

Minutes for Jan. 7, 2019  
Planning Board, Town of Lenox

Attending from the Planning Board: Pam Kueber, chair; Tom Delasco (TD), vice chair; Kameron Spaulding, and Kate McNulty-Vaughan (KMV). Absent (meeting was optional): Deborah Rimmner. TD arrived about 15 minutes after start of meeting. KMV arrived a few minutes after meeting started; she participated by remote participation, reason: distance.

Attending from the Board of Selectmen: Ed Lane (EL), Neal Maxymillian (NM).

Attending from Town Staff: Chris Ketchen, Gwen Miller

Recordings of the meeting were taken by the Board, Berkshire Eagle/Clarence Fanto, and Berkshire Record/Joel Williams also recorded the meeting.

Documents at this meeting:

- Agenda
- Discussion document/Jan. 7 Adult-Use Marijuana Meeting
- Copy of Adult Use Marijuana bylaw prepared for Nov. 2018 Special Town Meeting

Minutes:

- The purpose of the meeting was for the Planning Board to hear what Select Board members have been hearing from citizens regarding the content of the Adult Use Marijuana bylaw so that we can consider that feedback in any amendments, etc. as we bring it again to our next Town Meeting in May. In November, the bylaw as prepared failed to achieve the required 2/3 majority by just five votes. Feedback and suggestions received from the BOS members attending included:
  - Relaying concern from voters in Lenox Dale about having any marijuana establishments in the Industrial Zone, which is located in Lenox Dale. Simply eliminating all zoning for the production-related marijuana establishments in the Lenox Dale Industrial district might gain enough votes to tip the balance. ‘Think hard: “Is it really necessary? Is it really going to make it a better town?.... Is it really worth the hassle?”’ – ED. “Be open minded to our full goals – may need to compromise to succeed.” – NM.
    - Suggested as alternatives: Keep all marijuana establishment zoning in the C1A and C3A zones on Route 7 or even just the C3A zone.
    - A middle ground approach to the same issue suggested: Make production-related establishments by Special Permit in the Industrial Zone, a higher level of controls/approval than by Site Plan Review alone.
  - Keep zoning as simple as legally possible / to a bare minimum e.g. just two retail outlets also in C1A and/or C3A zones.
  - In presenting the bylaw proposal at Town Meeting, focus on making the presentation simple and concise including making it clear that a decision needs to be made and that if we don’t pass specific zoning, zoning for each type of

establishment would default to underlying zones where it would normally be allowed as if it were any other such similar activity.

- In response and further discussion:
  - Members of the Planning Board explained their understanding of and experience with grow facilities and the other types of production-related marijuana establishments: They can operate very cleanly and seamlessly (from a visible standpoint), and they can provide good jobs.
  - There was discussion about whether the “no” votes were against marijuana universally and if so, whether these votes could be won even if the zoning proposal is amended to exclude the I-district.
  - The Planning Board explained why, in general, planners have been advising boards to provide for more by-right zoning with performance standards (vs. Special Permit zoning) -- to encourage a more business friendly environment.
  - The Planning Board will discuss the BOS input at its meeting Jan. 8. The Board needs to agree on a bylaw proposal by its Jan. 22 meeting in order to meeting deadlines to announce Public Hearing Jan. 26.
  - Attaining the BOS’ explicit endorsement of the bylaw – and how it could be helpful to getting the bylaw passed – also was discussed. The two BOS members present both indicated their strong desire to have this happen. PB to continue the communications process with them, as well as more broadly with the Lenox voting community so that voters have a better idea of what to expect when they come to vote at Town Meeting.
  
- The Planning Board also discussed its plan to stage the bylaw in May. The Board plans for one article only on Adult Use Marijuana. It does not plan an additional moratorium extension as an article on the warrant, nor will it offer a Prohibition article.

Meeting adjourned.

Respectfully submitted,

Pam Kueber