

APPROVED ON 9/17/19

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – September 3, 2019

Present: Thomas P. Wickham, Chair, Patricia D. Carlino and David Consolati, Board of Selectmen and Christopher Ketchen, Chief Administrative Officer (CAO).

Chairman, Thomas Wickham called the meeting to order at 7:00 PM

1. **Approval of Minutes:** *Upon a motion duly made and seconded, the Board members voted unanimously to approve the Open Session Minutes of August 20, 2019.*
2. **Public Hearings:** i) Canna Provisions, Inc. – Special Permit Continuance - Meg Sanders came before the Board to speak of their application for a cultivation/manufacturing location. She showed renderings of the original location which was not ideal and showed a second location with final renovations. She stated that the building would not be visible from the street and there would be security fencing which would start at the building and continue on to the gate. Meg also showed pictures of the parking with a delivery area available. She stated that their deliveries would generally come in box trucks. She showed the greenhouse portion and the breakdown area for packaging, storage, offices, etc. The Board had not received a letter from the Planning Board at this point, but Chairman Wickham, being also a member of the Planning Board, summarized the Planning Board meeting: The Planning Board determined that the parking lot should be smaller as they were over by 30 spots. They talked about the generating system in case the power goes out. The garbage will be fenced in with the rest of the utilities on the other side. They placed a condition that the charcoal scrubbers would be checked in one year to make sure there were no problems. The Planning Board suggested downcast lighting and blackouts for the buildings. The property is in OPLI zone, so this purpose is allowed in this area. The congestion of traffic is minimal. The natural landscaping was mostly untouched. Operating hours are from 8:00 AM – 8:00 PM, with nothing at nighttime. There would be no pedestrian traffic and the building is totally secure. The Planning Board voted unanimously to pass this on to the Select Board for Special Permit.

CAO, Christopher Ketchen asked if the final plan was the one seen by the Planning Board, to which Tom answered that it was.

Kathy Hall came before the Board and asked who would oversee the odors and could we get an independent person to come in and inspect. Tom answered that our Building Dept.

is the independent person and the Cannabis Control Commission (CCC) has strict regulations which must be followed.

Christopher Ketchen commented that the sewer easement on the original site was problematic and wanted to make sure that the building does not encroach on the easement. Tom stated that the easement is under the parking lot which makes it more accessible if there were any problems.

Chairman Wickham stated that they would now vote on the five findings in order to grant a Special Permit:

1. Is in compliance with all provisions and requirements of this chapter and in harmony with its general intent and purpose; Is in compliance because it is in the proper zoning district.
2. Is essential or desirable to the public convenience or welfare at the proposed location; Is essential or desirable at the proposed location as it is located and allowed in the OPLI (Open Park Light Industrial) Area.
3. Will not be detrimental to adjacent uses or to the established or future character of the neighborhood; Is not detrimental as it is in an Industrial Park, not a neighborhood.
4. Will not create undue traffic congestion or unduly impair pedestrian safety; There is no pedestrian safety issues as safety and the traffic configuration are designed for business; and
5. Will not overload any public water, drainage or sewer system or any other municipal facility to such an extent that the proposed use or any existing use in the immediate area or in any other area of the town will be unduly subjected to the hazards affecting public health, safety or general welfare. There is very little discharge of phosphates and very little water being used.

Upon a motion duly made and seconded and upon a roll call vote (as follows), the Board Members voted unanimously to grant a Special Permit to Canna Provisions for the Construction of a marijuana cultivation and extraction facility.

AYES

NAYS

Patricia Carlino

none

David Consolati

Thomas Wickham

ii) NStar Electric Company d/b/a Eversource - CAO, Christopher Ketchen interrupted the Chair to let him know that he was informed by the Town Clerk that the application for the pole permit is being pulled as the pole in question is on private property.

3. **General Business:** a. 2019 Lee Founders Weekend Schedule - Chairman Wickham commented about the fireworks for the last 2 years. The first year Susie Brown at Lee Bank took a chance. It was a risk and a challenge but everything went smoothly. The 2nd year was a bit bigger and this year LB Corp. (Garrity's) donated the use of their property for the launch site and everything again went smoothly. Thank you to LB Corp and Lee Bank.

Friday, Sept. 13th will be the "Taste of Lee" with music and food on Main Street. The road will be closed and at 8:00 PM will be the fireworks display. It should be a good time for everyone.

b. Discussion of Appointments to Special Act Review Committee – At our last annual Town Meeting we created a special act review committee of five (5) members to be appointed by the Board of Selectmen. We hope to start soon and be done by January. The members will consist of Dennis Mountain, John Graziano, John Davidson, Janet Warner and Susan Kelley. Chris will explain duties and will send e-mail. We have a good mix of people consisting of a retired teacher, a town representative, finance committee member, former town accountant, retired DOR staff member, a former Treasurer/Collector, a retired banker and the Board thanked them all for serving. Patty stated that the five of them will meet and at their discretion, figure out who will be chairman and what times they will meet. Chris Ketchen, pointed out that this is mandated by town meeting vote. The Town Special Act, Chapter 471, dated October 1990 will be 30 years old next year and the material included in that act is structured for a much different time than the one we're in. This will be due in January and at that time the Selectmen will hold a meeting to discuss the contents of the report for general reactions by the public and will go forward from there. Because of the changing world and population, we need to see what changes need to be made. David Consolati thanked the five participants for donating their time. *Upon a motion duly made and seconded, the Board members voted unanimously to appoint Dennis Mountain, John Davidson, John Graziano, Janet Warner and Susan Kelley to be the members of this newly formed Special Act Review Committee.*

4. **Pending Business:**

None.

5. **Chief Administrative Officer:**

- a. Review of an updated Tri-Town Health District Intermunicipal Agreement – Jim Wilusz, along with Board Members Bob Wespiser and Carissa Vincent came before

the Board to present the Tri-Town Health District Intermunicipal Agreement. After a discussion regarding the updates, *the Board members voted unanimously to accept and sign the Tri-Town Health District Intermunicipal Agreement and to pass it along for Lenox and Stockbridge to sign off on it.*

6. Public Comments:

The Board members congratulated Officer Adrian Kohlenberger on his retirement and wished him good luck.

Congratulations on Chief Ryan Brown one of Berkshires 25.

Christopher Ketchen also acknowledged the Fire, Rescue, EMS in their receipt of a FEMA grant in the amount of \$224,000.00 for the replacement of breathing apparatus and outfitting the rescue vehicles with defibrillators.

Christopher Ketchen commented on the DPW's opening of bids for the 2nd paving project of the year. The bid for the entire paving of Maple Street came in at \$280,000.00, a very competitive bid.

7. **Next Regular Meeting:** The next regular meeting is scheduled for Tuesday, September 17, 2019.
8. **Motion to Adjourn:** *Upon a motion duly made and seconded, the Board members voted unanimously to adjourn the meeting at 8:00 PM*

Respectfully submitted,



Cindy L. Bigelow,
Secretary to the Board of Selectmen

Notice of Website Posting Sent to:

Board of Selectmen
Town Administrator
Town Clerk
Town Collector
Planning Board

Board of Assessors
Board of Health
Conservation Commission
Police Chief
Building Inspector

Dept. of Public Works
Town Treasurer
Town Reps. District Chairmen
Superintendent of Schools
Town Accountant