

**TOWN OF SHEFFIELD  
PLANNING BOARD  
FEBRUARY 8, 2023  
SECOND FLOOR MEETING ROOM  
7:00 PM**

Board Members Present: Chairman George Oleen  
Robbie Cooper  
Kenneth Smith  
Brittany Ebeling

Board Members Absent: Sari Hoy

Others Present: Rene Wood, Select Board Chairman  
Josh Risen, Board Administrator  
Members of the Public (see sign in sheet)

Chairman Oleen called the meeting to order at 7:00 p.m.

**7:00 Public Hearing Regarding Proposed Marijuana Bylaw Amendment:**

Chairman Oleen opened the public hearing at 7:00 pm and stated that notices were sent to all of the abutting towns and published in the local paper for two weeks. Chairman Oleen then read into the record a letter dated November 21, 2022 signed and drafted by Chairman Rene C. Wood of the Select Board, which detailed the Select Board's intention to amend the Planning Board's Marijuana bylaw. Chairman Oleen summarized the letter as gutting the Planning Board's Marijuana bylaw, with the exception of Marijuana retail.

Chairman Oleen offered to allow Select Board Chairman R. Wood to give further explanation and background regarding the Select Boards decision to amend the Marijuana bylaw. She stated that this amendment was generated because of at least two complaints made by the public. R. Wood said that the Select Board thought that it was appropriate to bring the issue to the Planning Boards for review and to allow voters to vote on the issue. She further stated that for the amendment to be applicable it would have to pass by a 2/3rds majority at town meeting and then pass as a ballot question at a town election.

R. Wood stated that there are six growers that are grandfathered prior to this amendment being put forward and as such, those companies that are currently operating will not be affected by this new amendment. Furthermore, anyone of the six grandfathered licenses are freely transferable. R. Wood summarized that if passed this amendment would limit marijuana activity to 3 retail operations in Sheffield.

Discussion took place regarding of what type of Marijuana activities are covered by the original bylaw and the differences between a retail operation and a marijuana grow operation. As it stands there are two open retail licenses available in Sheffield. R. Wood stated that this proposed amendment could be further amended on the floor of Town Meeting.

Mr. Kennedy expressed his concerns about the marijuana activities occurring next to his property and was directed to contact the Town Administrator's office to file his concerns. R. Wood stated that the host community agreements were available upon request. K. Smith asked if the public opposed the types of marijuana activities that were not grows. He gave the example of a transport company and how they would have a negative impact on the town. Chairman Oleen stated that the Planning Board is here tonight to present the amended

version of the Marijuana bylaw to the public, and that they cannot make any changes to bylaw tonight. Chairman Oleen further stated that when the hearing is over the Planning Board will deliberate as to action they will take regarding the amendment.

Mr. MacDowell asked the Planning Board to approve the amendment to limit all marijuana activities in Sheffield. He expressed his concerns with the impacts to him and his property. He stated that without the community impact fees the marijuana business is not generating enough income for the community to justify their continuance. R. MacDowell further stated that in his opinion there are sufficient numbers of jobs available in Sheffield as is, and that we do not need additional economic growth.

**R. Cooper made a Motion to close the hearing, with a second from B. Ebeling. The Motion passed unanimously.**

Chairman Oleen closed the public hearing at 7:45 pm.

#### **Approval of Minutes:**

The Board reviewed draft meeting minutes of January 11, 2023. **K. Smith motioned, with a second from R. Cooper to approve the January 11, 2023 minutes as written. The motion passed unanimously.**

The Board reviewed draft meeting minutes of January 25, 2023. There was discussion regarding amendment. **K. Smith motioned, with a second from B. Ebeling to approve the January 25, 2023, as amended. The motion passed unanimously.**

#### **Discussion on the Table of Uses:**

R. Cooper gave the background on the Table of Use for a Multi family dwelling units. The discussion focused on making the Table of Uses consistent between 4 and 6 multi family dwelling units with respect to “by right” as opposed to “by planning board”. The Board decided to make the changes and to hold a public hearing concerning the change.

#### **Discussion on Dark Sky:**

K. Smith indicated that he made the changes from last meeting to the proposed Dark Sky Bylaw and proposed holding the public hearing in March. It was determined that the Table of Use for multi-family dwellings amendment would be scheduled for 7:00 pm and the Dark Sky Bylaw for 7:15 pm on March 8<sup>th</sup>, 2023.

#### **Discussion on the Tiny House Bylaw:**

K. Smith stated that he made the changes from the last meeting to the proposed bylaw, including addressing the recreational vehicle and campers concerns. Chairman Oleen discussed some examples of campers and the Board discussed what constitutes a tiny home vs a camper. R. Cooper said he wanted to add the warrant articles and to remove the term “section” from each paragraph as proposed edits to the bylaw. The Board decided to tentatively schedule this matter for further discussion at the upcoming March 22, 2023 meeting.

#### **Discussion on the Annual Report:**

K. Smith was surprised to find out that there were so few ANR requests last year. Some background on the Annual Report and what it contains was discussed.

**K. Smith motioned with a second from R. Cooper to accept the annual report as presented. The motion passed unanimously.**

#### **Review Mail:**

Chairman Oleen read the mail into the record concerning two public hearing notices from Great Barrington. K. Smith gave background to B. Ebeling concerning the legal requirements of giving surrounding towns notice of certain activities performed by the various town boards.

**Board Member Items/Discussion and Deliberation Regarding the Select Board's proposed Amendment to the Adult Use of Marijuana Bylaws:**

R. Cooper opened the discussion by saying that he wanted the Manufacturing and Transportation sections of the Marijuana Bylaws to be allowed pursuant to the Planning Board's discretion. Chairman Oleen specified that the amendment from the Select Board is a "slap in our face" indicating that we cannot do our job. Chairman Oleen further detailed that it is not the Select Board's job to field complaints from the public regarding the smell of a marijuana business, but rather it is the job of the Zoning Enforcement Officer. R. Cooper says since there was only one written complaint concerning smell that the action to amend the bylaw was not justified.

Chairman Oleen stated that he doesn't think that the Board should support the amendment. R. Cooper indicated that he thought that by taking no action on the matter during the last meeting that maybe the matter would die and that taking no action should not have been presented as a possible course of action since the Select Board could move the issue forward. K. Smith stated that the Select Board should have chosen to work with the Planning Board to address the voters' concerns. Both R. Cooper and K. Smith lamented their decisions to take no action and expressed that they would have voted in opposition to the amendment had they understood that taking no action would not prevent the amendment from moving forward.

R. Cooper would have liked to have been involved with drafting the amendment, so that he could have carved out some exceptions for low impact activities. K. Smith believes that the amendment as written is anti-business and that bringing in new businesses and new jobs to Sheffield is a positive goal to strive towards. B. Ebeling asked what would be the best way to communicate the Planning Board's dissatisfaction to the Select Board. Chairman Oleen offered to stand up at the upcoming town meeting on behalf of the Planning Board and express why the Planning Board doesn't support the amendment.

**K. Smith motioned, seconded by R. Cooper to oppose the amendment to the Marijuana Bylaw as it is currently written. The motion passed unanimously.**

**K. Smith motioned to adjourn the meeting and was seconded by R. Cooper. The motion passed unanimously.**

The meeting was adjourned at 9:00 pm.

Respectfully submitted by:

  
Josh Risen  
Board Administrator

The following documents were reviewed at this meeting:

- 1) Sign in sheet.
- 2) Draft meeting minutes for 1/25/23 and 1/11/23.
- 3) Draft of Dark Sky Bylaw.
- 4) Annual Report 2022.
- 5) Draft of Tiny Houses Bylaw

# Sheffield Planning Board

Date: 2.8.23

PLEASE PRINT: Your Name

Street, Town

Josh Risen	Pixley Hill Rd. Weststockbridge
Rene Wood	928 Boardman St, Sheffield
Dennis Seans	" " " "
Dana Cumming's	153 Bowwood Rd "
JAMES KENNEDY	79 ASHLEY FALLS ROAD
Rick Macdonell	7