

**TOWN OF SHEFFIELD
PLANNING BOARD
March 18, 2021
VIRTUAL MEETING
7:00 PM**

Board Members Present: Kenneth Smith, Chairman
George Oleen
Sari Hoy
Caitlin Marsden McNeill
Dale Martin

Others Present: Members of the Public
Lori Neil, Administrative Assistant

Chairman Kenneth Smith called the meeting and Public Hearing to order at 7:07 pm.

Public Hearing – A Proposed amendment to the Sheffield Zoning Bylaw regarding Accessory Uses. Amend Section 3.1.3 Table Use Regulations G-10 Home Occupation and to amend 3.2 Accessory Uses or Structures – 3.2.1 Home Occupation. Chairman Smith and the Board reviewed the documents. Chairman Smith asked the Board if they had any questions or comments regarding this by law change. With no questions, Chairman Smith asked the public if they had any questions or concerns. With no questions, the Public Hearing was closed by a motion from C. M. McNeill. S. Hoy seconded the motion. Motion carried, 5-0.

G. Oleen made a motion to open the next Public Hearing at 7:11 pm. C. M. McNeill seconded the motion. Motion carried, 5-0.

Public Hearing - A proposed Amendment to the Sheffield Zoning Bylaw regarding Table of Use. This Amendment would Amend Section 3.1.3 Table of Use Regulations D-31 Retail Store, Individual. Chairman Smith explained that currently, a retail store, individual is not allowed in the General Business District. The Select Board and the Planning Board are proposing to change this to a Planning Board decision. It would require a Special Permit. The only thing that would change is the Table of Use. Chairman Smith asked if there were any questions from the Board. There were no questions. Chairman Smith opened the questions to the public. One citizen asked what kind of store it would be. Chairman Smith explained it could be any store. It is a general definition. As it stands now, an individual cannot have an individual business in the business district so we are changing the wording. Another citizen asked how an individual retail store business is defined. Chairman Smith stated, retail is defined in the Sheffield Bylaws as a facility selling goods not specifically listed elsewhere in the Table of Use Regulations, 3.1.3. Chairman Smith asked the Board if there were any questions regarding this bylaw change. There were questions from the public such as, Where can I find information on the Zoning Bylaws?, Are there maps to view, Borders of the Rural vs village Does this need to be Chairman Smith stated, tonight is a formality. It will end up on the Town Warrant at a Town Meeting. This will be on the Warrant in May.

Is this something that has to be decided upon tonight, or, is this something the community can research further? Chairman Smith responded, this is just a formality. This will end up on the Town Warrant at town meeting, at which case it needs to be a two-thirds vote. With no further questions, G. Oleen made a motion to close the public hearing. D. Martin seconded the motion. Motion carried, 5-0.

G. Oleen made a motion to open the public hearing of Berkshire Welco regarding property at 34 Home Road, Sheffield. S. Hoy seconded the motion. Motion carried, 5-0.

Public Hearing – for A Special Permit application for Berkshire Welco, LLC property located at 34 Home Road for a Cannabis Lab & Manufacturing Cultivation per Section 3.1.3H – 1 & 4 of Adult Use Marijuana Establishment of the Sheffield Zoning Bylaws. Chairman Smith and the Board reviewed the application and documents. Chairman Smith asked the Board if they had any questions for the applicant. There were no questions. Questions were opened to the public. One question directed to the Planning Board was, why is a for profit marijuana dispensary held to different standards than a not for profit? Chairman Smith responded, Massachusetts established medical marijuana facilities five or six years prior to retail sales. They are under two distinct separate laws under the state of Massachusetts. C. M. McNeill stated, it is the way the state differentiated it when the laws were created. Our restrictions and bylaws are more stringent than the current state mandates and our application process is more in detail than other municipalities in Massachusetts. The citizen responded, there is a discrepancy, which is, for profit or not for profit, when the effect on the community, the waterways, the Housatonic, and home owners is equal. Chairman Smith asked if there were any other questions for the Board or applicant. One citizen asked if the Board has retained independent experts to review the files and asked what work has the Board done to review the files. Chairman Smith explained the Board has reviewed the files independently and will have discussion during deliberations where they will decide if the need of outside experts would be necessary. Other questions asked were: When were the postings in the newspaper, can the public access the files? Has the Massachusetts Environmental Protection reviewed the site? What are the current uses of the facility? How high could the applicant build, if he wanted to build on top of its current building? Chairman Smith responded, 35 feet is the maximum height, but there is no change to its current foot print. What are the benefits of this operation besides having employees? C. Weld responded, taxes that have been paid to the town, there is a host community agreement which states 1.5% of revenue will go to the town, he has employees renting in town, and additional employees, (approximately 25), will be added. The landscape will be clean and cared for. If Berkshire Welco is not based in Sheffield, the revenue will not go to Sheffield. . B. Kilmer clarified the difference between the town receiving 1.5% vs. 3% from a facility. When do we find out where the money from the facilities is going? Chairman Smith responded, it is being decided by the Finance Committee and the Select Board. The state has some limitations where the money can go. Additional questions asked were: Has the Planning Board reviewed a study of wind patterns? Has the Board looked into the well-being of animals, the surrounding vegetation, possible sound or odor pollution? Chairman Smith stated, animals and vegetation are outside our Bylaws. There is an Odor Control Plan in place and it has been reviewed.

Has the Board reviewed any complaints from cannabis facilities in Sheffield or from other towns? Chairman Smith stated; it would be looked into if there were a complaint or issue reported. If there are complaints, further control measures would be put into place. C. Weld discussed the odor plan and its process. He also answered questions regarding security, stating the entire facility is on camera, and regular audits will be conducted. Will there be a decline in property values? There were additional questions regarding the noise of fans, generators and odor. C. Weld responded to the questions.

G. Oleen made a motion to close the hearing on Berkshire Welco at 34 Home Road, C. M. McNeill seconded the motion. Motion carried, 5-0.

Public Hearing – Special Permit application for Wise Acre Farm, Inc., property at 286 Polikoff Road, for an Outdoor Cannabis Cultivation, per Section 3.1.3H-2 of Adult Use Marijuana Establishment of the Sheffield Zoning Bylaws.

G. Oleen made a motion to open the public hearing. S. Hoy seconded the motion. Motion carried, 5-0.

S. Hoy gave a disclosure statement.

Chairman Smith and the Board reviewed the application and documents. Questions to the applicant were open to the Board. There were no questions. Questions were opened to the public. Citizens spoke their concerns of the quality and safety of drinking water, the effects on private wells, traffic impact, odor, and lower property values. Addiction and Marijuana Use Disorder was discussed. J. Piasecki answered questions and introduced a Hydro Geologist named Bruce Nicholson from an Engineering Consulting Firm in Springfield. J. Piasecki informed the public that Mr. Cronk had a full hydrological analysis completed of the site. One citizen gave a comparison to a cultivation that is in Hinsdale. At cutting season, the Hinsdale facility will be hiring 60 people. J. Piasecki will have a larger cultivation and more people. Discussion ensued of water issues and odor. There were additional questions, such as, how much money J. Piasecki has paid to the town of Stockbridge, What was his projection? How do the town Boards plan to provide diversion education to minors and to have the discussion that it is being placed in the highest population in town with the highest concentration of children? J. Piasecki stated; the prevention and diversion is very strongly monitored in the legal cannabis industry. In addition to the 8 foot fence, the security system and the alarm system, they have a virtual and physical inventory that has to be kept up to date and always available to the Cannabis Control Inspectors. One citizen spoke to say; this is a “right to farm” community, there are tens of thousands of people that use marijuana and the plant has a stigma around it.

J. Piasecki mentioned he would not be using the Odor Boss Company as stated on the permit. He has researched the Byer Scientific Company and discovered they have a better format and a much better system. Citizens encouraged the Board to take into consideration their wells, property values, the increased traffic, odor and noise pollution, as well as, the preservation of their families and community. Several citizens stated multiple times; “It’s not the pot, it’s the spot.” Chairman Smith asked if there were any other questions for the applicant. With no questions, G. Oleen made a motion to close the public hearing of Wise Acre Farm, Inc. S. Hoy seconded the motion. Motion carried, 5-0.

S. Hoy made a motion to open the Planning Board meeting. G. Oleen seconded the motion. Motion carried, 5-0.

The first item is the deliberation on the Berkshire Welco Hearing.

Chairman Smith and the Board reviewed the deliberation guide questions.

- 1.) Does the Social economic or community need which may be served by the proposed use outweigh any potential adverse impacts to the town or Neighborhood as it applies to the particular characteristics of the site and in relation to that site? Vote: 5-0, there is no adverse impact.
- 2.) Traffic impact, flow & safety, parking, loading and accommodations to pedestrians and non-automotive transportation. Vote: 5-0, it does not impact traffic.
- 3.) Adequacy of Utilities and other public services. The Vote: 5-0, there is no impact on utilities.
- 4.) Appropriateness to the proposed location, the neighborhood character and town land use objectives. Vote: 5-0. It does not. The Board created an order of conditions. **Condition #1** - The sign is no larger than the existing and to bring the design to the Planning Board. **Condition #2** - Require a noise

study of the ambience conditions at the road when all silent, and, when all equipment is on and doors open. This will provide a base line of what not to be exceed when in operation. **Condition #3** – If odor issues arise they must be mitigated. **Condition #4** - Implement Dark Sky Policy. Vote: 5-0. It does not meet the conditions outlined.

The Board discussed and discovered they were interpreting the questions incorrectly on the deliberations guide.

G. Oleen made a motion to void all votes that have been cast tonight in our regular meeting. S. Hoy seconded the vote. Motion carried, 5-0.

1.) Does the Social economic or community need which may be served by the proposed use outweigh any potential adverse impacts to the town or Neighborhood as it applies to the particular characteristics of the site and in relation to that site? **The Vote: 5-0.** The impacts do outweigh the adverse effects.

2.) Traffic impact, flow & safety, parking, loading and accommodations to pedestrians and non-automotive transportation. **The Vote: 5-0.** The impacts do outweigh the adverse effects.

3.) Adequacy of Utilities and other public services. **The Vote: 5-0.** The impacts do outweigh the adverse effects.

4.) Appropriateness to the proposed location, the neighborhood character and town land use objectives. **The Vote: 5-0.** The impacts do outweigh the adverse effects.

5.) Environmental impacts including, but not limited to, visual effects, noise, odor, dust, vibration, fumes, smoke, light intrusion, glare, impacts on natural habitats, views, water pollution, erosion and sedimentation. **The special conditions of the applicant are:** Chairman Smith re-stated the Order of Conditions. **Condition #1** – Signage: The sign is no larger than the existing and to bring the design to the Planning Board. **Condition #2** - Require a noise study of the ambience conditions at the road when all silent, and, when all equipment is on and doors open. This will provide a base line of what not to be exceeded when in operation. **Condition #3** – If odor issues arise they must be mitigated. **Condition #4** - Light – Implement Dark Sky Policy. **The Vote 5-0.** The impacts do outweigh the adverse effects.

6.) Potential fiscal impact, including impact on town services tax base and employment. **The Vote: 5-0.** The impacts do outweigh the adverse effects.

Chairman Smith and the Board voted on the granting or denying the special permit to Berkshire Welco. The Vote: 5-0. The Special Permit for Berkshire Welco at 34 Home Road has been granted.

Item # 2 of our regular meeting is the deliberation of Wise Acre Farm, Inc. at 286 Polikoff Road.

1.) Does the Social economic or community need which may be served by the proposed use outweigh any potential adverse impacts to the town or Neighborhood as it applies to the particular characteristics of the site and in relation to that site? **The Vote: 5-0.** The impacts do not outweigh the adverse effects.

2.) Traffic impact, flow & safety, parking, loading and accommodations to pedestrians and non-automotive transportation. **The Vote: 5-0.** The impacts do not outweigh the adverse effects.

3.) Adequacy of Utilities and other public services. **The Vote: 5-0.** The impacts do outweigh the adverse effects.

4.) Appropriateness to the proposed location, the neighborhood character and town land use objectives. **The Vote: 5-0.** The impact does not outweigh the adverse effects.

5.) Environmental impacts including, but not limited to, visual effects, noise, odor, dust, vibration, fumes, smoke, light intrusion, glare, impacts on natural habitats, views, water pollution, erosion and sedimentation. G. Oleen shared his concerns of the water usage. The odor control was discussed and seemed questionable as being sufficient. The tree-line and thickness of the woods was discussed. The Board decided they did not need special conditions in this area. **The Vote: 5-0.** The impacts do not outweigh the adverse effects.

6.) Potential fiscal impact, including impact on town services tax base and employment.

The community feels the extra tax income is not substantial enough to outweigh their concerns.

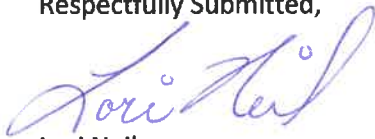
G. Oleen mentioned the usage of the police department if there is vandalism. **The Vote: 5-0.** The impacts do outweigh the adverse effects.

There were no special conditions and no bylaws were waived. The Board voted on whether to grant, or, deny, the special permit. The Vote: 5-0. The Special Permit for Wise Acre Farm, Inc. at 286 Polikoff Road has been denied.

G. Oleen made a motion to adjourn the meeting. C. M. McNeill seconded the motion. Motion carried, 5-0.

The meeting adjourned at 11:27 pm.

Respectfully Submitted,



Lori Neil
Administrative Assistant

Documents reviewed:

Zoning Bylaws
Special Permits