



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, February 6, 2019  
BOH Conference Room – Mural Room  
Arlington Senior Center  
5:30 pm**

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

Staff in Attendance: Natasha Waden, Director of Public Health; Pdraig Martin, Health Compliance Officer; Kylee Sullivan, Health Compliance Officer

Others in Attendance: Kayla Lucente (Microblading), Han Qun (19 Beck Road), Liu Liang (19 Beck Road)

Recording Secretary: Kylee Sullivan, Health Compliance Officer

Meeting called to order by Dr. Marie Walsh Condon at 5:32 pm.

**1. AGENDA ITEM**

**Acceptance of Meeting Minutes from December 5, 2018**

**A Motion** was made by Kenneth Kohlberg which was seconded by Dr. Kevin Fallon to accept the December 05, 2018 Meeting Minutes as submitted.

**Vote:** 3 - 0 in favor of the motion (Unanimous)

**2. HEARING**

*Agenda Change: the Microblading Hearing was moved ahead of the 19 Beck Road – Basement Hearing.*

**Microblading**

Inspector Sullivan informed the Board that a variance request has been made by Ms. Kayal Lucente-Bantz to open a cosmetic tattooing (microblading) establishment in Town. Specifically Ms. Luncente-

Bantz is requesting a variance from the Town of Arlington Rules and Regulations for Body Art Establishments and Practitioners Section 5 (requirement that cosmetic tattooing be conducted by a medical doctor licensed by the Commonwealth) and Section 12 (requirement that practitioners must have at least two years experience to perform tattooing in Town).

Ms. Lucente-Bantz discussed her proposal to cosmetically tattoo eyebrows on clients and provided the Board reasons why she should be granted the variance, including that the medical doctor requirement is too stringent for the work she will be performing. Doctor Walsh Condon agreed with Ms. Lucente-Bantz that the medical doctor requirement for cosmetic tattooing is outdated and the Board should look into amending this section of the regulations. Doctor Walsh Condon explained that the reasoning behind this requirement was that when the regulations were established, tattooing eyeliner to eyes was popular but the tattooing of eyebrows does not require the intensive training that tattooing eyeliner requires.

Doctor Walsh Condon asked Ms. Lucente-Bantz to clarify what her intentions were with cosmetically tattooing eyebrows and any additional features on clients to which Ms. Lucente-Bantz stated at this time she is looking to only tattoo eyebrows. Mr. Kohlberg suggested that Ms. Lucente-Bantz rewrite her variance request to more clearly explain that her intent is only to tattoo eyebrows on clients. All Board members expressed concern for Ms. Lucente-Bantz's lack of experience in the field of tattooing. The Board decided to table their vote on this hearing until the next Board meeting. This gives Ms. Lucente-Bantz the opportunity to rewrite her variance request and research further into possible options for increasing her experience in cosmetic tattooing.

**A Motion to table the hearing** was made by Dr. Fallon and seconded by Mr. Kohlberg.

**Vote:** 3 - 0 in favor of the motion (Unanimous)

### **3. HEARING**

#### **19 Beck Road - Basement**

Inspector Pdraig Martin reported that a housing inspection of 19 Beck Road was conducted on January 17, 2019 which resulted in an order letter outlining several violations of the State Sanitary Code in the basement dwelling unit. Inspector Martin discussed how some of the violations observed in the basement unit are challenging to achieve compliance with, such as the floor-to-ceiling height and the amount of transparent or translucent glass in the kitchen and living room. Some of the violations listed in the order letter have been brought into compliance, as observed during a re-inspection on February 6, 2019. Compliance has been achieved with the following violations: the smoke detector and the handrail in the basement stairway. After speaking with the property owner, Liu Liang, Inspector Martin informed the Board that Ms. Liang plans on moving the family occupying

the basement unit to rooms in the upstairs of the dwelling. Dr. Fallon inquired if the basement would continue to be used if the family was moved upstairs to which Inspector Martin clarified that no, the basement would no longer be occupied.

Ms. Liang reiterated her plan to move the family occupying the basement to rooms upstairs but that one of her other occupants has to move out first in order to do so. Ms. Liang stated that the other occupant agreed to move out and will be doing so shortly. Dr. Walsh Condon restated that, although the basement can be used by occupants, it cannot be used as a sleeping space and as a result the basement cannot be rented to occupants.

Director of Public Health Natasha Waden asked Ms. Liang how many people are living at the property to which Ms. Liang responded two single occupants and a family of four. Dr. Walsh Condon asked how many bedrooms are in the dwelling and was informed that there are six total bedrooms. Director Waden discussed issues related to the potential of an illegal rooming house and that even though currently the number of occupants would not constitute an illegal rooming house, this is something for Ms. Liang to keep in mind and it would ultimately be an Inspectional Services issue.

Dr. Fallon asked for clarification as to whether anyone is sleeping in the basement presently to which Ms. Liang informed him that yes, the family of four is currently occupying the basement but that the family wants to move to the upstairs floors. Inspector Martin stated that this would be an appropriate solution. Director Waden informed the Board that Inspectional Services was notified of this situation and that the Health Department will follow up for additional information.

Second floor occupant Han Qun addressed the Board stating that previously there were ten people living in the dwelling and that a family of three occupied the basement before the current family of four moved in during November. Ms. Qun added that after speaking with the family, she believes that they do not want to move upstairs.

Mr. Kohlberg stated that this situation requires Inspectional Services involvement. Dr. Walsh Condon added that Inspectional Services will contact the property owner and in the meantime the basement unit cannot be occupied. If Ms. Liang would like to rent out the basement, then additional work would be required to bring the unit into compliance.

#### **4. HEARING**

Inspector Martin explained that wording was updated in the Medical Marijuana Regulations to reflect the change in state licensing of Medical Marijuana Establishments from the Massachusetts Department of Public Health to the Cannabis Control Commission. The Board did not have any questions regarding the updated wording. Inspector Martin discussed the option of similarly updating the wording in Arlington's Regulation to Ensure the Sanitary and Safe operation of Adult-Use Marijuana Establishments and the Sale of Adult-Use Marijuana. Dr. Walsh Condon asked what the benefit of this would be to which Director Waden answered that it would grant the Department authority to enforce the Cannabis Control Commission regulations if a violation is observed during inspection. Dr. Walsh Condon asked if a hearing would be required to make these wording changes and she was informed that yes, a hearing would need to be held. Dr. Walsh Condon agreed to follow the Department's recommendation to update the wording which was supported by Dr. Fallon and Mr. Kohlberg.

**A Motion** was made by Dr. Walsh Condon which was seconded by Dr. Kevin Fallon to update the language in the Regulation of the Arlington Board of Health Restricting the Sale of Medical Marijuana to reflect the change in licensing from the Massachusetts Department of Public Health to the Cannabis Control Commission.

**Vote:** 3-0 in favor of the motion (Unanimous)

## **5. DISCUSSION**

### **Hemp Based CBD Oil**

Inspector Sullivan informed the Board that a permitted residential kitchen in Town contacted the Health Department for guidance on the use of hemp-based CBD oil (cannabidoil) in food. Sullivan explained that hemp-based CBD oil is derived from the Cannabis plant, much like marijuana however, there is a significantly smaller amount of THC, (tetrahydrocannabinol), the psychoactive component of marijuana. After discussing this matter with the MA Department of Public Health, the Cannabis Control Commission, the MA Department of Agricultural Resources, local health departments, and Cheryl Sbarra of the MA Health Officers Association, the Health Department was informed that there are currently many unknowns about this matter. However, the majority of the resources contacted stated that hemp-based CBD oil in food is not an approved food additive according to the FDA. Due to the lack of data supporting the use of hemp-based CBD oil in food, the Health Department asked for guidance from the Board on a community-wide policy to handle requests for the addition of this substance in food. The Board guided the Department to prohibit the addition of hemp-based CBD oil in food until further direction is provided from the FDA.

## **6. DISCUSSION**

### **Tobacco Regulation Update**

Director Waden informed the Board that Karen Koretsky, Director of the Arlington Youth Health and Safety Coalition, provided the Health Department with information regarding Somerville's recent ban on menthol-flavored tobacco and e-cigarette/vape products. Inspector Martin added that Somerville made three tobacco amendments: 1) removed menthol, mint, and wintergreen from the exempted section of the characterizing flavor definition and moved it to the list of flavors that are considered flavored tobacco; 2) limited the sale of e-cigarettes to adult-only retail tobacco stores; 3) re-categorized tobacco as a flavored tobacco product for e-cigarettes.

Dr. Walsh Condon clarified that now, in Somerville, a customer can no longer walk into a regular tobacco retailer and purchase a mint/menthol-flavored tobacco product. Director Waden confirmed this adding that mint/menthol-flavored tobacco products can only be purchased in adult-use only tobacco stores. Inspector Martin stated that Needham is one of the only other communities that has made similar tobacco regulation amendments. Director Waden informed the Board that, because there are no adult-use only tobacco stores in Arlington, an amendment similar to the one Somerville recently passed would effectively zone out mint/menthol-flavored tobacco in Town and so the Department would need discuss this in detail with Town Counsel. Inspector Martin added that after consulting with D.J. Wilson from the Massachusetts Municipal Association (MMA), the Department was informed that all three of Somerville's amendments will likely be challenged in a court of law and there will be more information about this matter around the summertime. Mr. Kohlberg asked why there was such a focus on mint/menthol-flavored tobacco products to which he was informed that it is a result of how, unlike other flavored tobacco, there are no restrictions on the sale of mint/menthol-flavored tobacco products. Additionally, studies show that restricting mint/menthol-flavored tobacco products is linked to a decrease in youth use of tobacco.

The Board agreed to wait until more information is available to make a determination about this matter.

## **7. UDATES**

### **Environmental Updates**

- Inspector Sullivan informed the Board that she was invited to speak to the Conservation Commission about rodent control and the use of rodenticides in Town. Inspector Sullivan discussed Integrated Pest Management (IPM) with the Conservation Commission and explained that the Health Department works with and educates residents and businesses to improve sanitation and exclusion measures around Town as a means of preventing rodent activity instead of relying on the use of rodenticide to reactively treat a rodent problem.

- Insector Sullivan discussed the Department's collaboration with the Arlington Police Department to better connect with and serve people in Arlington who are experiencing homelessness or are on the verge of homelessness. Inspector Sullivan reported that during the annual Point in Time Count, which took place on January 31<sup>st</sup> between midnight and 3:00 AM and is mandated by HUD, there were no homeless persons observed in Arlington.
- Director Waden informed the Board that Reed Brook in McClennen Park will be dredged in coming months which will improve water flow and decrease mosquito breeding areas.
- Director Waden reported that a Warrant Article for Town Meeting was submitted for restricting the sale of polystyrene in Town. This is the only Warrant Article submitted that would fall under the purview of the Board.

## **8. UPDATES**

### **Restaurant Updates**

Inspector Martin reported that since the last Board meeting, two commercial establishments and two residential kitchens have been permitted. Additionally, there are seven plan reviews open for establishments that will soon open. Inspector Martin informed the Board that the State adopted the 2013 Food Code in late 2018, and since Arlington was already in the process of adopting this version of the Code, Arlington's transition is going smoothly.

## **9. UPDATES**

### **Public Health Nurse Updates**

No public health nurse updated were provided.

**Meeting Adjourned @ 7:21 pm.**