

Town of Lenox

Planning Board

6 Walker Street | Lenox | Massachusetts | 01240

February 26th 2019 Public Hearing

Minutes

Materials available at the meeting:

- Adult Use Marijuana Establishment Zoning Bylaw
- Town of Lenox Zoning Bylaw
- Zoning maps

Planning Board members present: Pam Kueber (PK), Chair; Kate McNulty Vaughan, (KMV); Tom Delasco (TD).

Absent w/ notification: Deborah Rimmmler, Kameron Spaulding

Staff: Gwen Miller (GM)

Members of the Public: Clarence Fanto (CF) (Berkshire Eagle), Emily Thurlow (ED) (Berkshire Record), Jim Biancolo (JB), Richard DeFazio (RD), unidentified person

PK provided an introduction to the public hearing, explaining why the Planning Board was recommending a zoning bylaw to Annual Town Meeting intended to regulate the location of adult use marijuana establishments. She explained changes made since the November 2018 Special Town Meeting to address concerns. These changes included:

- Changing the approval of marijuana establishments from Site Plan Approval to Special Permit;
- Limiting the number of retail establishments to two (2);

PK opened up the floor to questions.

CF asked what it meant for land area zoned “C-1A” on the corner of Housatonic Street and Route 7 across from where Caligari’s Hardware store is located. Would marijuana establishments be allowed in that location? GM said while establishments would be allowed in the C-1A district, that area of the C-1A zoning district is owned by the Town of Lenox, purchased for community housing purposes.

RD praised the Planning Board for taking the time to refine the marijuana zoning bylaw. He noted that the eight type of marijuana establishments, "Microbusinesses", should be added. He also made general comments regarding the potential impacts of marijuana businesses being located in Lenox. He suggested the Planning Board should have considered a prohibition.

GM noted it was in the Town's best interest to adopt a zoning bylaw to allow for local control of siting. RD stated he did not believe it was fair to have voters choose between no regulations or regulations, he felt that they should have the choice to vote for a prohibition.

JB stated the Planning Board had done careful work, and noted he felt it was a good idea to bring the zoning regulations to Town Meeting.

Following questions and comments, the Planning Board made changes to the zoning bylaw draft.

GM pointed out that outdoor cultivation was allowed, and that the state required substantial fencing and other security requirements. The Planning Board could revise the zoning bylaw to prohibit outdoor cultivation. The PB discussed and agreed to remove outdoor cultivation. They also added "microbusinesses" to the Schedule of Uses.

KMV suggested a number of grammatical and language revisions to improve clarity and readability. The Board discussed and asked GM to incorporate.

The meeting adjourned at 8:30 p.m.