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**ADAMS PLANNING BOARD  
MEETING MINUTES  
MONDAY, APRIL 3, 2017**

CLERK \_\_\_\_\_

**MEMBERS PRESENT:** Chairman Sandra Moderski, Vice-Chairman Barbara Ziemba and Members Martha Stohlmann, David Rhinemiller and David Krzeminski

**OTHERS PRESENT:** Joseph Nowak, Adams Selectboard; Xing Li; James J. Leitch, Westall Architects; David Goeselin, Hill Engineering; Jack Guerino, *iBerkshires.com*; Building Commissioner Don Torrico and Pam Gerry, Recording Secretary

**CALL TO ORDER:** Chairman Moderski called the meeting to order at 7:02 P.M.

**Approval of Subdivision Not Required-1 Sommer Hill Road**

The Planning Board reviewed the submission of a Form A Subdivision plan for property on 1 Sommer Hill Road, owned by Donald Sommer. After review, the Planning Board approved and signed the submitted plan. A motion made by Member Rhinemiller, seconded by Member Stohlmann to approve the ANR Subdivision on 1 Sommer Hill Road. Planning Board members had concern that there was no existing easement recorded on the plans. Mr. Goeselin, Hill Engineering representing Mr. Sommer's stated to them that the easement would go on record with future plans that would depict the easement's location. Building Commissioner Torrico stated that if there was any future zoning violations regarding the easement on this property that he would have to follow up with enforcing the violation.

**Application of Xing Li for "Site Plan Approval" under §125-19 of the Adams Zoning Bylaw for property located at 131 Columbia Street. The request is to open a 2,048 sq. ft. single restaurant retail building with parking, landscaping and other associated site improvements in a B-2 Zoning District.**

Chairman Moderski invited the applicant to address the Planning Board members with his request. Mr. James Leitch from Westall Architects representing Mr. Li addressed the Board members. He stated to them that the ½ acre site was occupied by an existing 2260 sq. ft. building. He further stated that Mr. Li planned to build a 90 sq. ft. addition to the front of the existing building for the purpose of having a vestibule at the entrance. Mr. Leitch told the Board members that the building was "in full compliance with zoning setbacks and would continue to comply after the addition was put on the front." He stated that there was one entrance to the property with a curb cut of approximately 20 ft. Mr. Leitch explained to them that the Mr. Li would be renovating the interior of the building as well. He further noted that the owner would be developing on-site parking and the installation of a sign. He continued to let them know that the dumpster would be screened by a 6' stockade fence in the back of the property. Mr. Leitch explained to them that there would be lighting on the outside of the building during the owners' hours of operation, however noting that the security light would be on throughout the night. He stated to the members that the restaurant's hours of operation were 11:00 A.M. to 10:00 P.M. He told them that the restaurant would have a capacity for 49 seats however less than 50% of the restaurant's business would be take-out food from the restaurant. Mr. Leitch mentioned to the members that the owner planned to maintain the

existing gravel parking lot but emphasized to them that Mr. Li proposed to have a hard surface parking lot within a five year time frame. The Board members review the plans with Mr. Leitch addressing their concerns.

Member Krzeminski wanted more information from Mr. Leitch regarding the run off from the property. Mr. Leitch explained to him that there was a swail in the back of the property abutting Dunkin Donuts and Dollar General. Member Rhinemiller was curious to know if the applicant would have to return to the Planning Board if he wanted to blacktop the parking lot. Mr. Leitch answered him by stating that it would be up to the Board members to condition this request. Member Krzeminski wanted to know if an alarm system was required on the building. Mr. Leitch responded to him by stating that an alarm was not required with the current seating capacity. Member Rhinemiller asked if there would be any plantings on the property. Mr. Leitch answered him by stating that there would be no additional landscaping. Member Rhinemiller inquired about signage. Mr. Leitch told him that there would be an 8' x 2' sign on the building that would comply with current zoning bylaws. Mr. Li addressed the Board members to let them know that he intended to put a free-standing sign on his property in the future.

Chairman Moderski would like to know if the lights on the building would be LED lighting. Mr. Leitch stated that they planned to install 4000k lighting but he suggested that if the Planning Board had another preference he would consider their request and choose another option. Member Rhinemiller stated that he wanted to see "downlighting" to accommodate the abutting neighbors so the lights would not be obtrusive to them. Mr. Leitch stated that the Board can request to have the owner install sharp cut off lighting to address their concerns.

Member Krzeminski showed concern with Mr. Li's business signs. He stated to Mr. Leitch that the owner should be required to remove any signs on the building if his business was to close in the future. Mr. Leitch stated that this was not a requirement of the owner but the Planning Board could make this request.

Chairman Moderski wanted to know more information about the lighting on the applicant's plans. Mr. Leitch stated that he would be placing a wall pack which would not be sharp cut off fixtures. Member Rhinemiller stated to him that he would like to see them placed on the front of the building. Chairman Moderski expressed to him that LED lighting can be very bright and obtrusive to the neighbors.

A motion made by Member Rhinemiller, seconded by Member Krzeminski to accept the application of Xing Li for "Site Plan Approval" under §125-19 of the Adams Zoning Bylaw for property located at 131 Columbia Street. The request is to open a 2,048 sq. ft. single restaurant retail building with parking, landscaping and other associated site improvements in a B-2 Zoning District, as proposed in the plans, passed unanimously subject to the following conditions:

- **Sharp cut off lighting is required on the entire building.**
- **Planning Board approval is required to implement an impervious surface to the parking lot.**
- **All signs must be removed if the business is no longer operating.**
- **The dumpster shall be surrounded by a vinyl fence.**

Chairman Moderski asked the applicant when he anticipated opening his restaurant. Mr. Li told her that he would like to open in August 2017.

**Approval of Subdivision Not Required-128 East Road:**

The Planning Board reviewed the submission of a Form A Subdivision plan for property on 128 East Road, owned by Arthur J. Stohlmann. After review, the Planning Board approved and signed the submitted plan. A motion made by Member Rhinemiller, seconded by Vice-Chairman Ziemba to approve the ANR Subdivision on 128 East Road. Member Stohlmann abstained from voting.

**OLD BUSINESS/NEW BUSINESS:** Other matters not reasonably anticipated 48 hours in advance of this meeting.

Chairman Moderski stated to the Board members that they were presented material regarding medical marijuana from Administrative Assistant, Deborah Dunlap, Town Administrator's Office. Chairman Moderski wanted to know if the Board members had any input regarding the documentation they were submitted by Ms. Dunlap.

Joseph Nowak, Adams Selectboard seated in the audience addressed the Board members stating to them that the federal government oversees marijuana and that they label it as "an illicit drug." He further noted that the Board of Selectmen was looking to attract business to the Town of Adams, and they would like to draft a bylaw for medical marijuana. He reminded the Board members that the state of MA voted for this in the last election. Mr. Nowak emphasized to the Board members "that in order to start the process, they would need a bylaw in place." He further noted that Town Administrator, Tony Mazzucco stated to him that he would be assisting the Planning Board in writing the bylaw. He encouraged the Board members to move forward on the creation of this new bylaw. Mr. Nowak told them that if they were not able to write the bylaw or "feel it was not right for the community," that the Board of Selectmen would draft the bylaw. Vice-Chairman Ziemba told him that she was interested in drafting this bylaw. Member Rhinemiller explained to the Board members that the bylaw would be similar to the bylaw for "adult entertainment." He told them that the medical marijuana bylaw would be drafted in a similar manner as the one that was written for adult entertainment. He stated to them that the zylonite area in Adams was the zoning district for adult entertainment at this time. Vice-Chairman Ziemba stated that she would like to review the bylaw for adult entertainment.

Chairman Moderski told the Planning Board that she received an email from Deb Dunlap with a recommendation for the Planning Board. Chairman Moderski reads the email to the Board members and the audience. Mr. Nowak stated to the Planning Board members that he was not aware of the email they had received Ms. Dunlap. He said he would be unable to comment on the recommendations before he speaks with her regarding the content of the email.

Mr. Nowak told the Board members that in his own opinion he would encourage anything that could benefit a person from illness.

Mr. Nowak requested that Chairman Moderski meet and discuss these issues with Mr. Mazzucco and Ms. Dunlap. In response to Mr. Nowak's request, she told him that she would encourage a meeting be held with all Planning Board members at their next scheduled meeting date of April 24, 2017 if possible.

Vice-Chairman Ziemba stated that she would like to get a zoning bylaw moving forward on the medical marijuana dispensary and wait on the bylaw for recreational use for a future date.

A motion made by Member Rhinemiller that a formal letter be submitted to the Town Administrator's Office requesting information regarding zoning bylaws pertaining to medical marijuana in other communities. He would like to request their recommendations for implementing a future moratorium in the Town of Adams to the Planning Board for discussion and review at a future meeting to be scheduled by Mr. Mazzucco to include the Board of Selectmen, Chief of Police, Rick Tarsa and Building Commissioner, Don Torrico.

Mr. Nowak asked that the Planning Board submit a written document to Town Administrator, Tony Mazzucco requesting information that they would like to review at their future meeting.

Building Commissioner Don Torrico stated to the Board members that from his experience with medical marijuana facilities, he felt that they these businesses were very professionally operated. He further stated that he would like to "see some of these restrictions lessened from the states standards," adding that these facilities could "fit in on main street." He told the Board members that he also had witnessed the medical benefits these facilities have provided to the public. Mr. Torrico stated that he has assisted other communities in drafting these bylaws. He told them that he does not feel these facilities should be located in an Industrial district which many towns require them to locate. Mr. Nowak wanted the Board members to know that many residents who travel on the Berkshire Regional Transit Authority would want to have access to the facility according to the route that the bus would follow.

**SET NEXT MEETING DATE:**

Mr. Nowak stated that he would arrange a meeting date with Mr. Mazzucco for April 24, 2017 tentatively. Chairman Moderski stated to the Board members that they if there were no Planning Board applications submitted to the office for their April meeting that the Board would still be interested in meeting to discuss the future marijuana bylaw on that date.

**MAIL SORT:** The mail correspondences were available for the Board members' review

**APPROVAL OF MINUTES:** A motion made by Member Rhinemiller, seconded by Vice-Chairman Ziemba to approve the minutes of March 23, 2015. Member Krzeminski abstained from voting.

A motion made by Member Rhinemiller, seconded by Vice-Chairman Ziemba to approve the minutes of September 28, 2015, passed unanimously.

**ADJOURN:** A motion made by Vice-Chairman Ziemba, seconded by Member Rhinemiller to adjourn the meeting at 8:15 P.M., passed unanimously.

Respectfully Submitted,

  
Pamela Gerry, Recording Secretary

10-31-17  
Date