigation attached.

Dr. Chang said that the marijuana growing industry is very new and she would like to be extremely cautious about passing on a recommendation to approve a facility of this nature without a source of good and reliable information to base a decision on.

Atty. McCormick said that if the Board of Health does not feel comfortable passing on a recommendation she suggests they pass on the special permit to the Selectboard with the comment that the application is not within their jurisdiction.

Michael Lanoue said that the jurisdiction of the Board of Health may not be explicitly clear but many concerning points have been made by the Board members and he would like to see all concerns addressed prior to making a recommendation.

Dr. Ruby Chang asked that the Board of Health receive more information on the neutralizing odor chemicals. Dr. Chang said she is concerned we will see an effect in the ground water over continuous filtration into the soils.

The Board of Health opened the meeting up to public comment.

Attorney Greenwald, representing the Forbes, 325 North Plain Road and the Louberts, 70 Division Street. Atty. Greenwald said the Board of Health absolutely has jurisdiction over this Special Permit application under M.G.L 111 and he highly encourages the Board to exercise its right to hold an individual public hearing. Atty. Greenwald suggested on behalf of his clients that the Board of Health

make a negative recommendation for the Special Permit.

Dr. Suzanne Lord, 203 Highland Street, Housatonic, MA. Dr. Lord said that Fulcrum needs to be concerned with environmental and public health and that she hopes that the Board of Health will take these concerns seriously. Dr. Lord said that when Native American tribes made a decision about something they always asked themselves 'how will this affect the next seven generations?' Dr. Lord asked the Board of Health to demand multiple aggressive impact studies that address all of the issues and not just noise and odor.

Doug Stevenson, 357 North Plain Road, Housatonic. Mr. Stevenson said in reference to the chemical used to neutralize odor that no matter how diluted the chemical is it is still a chemical. "Diluted gasoline is still gasoline, diluted poison is still poison and we still need to be concerned with it."

Maureen Quigly, 9 High Street, Housatonic. Ms. Quigly provided documentation from HWW to the Board of Health stating that HWW can provide adequate water to Fulcrum and meet the needs of the existing customers. Ms. Quigly points out that Mr. Mercer has vested interest in this business and an independent impact study needs to be conducted to verify Mr. Mercer's claims.

Michelle Loubert, 70 Division Street, Housatonic. Ms. Loubert pointed out that in Fulcrum's application it does state that the odor neutralizer "masks" the odor which contradicts how Atty. McCormick and Ms. Gapinski described the odor control. Ms. Loubert submitted documentation listing environmental and health concerns associated with marijuana growing facilities.

Garfield Reed, 107 Castle Hill Ave. Mr. Reed said he is concerned with how the noise control study was conducted and asked if just one fan was running at the time of the assessment or were all 27 fans running at the time of the assessment.

Jennifer Shumsky, 5 Deer Trail. Ms. Shumsky said that the surrounding residents are counting on the Board of Health to protect them from the harmful chemicals that will be released by this operation. "Children, Elders, and Community members are counting on you to safeguard our health."

Trevor Forbes, 325 North Plain Road. Mr. Forbes asked the Board to seriously consider these presented odor controls and exactly how many facilities these methods have been used in. Mr. Forbes said that the data is unclear in actually how long it will take for the neutralizing chemicals to biodegrade. Mr. Forbes said that water pressure is also a concern.

Julian Stanton, 69 Division Street. Mr. Stanton said that Atty. McCormick said that the fans will not be running all of the time and if the odor control is attached the fan does this mean that the odor neutralizer will not be in effect all of the time?

Sarah Yoo, 16 Van Deusenville Road. Ms. Yoo said that 22 Van Deusenville is not a sophisticated industrial zone and that this property is not the best location for this type of business. "I am not against marijuana but we need to look at this more logically."

Bruce Loubert, 70 Division Street. Mr. Loubert said that Board of Health really needs to look into all of the concerns brought up tonight and not simply take Fulcrum's hired expert's word.

Karin Passmore, 317 North Plain Road. Ms. Passmore said that the greenhouses may present an unhealthy environment for the employees and with the high humidity it will produce mold.

Elizabeth Berliner, 87 Division Street. Ms. Berliner said that she lives about 1000 yards away from the proposed location for this growing facility. Ms. Berliner said she is concerned about noise and continuous noise has adverse health effects.

The Board of Health did not pass on a recommendation, either positive or negative to the Selectboard at this meeting. The Board requested that the Health Agent request more information on their behalf. The Board decided to continue the review of this special permit application at the next meeting September 19, 2019 or October 3, 2019.

D. BUSINESS

E. HEALTH DEPARTMENT UPDATES

- Health Agent Report

Health Inspector, Locke Larkin reviewed the inspections conducted and permits issued during the month of August by the Health Department.

F. BOARD OF HEALTH SPEAK TIME

G. CITIZEN SPEAK TIME

13 residents listed above spoke in regards to the Fulcrum Enterprise, LLC Special Permit application. No additional comments were made during regular citizen speak time.

H. MEDIA TIME

Heather Bellow, of the Berkshire Eagle asked for more information on the chemical make-up of the odor neutralizing atoms. Atty. McCormick said she would provide that information to the Berkshire Eagle at a later date.

I. ADJOURNMENT

On a motion made by Peter Stanton, seconded by Dr. Ruby Chang, with a unanimous vote, the Board of Health meeting adjourned at 8:05PM.

Respectfully Submitted,



Rebecca Jurczyk
Health Agent