



Message

Wed, Sep 2, 2020 12:03 PM

From: BARRY WEISS <chadsey2@aol.com>

To: Lenox Land

Subject: Cannabis at Lenox Commons

Lenox Zoning Board of Appeals

Dear Members,

We have been residents of Lenox Woods since 2012. Our community is unique in so far as it sits within the designated commercial zone but has 41 residential condominiums incorporated in a mixed use development. During this past winter, we were invited to a meeting with Mr. Shah and his representatives who presented his proposal for a Cannabis shop. While he was prepared with a group of slides describing the building configuration and security measures, when asked how traffic would compare with Theory in Great Barrington or other high traffic cannabis establishments, he offered no information...When asked about his business plan and projected client traffic and revenues, he had no answer and admitted he had no business plan.

As such, we have serious concerns about the impact this operation will have on our neighborhood. As you consider your own thoughts about the business, we offer these points as possible areas of concern:

- **TRAFFIC VOLUME:** Can Lenox Commons accommodate the increased customer volume, especially during the summer season? How will the increased traffic impact our ability to enter and exit the center, particularly for those waiting at the left turn signal from Route 7 north?
- **TRAFFIC FLOW:** As we all know, the traffic pattern in Lenox Commons is confusing to those not familiar with its layout and it's not uncommon to see vehicles driving the wrong way on the one-way road as they search for a parking spot. This situation will only be made worse by increased traffic.
- **PARKING:** Where will customers park? A typical summer season can fill spaces with customers at Chocolate Springs and On a Roll Cafe. Also, marijuana sales via curbside pick up is being proposed, which brings an additional set of problems. A solution suggested by the developer is to run a parking shuttle from the Days Inn; how feasible is this given the variety of businesses the center serves?
- **NEIGHBORHOOD CHARACTER:** Lenox Commons now consists of "family friendly" businesses: food establishments, medical offices, hair salons, a pet store and martial arts studio. Do we really want an establishment that brings with it video surveillance, security personnel, perimeter lighting and potential long outside customer lines? Could Kennedy Park be an attractive location for marijuana customers to consume their product purchases?

Years ago, the Town of Lenox approved the building of our condos within this commercial zone and we believe they have a responsibility to protect its residential taxpayers who are concerned about the placement of this type of establishment so close to our homes. While I understand the need to support business owners and the need for additional town revenue, my wife and I believe that this establishment would be better situated in another location.

Gail and Barry Weiss
20 Evergreen Trail
Lenox, Ma



Message

Tue, Aug 18, 2020 2:08 PM

From:  Tobi Limo <ellenlanciano@gmail.com>
To:  **Lenox Land**
 paul buckanavage <paul.buckanavage@usdisplaygroup.com>

Subject: **Objection to Cannabis operation at Lenox Commons**

Good afternoon. As a resident abutting the property that has indicated their desire to open and operate a cannabis retail establishment, I hereby am letting you know that we oppose this project for the following reasons:

1. Increased traffic entering and exiting an already dangerous four way intersection on route 7.
2. Surveillance that impacts residential privacy - cameras that clearly can see all pedestrians and vehicle traffic entering property (which all residents of Lenox Woods do)
3. Limited parking for the amount of customers and patrons.
4. Massive amounts of people gathering which is a danger during COVID-19
5. More vehicle and pedestrian traffic coming into Lenox Woods as there is no way to stop them from walking up our neighborhood.
6. Increased pedestrian traffic entering Kennedy Park with the possible intent to smoke marijuana.
7. Patrons coming from out of state which during COVID-19 has strict laws and which will be a direct threat to residents of Lenox Woods.
8. We all purchased our homes thinking we would be next to Kennedy Park, a quiet place to live. A cannabis establishment brings increased traffic of all kinds which will negatively impact our privacy and home value.
9. The danger of an increased risk of break-ins in our area is real with an establishment of this kind.
10. Studies show that marijuana establishments have an increased risk of burglaries. This becomes a direct threat to our safety in our own neighborhood.
11. The possibility of outdoor urination or portable toilets is something our homeowners will never tolerate.
12. Impaired driving in an already challenging parking area and on our highways and byways.
13. This establishment is very large, much larger than most in our area which leads us to think there would be indoor lounging and the possible odor of marijuana would impact our homes.

We, the people of Lenox Woods, do not want this establishment in that location and we will make every effort to stop it from coming to fruition at Lenox Commons location which is way to close to our neighborhood.

Thank you for taking the time to listen to our thoughts. We hope this will lead to finding a location in Lenox that does not impact the safety and quiet enjoyment of living at Lenox Woods or any other residential area.

Ellen Levy-Lanciano

25 Evergreen Trail



Lenox, MA

413-441-7018



Message

Fri, Mar 13, 2020 1:44 PM

From:  Ellen <ellenlanciano@gmail.com>
To:  Lenox Land

Subject: 55 Pittsfield Rd Cannabis shop

Good afternoon. As a resident abutting the proposed site I urge you to reconsider this location as it has deep, negative impacts on our quiet and safe living. First of all and most important the traffic and safety of incoming and outgoing vehicles would place an increased demand on the vigilance of the drivers especially those who drive in and out most often - we the residents. And once we are in, the pace and flow of the current parking lot configuration would bottleneck the area causing accidents and fender benders and pedestrian casualties. There are not enough spaces easily accessible in this commercial lot.

When the original parking and traffic study was done in 2006 it didn't take into account our 41 units and the traffic generated by the Marriott across the street. To us this is one of the biggest issues as well.

Presence of security to me would be more of a detraction than an attraction when it comes to residential living. Our privacy would be impacted and that will likely end up a legal issue.

So we urge you to reconsider this location and consider the residential community's privacy and quiet living over financial gain. Thank you.

*Ellen Lanciano
Tobi Lanciano
25 Evergreen Trail
Lenox Woods*

From: kjcrocco@aol.com,
To: ahochberg@hochberglawyers.com, jcapano@publicpolicylaw.com,
Cc: erin85500@gmail.com, paul.buckanavage@usdisplaygroup.com,
Subject: Follow Up to Meeting on 021820
Date: Tue, Feb 25, 2020 10:36 am

Dear Andy and Jonathan,

During the meeting on February 18, we discussed the parking issue at great length. During this, one of you mentioned that 30 spaces are allocated to the building. We thought this sounded high and upon return to the complex we counted the spaces in front of the building. The total was 21 with the possibility that one was covered by snow. Where are the other 9-10 spots located?

During the summer the parking is quite full, even without an active "200 seat" restaurant. Would the policy of no assigned parking be updated to include dedicated spaces for the commercial tenants and Chocolate Springs? Would parking be prohibited in the residential areas with signs posted at the entrance to those roads?

Thank you in advance for addressing these issues.

Regards,

Kim Crocco

|
Gwen M. Miller, AICP | Land Use Director and Town Planner

Pronouns: she/her

Town of Lenox | 6 Walker Street | Lenox, Massachusetts | 01240

P: 413.637.5500, x 1203 | F: 413.637.5518

Lenox Town Hall is currently closed to the public. Staff is available via e-mail and phone. We have a number of online services available at www.townoflenox.com/

Lenox Residents: please call 413-637-4787 if you are in need of a free hot meal delivered to your home.

Don't forget to be counted in the 2020 Census: <https://2020census.gov/en.html>

All email messages and attached content sent from and to this email account are public records unless qualified as an exemption under the Massachusetts Public Records Law

----- Original Message -----

Message Thu, Apr 30, 2020 4:27 PM
From: Kim Crocco <kjcrocco@aol.com>
Kim Crocco <kjcrocco@aol.com>
To: Gwen Miller View in Browser
Subject: Fwd: Special Permit Application for Cannabis Shop at 55 Pittsfield Rd
Attachments: Email to the 2 lawyers - Follow Up to Meeting on 021820.pdf Uploaded File 34K

Will this be received by Mr. Fuesler?

-----Original Message-----

From: Kim Crocco <kjcrocco@aol.com>
To: landuse@townoflenox.com <landuse@townoflenox.com>
Sent: Thu, Apr 30, 2020 4:24 pm
Subject: Special Permit Application for Cannabis Shop at 55 Pittsfield Rd

To Robert Fuesler Jr.
Chairman, Zoning Board of Appeals

Dear Mr. Fuesler,

I attended the public hearing on April 1, 2020 at Town Hall and heard the presentation by Jonathan Capano. Following that meeting I wrote to Mr. Capano and Mr. Hochberg (see attached) regarding the traffic and parking issues but did not hear back from either one.

My concerns about the proposed cannabis shop at Lenox Commons are as follows:

1) Insufficient parking to accommodate the new shop during the busy summer months.

* The residents were misinformed about parking spaces by the attorney, Jonathon Capano. There are only **20** parking spots in front of the building. Mr. Capano said there were **30**. Since parking capacity and congestion are at the very heart of this issue, this is a very serious misrepresentation and he has not responded to clarify if necessary.

* As we know, a cannabis store is more likely to draw many visitors from out of state than any other kind of establishment, since a large cohort of out-of-state visitors, especially visitors to Tanglewood, come from states where cannabis is illegal.

* The complex is now fully rented (aside from the proposed location) and this was not the case during the original study.

* The previous occupant, a restaurant, was rarely if ever, at full capacity during its tenure and the parking lot was still congested during the summer months.

* A deluge of shoppers seeking parking to buy cannabis will clog the lot and interfere with the current retail businesses and restaurants, all of which are very popular.

2) The potential for increased traffic congestion during the summer months.

* The new Marriott hotel is now routinely generating visitors at the front end of the complex where the cannabis shop would be located.

* The shop will dramatically increase the volume of cars because now most shoppers, like restaurant or wellness patrons, remain for at least an hour or two. A restaurant was the last establishment to occupy that space. A cannabis shop, with high volume and quick sales, would generate many times more traffic than any other shop in the complex.

* Estimates of traffic impact--by the national industry association, ITE --have been submitted that have no basis in fact. No actual studies of the traffic impact on the area in peak season were done or submitted for review.

3) Potential for buyers to use product at the back end of the complex and in nearby Kennedy Park.

* Other cannabis shops have reported having issues with customers consuming product, then lingering in the area. That's even without the draw of a beautiful park.

* The owner acknowledges that security could be a problem for residents. His solution? A "database" of people reported by residents to the police! His proposal does nothing to solve the problem. Must residents now act as

security guards? What he proposes is no solution.

4) Lower Property Values.

I purchased my Lenox Woods town home because of the quiet location next to Kennedy Park and the low key, professional nature of the commercial center in front. The addition of a cannabis shop will depress property values for all current residents.

Thank you for your time.

Respectfully,

Kim Crocco

Kimberly J. Crocco

20 Spruce Trail
Lenox, MA 01240

August 30, 2020

Zoning Board of Appeals, Town of Lenox

Re: Special Permit Requested for Marijuana Shop in Lenox Commons

Dear Board Members,

In 2014 I contracted to purchase a unit in Lenox Woods and closed on the property in August of 2017. The process was arduous given Dave Ward's mismanagement of resources.

Prior to 2014 I had been visiting the Berkshires for a decade and owned five timeshare weeks at Oak n' Spruce in South Lee. I decided to purchase at Lenox Woods because the units backed up to Kennedy Park and I was seeking some place quiet and near the woods. My attorney, Phil Heller, also assured me that Lenox was the best managed town in the area. Given this and the presence of Tanglewood, I was confident the value of the unit would remain strong and my investment would be sound.

The character of the shopping center supported my decision to purchase. The low-key nature of the businesses and the presence of Chocolate Springs, the lunch restaurant and the Design Center added value to the location. Fast forward to the current day. I would never consider purchasing a unit at Lenox Woods if there was a Marijuana shop present. Given this potential, I am now concerned about my investment and my ability to seek refuge in this beautiful and quiet place I so treasure.

If the shop is allowed to go forward, I believe our little shopping center will lose its cherished ambience. Combine this with the increased **traffic**, the challenging **traffic flow**, the presence of **lights** and surveillance **cameras**, **security personnel**, possible **curbside pickup**, potential **lines outside** required for social distancing posed by the Covid-19 pandemic, the **parking** challenges (lot is already full during the summer season) and the potential **policing required by residents near their homes**. Why would anyone seeking the peace and quiet of the Berkshires want to live at Lenox Woods?

I implore the Zoning Board to consider these issues seriously before granting a permit for this establishment to proceed. With the long stretch of Route 7 in Lenox, aren't there other possible locations available which would not impact residential property owners in Lenox?

Thank you.

Respectfully,

Kim Crocco

Erin McNamara
6 Spruce Trail
Lenox, MA 01240

March 10, 2020

Robert Fuster, Jr.
Lenox Zoning Board of Appeals
6 Walker Street
Lenox, MA 01240

Dear Chairman Fuster:

I am a resident of Lenox Woods at Kennedy Park and am impacted by the proposed marijuana shop at Lenox Commons. I attended the recent Community Input Meeting hosted by the law firm representing Navin Shah and followed up that meeting with an email. I am including most of the comments I submitted to the attorneys and would like you to also be aware of the concerns that I and many of the Lenox Woods residents share.

As a resident of Lenox Woods, I am very interested in the specifics of this business and how potential concerns will be addressed. Many of these were surfaced at the community input meeting; those most important to me include:

- **sufficient parking being available.** The 2006 traffic impact study will need to be updated and I believe this is key. There are only 21 "dedicated" parking spaces
- **traffic flow.** The Lenox Commons traffic pattern is confusing to those not familiar with its layout, including one-way roads. In addition, on a daily basis, drivers continue through the commercial center and turn onto Spruce Trail, a residential dead-end street, to access Route 7. They then must turn around at the end and go back through the commercial complex
- **increased common area maintenance cost.** As a resident of Lenox Woods, I pay a percentage of the commercial area road maintenance costs. If the increased volume of traffic results in additional maintenance costs, these will be passed along to the Lenox Woods residents
- **illegal usage of marijuana products in and adjacent to Kennedy Park.** My townhouse unit backs up directly to Kennedy Park, and if Krishna Lenox customers opt to use their products immediately after purchase, Kennedy Park could be an attractive location. The trail access is directly behind the medical complex at the back and the potential exists for customers to walk from the establishment to the trailhead. It was mentioned that it would be up to Lenox Woods residents to "police" the situation, report any incidents, and these customers could be refused future sales based on identification through their license plates. However, it is likely that customers who opt to access Kennedy Park would walk through the commercial complex to the trailhead, so it would not be possible to identify them by their license plate.

I was pleased to hear that my initial concern of lines outside the establishment, as is common at other marijuana shops, will be alleviated by the creation of an inside waiting area. I understand customers will need to be screened prior to entering the building, which I hope will be a quick process and not result in lines to enter.

The above comments were provided to the law firm representing Navin Shah. I understand the next public hearing will be at the zoning board to seek approval for a special permit. I saw in the Berkshire Eagle that the hearing has been tentatively scheduled for April 1st. I hope to be able to attend the meeting and provide comments in person, but if not, please be aware these concerns are shared by other Lenox Woods residents.

While I am not viewed as an "abutter" based on the definition of 300 feet from the establishment, I hope to receive any notices on this project. While the residents of Evergreen Trail were notified, we are one townhouse community, and Spruce Trail residents are equally impacted by the potential opening of this business. I am also interested in seeing the written report the law firm is required to provide to the Board of Selectmen "describing the comments and issues raised at the meeting and the Company's response or actions planned to address those comments and issues" (taken from the host agreement). I do not know if they have submitted this report yet.

Thank you for your involvement in this process and ensuring all parties have an opportunity to present their comments. If you have any need to reach me via phone, my cell phone is (732) 310-8115.

A handwritten signature in blue ink, appearing to be 'J. Shah', is located below the text. The signature is fluid and cursive, with a large initial 'J' and a long, sweeping tail.

Erin McNamara

6 Spruce Trail
Lenox, MA 01240

August 16, 2020

Mr. Robert Fuster, Jr.
Lenox Zoning Board of Appeals
6 Walker Street
Lenox, MA 01240



Dear Chairman Fuster:

I am a resident of Lenox Woods at Kennedy Park and am impacted by the proposed marijuana shop at Lenox Commons. I attended the recent ZBA site visit and evening public hearing. Both events only increased concerns I have about this proposed business and highlighted the strong need for Zoning Board members to fully explore the impact this business will have on Lenox residents.

My number one concern from the beginning is the impact this business will have through increased traffic and parking demands. Specifically:

- **traffic volume.** The 2006 traffic impact study did not include the additional traffic generated by Spruce Trail residents or the Marriott Courtyard across the street. The traffic study did not address seasonality, when our parking lot swells with out-of-town visitors to Chocolate Springs, On a Roll Café, and the trailhead access to Kennedy Park. The updated 2020 study shows an increase in new vehicle trip generation at 272 vehicles per 24 hour weekday total, a number that will surely put a strain on the center's ability to handle, not to mention the impact on Route 7, as cars wait to enter the center and back up at the left turn signal.
- **traffic flow.** The Lenox Commons traffic pattern is confusing to those not familiar with its layout, including one-way roads. Particularly during the summer, it is not uncommon for vehicles to drive the wrong way on the one-way road as they seek to find a parking spot close to On a Roll Café. This is a dangerous situation already, with the potential to be made much worse. In addition, on a daily basis, drivers continue through the commercial center and turn onto Spruce Trail, a residential dead-end street, to access Route 7. They then must turn around at the end and go back through the commercial complex.
- **parking.** As was mentioned during last week's site visit and public hearing, this business does not have any dedicated parking spaces and those adjacent to it (numbering 21 spaces, not the 30 initially stated at the Krishna Lenox community impact meeting) are for all commercial tenants. During the summer, it is common to see Chocolate Springs customers using these spaces. Also, as was pointed out, since Navin Shah does not own the parking spaces in front of the building, any changes to the configuration would need approval of the entire commercial condominium association. The idea raised of offering curbside pick up would require dedicated parking, as well as new signage. Also, the proposed solution of running shuttle service from the Days Inn parking lot presents its own set of problems, including how to determine when a vehicle is attempting to enter the center as a cannabis shop customer or to shop at another business, eat at On a Roll Café, or seek medical treatment at Lenox Family Health.

Beyond traffic flow, volume and parking, there are several additional issues I ask you to consider:

- **lines outside the establishment.** At the initial community impact meeting, we were assured the building was large enough to accommodate all customers and no line of customers would form outside. Now, given the reality of dealing with COVID-19 for some indefinite time period, we are hearing that lines may form outside. One has only to drive by Theory Wellness to see the issues this creates.
- **curb side pickup.** This is a new component that was first surfaced at the site visit this past week and one that raises its own set of concerns. How will the pickup space(s) be designated, who will monitor them and how will customers notify staff of their arrival?
- **neighborhood character.** As I read through the security plans in the proposal, I am saddened to think our small neighborhood shopping center will now have exterior video surveillance, perimeter lighting, on site security guards and armored car pickup of cash throughout the day. This is not the type of business to locate here. In addition, I wonder what the impact a cannabis shop will have on the Martial Arts Studio located in the center. The studio caters to children and has an adjacent playground. Under state law, a marijuana establishment may not be located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Although the studio is not a "school" in the traditional sense, there are children present on a regular basis.
- **Navin Shah business experience.** To my knowledge, Navin Shah has no experience in running a cannabis shop. While I understand Mr. Shah is seeking a viable business to operate from his former restaurant, what experience does he bring? And who does he intend to partner with to run the operation?
- **illegal usage of marijuana products in and adjacent to Kennedy Park.** My townhouse unit backs up directly to Kennedy Park, and if Krishna Lenox customers opt to use their products immediately after purchase, Kennedy Park could be an attractive location. The trail access is directly behind the medical complex at the back and the potential exists for customers to walk from the establishment to the trailhead. It was mentioned at the community impact meeting that it would be up to Lenox Woods residents to "police" the situation, report any incidents, and these customers could be refused future sales based on identification through their license plates. However, it is likely that customers who opt to access Kennedy Park would walk through the commercial complex to the trailhead, so it would not be possible to identify them by their license plate.

Thank you for your involvement in this process and ensuring all parties have an opportunity to present their comments. I believe there are a number of significant issues to discuss before granting a special permit to this business. Have the Lenox police and fire departments weighed in on this location? Bottom line, I believe this operation to be an intrusive establishment in a mixed commercial/residential setting and would ask: is this the best location in the Lenox commercial corridor to locate a cannabis shop? If you have any need to reach me via phone, my cell phone is (732) 310-8115.

Regards,



Petition for adult use marijuana

March 18, 2020

Robert Fuster Jr., Chair
Lenox Zoning Board of Appeals
Town Hall
Lenox, MA 01240

 **RECEIVED**
3/23/20
Donna Pignatelli

Dear Chair Fuster,

As a resident of Lenox Woods at Kennedy Park, I am writing about the application of Mr. Shah for a cannabis dispensary at Lenox Commons.

At the public outreach meeting held for residents last month, several issues were raised by the residents that were not fully reflected in the report to the Board of Selectmen. Chief among our concerns are the potential traffic issues and parking congestion. As this is the only entry for residents to reach their homes, we hope the Town will work with the applicant to ensure easy, uncontested access to our residences.

Topics I hope the ZBA will explore and address during this process include, but not limited to:

—Traffic on Route 7. Prior to the Coronavirus outbreak restrictions, Route 7 was clearly a high-traffic, high-speed road. The traffic study submitted by Mr. Shah is very outdated, and any study done now would not reflect normal traffic patterns. The opening of the Marriott Hotel and the full capacity of the commercial space at Lenox Commons alone has changed since their study was done. I ask that you find some way to reflect real traffic patterns and that the Town will review whatever updated study is done by Mr. Shah.

—Traffic light on Route 7. Will timing be adjusted to enable more vehicles turning into and exiting the Commons without disrupting this busy thoroughfare?

—Parking. With the commercial space at Lenox Commons at capacity, parking during normal business hours is tight, and the markings for traffic in the parking area are faded and confusing to newcomers. In addition to customers, how many employees of the new shop will need parking spaces? Could there be additional spaces added to the north side of the building to accommodate cannabis customers and employees? (I recognize there are environmentally sensitive areas near the back, but I do recall when that area was a driving range and parking area, and I believe, used for deliveries to the restaurants.)

—Could the entrance to the shop be moved to the north side of the building?

—Signage. Can the town require better signage in the commercial space to better direct traffic, particularly newcomers to this area?

—What will the hours of operation be? Can they be confined to the hours of the other commercial entities?

— Conditions for permit/license. Will the town put any conditions on potential approval for this permit (and any future owner should this applicant sell the license/permit) to complete ALL requirements BEFORE the shop can open? (Our association has borne the burden of the developer of our condos, Dave Ward/LD Builders, not fulfilling his obligations to complete work that has now fallen on the shoulders of individual unit owners.)

August 2020

Robert Fuster, Jr., Chair
Lenox Zoning Board of Appeals
6 Walker Street
Lenox, MA. 01240



Dear Chair Fuster,

I first want to thank you and the Board for delaying the hearing on the proposed cannabis shop until all abutters are appropriately notified. As we mentioned at the hearing, Lenox Woods residents on both Evergreen Trail and Spruce Trail were promised notification at the community outreach meeting held earlier this year. In addition, a few of the commercial buildings in Lenox Commons have been sold recently and we trust proper notification will go to those owners as well.

We all respect the vote of Lenox residents for cannabis shops. The biggest question I have for each of the Zoning Board members to consider: Is 55 Pittsfield Road the best location for a cannabis shop in Lenox? There are many other locations along the Route 7 commercial corridor that do not negatively impact residents accessing their homes to the degree this location does.

(I respect Mr. Nejaime's withdrawal of his earlier proposed location when Rolling Hills residents objected, and access to their homes would not have been impacted nearly as much as ours.)

As to the proposal before you, the comments at the site visit and the public hearing last week did not reassure me that the Krishna Lenox group has solidified their plans enough to be properly considered by the Board. Nor was I reassured that Mr. Shah, who owns hotels, brings any expertise to this highly regulated business.

Many of us have expressed concerns about the traffic and parking in Lenox Commons and the access to our homes, including the traffic signal for the left turn from Route 7 north. While the parking pattern in Lenox Commons predates Krishna Lenox, it's incumbent upon the Board to mandate improved signage, clearly marked parking spaces, and traffic patterns to protect the safety of drivers and pedestrians. Approval of this new business will generate higher traffic volume for shorter visits in a congested parking lot.

The current makeup of commercial entities in Lenox Commons includes Lenox Family Health, several medical offices, the Wellness Center, Chocolate Springs, On A Roll Cafe, Chez Pet, T Fox Salon, etc — all of which are 'family friendly.' I fear that if the premier location at the entrance to Lenox Commons is a pot shop, with its video surveillance, security personnel, perimeter lighting - all of which will be necessary - the neighborhood character of the Lenox Commons/Lenox Woods community will be changed.

As mentioned above, the plan before you appears to be quite fluid, as there are many unanswered questions and new ideas that were raised at the recent meeting. The mention of curbside pickup raises several questions about where the pickups will occur, what security measures are needed, increased traffic for shorter visits, etc. What are the responsibilities, and ability, of Krishna Lenox to make changes to property they do not own? With so much unused space in the building owned by Mr. Shah, will there be requests for expansion once they open and will you place any restrictions on them? Will the product deliveries have a separate entrance and security? Where will employees park and enter? Until Krishna Lenox develops more finalized plans, I fail to see how the ZBA can give approval.

Kenneth and Jan Ricklin

16 Evergreen Trail

Lenox, Ma 01240

August 21, 2020

Lenox Zoning Board Of Appeals

Dear Members,

My wife and I were one of the first residents to purchase a home in a new community known as Lenox Woods in 2012. The community offered a great location on Kennedy Park, close to historic downtown Lenox. Although we have a small shopping plaza in our backyard our community is quite tranquil and quiet due to the fact that the commercial tenants are doctors offices, a coffee shop, small restaurant and several other small businesses. This commercial space we refer to as low key retail because there is no large box store generating an overwhelming amount of traffic. The addition of a Cannabis retailer in this space will undoubtedly cause a traffic as well as a parking nightmare. All 41 homeowners must enter and exit the community via the one common road. This store would be tantamount to having a Walmart move in. Members, we feel that since the Town Of Lenox approved the building of Lenox Woods Condos that the commercial space has now become RESIDENTIAL. We feel strongly that the Town Of Lenox now has a responsibility to protect 41 tax paying families. A Cannabis retailer frankly does not belong in this residential location. This type of retail operation belongs in a completely commercial area, eg. 100% commercial center next to Price Chopper, Marshalls, CVS and Carr Hardware.

At a previous meeting my neighbor asked Mr. Shah a question, "Do you have a business plan?" The answer was NO. It was obvious to me at the on site meeting on Aug. 12, many months later, that the answer would be the same. As an owner of several retail stores I personally have petitioned and presented before zoning boards. The on site presentation i witnessed on Aug. 12 was clearly inadequate,

lacking in every detail, car traffic, parking, foot traffic, customer flow, building layout, etc. Mr. Hochberg pointed to a blue print and said we can knock down this wall, we can break the wall in the rear and install a door for the employees. Really, has he thought about engineering, building permits, etc. Frankly this presentation was completely unprofessional. It is quite clear to me that this petitioner is trying to run a business by the seat of his pants.

I remain confident that you the board can clearly see that this residential location is not proper for this type of business.

your truly,

Kenneth Ricklin



Message

Fri, Aug 21, 2020 2:29 PM

From:  JAN RICKLIN <jrick298@gmail.com>

To:  **Lenox Land**

Subject: **Marijuana store**

Dear Members,

Upon hearing of an impending pot store just steps from my home I was flabbergasted. A store like that does not belong in a residential neighborhood. I'm shocked and appalled that you would allow such a business to be located here.

I live here for peace and quiet.

I've seen the stores in Lee and Great Barrington. They are extremely busy with traffic and lines.

They do not belong steps from my home.

Perhaps downtown or Price Chopper shopping center .

Thank you

Jan Ricklin

Sent from my iPad



Kenneth and Jan Ricklin

16 Evergreen Trail

Lenox, Ma 01240

August 21, 2020

Lenox Zoning Board Of Appeals

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My wife and I were one of the first residents to purchase a home in a new community known as Lenox Woods in 2012. The community offered a great location on Kennedy Park, close to historic downtown Lenox. Although we have a small shopping plaza in our backyard our community is quite tranquil and quiet due to the fact that the commercial tenants are doctors offices, a coffee shop, small restaurant and several other small businesses. This commercial space we refer to as low key retail because there is no large box store generating an overwhelming amount of traffic. The addition of a Cannabis retailer in this space will undoubtedly cause a traffic as well as a parking nightmare. All 41 homeowners must enter and exit the community via the one common road. This store would be tantamount to having a Walmart move in. Members, we feel that since the Town Of Lenox approved the building of Lenox Woods Condos that the commercial space has now become RESIDENTIAL. We feel strongly that the Town Of Lenox now has a responsibility to protect 41 tax paying families. A Cannabis retailer frankly does not belong in this residential location. This type of retail operation belongs in a completely commercial area, eg. 100% commercial center next to Price Chopper, Marshalls, CVS and Carr Hardware.

At a previous meeting my neighbor asked Mr. Shah a question, "Do you have a business plan?" The answer was NO. It was obvious to me at the on site meeting on Aug. 12, many months later, that the answer would be the same. As an owner of several retail stores I personally have petitioned and presented before zoning boards. The on site presentation i witnessed on Aug. 12 was clearly inadequate, lacking in every detail, car traffic, parking, foot traffic, customer flow, building layout, etc. Mr. Hochberg pointed to a blue print and said we can knock down this wall, we can break the wall in the rear and install a door for the employees. Really, has he thought about engineering, building permits, etc. Frankly this presentation was completely unprofessional. It is quite clear to me that this petitioner is trying to run a business by the seat of his pants.

I remain confident that you the board can clearly see that this residential location is not proper for this type of business.

your truly,

A handwritten signature in black ink, appearing to read 'KR', is written over the typed name.

Kenneth Ricklin



Message

Wed, Aug 26, 2020 12:07 PM

From:  jglass73@aol.com

To:  Lenox Land

Subject: Fwd: Re pot dispensary

> Dear Chairman Fuster,

>

> I'm writing this letter as a Lenox Wood South owner (on Spruce Trail) and past board member of the association. I'm very against the pot dispensary being put into the development. As many residents have already discussed their concerns, mine are as follows. My biggest concern is that there will be an increase in traffic in an already congested development. The turn into the development at the light from both directions(especially the left hand turn) is already dangerous, causing accidents. Adding more traffic will be problematic. There is only one way in and out of the development, and with a dispensary it would heavily delay coming in and exiting the development, in a timely manner. If there's an emergency or people need to get to work on time or back home on time, additional time will need to be added to their commute. There is also a one way street in the development which many people don't see or ignore even now, so with an added dispensary it would have the potential to cause more accidents. Just taking a walk around the development will be dangerous and not enjoyable or safe. There will be cars, traffic, noise and people everywhere. If you take a look at either pot dispensary in Great Barrington or Lee, there is an issue with traffic. A dispensary in this development seems like a worse idea. When mentioned in a meeting about my concern for traffic, the lawyer mentioned people will be shuttled in. This doesn't seem feasible. Also, parking will be a huge issue. If the pot dispensary itself, as mentioned in the meeting, is going to have 20 employees, that's 20 spots already taken. The parking lot is crowded to begin with. There is already limited parking and limited visibility in the parking lot. Almost everyday on the way to my condo unit, I have to be hyper aware of people pulling out of spots and not seeing my car or myself (if I'm walking). Also, as a resident I walk to most stores in the development so that It's easier than locating a spot to park my car and to save space for others that need it. I'm also concerned that customers of the dispensary would congregate in the vicinity which would impact the environment, noise levels, and limited space that we already have. In addition, I'm concerned that the value of our homes may go down as it would be a less desirable place to live with the impact the dispensary would have.

>

> I can't help but wonder why a better location can't be found so as not to disturb an already busy development, where people reside comfortably and take pleasure in their surroundings.

>

> I hope you take these into consideration. If you have any questions, please feel free to call me at (516) 297-8432.

>

>

> Thank you,

> Jennifer Glass

>

>

> Sent from my iPhone

Dear Chairman Fuster,



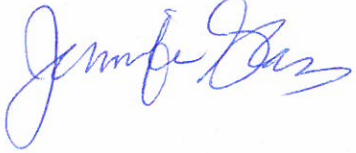
RECEIVED
3/19/20

I'm writing this letter as a Lenox Wood South owner (on Spruce Trail) and past board member. I'm very against the pot dispensary being put into our development. As many residents have already discussed their concerns, mine are as follows:

1. there will be an increase in traffic in an already congested development. The turn into the development from both directions is already dangerous, and adding more traffic will be problematic. Also, residents won't be able to get in and out of the development quickly. This will slow things down and cause more congestion. I think it would be important to do a traffic study to see the impact this will have.
2. The extra wear and tear of the road in the development could result in higher maintenance fees that the owners would be saddled with.
3. There is already limited parking and limited visibility in the parking lot. Everyday on the way to my unit, I have to honk my horn due to people pulling out of spots and not seeing my car. Also, as a resident I have to walk to most stores in the development so that I don't have to search for a spot.
4. I'm concerned that customers of the dispensary would congregate in the vicinity which would impact the environment and limited space that we already have.
5. I'm concerned that the value of our homes may go down as it would be a less desirable place to live with the impact the dispensary would have.
6. I'm concerned that the noise levels would increase.

These are just a few of my concerns. I hope you take these into consideration. If you have any questions, please feel free to call me at (516) 297-8432.

Thank you,
Jennifer Glass

A handwritten signature in blue ink, appearing to read "Jennifer Glass", written in a cursive style.



Message

Wed, Aug 26, 2020 8:07 AM

From: Edwin Barker <edwinbbarker@gmail.com>

To: Lenox Land

Subject: Lenox Commons Cannabis store

Dear Zoning Board,

As a resident of Lenox Woods, I am opposed to having a cannabis store located in our residential/business area of Lenox Commons.

There are approximately 50 residential condos at Lenox Commons. The rights and concerns of all of us Lenox residents and tax-payers should be a big priority to the Zoning Board of Lenox. Below are my major issues:

- Huge increase in traffic
Addition of over 200 cars a day constantly driving in and out - as opposed to longer stays at an eating establishment.
- Safety concerns for resident pedestrians - children! - who have always felt safe walking in our neighborhood.
- Influx of Cannabis users on the nearby trails of Kennedy Woods.
- due to COVID-19, and the social distancing rules inside a building, the reality of much longer waiting lines outside, both with people and cars.
- Lack of parking spaces for this new influx of customers
- *** Property values of Lenox residents going down.

Thank you for taking the time and consideration of the voices expressed by the residents of our revered town of Lenox. It is for the benefit of us all.

Respectfully yours,
Ed Barker
Lenox Woods Resident



Message

Sat, Apr 25, 2020 1:10 PM

From: Edwin Barker <edwinbbarker@gmail.com>
To: **Lenox Land**
Cc: Erin M <erin85500@gmail.com>
 Paul Buckanavage <paul.buckanavage@usdisplaygroup.com>
 Hochburg <ahochberg@hochberglawyers.com>
 J Capano <jcapano@publicpolicylaw.com>
 Pamela Paikin <pampaikin@gmail.com>

Subject: Krishna Canabis at Lenox Common/Lenox Planning Board

Dear Robert Fuster,

I hope you and your family are well.

I'm Ed Barker, and I spoke briefly with you via ZOOM on April 1st at the abbreviated meeting regarding the Krishna Canabis request to open a canabis retail establishment Lenox Common. I am a longtime summer resident of Lenox who presently owns a condominium at Lenox Woods at 8 Spruce Trail. I would like to offer the following recommendations for your consideration at the May 1 meeting of the Lenox Planning Board. It is my understanding that Krishna Canabis will be on the agenda at that meeting.

The attorneys for Khan should be notified regarding the following recommendations, to be negotiated. I think these are legitimate demands, based on what I understand to be an industry standard.

1. Monthly or quarterly meetings between the Association and Khan in order to communicate as assess any issues that arise.
2. Khan's enterprise should absorb the expected dollar rise in maintenance costs of parking lot and roadway. In other words, since the Association presently contributes 10% of the present maintenance costs, its contribution in dollars should not rise because of the added maintenance burden caused by the expected additional Krishna traffic.
3. Because there will be more traffic, signage and markers in the Common should clarify delineations between the Commons roadway/parking and Lenox Woods residential areas, both North and South. Delineations should be improved by gates, markers and shrubbery. This cost should be paid by Krishna.
4. There should be a security guard on premises 24/7 who will conduct regular sweeps of the Common, including behind the medical offices that abut Kennedy Park by the "trail head". The cost of this security should be paid for by Krishna.

5. Marijuana cigarettes (joints??, rolls?? or whatever they are called...) should only be sold in packs of three, thereby raising the cost of purchase x 3. This would help ensure that the clientele is of a certain socio-economic background. Regarding this idea, it should be made clear to the Association and the Lenox Planning Board what sort of customer Krishna Lenox is expecting.

6. Offsite parking should be considered in order to handle overflow traffic, should it become necessary. Perhaps across the street at the Marriot?

Many thanks for your consideration. Stay healthy,

Ed Barker

Edwin Barker

edwinbbarker@gmail.com

Principal Bass, Boston Symphony,

Associate Professor, Boston University CFA

iPhone 508-259-8077



Message

Fri, Aug 21, 2020 11:35 AM

From:  Marlene White <puli@roadrunner.com>

To:  **Lenox Land**

Subject: **Marijuana dispensary**

I am writing to inform you of my objection to the marijuana dispensary. I had chosen to purchase a home in Lenox Woods because it offered me a lovely, quiet, safe community to live, walk my dog and enjoy the beautiful assets of Kennedy Park. I live right at the beginning of the development. You know the hazards of installing this dispensary. How safe would you feel walking your dog late at night in the environment that you are proposing?! What do you think will happen to the value of our properties? Shame on you for trying to impose unrest and fear. I implore you to think of the community and how they will be impacted. I will definitely be at the meeting in September.
Marlene white

Sent from my iPad



Message

Sun, Aug 30, 2020 2:09 PM

From:  Marlene White <puli@roadrunner.com>

To:  Lenox Land

Subject: Marijuana dispensary

Hello. I am an owner of a condo unit at lenox woods. I have already written to you but I wish to add some points of concern.

I think that the dispensary will greatly affect the traffic volume and flow in our community. Will our entrance and exits be negatively impacted, especially by those waiting at the left turn signal from route 7 north?

I am a dog walker. I believe that I will not feel safe walking amid a throng of cars that may get confused by the wrong way signs.

Where will overflow cars parkland? Will they come up to park in our common areas?

I have been living here for the past 8 years, walking my dog at all hours and feeling relatively safe. I have enjoyed the neighborhood character of Lenox Commons which consists of food establishments, medical offices, hair salons, pet store and martial arts studio.

What would an establishment that brings with it video surveillance, security personnel, perimeter lighting and potential long outside customer lines bring to our community, Lenox Woods. How will Kennedy Park be effected?

Will we see an increase of smokers in the park?

Lastly, what will happen to our property values?

Please consider my letter very seriously.

Marlene White

Sent from my iPad

Date: August 25, 2020
To: Zoning Board of Appeals, Lenox
From: Anne Oppermann
Subject: Special Zoning Permit for Cannabis Dispensary



As a resident and owner of Unit 19 at Lenox Woods at Kennedy Park, I feel the addition of a Cannabis Dispensary would not be an appropriate addition within the proximity of the residential condominium portion of Lenox Woods. The present structure of professional and specialty operations within the location at 55 Pittsfield Road seem to be able to handle the parking and related activities involved without upsetting the serenity and beauty of Kennedy Park.

The added insecurity of a cannabis operation which includes surveillance, possible out of state traffic, increased pedestrian traffic on the private Evergreen Trail and Spruce Trail roads, risk of break-ins, etc. are all elements having a possible negative effect on our property values.

The residents of Lenox Woods at Kennedy Park chose to live in the peaceful quiet and beauty of the Berkshires without the aforementioned negative aspects of the proposed cannabis dispensary.

Anne Oppermann
Unit 19
Evergreen Trail
Lenox, MA 01240



Message

Mon, Aug 24, 2020 12:48 PM

From:  <parkanne2002@yahoo.com>

To:  **Lenox Land**

Subject: Special Zoning Permit Cannabis Dispensary

As a resident and owner of Unit 19 at Lenox Woods at Kennedy Park, I feel the addition of a Cannabis Dispensary would not be an appropriate addition within the proximity of the residential condominium portion of Lenox Woods. The present structure of professional and specialty operations within the location at 55 Pittsfield Road seem to be able to handle the parking and related activities involved without upsetting the serenity and beauty of Kennedy Park.

The added insecurity of a cannabis operation which includes surveillance, possible out of state traffic, increased pedestrian traffic on the private Evergreen Trail and Spruce Tree roads, risk of break-ins, etc. are all elements having a possible negative effect on our property values.



The residents of Lenox Woods at Kennedy Park chose to live in the peaceful quiet and beauty of the Berkshires without the aforementioned negative aspects of the proposed cannabis dispensary.

Anne Oppermann
Unit 19
Evergreen Trail
Lenox, MA 01240



Message

Thu, Jun 4, 2020 12:07 PM

From:  Gwen Miller
Laurence Oberwager <LOberwager@bso.org>
To:  Zoning Board of Appeals

Subject: Fwd: Blantyre

Dear Lenox Zoning Board of Appeals,

Blantyre is an important asset for the town, and having met and spoken with Linda Law many times about her passion for the property and desire to preserve and amplify its significance, I think her plan for expansion has great merit.

In the preliminary statements and plans I have seen, respect for thoughtful design and positive community impact are apparent. The capability of a reinvigorated Blantyre to host larger-scale private, corporate, and community events can be an important economic driver for the town.

I hope you will give the plans for Blantyre careful and positive review and work with Ms. Law to ensure that Blantyre continues to be an important asset to Lenox.

Respectfully,

Laurence Oberwager



Message

Mon, Aug 31, 2020 9:08 PM

From:  delrossija@aol.com

To:  Lenox Land

Subject: Urgent ZBA meeting 9/2 on Retail Marijuana permit

Members of the Town of Lenox Zoning Board of Appeals,

Regarding the permit for a retail marijuana establishment in Lenox Woods Commons, I understand the Zoning Board of Appeals has received a substantial amount of feedback from our community, Lenox Woods at Kennedy Park, a community of 41 homeowners, a majority of which are full time residents of Lenox. My husband and I are full time residents and live at 24 Evergreen Trail in this community. I am requesting that my letter be read at the public hearing and entered into the public record.

First, I understand there is some discussion about curbside pickup at this location. I wanted to point out that it seems to me that this should not be permitted, since section 8.13.5. General Requirements for Marijuana Establishments states, "There shall be no publicly visible indication of marijuana cultivation, production, processing, testing, transportation or retail at any marijuana establishment in Lenox. This includes outside storage and activities necessary for business operation."

Furthermore, as you may know by easement the Commons is the primary access into our community. Ease of access and egress is something we have come to expect. This will be disrupted by the frequency of access to this establishment at the front of the Commons due to the location of the curb cut where cars will enter and exit. Right now, cars backing out of the parking spaces in front of Chocolate Springs often backs up cars that are entering the Commons out onto Route 7, and this is bound to increase with cars going in and out of the curb cut near the proposed establishment. The current traffic study did not take this into account.

As you know parking is shared in the Commons. We can expect an increase in traffic under this proposal during the day when the parking lot can often be full of visitors to other establishments in the Commons. This will lead to increased traffic with vehicles looking for parking and with more vehicles going the wrong way in what is a currently a confusing but required once way traffic flow. This will have an impact on the safety in the Commons.

But most important to me is our neighborhood character. Surrounded by Kennedy Park with easy access to Route 7, we live in a special place. People are friendly. Grandparents, parents and children congregate and spend time with neighbors outside enjoying our community. The Commons provides us and all of Lenox with family friendly businesses such

as restaurants, medical facilities, hairdressers, yoga studio, etc. Would the addition of a marijuana facility be in character with this neighborhood? How will the applicant mitigate against the detrimental effects here? How will he ensure, patrol, and enforce the fact that products purchased cannot be consumed in our community or in the park? Is the location of a marijuana dispensary at the gateway to a 41-unit residential community the right location for a marijuana dispensary? Is the location of a marijuana dispensary near trail head access Kennedy Park, a town treasure, the right location for a marijuana dispensary? I think not.

Therefore, I respectfully request that the Zoning Board of Appeals find that due to the negative impacts in traffic flow and safety including parking, and the negative impacts to neighborhood character and social structures that the adverse effects of the proposed use will outweigh its beneficial impacts to the neighborhood and that this permit should be denied.

Thank you for considering our input.

Jacqueline Del Rossi



30 Evergreen Trail
Lenox, Massachusetts
August 26, 2020

Lenox Zoning Board of Appeals
6 Walker Street
Lenox, Massachusetts 01240

To Whom It May Concern:

We are writing about the proposed marijuana retail establishment that is being considered for 55 Pittsfield Road.

This area consists of family friendly businesses, as well as residential housing. The whole character of this area will be impacted by security personnel, outside lines of customers, and surveillance lighting. This is something we would have to pass by every time we enter or exit our home. We are also concerned about customers coming up to the park to use their purchases, and dispose of their garbage on the ground, which would affect the residents' quality of life. We purchased this home to be able to use the park and look out of our windows and see the nature and beauty of the park.

How will the increase of traffic volume impact the other businesses and our ability to enter and exit the center, especially during the busy summer season? Would this keep families away from patronizing the other businesses in the center?

Based on these concerns and other problems that would probably arise, we wonder if this is really the best location for a marijuana retail establishment in Lenox. We respectfully ask that you reconsider this proposal.

Sincerely,

Julie Kungold
Peter Kungold



Message

Sun, Aug 30, 2020 7:24 PM

From:  Alex Kutik <akutik10@gmail.com>

To:  Lenox Land

Subject: The proposed marijuana retail establishment at Lenox Commons

Zoning Board of Appeals,

I am a resident of the Lenox Woods condominiums and I am opposing the proposed marijuana retail establishment at Lenox Commons for the following reasons:

Increased traffic volume
Density of traffic flow
Inadequate parking
Changing of the neighborhood character

Regards,

Alexander Kutik
10 Evergreen Trail, Lenox
413-441-1631

|
Gwen M. Miller, AICP | Land Use Director and Town Planner

Pronouns: she/her

Town of Lenox | 6 Walker Street | Lenox, Massachusetts | 01240

P: 413.637.5500, x 1203 | F: 413.637.5518

Lenox Town Hall is currently closed to the public. Staff is available via e-mail and phone. We have a number of online services available at www.townoflenox.com/

Lenox Residents: please call 413-637-4787 if you are in need of a free hot meal delivered to your home.

Don't forget to be counted in the 2020 Census: <https://2020census.gov/en.html>

All email messages and attached content sent from and to this email account are public records unless qualified as an exemption under the Massachusetts Public Records Law

----- Original Message -----

Message Thu, Jul 23, 2020 10:58 AM
From: Dan and Michlyne Thal <thals1@msn.com>
To: Gwen Miller View in Browser
Subject: proposed marijuana facility in Lenox Commons

TO: Gwen Miller
FOR THE ATTENTION OF: The Zoning Board of Appeals

We are Lenox Commons residents. We object to the marijuana sales/activities establishment proposed for Lenox Commons. Our objection is based on the increase in traffic which we would be subjected to.

We have seen large numbers of vehicles at the existing marijuana shops in Great Barrington and Lee. We dread that these large numbers of vehicles might come to Lenox Commons.

Those of us who reside in, work in, or visit Lenox Commons would have to share the entrance and exit roads with the patrons of the marijuana store/facility, all of whom would be arriving by car.

The entrance and exit roads are currently shared by:
every Lenox Commons resident
every Lenox Commons business person
every person going to a Lenox Commons business
every truck making deliveries to Lenox Commons
and every hiker who parks in Lenox Commons

There are 44 residences in Lenox Commons: 32 on Evergreen Trail and 12 on Spruce Trail. There are just over 30 businesses in Lenox Commons. There are quite a few hikers (daily) who park in the Lenox Commons mall area and walk up Evergreen Trail to get to Kennedy Woods. There is also traffic generated by the Marriott Hotel which shares the intersection on Pittsfield Road/route 20 with Lenox Commons.

In addition to the increased traffic created by a marijuana store/facility, there are other negative factors.

1. There are two very popular businesses, food related, in Lenox Commons that attract families: On a Roll Cafe and Chocolate Springs. Some families, bringing children for an ice cream at Chocolate Springs or On a Roll to eat, may well feel that a place for the sale and use of recreational drugs is not something they want young children around.
2. Almost all of the businesses in the rear section of Lenox Commons mall are health and wellness related. Many, connected with these serious medical entities, are not likely to be supportive of recreational drugs.

Thank you for hearing us out.
Dan and Michlyne Thal
2 Evergreen Trail, Lenox Commons



Message

Tue, Sep 1, 2020 11:21 PM

From: Jill Wollins <jawollins@gmail.com>
To: Lenox Land
Cc: Peter Ticconi <pticconi@scarafoniassociates.com>

Subject: Proposed Cannabis Dispensary at Lenox Commons

Attention: Zoning Board of Appeals

Town of Lenox

I am writing to express my opposition to the proposed cannabis dispensary at Lenox Commons. As a taxpaying Lenox resident since 1997, and owner in Lenox Woods since January 2010, I've watched Lenox Commons evolve into a family friendly mixed use commercial center with several medical practices, food businesses, hair salon, pet store, professional offices, martial arts studio and antique marketplace. Opening a cannabis dispensary will contribute adversely to change Lenox Commons in several ways.

Currently, traffic flow can be problematic with visitors unfamiliar with the one-way traffic pattern to safely drive in/out of Lenox Commons. People drive the wrong one down the one-way loop through Lenox Commons, to find a parking space or to take a shortcut to leave, causing driving hazards. The added volume of drivers due to the dispensary will only worsen this problem, and the proposed curb-side pickup will add to the congestion in an already congested space.

Parking is challenging all year-round during business hours, and, more so during the summer with part-time residents and visitors. Diners eating at On A Roll and customers for Chocolate Springs often had to park at a distance from the businesses, in any available parking spots. It is unclear where the customers shopping at the dispensary will be able to park.

Legalized marijuana is attracting individuals from neighboring states, where access to cannabis is not legal. Since these non-Massachusetts customers must consume the product in Massachusetts, it is likely that they will use cannabis in the immediate or surrounding area, creating safety issues in Kennedy Park, in Lenox Commons, and entering Lenox Woods via access on the private ways of

Evergreen and Spruce Trails.

The location for the proposed cannabis dispensary is unsuitable for the reasons stated above. I appeal to you will consider a different site for the cannabis business.

Thank you for your attention to my concerns.

Jill A. Wollins

13 Evergreen Trail



Message

Tue, Sep 1, 2020 11:24 PM

From:  Eleanor Wollins <eleanor.wollins@gmail.com>To:  Lenox LandCc:  pticconi@scarafoniassociates.comSubject: Proposed Cannabis Dispensary at Lenox Commons

Attention: Zoning Board of Appeals

Town of Lenox

I am writing to express my opposition to the proposed cannabis dispensary at Lenox Commons.

Lenox Commons has evolved into a family friendly mixed use commercial center with several medical practices, food businesses, hair salon, pet store, professional offices, martial arts studio and antique marketplace. Opening a cannabis dispensary will contribute adversely to change Lenox Commons in several ways.

Currently, traffic flow can be problematic with visitors unfamiliar with the one-way traffic pattern to safely drive in/out of Lenox Commons. People drive the wrong one down the one-way loop through Lenox Commons, to find a parking space or to take a shortcut to leave, causing driving hazards. The added volume of drivers due to the dispensary will only worsen this problem, and the proposed curb-side pickup will add to the congestion in an already congested space.

Parking is challenging all year-round during business hours, and, more so during the summer with part-time residents and visitors. Diners eating at On A Roll and customers for Chocolate Springs often had to park at a distance from the businesses, in any available parking spots. It is unclear where the customers shopping at the dispensary will be able to park.

Legalized marijuana is attracting individuals from neighboring states, where access to cannabis is not legal. Since these non-Massachusetts customers must consume the product in Massachusetts, it is likely that they will use cannabis in the immediate or surrounding area, creating safety issues in Kennedy Park, in Lenox Commons, and entering Lenox Woods via access on the private ways of Evergreen and Spruce Trails. This is a great concern to me.

The location for the proposed cannabis dispensary is unsuitable for the reasons stated above. I appeal to you to consider a different site for the cannabis business.

Thank you for your attention to my concerns.

Eleanor Wollins

16 Spruce Trail



Message

Sat, Aug 29, 2020 9:50 AM

From: Alan Fergurson <alanferguson@gmail.com>

To: Lenox Land

Subject: Lenox Commons Marijuana Shop - Zoning Board Letter

August 26, 2020

Mr. Robert Fuster, Jr.
Lenox Zoning Board of Appeals
6 Walker Street
Lenox, MA 01240

Dear Chairman Fuster:

Thank you for the board's deliberation in the possible granting of a special permit for the proposed marijuana shop at Lenox Commons.

I am a homeowner in Lenox Woods at Kennedy Park and feel that we would be impacted by this proposed marijuana shop. I attended the recent public hearing and believe that there is an urgent need for Zoning Board members to get more information on the impact this business will have on Lenox residents.

Here is a list of my concerns in priority order:

TRAFFIC VOLUME:

The 2006 traffic impact study is 14 years old and does not reflect the current traffic and certainly not post COVID-19 restrictions. The study does not include the additional traffic generated by Lenox Woods residents or the Marriott Courtyard hotel across State Route 7. The traffic study did not address the summer season, when the parking lot fills with visitors to Chocolate Springs, On a Roll Café, the commercial and medical units, and the trailhead access to Kennedy Park.

The updated 2020 study shows an increase in new vehicle trip generation at 272 vehicles per 24 hour weekday total, a number that will surely put a strain on the center's ability to handle the increased traffic. In addition, the impact on Route 7, as cars wait to enter the center and back up at the left turn signal. I would recommend analyzing current traffic generated by the dispensaries in Lee and Great Barrington before drawing any final conclusions on the Lenox location.

TRAFFIC FLOW:

The Lenox Commons traffic pattern is confusing to those not familiar with its layout, including one-way roads. Particularly during the summer, it is not uncommon for vehicles to drive the wrong way on the one-way road as they seek to find a parking spot close to On a Roll Café. This is a dangerous situation already, with the potential to be made much worse. Since the conversation evolved to include curbside pickup in the age of COVID, this has not been thoroughly thought through, and the impact to traffic and congestion in and out of the lot has not been factored in the study.

PARKING

As was mentioned during the public hearing, this business does not have any dedicated parking spaces and those adjacent to it (numbering 21 spaces, not the 30 initially stated at the meeting) are for all commercial tenants. The need for spaces for curbside pickup, which is now necessary, beg more questions – how will spaces be designated and enforced? Will no customers be allowed in the physical shop? If no, why is such a large space needed? How does the flow of traffic impact the entire parking lot and Route 7 flow during busy periods.

During the summer, it is common to see Chocolate Springs customers using these spaces as overflow spots. Also, as was pointed out, since Navin Shah does not own the parking spaces in front of the building, any changes to the configuration would need approval of the entire commercial condominium association. The idea raised of offering curbside pick up would require dedicated parking, as well as new signage. Also, the proposed solution of running shuttle service from the Days Inn parking lot presents its own set of problems, including how to determine when a vehicle is attempting to enter the center as a cannabis shop customer or to shop at another business, eat at On a Roll Café, or seek medical treatment at Lenox Family Health.

CUSTOMERS OUTSIDE THE BUILDING:

At the initial community impact meeting, we were assured the building was large enough to accommodate all customers and no line of customers would form outside. Now, given the reality of dealing with COVID-19 for some indefinite time period, we are hearing that lines may form outside. One has only to drive by Theory Wellness in Great Barrington to see the issues this creates.

CHARACTER OF THE COMMUNITY:

As I read through the security plans in the proposal, I am saddened to think our small neighborhood shopping center will now have exterior video surveillance, perimeter lighting, on site security guards and armored car pickup of cash throughout the day. This is not the type of business to locate here. All of the extra traffic is going to result in an entirely different, more industrial feel for the complex, and more litter and accelerated wear and tear on the already deteriorating parking lots and roadways. In addition, there would be impact to the customers of the family friendly Martial Arts Studio in the commercial center. Families with children are not going to want these children exposed to this type of business.

BUSINESS EXPERTISE:

I don't believe that Shah has any experience in running a cannabis shop. While I understand Mr. Shah is seeking a viable business to generate income from his former restaurant, what experience does he bring? And who does he intend to partner with to run the operation?

KENNEDY PARK ISSUES:

Most of the residential units in Lenox Woods are close to Kennedy Park, and if Krishna Lenox customers want to use their products immediately after purchase, Kennedy Park could be an attractive location. The trail access is directly at the end of Evergreen and behind the medical complex. The potential exists for customers to walk from the establishment one of the trailheads. It was mentioned at the community impact meeting that it would be up to Lenox Woods residents to "police" the situation, report any incidents, and these customers could be refused future sales based on identification through their license plates. It is unrealistic and an overreach for the shop and the city to expect the residents to be on guard to these situations. Some of the owners of the residential units are seasonal so this may require them to upgrade their alarm systems to deter break-ins as well. Have the Lenox police and fire departments weighed in on this location? What are their concerns?

In summary, I believe this operation would be an unwelcome neighbor in a mixed commercial/residential setting and would ask: is this the best location in the Lenox commercial corridor to locate a cannabis shop? Especially in the post pandemic times, it seems that a better location could be found, that would accommodate traffic flow and curbside pickup, while not impacting an existing residential area such as Lenox Woods. This would be a better investment and a better citizen of the town of Lenox.

Thank you for your overseeing this process and for allowing all parties to have an opportunity to present their comments. I believe there are a number of significant issues to discuss before granting a special permit to this business.

If you have any need to reach me via phone, my cell phone is (973)487-0876.

Regards,

Alan Fergurson
10 Spruce Trail
Lenox, MA 01240
alanfergurson@gmail.com

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Alan Fergurson

alanfergurson@gmail.com
Mobile: 973-487-0876



Message

Sun, Aug 30, 2020 11:19 PM

From:  kathryn cafiero <kcafiere@att.net>
To:  Lenox Land
Cc:  Paul Buckanavage <paul.buckanavage@usdisplaygroup.com>
 Bary Weiss <chadsey2@aol.com>
 Erin McNamarah <erin85500@gmail.com>
 Jackie DelRossi <delrossija@aol.com>
 Limo - Tobi's Ellen Lanciano & Tobi <ellen.lanciano@me.com>
 & Reina Marlene White 0* <puli@roadrunner.com>
 LW - Scarafoni Associates Peter Ticconi X11 <pticconi@scaraf...

Subject: Vote to Deny approval of Petition for Adult Use Marijuana 55 Pittsfi...

To: Lenox Zoning Board of Appeals

I wholeheartedly **OBJECT** to the approval of any Cannabis, CBD, etc, type stores, and Especially an "Adult Use Marijuana (Non-Medical) retail facility to be located in our well established, nice and quiet, no traffic in accessing or egress, clean and tidy *Family community*.

As a residential community adjacent to the proposed establishment, I have serious concerns about the impact this operation will have on our neighborhood \$Value and character.

I have been a resident of Lenox Commons: 28 Evergreen Trail; since built in 2012-13.

Areas of concern:

- ∴ traffic volume. Can Lenox Commons accommodate the increased customer volume, especially during the summer season? How will the increased traffic impact our ability to enter and exit the center, particularly for those waiting at the left turn signal from Route 7 north?
- traffic flow: As we all know, the traffic pattern in Lenox Commons is confusing to those not familiar with its layout and it's not uncommon to see vehicles driving the wrong way on the one-way road as they search for a parking spot. This situation will only be made worse by increased traffic
- parking: Where will customers park? A typical summer season can fill spaces with customers at Chocolate Springs and On a Roll Cafe. Also, marijuana sales via curbside pick up is being proposed, which brings an additional set of problems. A solution suggested by the developer is to run a parking shuttle from the Days Inn; how feasible is this given the variety of businesses the center serves?
- neighborhood character: Lenox Commons now consists of "family friendly" businesses: food

establishments, medical offices, hair salons, a pet store, yoga, and martial arts studio. Do we really want an establishment that brings with it video surveillance, security personnel, perimeter lighting and potential long outside customer lines? Could Kennedy Park be an attractive location for marijuana customers to consume their product purchases?

- neighborhood \$Value: I have extensively researched how the issues pointed out above, will definitely Decrease the worth and \$Value of our homes when we go to sell. This is Absolutely UNACCEPTABLE!! The Town of Lenox, Zoning Board, BHG Group, and other powers to be, need to DENY this site plan for 55 Pittsfield Rd, or any other place in close proximity to a *Family Community*. This is such a horrid thing to even look at our community, and is causing much stress and anxiety to all of the families that live on Evergreen and Spruce Trails.
- ***Suggestion: Big Vacant space on Rt 7, next to CARR Hardware, by CVS, and Market 32?!***

Thanking you in advance for your **Denial** of this Petition.

Sincerely,
K. A. Cafiero
28 Evergreen Trail
Lenox, MA 01240
Cell: 954-439-2890

Erin McNamara

6 Spruce Trail
Lenox, MA 01240

August 16, 2020

Mr. Robert Fuster, Jr.
Lenox Zoning Board of Appeals
6 Walker Street
Lenox, MA 01240

Dear Chairman Fuster:

I am a resident of Lenox Woods at Kennedy Park and am impacted by the proposed marijuana shop at Lenox Commons. I attended the recent ZBA site visit and evening public hearing. Both events only increased concerns I have about this proposed business and highlighted the strong need for Zoning Board members to fully explore the impact this business will have on Lenox residents.

My number one concern from the beginning is the impact this business will have through increased traffic and parking demands. Specifically:

- **traffic volume.** The 2006 traffic impact study did not include the additional traffic generated by Spruce Trail residents or the Marriott Courtyard across the street. The traffic study did not address seasonality, when our parking lot swells with out-of-town visitors to Chocolate Springs, On a Roll Café, and the trailhead access to Kennedy Park. The updated 2020 study shows an increase in new vehicle trip generation at 272 vehicles per 24 hour weekday total, a number that will surely put a strain on the center's ability to handle, not to mention the impact on Route 7, as cars wait to enter the center and back up at the left turn signal.
- **traffic flow.** The Lenox Commons traffic pattern is confusing to those not familiar with its layout, including one-way roads. Particularly during the summer, it is not uncommon for vehicles to drive the wrong way on the one-way road as they seek to find a parking spot close to On a Roll Café. This is a dangerous situation already, with the potential to be made much worse. In addition, on a daily basis, drivers continue through the commercial center and turn onto Spruce Trail, a residential dead-end street, to access Route 7. They then must turn around at the end and go back through the commercial complex.
- **parking.** As was mentioned during last week's site visit and public hearing, this business does not have any dedicated parking spaces and those adjacent to it (numbering 21 spaces, not the 30 initially stated at the Krishna Lenox community impact meeting) are for all commercial tenants. During the summer, it is common to see Chocolate Springs customers using these spaces. Also, as was pointed out, since Navin Shah does not own the parking spaces in front of the building, any changes to the configuration would need approval of the entire commercial condominium association. The idea raised of offering curbside pick up would require dedicated parking, as well as new signage. Also, the proposed solution of running shuttle service from the Days Inn parking lot presents its own set of problems, including how to determine when a vehicle is attempting to enter the center as a cannabis shop customer or to shop at another business, eat at On a Roll Café, or seek medical treatment at Lenox Family Health.

Beyond traffic flow, volume and parking, there are several additional issues I ask you to consider:

- **lines outside the establishment.** At the initial community impact meeting, we were assured the building was large enough to accommodate all customers and no line of customers would form outside. Now, given the reality of dealing with COVID-19 for some indefinite time period, we are hearing that lines may form outside. One has only to drive by Theory Wellness to see the issues this creates.
- **curb side pickup.** This is a new component that was first surfaced at the site visit this past week and one that raises its own set of concerns. How will the pickup space(s) be designated, who will monitor them and how will customers notify staff of their arrival?
- **neighborhood character.** As I read through the security plans in the proposal, I am saddened to think our small neighborhood shopping center will now have exterior video surveillance, perimeter lighting, on site security guards and armored car pickup of cash throughout the day. This is not the type of business to locate here. In addition, I wonder what the impact a cannabis shop will have on the Martial Arts Studio located in the center. The studio caters to children and has an adjacent playground. Under state law, a marijuana establishment may not be located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Although the studio is not a "school" in the traditional sense, there are children present on a regular basis.
- **Navin Shah business experience.** To my knowledge, Navin Shah has no experience in running a cannabis shop. While I understand Mr. Shah is seeking a viable business to operate from his former restaurant, what experience does he bring? And who does he intend to partner with to run the operation?
- **illegal usage of marijuana products in and adjacent to Kennedy Park.** My townhouse unit backs up directly to Kennedy Park, and if Krishna Lenox customers opt to use their products immediately after purchase, Kennedy Park could be an attractive location. The trail access is directly behind the medical complex at the back and the potential exists for customers to walk from the establishment to the trailhead. It was mentioned at the community impact meeting that it would be up to Lenox Woods residents to "police" the situation, report any incidents, and these customers could be refused future sales based on identification through their license plates. However, it is likely that customers who opt to access Kennedy Park would walk through the commercial complex to the trailhead, so it would not be possible to identify them by their license plate.

Thank you for your involvement in this process and ensuring all parties have an opportunity to present their comments. I believe there are a number of significant issues to discuss before granting a special permit to this business. Have the Lenox police and fire departments weighed in on this location? Bottom line, I believe this operation to be an intrusive establishment in a mixed commercial/residential setting and would ask: is this the best location in the Lenox commercial corridor to locate a cannabis shop? If you have any need to reach me via phone, my cell phone is (732) 310-8115.

Regards,



Message

Tue, Sep 1, 2020 11:45 AM

From: dmitriy shoutov <aldinsky@yahoo.com>
To: **Lenox Land**
 "njoyner@cityofpittsfield.org" <njoyner@cityofpittsfield.org>
Cc: paul buckanavage <paul.buckanavage@usdisplaygroup.com>

Subject: Support to Community Opposition against Marijuana in Lenox Co...

Zoning Board of Appeals, Lenox, MA

landuse@townoflenox.com

Permitting Coordinator, Pittsfield, MA
njoyner@cityofpittsfield.org

Cannabis Control Commission, MA

Commission@CCCMass.Com

The Boston Globe

letter@globe.com.

September 1, 2020

Respectful members of the Board, Commission and Editor,

Recreational power of marijuana was promoted by advocates and the evidence ignoring media as panacea for almost everything from boosting revenue growth to making the nation healthier. The promises do not look to be materializing. Since MA voted for legalization of recreational marijuana in 2016, new scientific evidence has testified that 'harmless plant' in fact badly harms social wellness and contributes to mental disorders on a larger scale than originally thought. According to a systematic study by the London University, the risk of schizophrenia increases eight-times among cannabis

users ([https://www.thelancet.com/article/S2215-0366\(19\)30048-3/fulltext](https://www.thelancet.com/article/S2215-0366(19)30048-3/fulltext)).

Illusion about magic herb vanished in the states, which were the first one to adopt its free use. The Wall Street Journal reported: “Some advocates even claim that legalization has reduced violent crime: In a 2017 speech calling for federal legalization, Sen. Cory Booker said that (states that legalized the pot) ‘are seeing decreases in violent crime.’ But Mr. Booker is wrong. The first four states to legalize marijuana for recreational use were Colorado and Washington in 2014 and Alaska and Oregon in 2015. Combined, those four states had about 450 murders and 30,300 aggravated assaults in 2013. In 2017, they had almost 620 murders and 38,000 aggravated assaults—an increase far greater than the national average.” (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6461328/>)

Data from the Canadian Institute for Health Information shows that over the past three years the number of emergency room visits because of cannabis overdoses in Ontario has almost tripled — from 449 in 2013-14, to 1,500 in 2017-18; in Alberta - doubled.

Even Amsterdam refuses to keep the torch of the world kaif center-cannabis shops are being moved to suburbs; one of the reasons: the historic center became kind of vomitorium.

(
<https://www.bloomberg.com/news/articles/2020-02-21/why-amsterdam-may-restrict-weed-and-sex-work>
k)

In our neighborhood, newly opened Great Barrington cannabis shop's (Theory Wellness) popularity went beyond Berkshire's border: cars from Connecticut and New York were waiting in line of 75 to 100 through mornings and afternoons. (
<https://dailygazette.com/article/2019/01/11/marijuana-goes-on-sale-legally-just-over-mass-border>)

Euphoria among accountants hungry for short-term profits might end sooner than they might think. As soon as millions of “free-legal-pot” clicks on Google materialize in millions of visitors from other continents in addition to New Yorkers. The apocalypse is not that unreal, it will tune the music of Tanglewood into mute recreation detachment.

In light of the above we strongly object to establishing a marijuana dispensary at the property located on 55 Pittsfield Rd, Lenox, MA 01240. Detailed justification is as follows:

1. Opening the dispensary on the location in question would violate MA Regulation, 105 CMR. 725.110(A) (14) that requires 500 foot minimum buffer zone to separate the dispensary from “a school, daycare cemetery, or any facility in which children commonly congregate”. Chocolate Springs and Zenquest–Martial Arts Center (Lenox Commons, MA, 01240) both are within the buffer zone.

Estimates show that more than three hundred children and high school students are visiting the coffee shop and the sport club weekly; this number can be larger during summer season. Constituency office, MA Department of Health confirms that 500 foot minimum buffer zone applies equally to marijuana dispensary serving medical and recreational purpose (Tel: 617-701-8400; <https://mass-cannabis-control.com/wp-content/uploads/2017/12/CNBPSCMunicipal-guidance-august-2016.pdf>).

2. Farther more, in reality, much more kids would be exposed to adult marijuana recreation should the shop be opened on 55 Pittsfield Rd, Lenox. To enter the village there is only one entrance, which serves also as an exit. Thus, if a car enters the territory of the potential shop, it possibly would need to ride deeper along two short residential dead-end streets to make a u-turn. When circulating around the village the drivers purchased the adult marijuana shop product would have an easy chance to expose those to kids playing on the streets.

Lenox Woods Condo Association families love their children and grandchildren and strongly believe that youngsters should grow up knowing other methods for body and mind recreation rather than marijuana. For the sake of our children we strongly oppose to taking a risk of creating an environment where our kids can become a subject to willing or accidental pot advertising.

3. The building in question is an eye catching high structure that makes a center piece for the entire Lenox Commons; it stands at the very at the entrance. We are concern that making this structure a home to pot shop would be overstating the importance of the drug to our community and the nation. Allowing a pot shop to occupy a 250-seat restaurant space would be like dedicating the building of NYC Metropolitan Opera to marijuana recreation business while putting the opera into the Walgreens erection. Aesthetically the pot shop would fit a simpler cube structure.

4. The architectural development concept on which the Lenox Commons village was developed is the preservation of the Lenox Historical Heritage reflected in allowing only small size boutiques, cafes and such (MEPA's review called Up-Country Shops-EEA#8079). Establishing here the marijuana dispensary would cause un-repairable damage to the integrity of the village which is directly connected with the historical Lenox downtown via Kennedy Park.

Estimates based on available data of sales in other Berkshire pot shops, show that marijuana dispensary, if located on busy on commercial route, easily can attract 700-800 cars per day.

Combined with cars used by the rest of residents of the Lenox Commons, the total number can exceed 3000 car rides per 24 hours. Such a hike in traffic load would be unbearable to the local road/parking capacity limits. It also would violate environmental assessment limits made by the Executive Office of

Energy and Environmental Affairs in late 1990, and 2005 in regard to protecting endangered Massachusetts species (ref: wetland behind the building in question).

5. The Guidance for Municipalities (MA Executive Office of Health and Human Services) entrusts local municipalities to work together with "local communities" in deciding on whether to issue a letter of Non-Opposition. The host community residents, that predominantly consist of members of the Lenox Woods condo Association (50+ members), has been expressing its opposition to the marijuana shop by meeting with the Zoning Board of Appeals (Lenox) and sending emails. It is our hope that our community residents have given sufficient substantial reasons for not allowing marijuana dispensary on the address requested.

6. The community members feel sympathy to the applicant Mr. Navin Shah, who owns the building in question. Mr. Shah's site has hosted a half-dozen restaurant operators since 2006. We had a pleasure to enjoy Chinese food when Jey's restaurant - world class food - was still opened. Currently though his search for a reliable tenant apparently has been complicated with COVID-19. As an alternative to marijuana shop could be a restaurant-movie center to show virtual reality interactive films similar to those shown at MassMoca. In California, such ventures are booming (just an idea on another profitable business).

As regard to marijuana sale business, suitable location might be such as Berkshire Roots on Dalton ave., Pittsfield. The store is located off families residing area, on cul de sac road, and importantly far from schools and other facility for kids.

Sincerely,

Dmitry Shoutov

PhD

United Nations senior officer (retired)

Writer

Natalia Shoutova

Chase Bank

VP Private banker (retired)

Owners Unit 21,

Evergreen trl, Lenox, MA 01240

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Message

Fri, Aug 21, 2020 9:55 AM

From:  Kelly Sadlowski <sadlows_kell@yahoo.com>

To:  **Lenox Land**

Subject: **Oppose Lenox dispensary**

As a unit owner at Lenox Woods (22 evergreen) I am opposed to the proposed marijuana dispensary at 55 Pittsfield Rd. This would have a direct negative impact on the quality of life in my own home. There is no reason to have a pot shop located so close to someone's home.

Kelly Sadlowski



Message

Fri, Aug 21, 2020 10:12 AM

From:  WENDY KATZ <wk28@aol.com>

To:  Lenox Land

Subject: Special zoning permit for Marijuana Dispensary

As an owner and resident at Lenox Woods I am not in favor of a marijuana dispensary at 55 Pittsfield Rd due to the many negative impacts it would have for our quiet residential neighborhood. The traffic, both foot and car would disturb our way of life. I , for one, am considering moving out of Lenox if zoning approves this .

Wendy Katz
Lenox, Ma
813-789-8222

Sent from my iPhone



Message

Fri, Aug 21, 2020 1:43 PM

From: Pamela Paikin <pampaikin@gmail.com>
To: Lenox Land

Subject: Cannabis store at 55 Pittsfield Road

Dear LenoxZoning Board,

I am a very concerned resident of Spruce Trail, Lenox Woods. This is my 5th year of living here, happily. As in most real estate purchases, the key to buying property which will at least maintain, if not go up in value, is "Location, Location, Location". That was a main factor in deciding to live in the Lenox Woods area of the Lenox Commons. Lenox Commons consisted of two residential streets, a restaurant, a cafe, a small eatery, and a handful of small retail shops. The back row of buildings was occupied by medical offices. There has always been only light to moderate traffic. Everyone, including families with children, enjoyed walking through the area, and of course our beautiful natural "backyard" of Kennedy Park.

I fear this type of environment will be in jeopardy if there is a cannabis store on the premises. This residential/retail area could quickly turn into a high-volume (traffic), transient - populated "shopping strip", with many people using their newly-acquired cannabis products on the beautiful trails of Kennedy Park.

Please consider carefully the negative effects of putting a cannabis store in our neighborhood of Lenox Commons. We residents are in the majority here, and as tax-paying members of the Town of Lenox, our voices are important. Lenox has been a beautiful, well - established, prestigious town for so long. Let's keep it that way.

Concerns about new Cannabis store opening:

- Safety of Lenox Woods Children (plus children from the Martial Arts studio).

With the plan of hundreds of additional cars entering Lenox Commons daily, clarification is needed as to the areas in which these cars will park, and the enforcement of the proposed spots, as well as the remote parking plan.

- Signage:

Signs in Lenox Commons, clarifying delineations between the Commons' roads/parking, and BOTH of the Lenox Woods Residential areas.

- Regulations set by the Cannabis Control Commission and the Town of Lenox:

Clarification of what these rules are, especially concerning Security/Police presence. During COVID times with the need of Social Distancing, there will be less available space inside the store than was proposed. Outside lines will be longer. What location is designated for this overflow?

- will it be a curbside pick-up system, necessitating a line of cars?

Thank you so much for your consideration.

Pam Paikin
8 Spruce Trail
Lenox, MA 01240

Sent from my iPad

**Gary and Robin Melton
2 Spruce Trail
Lenox, MA 01240**

Lenox Zoning Board of Appeals
6 Walker Street
Lenox, MA 01240


Via Email: landuse@townoflenox.com

We are writing to oppose the Petition for a Special Permit from Section 8.14 "Adult Use Marijuana (Non-Medical)" of the Lenox Zoning Bylaw and the site plan approval for the property at 55 Pittsfield Road. The Special Permit would allow for the establishment and operation of an adult use marijuana retail sale facility.

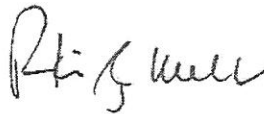
We are relatively new homeowners at 2 Spruce Trail, Lenox, MA. Our property abuts Lenox Commons where the proposed shop will be located. We purchased our property with the realization that it was adjacent to a group of businesses, including medical offices, restaurants, a barber shop and hair salon, and a pet store. However, these are businesses that have a very different character than that of a retail marijuana shop. They are not businesses that require security guards out front directing traffic during the day, high-powered lights at night to provide added security, or long lines of customers waiting to be served. One need only to drive by Theory Wellness in Great Barrington or Canna Provisions in Lee to understand the impact that this shop will have on Lenox Commons. The increased flow of traffic in and out of Lenox Commons will adversely affect traffic on Rt. 7. It will also deprive residents of the enjoyment of their property and make it difficult for the customers of existing businesses in Lenox Commons to find parking. Parking is already scarce at those times of the day when customers are dining or visiting medical practices.

Our understanding is that one proposal is to offer sales via curbside pick-up. This will not remedy the problem. We recently had lunch at a business in Williamstown that happened to be next door to a marijuana establishment offering curbside pick-up. There was a constant flow of traffic in and out of the area.

For the reasons that we have cited, we strongly encourage the Lenox Zoning Board to reject this application.



Dr. Gary B. Melton



Robin Kimbrough-Melton, JD