

APPROVED

ADAMS PLANNING BOARD MEETING MINUTES MONDAY, SEPTEMBER 9, 2019

MEMBERS PRESENT: Chairman David Rhinemiller, Vice-Chairman David Krzeminski and Members Sandra Moderski, Lisa Gazaille and Michael Mach

OTHERS PRESENT: David Rosenthal; Carol Shumans; Kevin Towle, Senior Planner; Jeff Snoonian, iBerkshires and Recording Secretary Pam Gerry

CALL TO ORDER: Chairman Rhinemiller called the meeting to order at 6:05 P.M.

OLD BUSINESS: None

NEW BUSINESS:

To discuss a potential amendment to the Adams Zoning Bylaw §125-35. “Licensed Marijuana Establishments,” to allow an outdoor marijuana cultivating facility in a residential district located on Walling Road, currently prohibited under Town Zoning Bylaws.

Mr. Rosenthal addressed the board members to let them know that they would like to create an outdoor marijuana cultivation facility on their property. He continued to note that currently the town’s bylaws would not allow this in the R-2 Zoning District without applying for a Special Permit. Ms. Shumans explained to the members that their property would be conducive to this facility with their property having an extended hidden driveway, bordering a forest with a stream adding that their location was a “unique place.”

Mr. Rosenthal stated that he had lived in Adams for 35 years. He let them know that his children living out of the area at this time came up with the idea to begin this family business. He continued to let them know that he would like to have the smallest area of business in tier one up to 5000’ on his property. He stated that this would be a family-owned business marketing organic sun grown product which they could sell to dispensaries in Adams and throughout Massachusetts while promoting the beauty of the town. Mr. Rosenthal told them that he would like to see it become a “specialty product.” He submitted a draft review of the advertising logo to the members of the proposed “Greenlock Farms.”

Ms. Shumans stated that their farm would provide exposure with signage portraying Adams and Greylock Mountain with its natural beauty. She emphasized that they have been attached to the town as residents for many years. She told them that they currently have 12 plants which they grow recreationally at this time, adding that they would be interested in doubling the plants to 24 for their future business venture.

Kevin Towle, Senior Planner addressed the board members stating that the property owners had met with him and Ms. Cesan previous to the meeting and they concluded that there was merit in their proposal to begin the conversation of re-evaluating the existing marijuana bylaw with support by the Planning Board to make it more permissive at this time.

Chairman Rhinemiller asked Mr. Towle if the Planning Board agreed to an amendment to the current bylaw, would it be similar to a "Special Permit request. Mr. Towle stated that they were only concerned with beginning the conversation with the board on their interest in crafting the bylaw before they moved forward.

Chairman Rhinemiller was curious to know if any other communities amended their bylaws. Mr. Towle stated that Sheffield, MA had re-evaluated their marijuana bylaw, adding that there was a nationwide trend in states that have legalized marijuana and have been more "permissive of open air growth." Chairman Rhinemiller was concerned about the board's "leniency" in the bylaw and the federal government's involvement. Mr. Towle stated that there are "some risks inherent in the industry but it had not slowed the industry," but a movement towards legalization on the national level.

Mr. Towle reminded board members that the only area where cultivation was permitted in town was located in commercial and industrial areas.

Vice-Chairman Krzeminski asked Mr. Towle what the concerns were from other communities when moving these bylaws forward. He stated that Lanesborough, MA had esthetic concerns regarding visibility issues and odors from the cultivation area. Mr. Rosenthal emphasized to the members that their property was setback near Tophet Brook surrounded by trees. Vice-Chairman Krzeminski addressed Mr. Rosenthal to ask him how close the cultivation area would be to the public road, as well as his plan for containing the odor from the marijuana plants. He stated that they would be approximately 100 to 200 feet from the road, noting that they would not be visible as they are surrounded by their trees. He stated to the members that over the last two years, odor has not been an issue from any abutting neighbors who would be located 500 feet from his property.

Vice-Chairman Krzeminski asked Mr. Rosenthal how they planned to contain the odors from the different strains of marijuana plants. He stated that they would work with the community on any issues that would ensure that they have the opportunity to move forward. Mr. Rosenthal told members that they "want to respect their neighbors and community," as a longtime resident of the town.

Member Mach addressed Mr. Rosenthal to ask him if the town received any benefits from their cultivation facility. Mr. Towle explained to the members that the town had a host agreement with each company that comes to the community. Mr. Rosenthal stated to them that Massachusetts required them to apply for a state license with an abundant amount of oversight of their proposed business.

Member Moderski addressed Mr. Rosenthal to ask him how much of their cultivation product would be sold from the 24 plants. He stated that with the current amount of 12 plants, they

acquire 10-15 pounds of marijuana. He estimated the future of doubling his produce would give them approximately one pound per plant.

Ms. Shuman stated that they would sell to dispensaries that would be interested in purchasing locally grown cannabis. Mr. Rosenthal added that sun-grown outdoor plants are are ???

Member Moderski was curious to know if they would request additional plants to be cultivated in the future. Mr. Rosenthal stated that they would not want to expand beyond 5000 square feet of their facility. He stated that currently his facility occupies 700 square feet. Mr. Rosenthal stated that they were not interested in a facility that would be any larger. Member Moderski stated to them that their future intentions allow the board members in their decision-making process. She asked them if this cultivation facility would be their primary source of income. Ms. Shuman responded by stating that their family members were employed in other occupations.

Member Moderski asked if they had received any input from Adams Police Chief, Richard Tarsa in regard to their cultivation facility. Mr. Towle addressed the members stating that the town received a letter from Chief Tarsa regarding the site and odor in regard to the Adams Police Canine dog living in close proximity. Mr. Rosenthal added that if this would be a problem with the canine dog, they would not move forward in expanding their facility. Ms. Shuman stated that the neighbors have never complained to them about any of their animals behaving funny.

Planning Board members agreed to move forward on an amendment to the Adams Zoning Bylaw 125-35, "Licensed Marijuana Establishments," to allow an outdoor marijuana cultivation facility in a residential district located on Walling Board, currently prohibited under Town Zoning Bylaws.

Mr. Rosenthal addressed the board members to ask them if they could explain to them the next steps that would be taken to move their request forward. Chairman Rhinemiller stated to them that the members would have to conduct workshop meetings to work on an amended bylaw or an addition to the existing bylaw. He continued to let them know that once that process has been completed, it would move forward to the Board of Selectmen for their approval and then Town Meeting members would vote on the proposed bylaw. Chairman Rhinemiller stated that the last process would be the approval from Boston, Massachusetts Attorney General for his approval.

MAIL REVIEW:

Mr. Towle addressed the board members to state to them that Community Development Director, Donna Cesan would like to schedule a workshop meeting with the Planning Board to revisit the re-zoning of Commercial Street on October 14, 2019 and moving towards public hearing on October 28, 2019.

Board members discussed their next scheduled continuance public hearing for 40R/Smart Growth Overlay District and possible concerns of the general public that were brought to their attention previously. Member Moderski asked Mr. Towle if representatives were in place to address the various issues that could arise at the public hearing. Mr. Towle stated to the

members that Attorney Donald Dubendorf and representatives from DHCD and Berkshire Regional Planning Commission and One Berkshire Square to address the residents and board members.

Member Moderski showed concern that information should be forwarded to the board members in a reasonable amount of time for proper review of upcoming issues.

Board members stated that they would like to move the public hearing for the re-zoning of Commercial Street to November 4, 2019 at 7:00 P.M.

ADJOURN: A motion made by Member Mach, seconded by Member Gazaille to adjourn the meeting at 7:00 P.M., passed unanimously.

Respectfully Submitted,

Recording Secretary

Date