

**TOWN OF WAYLAND
BOARD OF HEALTH
MEETING MINUTES**

**Monday, April 4, 2022, at 6:30PM
Wayland Town Building
41 Cochituate Road, Wayland, MA 01778**

(Hybrid meeting; in person and via zoom)

One may watch or may participate remotely with the meeting link that can be found at <https://www.wayland.ma.us/public-body-meeting-information-virtual-inperson-and-hybrid> Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted in person and via remote means, in accordance with applicable law. This meeting may be recorded which will be made available to the public on WayCAM as soon after the meeting as is practicable.

Present: John G. Schuler, M.D.; Robert DeFrancesco, D.M.D; Brian McNamara

Present via Zoom: Genevieve Anand, MD, MPH; Arne Soslow, M.D.

Also Present: Julia Junghanns, Director of Public Health

Call to Order: R. DeFrancesco called the meeting to order at 6:30PM

Roll Call: R. DeFrancesco – YES, J. Schuler – YES, G. Anand– YES B. McNamara – YES A. Soslow – YES

Public Comment: There was no public comment.

Welcome to newly appointed Board of Health member, Genevieve (Gigi) Anand, MD, MPH

R. DeFrancesco welcomed Genevieve Anand to the Board. G. Anand is happy to be joining the Board.

General Business, Bills, Review and approve minutes 7/27/2020, 1/3/2022, 3/7/2022

J. Schuler had two corrections to the 1/3/2022 minutes. B. McNamara Motioned to approve the Minutes for 1/3/2022. J. Schuler seconded the motion.

VOTE: YES: J. Schuler, A. Soslow, B. McNamara, R. DeFrancesco, G. Anand

NO: None

ABSTAIN:

MOTION PASSED 5-0-0

B. McNamara Motioned to approve the Minutes for 7/27/2020. J. Schuler seconded the motion.

VOTE: **YES: J. Schuler, A. Soslow, B. McNamara, R. DeFrancesco, G. Anand**
 NO: None
 ABSTAIN:
 MOTION PASSED 5-0-0

B. McNamara Motioned to approve the Minutes for 3/7/2022. J. Schuler seconded the motion.

VOTE: **YES: J. Schuler, B. McNamara, R. DeFrancesco,**
 NO: None
 ABSTAIN: A. Soslow, G. Aand
 MOTION PASSED 3-2-0

Covid-19 case updates and any new information

J. Junghanns clarified that the Town's COVID data only includes PCR tests, not rapid home tests. Whereas the schools do incorporate rapid home tests into their data. The state is also reporting on PCR test data only.

A. Soslow asked why R. Mori was not in attendance at this meeting. J. Junghanns said R. Mori's presence isn't necessary at every meeting and that she is able to provide an update at this time. A. Soslow said he thought R. Mori should be present at meetings periodically during COVID. A. Soslow asked if anyone could summarize where the schools are in regard to COVID. J. Junghanns said she can arrange for R. Mori to give an update report at a future meeting.

6 Nolan Farm Road – Animal Keeping permit application to keep chickens, Owner: Lynn Pogorelc

B. McNamara motioned to postpone the animal keeping permit application for 6 Nolan Farm Way Road until the Board's next meeting. J. Schuler seconded the motion.

VOTE: **YES: J. Schuler, A. Soslow, B. McNamara, R. DeFrancesco, G. Anand**
 NO: None
 ABSTAIN:
 MOTION PASSED 5-0-0

Earthwell Farms, LLC 526 Boston Post Road – Medical Marijuana Treatment Center – Comments to Planning Board for site plan review. Guest: Attorney Phil Silverman, Vicente Sederberg LLP

P. Silverman was a commercial attorney for 25 years. His father-in-law, a doctor at Mass General approached him about starting a medical marijuana business. After helping his father-in-law, P. Silverman got recruited by Vicente Sederberg, which is a law firm specializing in medical marijuana.

P. Silverman pointed out that this facility would be for medical patients only (people that have gone to a doctor and received a recommendation). A patient takes this recommendation to the Cannabis Control Commission and receives a registration card. The only access to this facility would be via said registration card. There are currently 104K patients in MA with registration cards (the fastest growing demographic of this number are patients 55 years and up)

A. Soslow inquired about the process of being granted a registration card, is there an affidavit from a doctor involved? P. Silverman said there is no affidavit, but patients must renew the registration card with a physician on an annual basis. G. Anand said you need a special license to prescribe marijuana and Doctors in large health systems cannot obtain them. She said that when she has a patient that doesn't respond to pain medications, she refers them to the Department of Public Health website to find a doctor to prescribe medical marijuana. P. Silverman said this would be a vertically integrated facility, meaning they are the producer and seller. P. Silverman said there is several different ways to obtain this medication (smoking, vaporizing, or consuming via food) P. Silverman shared that a study done by the National Academy of Sciences, Engineering, and Medicine concluded that medical marijuana was beneficial for chronic pain, spasmodic diseases, and a de-nauseant for cancer patients dealing with chemo therapy.

J. Junghanns inquired about the safety and testing process of the products. P. Silverman said all products have to go through an independent testing laboratory. This is to ensure there are no contaminants and to list all ingredients on the packaging. J. Junghanns asked about the strength of the product. P. Silverman said there is no limit to the strength of the product, and it differs based on the product.

J. Schuler asked how long the State program has been in place. J. Silverman said this started in 2015. J. Schuler asked if this company has more than one site. P. Silverman replied no. J. Schuler asked where the products are prepared. P. Silverman said growing, harvesting, extracting of oil, and selling will all take place at the same facility. J. Schuler asked how they test the quality and density of the products. P. Silverman said the Cannabis Control Commission has a certain number of batches that facilities must send out for testing. J. Schuler said there is a big problem with children getting into edibles and inquired how they are packaged. P. Silverman said edibles are packaged in child proof containers with warning labels which are state mandated. The state performs periodic unannounced inspections.

B. McNamara inquired about the floor plan and how the dispensary area is small area with 3 vestibules. He asked if the overall footprint for the public was small. P. Silverman said yes, and the rest of the facility is very limited access. All the product at the end of the day gets put into a secure vault. B. McNamara asked if there was a plan to incorporate recreational marijuana in the future at this facility. J. Junghanns said recreational dispensaries are not allowed, that was voted at an annual town meeting. This area was specifically zoned for medical marijuana facilities to be located, this went through town meeting via the planning board and was approved at town meeting. R. DeFrancesco inquired about

hours of operation. P. Silverman said he thinks they are planning for 10AM – 8PM daily. R. DeFrancesco asked about the odor of growing. P. Silverman said the facility is not near any residences, and technology developments have helped limit odor. P. Silverman said under zoning in Wayland, the company has an obligation to make sure abutting properties cannot smell the odor of production. J. Schuler asked if this would be a cash business. P. Silverman said most transactions are debit cards. R. DeFrancesco asked who would be doing inspections if the odor was getting out. P. Silverman said normally a complaint comes from an abutter and the Town follows up with an inspection.

J. Junghanns asked if there was a pre-opening inspection done by the state (HVAC check, safety checks, wastewater disposal). J. Junghanns inquired about the process with the Cannabis Control Commission. P. Silverman said most of the wastewater is recycled.

P. Silverman walked the Board through the business set up process. P. Silverman said a business starts by going before the Select Board to obtain “Host community approval”. Once this is obtained, it is filed with the state and background checks are done on all parties involved with the business. Next, there is a public hearing in front of the Cannabis Control Commission where the business obtains a provisional license. The business then needs to receive a building permit from the Town. The business takes this permit to the Cannabis Control Commission, and they perform an architectural review. After construction, another inspection is performed post build. Lastly, there is a final public hearing where the business obtains its final license and goes through one more inspection before opening.

J. Schuler asked if customers had “orders” for a specific item/amount when they went into the business. P. Silverman said customers are limited to a 60-day supply (10 oz of product). J. Schuler asked if there are warnings for edibles for first time users. P. Silverman said first time consumers get educational materials. J. Schuler said he is concerned with children getting into edibles.

G. Anand asked what qualifications employees have in order to recommend products. P. Silverman said the training is all done by the company.

A. Soslow asked how Town’s approve or not approve a facility like this and if Wayland was the first town this business was approaching. P. Silverman said this was the only project his client has been working on and there are no other facilities with his business. A. Soslow asked what guidelines Town Council gave. J. Junghanns said this area was zoned specifically to accommodate a medical marijuana facility (decided by the Planning Board after the Town agreed to host medical marijuana sites, voted at town meeting). She said the acting Town Manager is working on a host agreement with the applicant. J. Junghanns said the Planning Board and Select Board are responsible for approval, the Board of Health is to provide comment.

A. Soslow inquired about the number of patients. B. McNamara said the proposal reads approximately 2000 patients. A. Soslow expressed concerns about the traffic of patients (about 65 per day). P. Silverman said the average visit is 8 minutes and most patients are in and out. B. McNamara asked why 60 parking spaces were dedicated to the business. P. Silverman said they are being overly cautious, but some spaces are for employees. J. Schuler asked what quality controls are in place. P. Silverman said there is a “seed to sale” tracking system (meaning a plant is barcoded and inventoried from the start,

and then the product it gets turned into is also barcoded.) Facility cameras can track missing inventory items. B. McNamara asked if the plants were potted. P. Silverman said he was unsure.

A. Soslow asked if the Board would be interested in a “limited introduction” to the Town (ex. The business would operate 4 days a week, not 7). Other board members said they did not believe this was in the BoH’s purview, and not for this Board to decide. P. Silverman said limiting hours makes it harder for patients to receive medication. J. Schuler asked why Wayland was chosen for the first site. P. Silverman said the company looked for “pockets” of where medical marijuana is not available and that is not easy to find a site. J. Schuler asked if the company carries insurance. P. Silverman said yes, required by state law. G. Anand pointed out that the process is gradual already. P. Silverman agreed and said the business is about a year away from being operational. B. McNamara asked if the business would only sell its products. P. Silverman replied yes. B. McNamara asked what was stopping the business from buying other marijuana products to sell until it grows enough of its own product. J. Silverman said this is what recreational facilities do, but medical facilities do not do this.

Next Meeting

The Board’s next meeting will be held May 2, 2022.

Updates on: Town Manager Act, Regional Grant and new positions

J. Junghanns reminded the Board that the Town Manager act (passed at Town Meeting 2021) is now in effect. Stephen Crane is the Acting Town Manager.

J. Junghanns said the regional grant that the Board received from the state for contact tracing and case management has been expanded by the state to be offered to other towns. This grant which was awarded to Wayland included 7 Towns (Wayland, Sudbury, Concord, Carlisle, Bedford, Weston, Lincoln). J. Junghanns said the Health Department has been working with HR to interview for an Epidemiologist Position and a Grant Manager Position (10-hour position). The Department is still open for applicants for the Public Health Nurse. (One applicant is in process)

Continued Discussion on Earthwell Farms, Medical Marijuana Treatment Center.

A. Soslow asked what the next steps were from the Medical Marijuana facility. J. Junghanns said the role of the Board for purposes of this meeting is to provide comment to the Planning Board for their site plan review. A. Soslow asked if the Board had any opinions on the facility. J. Schuler said he is concerned for people’s safety, mostly children. B. McNamara said there should be a public nuisance/fine component due to the odor. B. McNamara asked if the facility could be subject to “stings” by the police (meaning an officer trying to purchase something with a fake medical card). J. Junghanns said this is a good question to ask. The Health Department is only currently responsible for tobacco compliance checks, and not alcohol or handling marijuana compliance checks at this time. B. McNamara said the Board should incorporate compliance checks for marijuana. A. Soslow said he is very comfortable with medical

marijuana facilities but thinks a gradual opening (limited hours) would be the appropriate start. A. Soslow asked about other medical facilities. J. Junghanns said there are quite a few in the State, in many different locations. J. Schuler said he is concerned about first time patients driving. J. Junghanns said that is a whole separate Public Safety issue.

R. Eyre, 59 Claypit Hill Road – R. Eyre expressed his concerns with P. Silverman saying most encounters with customers will spend an average of 8 minutes in the facility. He was concerned this was not enough time to educate consumers on the products they would be using. R. Eyre asked what would happen if the company had a surplus (would they sell elsewhere?) J. Junghanns pointed out repeat customers wouldn't need a consultation every time they came in. B. McNamara clarified that earlier in the meeting he said the business's average number of patients was 2000; their estimated high number of patients was 2950, with a low estimate of 1000 patients.

J. Junghanns will put together these comments and provide them to the planning board for their review at their next meeting.

Correspondence River's Edge 484-490 Boston Post Road Notice of responsibility dated 3/24/2022, Mosquito Larvicide aerial application notice from East Middlesex Mosquito Control Project

J. Junghanns shared a letter dated March 24, 2022, from the Department of Environmental Protection regarding notice of responsibility addressed to Alta at River's Edge (which the Board was copied on). The letter listed legal responsibilities that Alta is expected to follow. J. Junghanns said the Town had a licensed site professional, Ben Gould attend the last public PIP meeting hosted by Vertex, Inc.. (Vertex on behalf of Alta at River's edge is handling environmental cleanup and the Public involvement process) Ben Gould is representing the Town, to provide technical review of document submittals and other activities at the property, and what the Town's interests are regarding the property. B. Gould wrote a letter to Vertex Company, Inc. outlining his comments and feedback. A. Soslow asked if this meant a switch in support from the Town. A. Soslow said he heard reports of a possible sell to a third party. J. Junghanns said that discussion was regarding a different project, not River's Edge.

J. Junghanns shared that the Board received notification from the mosquito control project that they have provided legal notice in the Boston Globe as per legal requirement. This was regarding aerial helicopter mosquito larvicide, which has been done for many years (where it is allowed). Certain areas, like Great Meadows are not allowed to be treated. Dates for aerial distribution via helicopter will be advertised when they are available.

Topics not reasonably anticipated by the chair 48 hours in advance of the meeting, if any

J. Junghanns informed the Board the Department is in the process of ordering Moderna covid booster shots. The Town has also received 1400 rapid home test kits using grant money (to obtain a discount price the order was shared between Sudbury, Wayland, Bedford, and Natick). The Department is working on ideas for distribution of the test kits as these kits are now readily available. J. Junghanns

informed the Board she will be attending a 2-day PFAS conference. The pfas filtration system is up and running at Happy Hollow, there is a press release on the Town website regarding this, additional updates will be provided by the town and DPW Director. The Health Department is working on renewal permits for disposal permits, food permits, amongst other renewal permits. Hazardous Waste Day is April 9, 2022 from 8-11:30AM. The Department has been in contact with the Acting Town Manager regarding ARPA funds and has communicated what we need to be allocated by the Select Board to the Health Department to cover overtime this fiscal year for school nurses doing contact tracing for the schools. J. Schuler asked if the nursing staff is full. J Junghanns replied yes.

A. Soslow inquired about the air quality and the old HVAC in Town Building which he had previously inquired about with former Town Administrator, Louise Miller. J. Junghanns said she would check in with Acting Town Manager, Stephen Crane regarding this.

The septic regulations hearing will be May 2, 2022. The Department has been getting a lot of nuisance complaints (housing complaints, desolate properties, roosters, trash etc.) and responding/handling things to mitigate the complaints. If our efforts do not resolve the issues then things get ramped to the next level that may involve the board.

Motion to adjourn: J. Schuler motioned to adjourn; B. McNamara seconded the motion.

VOTE: YES: J. Schuler, B. McNamara, R. DeFrancesco, G. Anand, A. Soslow

NO: None

ABSTAIN: None

MOTION PASSED 5-0-0

Meeting adjourned 7:31PM

Respectfully submitted,

Kevin McLaughlin

APPROVED 050922