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# TOWN OF BOURNE BOARD OF HEALTH

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TOWN OF BOURNE

## MINUTES March 22, 2017

**Members in attendance:** Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairman; Galon Barlow Jr.; and Kelly Mastria (Remote Participation)

**Support Staff in attendance:** Terri Guarino, Health Agent; Jamie Butler, Health Inspector; and Meghan McLean, Secretary

### MEETING WAS CALLED TO ORDER AT 7:00 pm Kelly Mastria joined meeting remotely at 7:00 pm

1. **Landfill Update – Daniel Barrett, Director of Department of Integrated Solid Waste Management (ISWM)**
  - a. **Status of JBCC (Joint Base Cape Cod) Effluent Connection**—ISWM has moved this process as far along as possible at this time. The question of access is currently being reviewed by the National Guard Bureau in Washington. The attorney working on this project through the Guard did not give a specific timeframe for review ranging from two months to two years, leaving the project on hold until that time.
  - b. **Phase V Liner Project**—The Liner project was completed quietly, the visible black pipe releasing water is a fresh water drain that will be hooked up to a leaching facility once permitted to do so. All information and construction data necessary for review and approval has been sent to MADEP Southeast Regional Office for review. Once authorization to operate is given, the cell will be filled primarily with ash.
  - c. **Phase VI Permitting**—This is currently the primary focus of ISWM. The project is on hold waiting for MADP to complete their review of the Final Comprehensive Site Assessment (FCSA). Once the FCSA is done, a MEPA review will be completed. MEPA will conduct its review and the Cape Cod Commission will conduct a similar review. Then we go back to MADEP for an Authorization to construct permit.
  - d. **New 12 Acre Parcel permitting**—The Horsley Witten Group is working with the Town of Bourne to complete the Wildlife Habitat Assessment and Natural Resources Inventory. The next step in this project is getting the Massachusetts Natural Heritage and Endangered Species Program (NHESP) a Massachusetts Endangered Species Act (MESA) Project review.
  - e. **Drain Line Project Status**—The project is approximately 50% complete. The portion of the project requiring installation of the largest pipe (48") is complete, and the project is ready to move north to get ready to cross in front of the Garage. This project is anticipated to be completed by mid-summer 2017.
  - f. **C & D Transfer Station Rebuilding Status** The bids for this project went out roughly 2 weeks ago, a contractor has been chosen, and anticipate a start date within the next few weeks. The plans include many new and improved fire safety features including sliding doors on the top and bottom of the new building for ventilation, and forward looking infra-red imaging that will locate the source of a fire through any amount of smoke. Paul Gately, a reporter for the Bourne Courier, asked if there were any plans for the demolition of the old Highway Barn. Mr. Barrett explained that this project should be going out to bid within a two weeks. Inspection was done for hazardous materials, which indicated some asbestos around the furnace and in the roofing as well as some lead paint. The Household Hazardous Waste and Paint team will demolish the building. Mr. Barrett stated that after the removal of the underground tanks on the property, the building is anticipated to be gone by mid-summer 2017. **Ms. Peterson thanked Mr. Barrett for attending. There was no one present in the audience to discuss this item. No action was taken.**



2. **1 Bluff Rd—Brian R. Grady, R.S. on behalf of Fred Zhang—Continued from March 8, 2017-- Discussion and possible vote on variances from Title V, 310 CMR 15.211 Minimum Setback Distances for the proposed new septic system. Existing property has offices on the lower level and the second-story is a model home for Realty Development Associates. New septic system is to accommodate occupancy and use of the second-story as a single-family dwelling. Applicant is requesting reductions in setback distances of the primary Soil Absorption System and reserve area to the following:**

- a. **A 17 foot variance from the required 20' setback to the cellar wall**
- b. **A 2 foot variance from the required 10' setback to the property line for the primary SAS, and a 6 foot variance for the reserve area; and**
- c. **A 2 foot variance from the required 10' setback to a surface or subsurface drain.**

This item was continued from the meeting dated March 8, 2017. Ms. Peterson explained that during the last meeting, there were a few different options for design of this septic system. Mr. Grady, representing Mr. Zhang, stated that he met Mr. Zhang and Ms. Guarino at the property to determine that there is no separate kitchen in the model home. He explained that one of the requests to create a 4' cased opening in the hallway of the proposed upper level could not be completed, leading Mr. Zhang to decide on installing a two compartment septic tank. Ms. Guarino explained that there weren't many changes to the revised plans that were submitted to the Health office on March 15, 2017. The Board members reviewed the revised plans for the property. **Mr. Andrews moved to approve for 1 Bluff Rd the following variances: a 17 foot variance from the required 20' setback to the cellar wall, a 2 foot variance from the required 10' setback to the property line for the primary SAS, and a 6 foot variance for the reserve area, and a 2 foot variance from the required 10' setback to a surface or subsurface drain. Mr. Barlow seconded, and the vote was unanimous.**

3. **Regulations Restricting the Sale of Marijuana-- Discussion and possible vote to promulgate Board of Health Regulations Restricting the Sale of Marijuana in the Town of Bourne pursuant to M.G.L. c. 111 §31 in order to protect, promote, and preserve the health and well-being of all Bourne residents. Discuss methods of implementing regulations for reasonable and effective oversight of Registered Marijuana Dispensaries and Dispensary Agents including provisions for annual License and Permit fees and inspections.** Ms. Peterson stated that this has been an anticipated agenda item for quite some time, and it is a good idea to get this regulation recorded now, due to the fact that you cannot put regulations on record once the business described has been established in the town. Starting on page 3, Ms. Guarino stated that the definitions were taken from 105 CMR 725.000 of the Commonwealth of Massachusetts Marijuana Regulations. Ms. Mastria asked about the definition for Registered Marijuana Dispensary which reads: *A not-for-profit entity registered under 105 CMR 725.000 that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered Qualifying Patients or their Ns.* Ns was determined to be a typo, and under 105 CMR 725.000 was originally read as "Personal Caregiver". Ms. Peterson requested that this be corrected. Pages 1-5 had a unanimous agreeance. Ms. Peterson stated that on Page 6 number 2 she would like "or for retail operation" included, and Ms. Mastria would like "submit TO the Bourne board of health office" included in number 2 as well. Page 6 numbers 3, 4, and 5 were agreed on. Ms. Peterson did not agree on Page 6 number 6. She stated that there should be a stipulation on what may be sold in addition to marijuana. Ms. Guarino stated that the Health Department regulates the tobacco permits and there is a cap on them. Bourne has roughly 25 tobacco establishments, and the allowance is capped at 35 establishments. As far as the liquor licenses, they are not regulated by the Board of Health. Mr. Barlow suggested that no marijuana dispensary would be permitted to sell alcohol products. Ms. Guarino agreed, and suggested that "No applicant..." be changed to "No registered marijuana dispensary would be allowed to sell alcohol or tobacco products unless approved by the Bourne Board of Health". The Board agreed on these changes, and determined that number 7 would also read the same. Mr. Barlow abstained on number 7. Page 6 number 8 had a unanimous agreeance including no marijuana dispensary. Number 9, *'The fee for an annual Bourne Board of Health License to Operate a Registered Marijuana Dispensary shall be determined by the current Board of Health fee schedule. This fee is subject to review and may change annually. License fees cannot be prorated and expire each year on December 31<sup>st</sup>.'* Mr. Andrews explained that a fee of \$500.00 would not cover the cost of an inspection that was 40,000 or 50,000 square feet, which is the size of most of the current dispensaries in surrounding towns. Ms. Guarino stated that there are 2 different types of licenses and associated fees. One \$500 fee for the dispensary itself, which is including cultivation and production facility. The second license fee would be for each dispensary agent. Each facility would ultimately have a different total fee based on what's included within it. Ms. Peterson stated that around the country there are fees assessed per square footage. Ms. Guarino suggested that the first fee be for a Registered Marijuana Dispensary, with the definition of Registered Marijuana Dispensary reading *'A not-for-profit entity registered under 105 CMR 725.000 that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered Qualifying Patients or their Personal Caregiver.* Mr. Barlow suggested that the fee



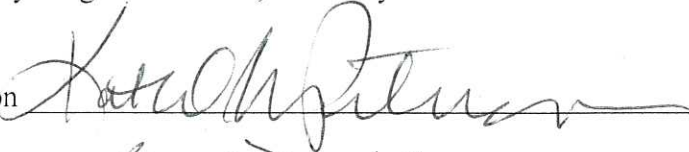
should start at \$1,000.00 and higher, leaving room for additional cost of amount of inspections, number of licensed agents, etc. Ms. Guarino stated that there are other establishments that have similar fee schedules to this proposal, such as body art and body works. These establishments are given a license for the establishment itself, and separate licenses for each individual employed through said establishment. She explained that when the Board of Health of Boston adopted their Marijuana Regulation, they priced the dispensary license at \$500.00 and each dispensary agent license at \$100.00. Ms. Peterson stated that this should be thought about and discussed at a later time. Page 6 number 10, 11, 12, and 13 were agreed upon. Mr. Andrews stated that on Number 14, 105 CMR 725.105 requires a longer time than 24 hours for recordings to be kept, and for an off-site storage facility. He suggested that 24 hours gets changed to include the exact wording of 105 CMR 725.105. Ms. Peterson stated that she wants to include *'all retail establishments must have a digital license approved by local board of health and law enforcement for marijuana sales'*. She decided that this will become its own number: 15a. Page 7 number 16, 17, 18, and 19 were agreed upon with the understanding that all are non-transferable under any circumstance. Ms. Peterson stated that under number 20, there should include a max cap of 6 marijuana establishment licenses in town. Number 21 was agreed upon following the change of "or transferred" to "or modified". Section E number 1 – 9 was agreed upon. Section F number 1 – 10 was agreed upon. On page 9, the Board would like a number 4 added stating *'any ID that does not pass electronic detection will be confiscated and given to the Bourne Police Department prior to end of business day.'* Section J was agreed upon. Ms. Guarino suggested that section K, letters a, b, and c should comply with current tobacco regulations. Ms. Peterson suggested that letter B should change the time frame from *'24, 36, 48, 60 months'* and state *'in the case of a second violation within 18 months of the date of the current violation, a fine of \$300 and the License of Permit shall or may be suspended for 14 consecutive business days.'* Ms. Guarino stated with what was provided by the state in that section, those timeframes are longer tolling periods than what Bourne currently has, so the likelihood of multiple violations is much higher. Mr. Barlow agreed to get rid of 24, 36, 48, 60 months and replace with 18 months. Ms. Peterson suggested adding 'permanent revocation' to letter c. Section M, was agreed upon following the change of 'agent' to 'Board of Health agent and may include law enforcement'. After reviewing the draft regulation, the Board of Health office will make the changes discussed in this meeting and Board members will sign off and post the regulation to the public. Mr. Barlow made a motion to approve what we discussed tonight as a draft, and the amended draft be brought back to the next Board of Health meeting on April 12, 2017 to be voted on. Mr. Uitti seconded, and the vote was unanimous.

4. **APPROVE THE MINUTES**—from the previous meeting dated March 8, 2017. Mr. Andrews moved to approve the minutes from the meeting dated March 8, 2017. Mr. Barlow seconded, and the vote was unanimous.


Mr. Andrews made a motion to adjourn the meeting. Mr. Uitti seconded the motion. All were in favor, and the meeting adjourned at 8:35 pm.

Taped & Typed by Meghan McLean, Secretary

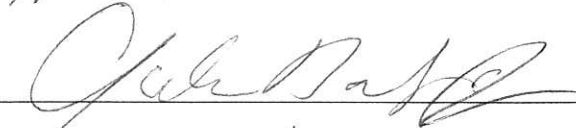
Kathleen Peterson



Stanley Andrews



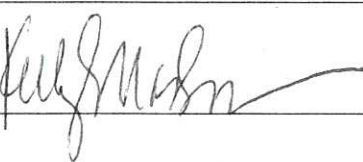
Galon Barlow Jr.



Don Uitti



Kelly Mastria



cc Board of Selectmen/Town Clerk

