

BOARD OF HEALTH MEETING
TOWN HALL
334 MAIN STREET, GREAT BARRINGTON, MA
THURSDAY, NOVEMBER 7, 2019 – 6:30 P.M.

PRESENT:

MICHAEL LANOUE

RUBY CHANG

PETER STANTON

A. **CALL TO ORDER**

B. **APPROVAL OF MINUTES:**

October 5, 2019 Minutes – not approved as they were not available.

C. **BOARD OF HEALTH SPEAK TIME:**

Ruby said that it should be made clear that the Board of Health is against what Fulcrum Enterprises is proposing. Peter noted it was made clear in the newspapers.

D. **SPECIAL PERMIT REVIEW:**

1. **SP-902-19** – Special Permit Application from Berkhill II, LLC, to change an existing nonconforming use at 11 Crissey Road from a contractor's yard to a storage warehouse use, in accordance with Sections 5.2 and 10.4 of the Great Barrington Zoning Bylaw. (Discussion/Vote)

Recommendation to the Zoning Board of appeals for 11/19 Public Hearing. Michael said he reviewed the application and found nothing jurisdictional.

MOTION: Peter Stanton to pass this along to the ZBA.

SECOND: Ruby Chang

VOTE: 3-0

2. **SP-903-19** – Special Permit Application from Highminded, LLC to request a Marijuana Manufacturing Establishment at 126 Main Street, Great Barrington, MA the former Dempsey Physical Therapy building under Sections 3.1.4c and 12 and 7.18 and 20.4 of the Great Barrington Zoning Bylaws. (Discussion/Vote)

Recommendation to the Select Board for 12/09 Public Hearing. The co-founder and operational director of Highminded was present. He noted he worked previously in the adult cannabis industry. They are going to take cannabis products and repackage them into branded Highminded products. They are using industry standard manufacturing products. They will be taking cannabis flowers and grinding them up and filling up cones using the vibrating table and then packaging them. They have to go through the control commission. Theory wellness uses the same process. The manufacturing room is carbon filtered, humidity and temperature controlled and kept free of contaminations. The carbon filtration removes some of the smell from the air. If there is no air circulation it can become a nuisance. Employees who touch any raw product wear gloves but a sink had to be added to comply with regulations.

Michelle Loubert – Asked if the manufacturing is in a separate room and how many square feet is the room. It was noted that it is between 400 and 500 sq. ft.

The retailer will wholesale products to be sold at our dispensary and our products will be sold as well. All the windows will be blocked out so they are not visible from the outside.

MOTION: Peter Stanton to pass this along to the Select Board.

SECOND: Ruby Chang

VOTE: 3-0

3. **SP-904-19** - Special Permit application from Highminded, LLC to request a permit for awnings and awning signs under Section 146-4 of the General Bylaws and Section 20.4 of the Great Barrington Zoning Bylaws. (Discussion/Vote).

He said during the site plan review process awnings were approved on the outside of the building but under further investigation under the Town of Great Barrington's bylaws, we realized we were non-compliant because the windows set the awning height. He said they are looking for a non-jurisdictional recommendation to the Planning Board. They are going to be used to make the building look attractive.

MOTION: Peter Stanton to pass this along to the Planning Board.

SECOND: Ruby Chang

VOTE: 3-0

E. BUSINESS:

1. Pesticide/Herbicide use (glyphosate) and BOH Regulations (Discussion)

Bobby Houston and Nan Wile were present to explain their request. They noted that there are 5 bills at the state level to ban Round Up state wide especially on Town properties. There are 12 towns in Massachusetts that forbid the use on public properties. The town doesn't use it but they contract through other companies who use it. It is to encourage the use of organic methods. Michael said he is in favor of moving forward with this and talking to other departments. Conservation Commission is having an educator come in to talk to them on the 18th.

2. Local Upgrade Approval Form 9A. When and how to grant this type of variance for new or existing septic system construction. (Discussion) Locke said the purpose of the upgrade is to get a voluntary upgrade from people that have a system that failed. There are regulations and guidelines in the code aided by a check list and if they meet the criteria then they can get an upgrade approval. If we can't get 100% compliance according to Title 5, what we want is to try and push as far as we can without any of the mitigating circumstances so we come as close as possible to protect the welfare of the people. The agent can make the decision for an upgrade. Locke said he doesn't feel he has the expertise to judge the cost of the upgrade. An engineer should be consulted on the recommendations for the upgrade. Variances come before the board.

After discussion, it was decided to leave the upgrade requests to the health agent and the variance requests to the Board of Health.

F. HEALTH DEPARTMENT UPDATES:

1. Health Agent Report – Locke Larkin

Food Inspections 23

Title 5's 9 or 10

System Replacements 3

New Wells 3

Many special events.

Barn Inspections 35 for the month.

Locke noted he needs to submit the information to the state by the end of December.

Businesses are selling water in cans and cardboard boxes. Some retail establishments are selling flavored water.

1. Maven report – Nothing to report.

G. **CITIZEN SPEAK TIME:**

A citizen spoke on an article in Barron's Magazine which is part of the Wall Street Journal on the carbon emissions, pesticides and environmental factors with the aspect of the cannabis industry.

Michelle Loubert would like to have the October minutes of the Board of Health transcribed prior to the November 18th Select Board meeting. Back in June, the document regulation to insure the sanitary and safe operation of Marijuana establishments and the sale of adult use marijuana oil was being discussed and moved on to the planning board and then fizzled. Michael said it ran into a lot of problems legally when Town Counsel reviewed it and there was going to be major editing to it. She noted that all the citizens have a right to a green community.

Eileen Mooney thought a letter could be written and used as part of the deliberations in regard to the Fulcrum Special Permit because the Health Board's recommendations were not submitted within the time period. It was determined that the board would not be able to do that. Michelle said the Board of Health has a social responsibility to speak at the hearing. It was noted that the Select Board is still waiting for additional information.

H. **MEDIA TIME**

1. None

I. **ADJOURNMENT**

Respectfully submitted,



Carolyn Wichmann

Interim Recording Secretary