



Town of Arlington  
Department of Health and Human Services  
Office of the Board of Health  
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**Board of Health Meeting Minutes  
Wednesday, September 14, 2016  
BOH Conference Room  
Arlington Senior Center  
5:30pm**

Board Members in Attendance: Dr. Marie Walsh Condon, Mr. Kenneth Kohlberg, Dr. Kevin Fallon

Staff in Attendance: Christine Bongiorno, Director, Natasha Waden, Health Compliance Officer, Hannah Fast, Public Health Associate.

Others in Attendance: John Sofis Scheft, AYHSC Member

Recording Secretary: Ivy Laplante, AYHSC Director

**Meeting called to order by Dr. Marie Walsh Condon at 5:30 pm.**

A **Motion** was made by Mr. Kenneth Kohlberg, which was seconded by Dr. Kevin Fallon, to approve the June 22, 2016 meeting minutes as submitted.

**Vote:** Motion approved unanimously (3 - 0)

**Hearing: Variance Request - Otto**

The hearing to grant a variance for Otto was postponed to the next scheduled Board of Health meeting.

**Hearing: Keeping of Hens - 1 Pond Terrace**

The hearing to permit the keeping of hens at 1 Pond Terrace was postponed to the next scheduled Board of Health meeting.

**Coalition Updates**

Ms. Ivy Laplante, Arlington Youth Health & Safety Coalition Director, informed the Board of two upcoming parent forums. The first, "The Real Truth: Busting the Myths of Substance Abuse," will be an interactive presentation of results of the Arlington Youth Risk Behavior Survey on September 28th. Ms. Laplante also

invited the Board to another parent forum on October 20th, "Under Construction: What Everyone Must Know about Tween & Teen Brain Development", a presentation by pediatrician and addiction prevention specialist, Dr. Ruth Potee. Both forums will take place at the Ottoson Middle School cafeteria from 7pm-8:30pm.

Ms. Laplante then invited Attorney John Sofis Scheft to speak about the changing landscape of marijuana and how recreational marijuana could impact the new BOH Regulations to Restrict the Sale of Medical Marijuana. Mr. Scheft presented his analysis on MA ballot Question 4, Legalization of Recreational Marijuana.

Mr. Scheft informed the Board that under Question 4, bylaws can still regulate under BOH regulations, but they cannot make regulations that would put them out of business. Mr. Scheft stated although Arlington BOH regulations prohibit home grows of medical marijuana plants, if Question 4 passes, residents would be legally allowed to grow up to 12 plants and possess up to 10 ounces of marijuana per household. Mr. Scheft urged the Board to look into regulations on fire safety in order to safely process and grow marijuana to limit explosions due to butane oil. Dr. Walsh asked if there was a penalty associated with over possession and Mr. Scheft explained that only a \$300 fine would be imposed on the violator.

Ms. Bongiorno informed the Board there was an inconsistency between state and local regulations regarding the buffer zone. She stated the Town had previously zoned districts where medical marijuana dispensaries could open, under the assumption that a buffer zone would be included around a dispensary. Ms. Bongiorno informed the Board the MA DPH has changed their interpretation of these regulations stating the buffer zone of "500 ft of a school, daycare center, or facility in which children commonly congregate" does not apply because Arlington previously zoned dispensaries to the business district. Ms. Bongiorno informed the Board the dispensary owners have put forth a warrant article through special Town meeting on October 19 to establish a different zone that would institute a 500 ft buffer from dispensaries to Massachusetts State licensed elementary schools, middle schools, high schools and early education child care programs. Ms. Bongiorno clarified the current warrant does not include places where children commonly congregate or non-State-licensed daycare centers.

Mr. Scheft informed the Board that in Colorado, medical marijuana was legal nine years before recreational marijuana became legal, and after legalization of recreational marijuana, Colorado reported a spike in medical marijuana card holders because of the tax exemption benefit of medical marijuana.

The Board discussed the possibility of amending the previously passed Regulations Restricting the Sale of Medical Marijuana to include language to clarify a 500 ft buffer zone requirement. Dr. Walsh asked Ms. Bongiorno and Ms. Waden to consult Attorney DJ Wilson of the Massachusetts Municipal Association because of his work with Arlington's tobacco regulations. Ms. Bongiorno informed the Board she would consult with Town Counsel.

The Board voted to move the its next meeting to Wednesday, October 12th and to have a public hearing to discuss and/or adopt the change of Arlington's BOH Regulations Restricting the Sale Medical Marijuana to include a 500 ft buffer zone.

## **Discussion: Mugar Property 40B Application**

Ms. Bongiorno explained that a 40B application was submitted to the Zoning Board of Appeals and Planning Department for the Mugar Property in East Arlington. As a result, the Board of Health is required to review the plans and make recommendations in regards to public health safety and nuisance issues.

Dr. Walsh advised the Department to consider submitting comments as they relate to noise, odor, sewage, and pest control.

## **Environmental Updates:**

Ms. Waden informed the Board that there has been an increase in rodent activity throughout the town. As a result, the Department has responded to complaints by mapping sightings and sending educational notices to residents and businesses in areas of high activity. Ms. Waden informed the Board that the Town has consulted with a pest control company who has worked with the cities of Boston and Cambridge, to identify best practices in municipal rodent control.

Ms. Waden also reported on various complaints that the Department responded to over the summer months, including but not limited to noise, odors, standing water, etc. Ms. Waden reported that there was one water quality exceedance at the Medford Boat Club, but resolved within 24 hours.

## **Restaurant Updates**

Ms. Waden informed the Board of restaurant updates in Arlington.

- Tryst has a new owner, but its menu will remain the same.
- Otto Pizza opened in July at 202 Mass Ave. Their variance request will be heard at the next Board meeting.
- Local Fare has submitted a plan review for 2 Lake Street. This will be a specialty food store and collaborative kitchen space from three separate founders including Nutty Life, Kitchen Mille, and Boston Bonbon.
- La Famiglia has submitted a plan review and is looking to open at 1215 Mass Ave, previously occupied by Nicola Pizza.
- Flora has closed and a new establishment will be opening in its location.
- Sons of Italy has submitted a plan review to conduct renovations of their kitchen.
- Jimmy's Pizzeria will be closing and a new Italian establishment will be opening in its location.

## **Public Health Nurse Updates**

Ms. Bongiorno informed the Board that Mrs. Aliza Stern Guyer was hired as the new Public Health Nurse. She will work 16 hour weeks from Tuesday through Thursday. This year, during Health & Human Services Department (HHS) flu clinics, the department is partnering with Arlington Fire Department, Food Pantry, Council on Aging, and Veteran's Affairs Department to hold a mini-health clinic alongside flu shots. 40 seniors were vaccinated at the first flu clinic on September 14 at Winslow Towers. In October, HHS will hold flu clinics at all

Arlington elementary schools. Dr. Walsh commended the department's approach to targeting vulnerable populations and increasing access by bringing the flu clinic directly to the senior housing units.

Ms. Bongiorno reported that she was informed by the State of a preliminary West Nile Virus positive case in an 80-year old resident of Arlington.

**Public Comment**

None

**Other:**

Ms. Bongiorno welcomes Dr. Fallon, a veterinarian in Arlington, as the new member of the Board of Health. This was his first meeting as a member of the three-person Board.

**Meeting was adjourned at 7:04 pm.**