

Buckland Board of Health  
Meeting Minutes  
September 11, 2019 6:00 p.m.  
Buckland Town Hall

## **AGENDA**

1. Open the meeting.
2. Nuisance burning in village - Discussion with Town Counsel, Mark Reich.
3. 2005 perc test, Orcutt Hill Road; Kay Caffasso and Mike Pratt.
4. WHMPA Cannabis seminar - report.
5. CBD product and sales manufacture - update.
6. Fall Flu Clinic planning.
7. Curbside refuse regulations review.
8. 5 Wellington - orders to condemn, vacate, placard.
9. Review August meeting minutes and approve.
10. Open and process mail.
11. Any other items not reasonably anticipated by Chairman 48 hours prior to meeting,
12. Public comment.
13. Adjourn the meeting.

## **ATTENDEES**

Richard Warner, BOH Chairman  
Terry Estes, BOH  
Marti Ferguson, BOH  
Heather Butler, Buckland Town Administrator  
Mark Reich, KP Law, Buckland Town Counsel  
Kay Caffasso  
Mike Pratt  
Mary Bolduc, Board Clerk

## **MEETING**

1. Open the meeting - Meeting opened at 6:00 p.m.
2. Nuisance burning in village; Discussion with Town Counsel, Mark Reich - Mark Reich discussed, both generally and relative to Nuisance Law ( GL Part 1 Title XVI Ch. 111 Section 122) complaints, the various roles, authorities, and powers of Boards of Health in Massachusetts. Discussed Boards' powers to make determinations of what constitutes a public health nuisance, and of what actions, if any, to undertake in regards thereto. Discussion of public vs private nuisance, and Boards' role in regulation and enforcement actions.

3. 2005 perc test, Orcutt Hill Road; Kay Caffasso and Mike Pratt - Kay Caffasso, with her Real Estate Agent Mike Pratt, had questions about the long term validity of percolation testing results, specifically in regard to a property of interest on Orcutt Hill Road (p.i.d. 50 68-1) which has a perc test on file from 2005. The Board explained that per 310 CMR 15.000 Title 5 of the State Environmental Code, perc testing results are deemed valid indefinitely as long as soils remain undisturbed. The pertinent section of the code, 310 CMR 15.104: Percolation Testing, part (1), was read aloud.
  1. Pertinent section of above referenced code: "The standard percolation test is intended to give an approximate measure of the soil's percolating capacity. Unsaturated hydraulic conductivities vary dramatically from the saturated hydraulic conductivity with changes in soil characteristics and moisture content. Percolation testing may be conducted at any time of the year *and the data obtained in accordance with the procedures specified by 310 CMR 15.00 may be deemed valid for an indefinite period provided the soils within the site evaluated remain undisturbed and unaltered.* All percolation testing shall be performed in the presence of the Approving Authority."
  2. Marti explained that while the Board does not validate specific or individual perc tests, the code and the referenced language do apply to the property of interest.
4. WHMPA Cannabis seminar report - Terry and Marti reported on seminar. Discussion pertained primarily to hemp and included:
  1. Industrial hemp vs that grown for the purpose of extracting CBD.
    1. Difference in appearance; industrial hemp more tall and thin, while that grown for CBD looks more Christmas tree-like.
    2. Discussion on the effects on soil from growing hemp. Also, fertilizer can be used but pesticides cannot.
    3. Various procedures involved in growing hemp, such as culling for male plants to prevent pollination.
  2. Department of Agriculture classifies hemp as a crop and is considered agricultural.
  3. Plants must be checked for THC content; if too high, plants must be destroyed.
5. CBD product sales and manufacture update -
  1. FDA considers CBD an adulterant in food. If a food establishment puts CBD in its food, it violates the FDA.
  2. Terry stated that because marijuana is illegal federally, laboratories have been hesitant to study its effects.
6. Fall Flu Clinic planning - Board discussed dates, times and locations of flu clinics and possible ways to advertise them in addition to robocall. Church bulletins, schools, and the senior center were among those mentioned.
7. Curbside refuse regulations review -
  1. There is no local regulation, but question was raised if there is a state regulation.
    1. The fact that refrigerators not in use must have doors removed was emphasized. Also reference was made to engines and the risk of oil leakage.
  2. Meeting with Phoebe (FRCOG) in one week for abandoned properties.

1. Short board discussion on abandoned properties with a focus on several in Buckland in particular.
8. 5 Wellington Street, orders to condemn, vacate, placard - After determining at last meeting that the placard no longer needed to be affixed to the property, Marti re-read the placard and concluded that it did indeed need to remain.
9. Review August meeting minutes and approve - Minutes were reviewed by Board members. Richard moved to accept and Marti seconded the motion. Vote was unanimous to accept minutes as submitted.
10. Open the mail - Mail was opened and reviewed.
11. Any other items not reasonably anticipated by Chairman 48 hours prior to meeting - There was a handout regarding public spraying which prompted a discussion on EEE.
12. Public comment - N/A
13. Adjourn the meeting - Terry moved to adjourn. Richard seconded. Vote to adjourn was unanimous. Meeting adjourned at 8:50 p.m.

Submitted by Mary Bolduc, October 23, 2019



The block contains three handwritten signatures in blue ink. The top signature is the most prominent, followed by a second signature below it, and a third signature at the bottom. The signatures are written in a cursive style.