

**Town of Lenox**  
**Zoning Board of Appeals**  
**December 16 2020 7:00 p.m. via Zoom**

**Members Present:** Robert Fuster Jr (RFJ); Shawn Leary Considine (SLC); Ned Douglas (ND); Al Harper (AH); Kimberly Duval (KD)

**Staff:** Gwen Miller, Town Planner; Jessica Cote, Land Use Assistant

RFJr opened the meeting at 7:05pm.

**1. 439 Pittsfield Road – Special Permit Application...continued from December 2, 2020**

- Andrew Hochberg, attorney for the petitioner, Navin Shah, continued presenting the application for the Special Permit for retail cannabis establishment.
- The Board supplied a few questions to the petitioner prior to the meeting. Mr. Hochberg responded to those question including: is there a Host community agreement in place – yes there is a signed HCA with the BOS. A second question from the Board referred to language in the application for the positive impact fee going to Pittsfield instead of Lenox. Jonathan Campano explained that per the CCC there are 29 communities that are disproportionately harmed by the war on drugs. Pittsfield is the closest community to Lenox therefore Krishna Lenox chose to put their impact fee towards that community.
- Steve explained that the critical times on the adjacent street (Pittsfield Road) are between 7-9am and 4-6pm Monday thru Friday. Krishna will not be open before 9am therefore the morning cr5icial time will not be affected by Krishna. Analysis shows that Krishna’s peak times will be Friday evenings and Saturday afternoon and evenings.
- RFJr asked if there is any traffic control proposed at the entrances. Petitioner plans to watch the flow of traffic once open and determine course of action for traffic control for entrance and exit of parking lot. Steve stated that the site (entire building) currently has excess parking per current parking bylaws.
- Jonathan Campano explained the security plan, line queue and process for the CCC. Security is a licensed agent with the CCC. All employees go through an extensive background check and training. There a many checkpoint in order to get into the establishment. IDs are checked at least three times through the process to get into the building and purchase. Jonathan reviewed the whole process from pulling into the driveway of the establishment to existing the establishment. Jonathan reviewed the line queue process as well as pre order process and the transportation of the product into the retail establishment. AH asked total value of product within the store at any given time if someone wanted to rob the store. Jonathan stated no retail marijuana establishment has been robbed in the state. He reviewed that product can’t stay on the floor after close and it is put into a vault.

- Andy reviewed the site plan and internal site plan. Jonathan Capano stated that during the license process with the Cannabis Control Commission there is a step called “Architectural Review” in which the CCC reviews building permits, zoning permits, security plans, etc. and also includes an inspection of the interior. During that inspection the CCC may request changes to the interior of the building and how the interior is laid out therefore changing the traffic flow within the establishment.
- Board determined there was no need for a site visit.
- SLC moves to adjourn the public hearing. KD seconds. All in favor 5-0.
- AH moves to grant the Special Permit under 8.14 of ZBL. SLC seconds. Board discussed how the petitioner meets all requirements. All in favor 5-0.
- SLC moves that the board find that the petitioner meets standards of section 3.4 of ZBL. RFJr seconds. Board discussed how the petitioner meets all requirements. All in favor 5-0.
- RFJr moves to grant site plan approval. ND seconds. All in favor 5-0.
- Board discussed conditions. RFJr moved that the applicant make its best effort to have the Plan for Positive Impact funds directed to Berkshire education and drug prevention programs at Berkshire Community College. The Board recognizes that the allocation of Plan for Positive Impact funds are not in the control of the petitioner who agreed to this condition. AH seconds. All in favor 5-0.

RFJr closed the meeting at 8:40pm