

**TOWN OF SHEFFIELD
PLANNING BOARD
March 24, 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 7:00 pm.

Public Hearing – for A Special Permit application for ZGC, LLC property located at Polikoff Road for an Outdoor Cannabis Cultivation per Section 3.1.3H – of Adult Use Marijuana Establishment of the Sheffield Zoning Bylaws. Zack Ahern, cofounder and partner of ZGC, LLC, gave an overview of their potential plans and introduced his other two partners, Chris Regan and G. Cowen. A. Ahern stated they have five years of experience with cannabis space. They have worked with over 50 outdoor farmers within that period. They will be a wholesale farm. There will be no pesticides used. Their intent is to protect the land for agricultural usage. Chairman Smith and the Board reviewed the application and accompanying documents.

Chairman Smith opened the floor to the Board. S. Hoy asked; how far from the river front is your fence on the site plan? The answer was 50 feet from the Konkapot River and 100 feet from the roadside. S. Hoy said she doesn't think 50 feet is enough. She asked if an application had been processed through the Conservation Commission? The answer was no. S. Hoy stated, she thinks this would have to happen. S. Hoy also states in the paperwork, the land is not in a flood hazard zone. When I looked on our 100 year flood maps, it looks like it is and this needs to be clarified. Z. Ahern said they will consult with any local experts, or if it is a matter of shifting the plan to another part of the parcel they would entertain that. They certainly do not want to be in any violation of laws. That is not their intention at all. G. Oleen asked if all buildings were all trailers and no permanent structures. A. Ahern stated he was correct. With no other questions from the Board, Chairman Smith opened the floor to the public. We value where we are and what we do and do not want this type of business in our neighborhood. There were concerns of spoiling the views, not fitting the character of the area and the impact of the Konkapot River. Z. Ahern stated he needs to work collaboratively with the neighbors. He explained how they would be planting wildflowers and using material to hide the fence. All the Structures are temporary. Natural compost will be on the soil. Runoff in the river is not an issue. One citizen requested what would be done to address odor. Z. Ahern replied this comes up a lot with marijuana projects. If there is an issue it will be addressed at that time. The citizen requested to hear what the plan in place is for the immediate future. How will it be addressed? G. Cowen spoke of the technology that Wise Acre Farm, Inc. had spoken of. That is what they will use as well to address the odor. He mentioned, he honestly thinks no odor control program would work.

Another citizen asked if the temporary structures come down in the winter or are they there permanently. The fence and the buildings will be an eye-sore. S. Hoy re-asked a question from a citizen

that had not been answered; will the lights and the alarms run all year long even when ZGC is not producing. Z. Ahern replied, the alarms and lights will be used 24 hours a day and 365 days a year. It is motion sensor lights facing down and the alarms are silent.

There was a question regarding the community outreach meeting. Was the notification assembled? Why was CT. not notified? Regarding odor; are there sites that can be visited with demonstrations?

A citizen asked if ZGC, LLC is willing to move as they had mentioned. Z. Ahern stated, they have already received the State Provisional License, but if the Board states we need to move, it is something we can look into. C. Regan spoke of how they want to beautify the land and the fencing will be discreet.

One CT resident spoke to say the site is a flood zone. It does flood out and both sides of the river are eroding. He is concerned of his property value. Another citizen inquired about the water usage for the site. C. Regan said the primary use of water will be used for irrigation. It is a drip method which uses very little water. It will be a deep well. We will tap into a high flow aquifer which runs right under the field. During the month of July and August, my guess is to use 4,000 gallons of water a day.

Have you had a geological study as per the aquifer that you plan on drilling into? Z. Ahern stated yes, a professional local forester pointed this out and irrigation would probably be during July and August.

One citizen asked if it was legal to have the storage cold and dry identified as shipping containers. In the bylaws it states that storage and freight containers are not permitted. Is this true? Chairman Smith noted the citizen was correct. Additional questions asked were: How much traffic is planned to be at the site? Z. Ahern stated, no more than 10 vehicles added to the traffic.

Another citizen asked; how many plants will be grown in a year and what type of plant? The answer was approximately, 8,000 plants and they will use auto-flower seeds.

With this Special Grant, ZGC, LLC is requested to make a contribution. A citizen asked why ZGC, LLC is contributing to Boston and not locally where the town people are affected. Your donation could benefit from a community garden and donate to a local food pantry or a \$10,000 grant. Z. Ahern stated this could be changed to have the contribution given to the local area.

A town Selectman of North Canaan expressed a few concerns. The land is 50 feet across state lines. Our potential concern is odor and criminal activity. Marijuana is still illegal in the state of CT. This could put a bigger load on our police department. Our police department is state police who cover 17 towns.

Z. Ahern said he would be more than willing to put in a security guard if needed.

A. Ahern went on to discuss the number of employees and taxes to be paid to the town.

Did you pursue any other land in Ashley Falls before choosing this one? C. Cowen said yes they have but it was not pursued, due to farming reasons. The use of trailers is not allowed according to the permit, what will you do? C. Reagan stated, we could make structures that would qualify.

Many other citizens spoke negatively of ZGC, LLC regarding the views, traffic, the noise, the odor, lighting, and the unwanted people investigating the area. Many stated there are too many things not planned for or explained. Board member, G. Oleen asked if the property was under Chapter 61 A? The answer was, yes. One citizen mentioned ZGC, LLC is here to grow as much money as possible and warns the Board to look closely at the application.

Z. Ahern ended his presentation by asking the Board to consider all aspects. He stated, with the regards to the decision to approve or to deny the special permit, consider we have offered to put landscape and beautification down at our own expense and to hide the fence to the best of our ability. The point of a right-to-farm bylaw is to keep the land protected, to keep the air clean and to keep the ecological environment sound. Z. Ahern promised that is what they plan to do. Z. Ahern gave the community his contact information. The owner of the property spoke of how she had inherited the property. She stated she hears more noise from the trucks from Allyndale, Specialty Minerals and Segalla's. She doesn't know why the small vans would be a problem. She stated this was her chance to keep the farm alive, but, she stated, I could have houses developed on the property. One citizen mentioned that she noticed, not one person, who lives in the area, has spoken in favor of the special permit.

Again citizens added there is not enough information to answer our questions completely. There are too many aspects that have not been clarified tonight. With no further questions, G. Oleen made a motion to close the public hearing of ZGC, LLC. C. M. McNeill seconded the motion. Motion carried, 5-0.

At 9:08pm the regular Planning Board meeting was opened.

Item #2 - Possible Discussion/Deliberation of ZGC, LLC's Special Permit.

G. Oleen made a motion to complete the regular Planning Board meeting and to return to number two on the agenda at the end of the regular meeting. C. M. McNeill, seconded the motion. Motion carried, 5-0.

ANR FOR SHEFFIELD LAND TRUST – Kathy Orlando described the second part of the Batacchi Agricultural Preservation Restriction. She stated; this protects the entire farm with the exception of the 2 acre area around the house and barn and a one acre area that is on this survey. George Oleen made a motion to approve the ANR. C.M. McNeill seconded the motion. Motion carried, 4—with S. Hoy abstaining.

Approval of minutes from March 10, 2021 & March 18, 2021: G. Oleen made a motion to approve the minutes from March 10 and March 18, 2021. D. Martin seconded the motion. Motion carried, 5-0.

Chairman Smith explained the minutes that were taken from Feb.24, 2021. The public hearings were null and void but it is public record so it needs to be recorded. C.M. McNeill made a motion to amend the meeting minutes from 2-24-21. S. Hoy seconded the motion. Motion carried, 5-0. The meeting minutes are amended and approved.

Chairman Smith announced on April 14, 2021, the Select Board will join the Planning Board meeting regarding the marijuana Bylaws.

Mail – None to review

Board Member Items – C. M. McNeill asked if Chairman Smith has heard back from the Select Board on the 5G. There have been no changes. Chairman Smith will look into what the hold-up is.

Public Inquiries – None

S. Hoy asked if the Board should continue with the deliberation even if it is believed ZGC, LLC needs to come back with answers regarding the buffer zone, the structures, and Chapter 61A. It was the consensus of the Board to deliberate on the information they have tonight. D. Martin made a motion to deliberate on ZGC, LLC's Special Permit. G. Oleen, seconded the motion. 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? G. Oleen stated the temporary structures are not taxable, the structures bring no economic benefit to the town. It adds nothing socially to the community. The company will want people to stay away as far as possible except those who work there. There was no further discussion. **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. . C. M. McNeill stated an additional ten cars on the road would definitely impact the community. S. Hoy mentioned she had looking at numbers of accidents that have been on the intersections of East Stahl Road and Route 7 & Clayton Road and Route 7. They are already dangerous intersections and haven't changed in the past 15 years. They are the second highest rate in Sheffield and more traffic would not help. Unless something changes it is only going to get worse.

D. Martin stated there are 77 houses in that area that generates a fair amount of traffic. G. Oleen traffic living there is different than people going in and out to work. People who live there are more cautious about what is around them. **Vote: 5-0. The beneficial effects do not outweigh any potential adverse impacts.**

3.) Adequacy of Utilities and other public services. Chairman Smith mentioned there are no utilities or public services. G. Oleen mentioned the police being alerted if the alarms go off. **The overall consensus of the Board was that utilities and other public services were adequate for the proposed use. Vote: 5-0.**

4.) Appropriateness to the proposed location, the neighborhood character and town land use objectives. **Several individuals spoke of their concerns during the hearing, with the majority of the neighbors against this establishment being placed in their towns Vote: 5-0. The beneficial effects of the proposed use do not outweigh the adverse impacts.**

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. All Lights will be pointed down, the cameras are infrared. G. Oleen said it is a clear field and you can see the Taconic Range. Animals don't like jumping fences. It is like a fence that is on Bow Wow road that you can see from the road. It will not beautify the area at all even if they do plant bushes or evergreens. Seeing it in the wintertime is not beneficial. If it is in the floodplain there is a problem. S. Hoy stated it would be an eyesore. If it moved it may possible be better. We don't know what will come instead, houses possible. Dust, fumes, vibration and glare is not an issue. Water pollution, erosion and sedimentation is unclear. **Vote: 5-0. The beneficial effects of the proposed use do not outweigh the adverse impacts.**

6.) Potential fiscal impact, including impact on town services tax base and employment. C. M. McNeill mentioned the positive economic impact of the tax revenue. Chairman Smith mentioned the jobs added to the community is a positive impact. **Vote: 5-0. The beneficial effects of the proposed use do outweigh the adverse impacts.**

7.) **The Marijuana Establishment is not consistent with and does deviate from the purposes and intent.** There were questions left open regarding the flood plain, odor and temporary structures on the property. **Vote: 5-0**

8.) Impact on adverse, visuals, abutters, sensory, economic impact: G. Oleen mentioned it does not improve the visual for the abutters or anyone else. The odor was a factor. **The proposed marijuana establishment is not designed to minimize adverse impacts. Vote: 5-0.**

9.) The marijuana establishment demonstrates that it meets all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts **with question regarding the 100 year flood plain.** Chairman Smith reminded the Board it was out of the Planning Board's jurisdiction. All other state laws and regulations **do demonstrate required compliance. Vote: 5-0.**

10.) The applicant **has not** satisfied all conditions and requirements of this and other applicable sections of the Zoning By-Laws. **Vote: 5-0.**

11.) The marijuana establishment provides adequate security measures to ensure that no individual participant will pose a directly threat to the health or safety of other individuals and that all operations of the facility, including storage, cultivations and delivery are adequately secured on-site or via delivery. Chairman Smith stated, ZGC, LLC has provided & met the Cannabis Control security standards and the Chief of Police's review of the security plans. **Vote: 5-0. The applicant has provided adequate measures.**

12.) The Marijuana establishment adequately addresses issues of traffic demand, circulation flow, parking, and queuing particularly at peak periods at the facility, and its impact on neighboring uses. The Board discussed the traffic flow in the area and parking during peak periods impact on neighboring uses. They have addressed, no Retail on this site. **The Board feels this question is N/A. A vote was taken: Yes, I agree with this statement. Vote: 5-0.**

No Conditions or waivers are put on this applicant. A vote went around the table to Grant or Deny this Special Permit for ZGC, LLC. **The Board voted (5-0) to DENY the Special Permit for ZGC, LLC.**

The next meeting will be held April 14, 2021.

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

Respectfully Submitted,



Lori Neil
Administrative Assistant

Documents reviewed:

Special Permit & Related Documents

Site Maps

ANR

Draft minutes