

Planning Board Minutes  
March 9, 2022  
7:00 pm  
Virtual Meeting

Members present: Kenneth Smith, Chairman  
Caitlin Marsden McNeill  
George Oleen  
Robbie Cooper

Members absent:

Other present: Members of the Public  
Jim Valeriani (Sun Drops LLC)  
Catherine Miller  
Lauren Hyde

Chairman Smith called the meeting to order at 7:00PM.

**1. ANR Requests – None**

**2. Approval of minutes:**

February 9<sup>th</sup>, 2022 minutes – R. Cooper made a motion to accept February 9<sup>th</sup> 2022 minutes as presented. C. Marsden McNeill seconded the motion. S. Hoy requested a minor word change in number 3. to “and she hoped”, removing the word “was”. Motion carried 5-0.

February 23<sup>rd</sup> 2022 minutes: Chairman K. Smith tabled the minutes until further amended.

**3. Sun Drops LLC Discussion –** Chairman K. Smith stated that regarding the permanent fencing for Sun Drops LLC and its condition for the special permit, the planning board is waiting for clarification from the town administrator and town council regarding the temporary fence. Because the fence was in the original special permit Chairman K. Smith stated that this would be the purview of the department of buildings pending hearing back from the town administrator. Sun Drops LLC. representative, Jim Valeriani stated that the building inspector issued a temporary certificate of occupancy with no conditions regarding the fence. He also stated that Sun Drops LLC will be getting their final inspection from the Cannabis Control Commission Thursday March 17<sup>th</sup>. Jim stated that the temporary fence has been installed and that the permanent fencing will be installed but that they had focused on creating a secure building and building- out the

inside of the structure and that Sun Drops LLC believes that this will work out amicably, and appear in front of the board in April to discuss further.

**4. Discussion Regarding Recommendations of the Proposed Community Residences By-Law**

Chairman K. Smith stated that though the planning board had not ratified those meeting minutes this would be the time that the board would decide to support, not support or abstain from the proposed by-law. The board agrees in favor of supporting the proposed by-law at the next town meeting.

**5. Discuss Citizen Group Petition Amendments--**

Chairman K. Smith stated that there is a question of the table of use and whether that be negated for the town meeting. Chairman K. Smith opened the floor to members of the public, Catherine Miller and Lauren Hyde. Catherine Miller stated that the proposed changes to the table of use are predicated on whether the by-law previously rejected by the Attorney general passes at the town meeting, and should it pass, there would only be one change to the table of use. Catherine Miller stated that town council and the town moderator will present their insights at the April 4<sup>th</sup> town meeting. K. Smith stated that any amendments should be prepared in writing, and typed up to present to the town moderator. S. Hoy stated that there will be two amendments prepared with the Citizen's Group for the April 4<sup>th</sup> town meeting.

C. Miller stated that the article related to odor has been accepted by the planning board, and asked it be presented by the planning board. K. Smith stated that it should be presented by the group who originally presented the article. R. Cooper and S. Hoy clarified that the article related to odor has not been voted on by the planning board. S. Hoy clarified 7.5.5.2 subsection 13 verbiage corrections for the amendment to be presented at the April 4<sup>th</sup> town meeting.

**6. Discussion Regarding Addition of Distances to Homes for Marijuana Businesses in the Rural District**

S. Hoy asked about creating an overlay district, or an exclusionary zone for H5 that would stretch from the police station to Miller Avenue along Route 7. Chairman K. Smith stated that he was unclear as to whether or not it was possible to create an exclusionary district. C. Miller stated that she would like to see the exclusionary area be larger, but for the key center of town that marijuana establishments be excluded.

S. Hoy brought up the distance between businesses and a residential home as well as proposed language change to 7.5.4.3, number 2, from no “marijuana retailer”, to “marijuana establishment”. K. Smith stated that this proposed amendment will not be available for April 4<sup>th</sup> but could make it for the May Town Meeting. As this section had not been previously amended this could not be amended from the floor at the special town meeting.

S. Hoy asked if there were additions that could be made to the deliberation guide to consider the number of residential units, as abutters, regarding special permits for marijuana establishments. K. Smith stated that the planning board can modify the deliberation guide for the special permit without going through public hearings or town warrants, per the state of Massachusetts. Discussion ensued regarding updating the deliberation guide for consideration of residences versus property owners. K. Smith directed each member of the planning board to draft ideas for the deliberation guide bullet point or two to discuss. S. Hoy requested that the planning board members be sent a copy of the deliberation guide. K. Smith will get a complete copy of the deliberation guide to be sent to planning board members. C. Marsden McNeill requested that the discussion of the deliberation guide be kept on the agenda for the March 23<sup>rd</sup> meeting.

Catherine Miller stated that they will coordinate with S. Hoy regarding getting the amendments prepared in advance of the town meeting on April 4<sup>th</sup>.

7. **Planning board Rules & regulations vs special permit application**– C. Marsden McNeill stated she and R. Cooper have two upcoming scheduled meetings and will present in the next meeting.
8. **Dark Skies Bylaw Review** – Chairman Smith stated that in the packet for tonight there were three full pages on the Dark Skies. R. Cooper stated that the board likes G. Oleen’s draft of the Dark Skies By-Law. K. Smith stated that in the first meeting in April a public hearing be held for the Dark Skies Bylaw. K. Smith informed the board that he put the dark sky by-law in section 6.3. Section 6, which is referred to as general regulations including on-site parking regulations and signs and asked the board for their feedback. C. Marsden McNeill asked for a planning board member to attend the New Marlborough Meeting, on March 10<sup>th</sup> at 6:30PM. S. Hoy stated that she had seen New Marlborough’s Dark Skies By-Law. C. Marsden McNeill stated that she would attend the New Marlborough public hearing. S. Hoy requested that there be additional specificity to the by-law in the future. G. Oleen stated that the town wants gradual change rather than drastic change and that additions to the by-law could be considered in the future. Chairman K. Smith stated that he would rather present the by-law once and well without the need for further amendments. S. Hoy stated that she is in favor of

expanding the current draft and picking one or two points to add prior to the public hearing. Chairman K. Smith stated that the Dark Skies By-Law will be on the planning board agenda for the March 23<sup>rd</sup> meeting.

9. **Planning Board Mail Review** –Town of Great Barrington, Planning Board, meeting on March 24<sup>th</sup> for a host amendment to the town by-law. Town of New Marlborough public hearing for March 10<sup>th</sup>. Town of Great Barrington Public Hearing notice to abutters, 362 Main Street. Town of Great Barrington Public Hearing, Selectboard, April 11<sup>th</sup> special permit application for Meade Cannabis 964 Main Street, parcel b. Town of GB PB, notice to proposed zoning by-law amendments. John Mueller and Wilkinson mail communication.

10. **Board Member Items** –R. Cooper requested clarification in relation to the citizen's group, regarding email communication, through Town Hall, to planning board members. Chairman K. Smith stated that he did not believe the communication was in violation of open meeting laws as S. Hoy and R. Cooper were acting as private citizens in the Citizen's Group and there was not a quorum. S. Hoy asked that the planning board request that the town administrator attend a planning board meeting to clarify the position of the town on open meeting law. Chairman K. Smith to request the town administrator to attend an upcoming planning board meeting.

S. Hoy asked about upcoming draft minutes. R. Cooper asked about the procedure in drafting the minutes, and specificity as it pertains to transparency for the public. G. Oleen stated the importance of intent especially as it pertains to statements from planning board members. Discussion ensued as to how to ensure that the minutes are reflective of the meeting

R. Cooper asked about upcoming planning board meetings being held as in-person meetings. Discussion ensued regarding options for hybrid meetings in the future and accessibility for the public to meetings.

11. **Public Comment**– None.

C. Marsden McNeill made a motion to adjourn, seconded by G. Oleen. The motion carried unanimously.

Chairman Smith adjourned the meeting at 9:12 pm.

Respectfully submitted by:

Caitlin Marsden McNeill  
Amended by Sari Hoy 9/28/2022

