

PLANNING BOARD

DATE: August 22, 2019
TIME: 6:00 P.M.
PLACE: Large Meeting Room
FOR: Regular Meeting
PRESENT: Brandee Nelson, Chair; Malcolm Fick; Jonathan Hankin; Jeremy Higa;
Pedro Pachano
Garfield Reed, Associate Member
Chris Rembold, Town Planner

Ms. Nelson called the meeting to order at 6:02 P.M. Mr. Higa had not yet arrived.

FORM As:

Patrick McColgan was present with a Form A application on behalf of Myrin Institute at 58 Monument Valley Road. The plan creates parcels on the east side of Monument Valley Road. Lot 1A contains 2.01 acres of land. Lot 1B contains 1.214 acres of land. Lot 1C contains 50.411 acres of land. Lot 2A contains 16.363 acres of land and is included in the area of Lot 1C.

Mr. Hankin made a motion to endorse the plan, Mr. Fick seconded, all in favor.

Mr. Rembold said that Joe Grochmal would be joining them on the phone. The Board welcomed Mr. Grochmal to the meeting.

MINUTES: AUGUST 8, 2019

Mr. Hankin made a motion to approve the minutes as amended, Mr. Fick seconded, all in favor.

PERMIT REVIEW: WIRELESS TELECOMMUNICATIONS FACILITY

Mr. Rembold said the Board sent comments to the Building Inspector expressing concerns about the cumulative emissions from the facility exceeding what is allowed by the FCC. He said the attorney for the applicant, Edwin Pare, is present to discuss the Board's concerns.

Mr. Higa arrived at 6:10 P.M.

Mr. Pare introduced AT&T's consultant, Don Haes who would discuss the details of the emission report.

Ms. Nelson asked when the report had been received.

Mr. Pare said he had just provided the report.

Ms. Nelson said it is very dense and difficult for the Board to process this amount of information in such short time.

Mr. Pare said he understands. He said the report demonstrates that the bylaw requirements have been satisfied. He turned the discussion over to Mr. Haes.

Mr. Haes said he provided a summary of his report. He said he has worked in the field for 40 years. He said the previous report was overly conservative and beyond what is normal.

Mr. Haes said he went to the site with all of his equipment because he wanted to know what exactly exists at the site especially because it is a hospital.

Mr. Haes said he looked at two area, the areas that can be controlled and the uncontrolled area, the area is not under the control of the property owner.

Mr. Haes said the controlled area will have signs or barriers. The roof top will be controlled with barriers.

Mr. Haes said he took field measurements at thirty different locations including on the ground and in the mechanical room. He said the highest reading was 50%, half, of the allowable limit. He pointed out that there is an FM antenna on the roof. He said the FM station was approved for up to 500 watts. The installed an antenna that is 100 watts. He recommended that should the FM station decide to put in the 500 watt, a RF engineer be hired to place the antenna.

Mr. Haes said his calculations included all of the antennae on the site. He directed the Board to page 26 of the report. He said there are additional roof calculations on pages 29 and 30.

Mr. Hankin asked if the ground calculation is from the line of sight or from the ground.

Mr. Haes said the calculation on page 26 has the ground calculation at 58 feet from the roof to the ground.

Mr. Hankin asked if the calculations include all of the existing antennae and the antennae that will be added.

Mr. Haes said all of the equipment, existing and to be added, is included in the calculations.

Mr. Hankin asked about the abutting house 250 feet away that at the same horizontal level as the antennae. The report shows the emissions are 7-8% of the allowable level. He asked if those levels are a health hazard.

Mr. Haes said there is no health hazard. He explained the levels of exposure to workers that are .08 watts per kg over a 30 minute period. The levels are less than what a cell phone emits.

Mr. Hankin asked if 100% would present a health risk.

Mr. Haes said no as that is the threshold.

Mr. Pachano said the antennae emit significantly more than 100% of what is allowed.

Mr. Fick said the report says the emissions are 840% of allowable limits for the general population. Mr. Haes report said it is 50% of allowable limit. Why is there such a discrepancy?

Mr. Haes said their report was theoretical. They made assumptions that based on pictures. He said he went into the field and took actual readings.

Mr. Hankin asked if the roof acts as a shield.

Mr. Haes said not so much for the FM emission.

Ms. Nelson asked if there were any other questions from the Board. There were no further questions.

Mr. Haes said he is an independent consultant. He said he is not an employee of AT&T.

Mr. Rembold asked the Board if it wanted to revisit the recommendation to the Building Inspector. He read the letter.

Mr. Fick made a motion to send a revised recommendation to the Building Inspector that all the requirements of the bylaw have been satisfied, Mr. Hankin seconded, all in favor.

Mr. Rembold reminded the Board that the BCRP 5th Thursday meeting will discuss 5G technology. He said both Mr. May and Joe Grochmal will attend.

SPECIAL PERMIT: FULCRUM ENTERPRISES, LLC

Attorney Kate McCormick was present for the applicants. She said the owners of Fulcrum Enterprises are William Heck, David Ross, Jerad Lauzier and John Heck. Also present with Ms. McCormick, Jim Scalise from SK Design; Dr. Liz Kelly, Clint Wynne Jr. and John O'Brien.

Ms. McCormick provided a handout to the Board titled *Special Permit Fulcrum Enterprises 22 VanDeusenville Road, Great Barrington*. The handout does not have a date on it.

Ms. McCormick read through the handout that gave a summary of the project. Ms. McCormick said the goal is for the Planning Board to send a favorable recommendation to the Selectboard.

Mr. Scalise, Civil Engineer from SK Design, discussed Site Plan Review. He said there are two points of access to the site, a gravel driveway and a gravel road. The site has a 20-25 foot tall gravel pile on the site.

Mr. Scalise said the site will be served by Housatonic Water Company.

Mr. Scalise said the proposed grade for the site is 2% and the existing grade is 2% so the finished grade will be + or – the existing grade. There will be very little site work.

Mr. Scalise said the proposed building will be near the gravel driveway with the parking located between the building and the driveway. He said the perimeter needs to be established. The building will establish the south boundary. A chain link fence will surround the entire property to secure the perimeter. There will be cameras to secure the perimeter.

Mr. Fick asked how the employees will enter the building.

Mr. Scalise said the employees will go through the building from the parking lot. They will only be able to enter the site through the building. He said there will be 4 employees and up to ten when it gets busy.

Mr. Scalise said the areas between the greenhouses will be planted. He said there will be no concrete floors the greenhouses will be on the gravel surface. He said the roof run off from the greenhouses will drain into bio-retention cells between the greenhouses then ultimately infiltrated through the ground. He said there will not be a big change I how the water is currently drained that being the water is diverted through a pipe runs under VanDeusenville Road.

Mr. Scalise said there will not be a significant traffic impact. The use is a manufacturing use on an industrial site. Up to 15 employees are allowed. The site will generate a low amount of traffic that will be well below the standard.

Mr. Scalise said the water on the site will primarily be used for irrigation. There will be a recycling area at the end of the two small greenhouses. The intention is to compost the material that is not used. There will be no value to the material that will be composted.

Mr. Scalise said a dumpster will be on site for trash. The product is regulated so no part of the product will be put in the trash.

Mr. Scalise said there will be 7 parking spaces. Five parking spaces are required by the bylaw. Additionally there will be room at the adjacent residential house that is not occupied.

Ms. Nelson asked about the land clearing. She said some trees will be removed where the building is to be located.

Mr. Scalise said yes. He said less than a quarter acre will be cleared.

Mr. Scalise discussed the landscaping. He said there are trees with high canopies along the railroad tracks. He said the site is lower than the road so it is visible. He said there will be a 50 foot buffer strip along the fence line. He referred the Board to the sight profile portion of the plan.

Ms. Nelson asked if the profile was to scale for sign. She asked for the height of the structures.

Mr. Scalise said the sight is 18 feet or less.

Ms. Nelson asked if the profile is to scale.

Mr. Scalise said yes, it is scaled to 17 feet.

Ms. Nelson asked about the building.

Mr. Scalise said the building will be 30 feet in height. He said there will be a gable roof. He said part of the security plan is for a van to be able to be driven into the building. The building needs to be able to have an overhead door.

Ms. Nelson said she didn't see anything showing an overhead door.

Mr. Scalise said there is room for a double overhead door on the back side.

Mr. Hankin asked about harvesting the plants.

Mr. Scalise said area where the plants are to be harvested and processed will be in a secure area. He said there is a specific process.

Ms. Nelson asked what color the building will be.

Mr. Scalise asked for a color recommendation from the Board. He said he thinks earth tones would be appropriate.

Ms. Nelson asked if the building will be self-sufficient.

Mr. Scalise said the building will not produce any energy.

Mr. Fick asked about odor suppression.

Mr. Scalise said a product will be misted over the exhaust area for all of the buildings. The mist will have a chemical reaction with the odor to neutralize the smell. He said the product is used at transfer stations and landfills. He said this would be a simple project to manage.

Ms. Nelson said she didn't see where the mist would be used on the processing and drying building.

Mr. Scalise said that needs to be shown. The same process for the greenhouses will be applied to the other building. He said there will be odor for only 3-6 times a year.

Mr. Scalise said if there are odor complaints from an abutter someone will go to the abutter's home to discuss their issue.

Mr. Scalise said there will be landscaping along the east and west side of the property line. Landscaping will be a low vegetated type of plant.

Mr. Scalise said it is not intended to light the site. He said there will be specific lighting that will be motion activated. The lighting will be mounted at 15 feet in height. The lights will be 38 watts directed downward. The lights will be dark sky compliant. There will be an infra-red camera system in place. There is an integrated approach to security proposed for the project.

Ms. Nelson asked if all the lighting is motion sensitive. She asked if there will be security lighting on the processing building.

Mr. Scalise said everything will be motion sensitive. He said lighting the site does not seem appropriate. The fence would have to be jumped to activate the lighting.

Ms. Nelson asked if the greenhouses will need illumination.

Mr. Scalise said there is no lighting proposed in the greenhouses.

Mr. Hankin asked when the active growing season is.

Mr. Scalise said May to October.

Mr. Hankin said processing will take place during the other months.

Mr. Scalise said yes.

Mr. Scalise said there is an on-site septic system. It will be modest but a heavy duty structure that can be driven over.

Mr. Rembold asked about utilities.

Mr. Scalise said the sewer will be on site, the water will be provided by Housatonic Water Company. He said he expected an electric bill for about \$500 per month.

Ms. Nelson asked if there will be heat for the greenhouses.

Mr. Scalise said no.

Ms. Nelson asked if there was a commitment from Housatonic Water Company.

Mr. Scalise said yes. He said there will be limited water use.

Mr. Hankin asked if drip irrigation would be used.

Mr. Scalise said yes.

Mr. Rembold asked if there will be any waste water from the greenhouses.

Mr. Scalise said no. He said there will be no chemicals going into the ground.

Mr. Rembold asked that a commitment letter from Housatonic Water Company be submitted to the Board.

Mr. Scalise said he would provide the letter.

Ms. Nelson asked what color temperature is being proposed for the light.

Mr. Scalise said that has not been specified.

Ms. Nelson said the color temperature relates to how the light is perceived. She said she would prefer a 3,000 K because it is a warmer light.

Mr. Scalise said that would be fine.

Mr. Hankin asked how long the drying process will take.

Mr. Scalise said it would take 4-6 weeks. He said the drying will be staged.

Ms. Nelson asked if the existing house would be getting water from the 10 inch main.

Mr. Scalise said he didn't check. He said the house is not currently occupied.

Mr. Pachano said when he reads the Use Table this use falls under Consumer Services.

Mr. Rembold said this is being considered as a manufacturing use. He suggested discussing Mr. Pachano's interpretation later.

Mr. Pachano asked if there is a special permit for the house.

Mr. Rembold said the house most likely pre-dates the Industrial Zone.

Mr. Scalise said there will be no pedestrian access.

Ms. Nelson asked if there will be a dumpster on site.

Mr. Scalise said yes. He said there will be no signage anywhere at any time.

Mr. Hankin asked how people will located the site.

Mr. Scalise said the directions will be very specific and there will be only one vendor.

Dr. Kelly discussed the landscaping. She provided a handout to the Board titled *Site Plan Plantings*. The handout has the logo from Resilience Planting & Design, LLC. The plan is not dated.

Dr. Kelly went through the handout. She said the Great Barrington Pollinator Plan was used to create diverse and multi-functional vegetated boundaries. She said there will be a variety of trees and shrubs on the west side. There will be wildflower species and similar species on the east side.

Ms. Nelson asked if Dr. Kelly would be consulting on the compost management.

Dr. Kelly said partly. She said she is helping to create the compost that will work for the product.

Ms. Nelson asked if the compost would be applied to the plants in the greenhouse.

Dr. Kelly said yes.

Ms. Nelson asked if pollinators were wanted on the site.

Dr. Kelly said yes.

Ms. Nelson said she doesn't see any trees that would screen the site.

Dr. Kelly said there are a variety of shrubs that will grow between 6 feet to 15 feet.

Ms. Nelson said she would like to be provided with the starting height of the plants. She said she does not want to have 18 inch high plants installed as that will not function as screening.

Dr. Kelly said the plants can be installed at 3 feet to 4 feet, maybe taller. The screening will not be filled in entirely.

Mr. Hankin asked about the proposed milk weed.

Dr. Kelly said it is part of the wildflower seed mix.

Mr. Pachano asked if the site will be maintained by mowing.

Dr. Kelly said there will need to be more discussion regarding the maintenance. She said it will be to everyone's benefit to have the site maintained. She said we will need to create a specific maintenance plan to make sure there are no gaps in the screening.

Ms. Nelsons said she thinks there needs to be more screening.

Mr. Hankin disagreed. He said the greenhouses are not clear.

Ms. McCormick said she appreciates the concerns about the visual aspects of the project and the odor. She said there will be questions that the structures are greenhouses but there will be no way to know what is growing inside. She said for security purposes we don't want to create a larger detriment to the facility. Too much screening will provide hiding areas that we don't want to create.

Ms. Nelson said there will be cameras on the site.

Ms. McCormick said yes but we don't want to make create areas where people can hide. The police need to be able to see if someone is in the screening areas.

Mr. Fick said the plan indicates that the sides of the greenhouses can be lifted.

Ms. McCormick said the sides will be down at all times.

Mr. Scalise said the proposed planting plan provides a balance for law enforcement but also an aesthetic balance for abutters.

Mr. Fick said the plan shows that the line of sight will be blocked.

Mr. Scalise said we are screening the line of sight.

Ms. McCormick asked that plants not be added just to add plants.

Mr. Hankin asked why there needs to be so much screening. He said if the greenhouses were growing tulips we would not be requiring so much screening.

Ms. Nelson said the use demands security.

Mr. Hankin said we will still see the chain link fence.

Ms. Nelson said she is trying to get to the intent of the landscaping, is it to provide screening or not.

Mr. Fick said he was under the impression that there would be plantings along the entire fence.

Mr. Scalise said it is not the intent to plant along the entire fence line. He said under normal circumstances the screening would be dense but the intent is to balance the requests of local law enforcement.

Mr. Hankin said he thinks the plantings should be intended to soften the fence line not be screening of the greenhouses.

Ms. Nelson asked that the landscape plan revised to show the size of the plants when installed, the replacement size should replacement be necessary and location of clustered plantings.

Mr. Hankin added that on the legend show the height of the plants at maturity.

Ms. Nelson asked to see what will be planted between the new building and VanDeusenville Road.

Mr. Scalise said there is no intention to plant anything between the building and the road.

Ms. Nelson said ok. She asked if there will be any change to the berm for the solar farm.

Mr. Scalise said no.

Ms. Nelson asked if the arborvitae would be fenced with deer fencing.

Dr. Kelly said no.

Mr. O'Brien from NCM Environmental Solutions was present to answer questions from the Board.

Ms. Nelson asked where the proposed system is currently installed.

Mr. O'Brien said his product is currently being used at the Chicopee landfill and the Marlborough landfill.

Ms. Nelson asked where the closed cannabis facility is located utilizing the system.

Mr. O'Brien said the closest facility is on the west coast, California, Washington and Oregon. He said he tries to work with sites and to directly train staff on site on how to operate the system.

Mr. Hankin asked if there is a specific greenhouse that mirrors this project.

Mr. O'Brien said in Oregon there is a similar system that runs consistently during the most odorous times. The product neutralizes the odor.

Mr. Pachano asked if humans maintain the control of the system.

Mr. O'Brien said no it is automatic.

Mr. Pachano asked if there is a way to monitor the odor.

Mr. O'Brien said there is no technology to monitor where odor travels.

Mr. Pachano asked if the system is operated by workers.

Mr. O'Brien said the system is operated by a temperature setting.

Mr. Pachano asked about the mist substance.

Mr. O'Brien said there is a 1,000 to 1 ratio of the mist mixture. The exposure concern is very low. The solution is not hazardous. He said the solution would be safe to drink but he wouldn't recommend it.

Mr. Pachano asked if there is a residue left after the mist evaporates.

Mr. O'Brien said no. He said it is a safe effective product. It could be used in homes to eliminate smells in the trash. There are no adverse effects.

Ms. Nelson said the product is typically unscented but a scent is used calibrate the control.

Mr. O'Brien said yes. He said the odor control can be adjusted at the building.

Ms. McCormick said there is a data sheet collection on the toxicology of the solvent.

Mr. Hankin asked if there are exhaust fans at both ends of the greenhouses.

Mr. O'Brien said no.

Mr. Hankin asked when the odor is the strongest.

Mr. O'Brien said the odor is strongest from mid-September to harvest.

Ms. Nelson asked if the facility in Oregon is in operation.

Mr. O'Brien said yes, it has been in operation for 4 years.

Mr. Pachano asked if there have been any complaints.

Mr. O'Brien said there haven't been any complaints.

Mr. Pachano asked if there will be an issue with odor if the double door is left open.

Mr. O'Brien said the growing and drying process is different.

Mr. Higa asked if the product is pet safe.

Mr. O'Brien said yes.

Mr. Higa asked if the top of the greenhouses would be open.

Ms. McCormick said no.

Ms. Nelson said the fan trigger for the odor control is the temperature. She asked if there will be an ambient odor from the site when there is nothing to trigger the fan.

Mr. O'Brien said there is a smell inside not outside of dispensaries. There may be some odor when the door opens but not outside.

Mr. Hankin asked how much noise will the fans make.

Mr. O'Brien said he doesn't know. He said the heat of the day will drive the fans.

Ms. Nelson asked at what temperature will the fans kick on.

Mr. Ross said the fans will come on when the temperature is between 75 and 80 degrees. They will run all day when it is hot. He said when it is too cold for the fans to come on by themselves they will come on for CO exchange every hour.

Mr. Fick asked if there will be odor control in the building.

Mr. Ross said there will be units in the building to evacuate directly outside.

Mr. Hankin asked how four people can manage the operation.

Mr. Ross said the plant growth will be staggered.

Mr. Pachano asked about manufacturing oils.

Mr. Ross said the products will be based on consumer demands. He said the goal is to sell the extracted material.

Ms. Nelson asked if there are two separate licenses for the cultivation and manufacturing.

Ms. McCormick said yes.

Mr. Ross said there will be a C1D1 engineered manufacturing lab, 16 feet by 26 feet. There will be a bio-rating solvent to extract the compound. He said there will be a fire suppression system in the building.

Ms. Nelson asked if there had been a discussion with the Fire Chief and the Building Inspector about the lab building.

Ms. McCormick said yes. It is a pre-manufactured certified building. There are no issues.

Ms. Nelson asked if there were any other questions from the Board. There were none.

Mr. Rembold recapped what the Board is requesting;

- A letter from the Housatonic Water Company
- Clarification of the light temperature
- The height of the plantings when installed and when mature
- Revision of the landscaping plan
- A maintenance plan for the plantings
- Odor control in the drying building
- More information regarding air pollution

Mr. Rembold said the requested items are related to Site Plan Review. He said the Board might be ready to proceed with a recommendation to the Selectboard.

Ms. Nelson said the Board will set SPR aside until we have the items discussed. She said we will read through SPR criteria to make the applicant aware of what they need to return with.

Ms. Nelson read through SPR.

Ms. Nelson said she feels the need for additional screening for the neighbors to the north.

Mr. Higa said there are State guidelines about screening but the Town Police Department has requirements too.

Ms. Nelson said the Police Department would like to have screening that would give them view of the site.

Mr. Hankin said he thinks screening is wrong the goal should be to soften the site.

Ms. Nelson said she feels there need to be a good buffer for the neighbors.

Mr. Hankin said the site is separated by a 100 feet from the railroad track and the neighbors have screening.

Ms. McCormick said softening is ok but she is concerned if there is too much screening. She said this is in the Industrial zone. She said greenhouses with dropped sides are being installed.

Ms. Nelson said she will set her opinion aside for now and wait to see what the applicant returns with.

Ms. Nelson asked the applicant to return with the color temperature for the light and how the lights and sensors will work. She recommended that the light temperature be 3,000k.

Mr. Hankin asked if the entire perimeter will light up.

Ms. McCormick said yes.

Mr. Scalise said the camera information will be provided to the police.

Ms. Nelson asked if there will be any fuel stored on site.

Mr. Scalise said maybe a propane tank to heat the building.

Ms. Nelson asked Mr. Rembold to condense the requested information and provide to the applicant.

Ms. Nelson asked the Board about sending a recommendation to the Selectboard for the special permit.

Mr. Fick went through 7.18. It was determined that there was nothing applicable. He read through 10.4.

Mr. Pachano said he believes the application conforms to zoning.

Mr. Fick said he didn't think he could make a recommendation on the socio-economic impact. He said he feels it meets the general requirements.

Mr. Fick made a positive recommendation to the Selectboard as the application meets the requirements of 7.18 of the zoning bylaws and it also meets the site requirements included in the list of criteria for the special permit, Mr. Pachano seconded.

Mr. Higa asked if we are commenting on anything.

Ms. Nelson said we are commenting as we normally do.

All in favor.

This item will be on the agenda for the September 12 meeting.

Ms. Nelson moved Citizen's Speak up on the agenda.

CITIZEN'S SPEAK TIME:

Michelle Loubert, 70 Division Street, read a statement she prepared and distributed via e-mail. The statement is dated August 22. Ms. Loubert is strongly opposed to the Fulcrum project on VanDeusenville Road. Her statement details her opposition.

Doug Stephenson from North Plain Road said there are residents directly down the street from the industrial zone. He said the last bit of gravel was harvested from the site during the development of the industrial park. He said there were many issues with the site during the excavation of gravel. He suggested that the Board talk to the neighbors. He said it is important for the neighbors and their property values need to be protected.

A resident from 325 North Plain Road encouraged the Planning Board to have discussions with similar communities in California, Oregon and Florida. The resident expressed concern about volatile substances on the site. She said the Board has let down residents of Housatonic.

James Bailey from Housatonic said he witnessed the gravel operation on the site. He said there was a subdivision approval that should be looked at to see what conditions were put on the site. He asked if anyone on the Board had looked at the previous permits for the site. He said there were many stipulations for the property that should be looked at.

Garfield Reed from Castle Hill Avenue said he is very opposed to the Fulcrum project. He said there have been problems in other states that allow the growing and manufacturing use. The concerns expressed are sound. There was a lot of rhetoric from the applicants. He said he feels that there is no respect for that part of Town. He said he didn't know what the business would do for him as the taxes in Town will still be high. He said he doesn't know why the Town needs a grow shop of 5 pot shops.

Mr. Hankin asked Mr. Rembold if he could get information on the expected decibel levels of the fans and the cumulative level of all of the fans.

Mr. Fick said if there are hazardous chemicals to be located on the site we should know how are stored and how long they will be stored on the site.

Ms. Nelson asked if the Fire Chief reviewed the plan.

Mr. Rembold said he had reviewed the plans but he didn't know if he had any comments.

No one else spoke.

OPEN SPACE SURVEY:

Mr. Pachano said there were many comments from the Board regarding the use of open space in Town. He said there will be a meeting to discuss the comments prior to putting a survey together. He thanked the Board for their comments. He said they were very helpful.

ZONING AMENDMENTS:

Mr. Rembold respectfully requested to defer the zoning amendment discussion.

Mr. Hankin said he wanted to know if the zoning articles pulled from the warrant would be discussed for the next ATM. He also wanted to know if the PURD bylaw would included.

Mr. Rembold said they are all on the list.

Mr. Pachano said he wanted to pursue the affordable housing section.

The Board will discuss this item at their next meeting.

TOWN PLANNER'S REPORT:

Mr. Rembold notified the Board that there will be a public hearing in West Stockbridge for the creation of a solar overlay district. He said the town of Egremont will discuss ADUs at a meeting on September 23. He said there will be a discussion of the Housatonic School in Housatonic on September 10.

Mr. Rembold reminded the Board there would be a joint meeting with the Selectboard next Thursday, August 29 at 7:00. There will be a focus on the Master Plan review.

Ms. Nelson said housing issues and marijuana will also be on the agenda.

Mr. Rembold said at the next meeting scheduled for September 12 there will be a special permit recommendation for 79 Bridge Street, the former Searles School.

Mr. Pachano asked if he could get a copy of the previously approved special permit.

Mr. Rembold said the new application goes through how the plan has been revised from the approved plan but he would send it.

Ms. Nelson said the next meeting will start at 6:00. The Board scheduled a site visit for 5:30 at 79 Bridge Street.

BOARD & COMMITTEE UPDATES/ISSUES & CONCERNS:

Mr. Higa said the step 1 dead line for CPA funds is October 4 at 4:00 P.M.

Ms. Nelson asked if the Board would be sponsoring an application.

Mr. Rembold said it would be discussed at the joint meeting.

Mr. Pachano said he would like to have the Design Advisory Committee taken out of the zoning bylaws. He said DAC exists as a sub-committee. He does not think it should be under the purview of zoning. He said he would like to open DAC up to other boards and entities in Town for reviewable items.

Having concluded their business, Ms. Nelson adjourned without objection at 9:29 P.M.

Respectfully submitted,

Kimberly L. Shaw

Kimberly L. Shaw
Planning Board Secretary

MEMORANDUM

TO : Great Barrington Select Board
Great Barrington Planning Board
Great Barrington Board of Health
Great Barrington Conservation Commission

FROM : Michelle Loubert
70 Division Street
Great Barrington, MA 01230

RE : Fulcrum Enterprises, LLC
Proposal for Marijuana Cultivation and Manufacturing
22 Van Deusenville Road, Great Barrington (Housatonic), MA
Special Permit Application

DATE : August 22, 2019 (via email to the office of the Town Clerk; Chair of the Select Board)

Introduction: As a resident of 70 Division Street, one street over from this proposed project, this is a very anxious time for my family. Since Fulcrum's community outreach May 28, 2019, I've conducted extensive research in order to educate myself on the rules, regulations, and laws (both state and local) that involve the marijuana industry. With this project in particular, I have numerous fears and concerns which the time allowed at a public hearing will be far too brief to express. Therefore, please accept this Memorandum as my public statement. Thank you.

This memorandum is submitted in opposition to the special permit application of Fulcrum Enterprises, LLC. The proposed project is a Tier 10, 80,000 square foot cultivation and manufacturing facility. This will include 15 greenhouse structures as well as a "pre-fabricated steel building" (2). It is my understanding that this facility would have the ability to later expand to Tier 11. It has been stated that Great Barrington zoning designates this area as (light) industrial. Many years ago (late eighties and into the nineties) this zoning as well as the current industrial business that is currently present at this location met with fierce opposition by neighborhood residents. This (light) industrial area—once farmland—is embedded in a residential (R2) zone, mixing industry with neighborhoods comprised of numerous family homes many of which house children and senior citizens. The Fulcrum application makes little reference to the neighborhoods surrounding the proposed site focusing rather on the current businesses in the area. Any indication of the surrounding R2 zone on application attachments is noticeably absent.

Of important note: It has recently been discovered that Assessor's records (*Residential Property Record Card*) shows 22 Van Deusenville Road zoned as **R2 (residential)**.

The addition of this Tier 10 marijuana cultivation and manufacturing project will only compound what I believe to have been a somewhat misguided zoning decision by previous elected officials; this area is hardly a nod to *thoughtful* economic development. It is my opinion that if this project receives special permit approval, it will further degrade this area and the surrounding areas while diminishing residents' enjoyment of property, health and well-being.

Fulcrum Enterprises, LLC held two community outreach meetings; one of May 14, 2019 and a second on May 28, 2019. The May 14, 2019 community outreach was poorly publicized although it did meet legal requirements. However, because the town of Great Barrington's usual practice is to display notices of community outreach meetings on its website and did not in this instance, citizen concerns were raised which resulted in a second, better-publicized community outreach meeting on May 28. Unfortunately, the second community outreach meeting did not provide sufficient responses to attendees' questions. This raised concerns for me, so much so I communicated these concerns to the Cannabis Control Commission.

The Fulcrum application states, "the project use is an **agricultural use**, a marijuana cultivation facility" (Application, page 10 of 25). This is incorrect. According to current zoning and as confirmed by the Town Planner, "it's a commercial enterprise subject to Section 7.18 and a Special Permit." (Email 8/5/19). Therefore, the project would be required to adhere to the zoning, rules, and regulations for such use. To be best of my ability, knowledge, and experience, I referred to the following local and state regulations and guidance:

- 22 Van Deusenville Road is designated "T" under town zoning. This, per the town bylaws, is **Light Industry**.

Due to this "industrial" zone being embedded in an R2 residential area, I deferred to town zoning bylaw language as to Smart Growth Overlay Districts. Here, language references Light Industrial Use.

It appears that the SGOD was created to benefit residents, and "to benefit the general health and welfare of our residents and the region." Although 22 Van Deusenville Road is not SGOD, the residents in the area deserve to have their "general health and welfare" protected. Under this section of the zoning bylaws, under "**Light Industrial Use**" it reads, "Fabrication, finishing, packaging or assembly operation utilizing hand labor or quiet machinery and processes, that are free from agents disturbing to the neighborhood, including but not limited to odors, gas fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electromagnetic radiation, heat or vibration." This language should be taken into consideration when reviewing the Fulcrum Enterprises LLC proposal. As a matter of fact, the Rising Mill area is designated as SGOD and includes language as to Light Industrial Use; 22 Van Deusenville Road is simply on the other side of the Housatonic River; citizens of this neighborhood deserve similar protections.

- Great Barrington Zoning Bylaws 7.18: **Marijuana Establishments and Medical Marijuana Treatment Centers.**
- **935 CMR 500.000** (Note: 935 CMR 500 is currently being revised. Drafts for 935 CMR 500.000, Adult Use of Marijuana and 935 CMR 501.000, Medical Use of Marijuana (as of 7/5/19) are available on the CCC website. It is my understanding the revised regulations will be in effect in September.
- State template Regulation to **Ensure the Sanitary and Safe Operation of Marijuana Establishments and the Sale of Adult-Use Marijuana and Cannabidiol** (Local review pending)
- **MA Cannabis Control Commission** (Guidance Documents; telephone communications)

- (As provided by the Great Barrington Board of Health), Title XVI, Chapter 111, Section 143:

As stated in this document:

"No trade or employment which may result in a nuisance or be harmful to the inhabitants, injurious to their estates, dangerous to the public health, or may be attended by noisome and injurious odors shall be established in a city or town except in such a location as may be assigned by the board of health thereof after a public hearing has been held thereon, subject to the provisions of chapter forth A and such board of health may prohibit the exercise thereof within the limits of the city or town or in places not so assigned, in any event."

Opposition Points

Location, scope, and other concerns (security, lighting, noise, etc.)

The proposed project is an 80,000 square foot facility comprised of 15 greenhouses of opaque material, with a manufacturing building, directly across the street from residences as well as surrounded by other residences in the area (example, one street over is Division Street; another street over, North Plain Road; another street over is Park Street North; and the Housatonic village is in the middle).

This is a massive project to be located in a small, rural residential neighborhood. Although the current gravel business is visually unpleasant and has marred this once farmland, to allow another, equally invasive business into the area will only compound the degradation of this neighborhood. Recently, there has been the addition of a solar installation at this location. Screening of this installation is minimal at best and is not sensitive to the view experienced by residents across the street. As a matter of fact, residents have expressed an issue with the small trees used in the screening of the solar installation. The Fulcrum application states that the project "will be screened by using natural and proposed vegetation" (21). The height of the trees referenced in the application are the same height as those that were used for the solar project at this location and which some residents found inadequate for screening. The application reads, "Shrubs and hedges shall be at least 2.5 feet in height at the time of planting and have spread of at least 18 inches" (9). This is unacceptable.

Concerns as to security fencing and lighting were raised at the May 28 community outreach meeting. It was simply stated by Fulcrum and their attorney that there would not be barbed wire on the fencing and marijuana plants would not be visible. But what will be visible to the residents on Van Deusenville Road—a "great wall" of (6' high) fencing? Application materials does not quiet concerns.

Application information as to Fulcrum greenhouse ventilation systems reveals massive fans for ventilation (intake and outtake). Will these fans generate disturbing noise? Will the fans be on 24/7 disrupting the quality of life of residents (some children) in the area? Will noxious odors be released into the area via the outtake?

In my opinion, lighting plan information is minimal. It states, "The proposed lighting for the facility is proposed in conjunction with 935 CMR 500.00 for security purposes. However, lights will be downcast

or shielded as to limit spillage over the property line" (22). Yet, my review of the lighting plan raises alarm and concern particularly as to the hours the lighting will be on—will lighting be on all night disrupting the area with bright lights? Will this area look like a shopping center, aglow with light all night, every night? Will it disturb the residents in the area not to mention the wildlife in the area?

In Cummington, MA, similar concerns have been raised as to lighting and more:

"They're talking about putting a Walmart-sized building, initially, back in the woods off a historic road surrounded by neighbors with families and kids," said Elliot Ring, an architect who lives on State Road. The impact on the neighborhood will be immense, he added. Those gathered at the meeting said they were worried about light pollution, increased traffic, overuse of part of a dirt road, the effect the construction might have on wetlands and wildlife, and the potential for the project to substantially change the character of their neighborhood" (June 24, 2019, Christenson).

Ditto.

Children

In relation to the above is the Fulcrum project's impact on children. The "buffer zone" under town zoning was reduced from 500 feet to 200 feet, a decision/vote that may warrant reconsideration; currently a citizen's petition is in discussion to change this at a Special Town or Annual Town meeting.

Of current concern of many in our neighborhood are the residences across the street from the proposed facility some of which house school-age children; this is where children wait for their school bus, congregate, play, etc.

I've looked to Colorado for further information on the marijuana industry due to this state's experience on this topic. Concerns discovered: "Hazards: Electrical, chemical, air quality, THC, Mold and Fungus." Noted as an "injurious environment" was "cultivation aspects" (as posted on Colorado.gov).

Before parents and guardians put children at risk, clearly much more information, other than potential revenue, must be obtained by our town government.

Regulation 935 CMR 500.110 (3) is brief in its statement as it applies to buffer zones. Town zoning aligns with this regulation but can make changes (as it did with the buffer zone).

This topic may warrant further discussion, perhaps with input of parents and guardians of school-age children, to address fears and concerns as to health, safety, and more.

Now that the Van Deusenville neighborhood in particular as well as Housatonic as a whole realizes that a facility of the size and scope of the Fulcrum project can be located in close proximity to their homes, more questions are being asked as greater concerns are being expressed.

Some of the boards to which this Memorandum is directed will make a recommendation without citizen input. This, in my opinion, is unwise. It is my request that our boards listen to these questions and concerns—especially those from parents and those responsible for young children—as this application moves forward in the special permitting process.

Odor

Marijuana production produces a strong, pungent odor that has been proven to be objectionable to those who reside in the area of such a facility.

Any comparison of the odor generated from marijuana cultivation to agricultural odors is irrelevant; as stated above, marijuana establishments, including cultivation and manufacturing, at this time, are not considered "agricultural" in Great Barrington.

It has been stated by Fulcrum that odor will be *at its strongest* 6 to 8 weeks a year (late summer and fall). This can be one of the most beautiful times of the year for Berkshirites. Does this mean that residents in proximity to this proposed facility will be unable to enjoy their properties at this time of year? Is this fair?

Also, such an odor may reduce property values. As a town that touts tourism and second homeownership, who will want to vacation or own a second home in an area where they cannot enjoy their investment?

The Cannabis Times (October 2018) states that "odor control is easiest to achieve in a well-constructed building" and "one way to control odor is to minimize the air that leaves the building." Fulcrum's proposal refers to greenhouse cultivation. An original proposal stated that the greenhouses will be open. At the May 28 community outreach, it was stated that the greenhouses will be enclosed (as now stated in the application). Still, the structures are just greenhouses using greenhouse plastic construction; hardly state of the art design. Air will be leaving (circulating) outside of the greenhouses and impacting the air space surrounding the facility.

The Cannabis Business Times issued a Special Report dated May 2019 by Byers Scientific & Manufacturing, Industrial Odor Management. As stated in the report, "as cannabis becomes increasingly integrated into communities throughout North America, odor control issues have made their way into courthouses in several high profile lawsuits as well as into state and local regulatory frameworks."

The International City/County Managers Association (September 2018) advises, "land use regulations permitting activities along the cannabis supply chain will almost certainly include stipulations about odor control, aiming to reduce the likelihood of a nuisance issue." Great Barrington must heed this advice.

Clearly, the "odor issue" has not been resolved. However, Fulcrum has presented in its application an odor control proposal by NCM Environmental Solutions. This company has done odor control management for such businesses as waste management; however, the company has little or no track record in the marijuana industry. An email (June 2019) conversation with a representative of this company references only proposals for Athol, MA, Salisbury, MA and Great Barrington, MA. Recently, I researched the statements contained in the Fulcrum application as to NCM projects in Salisbury, MA and Holyoke, MA. Responses I received from both communities have been provided to the Chair of the Select Board. In view of the application information, it seems to me that Van Deusenville will be the "test site" for NCM's odor control technology. Will this neighborhood (and surrounding neighborhoods) be put at risk for this purpose?

Also, I'm very concerned as to the "Summary of recommended policies & procedures the site will take to respond to an odor complaint" as contained in the application. This information provides little assurance with regard to odor control issues. What procedures will be in place to ensure enforcement of these

"policies & procedures" or will enforcement be "complaint-driven" as is now the case in Great Barrington? Will residents be encumbered by a lengthy complaint process that may require costly legal representation against a large company such as Fulcrum Enterprises, LLC?

What is the Town of Great Barrington's role in this process? Will residents be left "holding the bag" when it comes to complaints or enforcement?

As stated previously, the greenhouses are to be enclosed. However, page 12 of the application raises a concern: "No outdoor cultivation of marijuana shall be allowed within fifty (50) feet of any property line." Does this mean that Fulcrum is leaving the door open for outdoor cultivation as long as it isn't "within fifty (50) feet of any property line? This is not the information conveyed at the May 28 community outreach. This is a concern.

A July 2, 2019 conversation with Attorney Doyle of the Cannabis Control Commission revealed that the CCC, drawing on the experiences of other states such as California and Colorado, is *currently* drafting regulations to address the highly controversial odor issue.

It seems to me that odor control technology is very new and is yet to be resolved. Massachusetts regulations pertaining to the odor issue are not yet in effect. Would it be wise for Great Barrington officials to delay this special permit until such regulations are in place? How will odor control regulations be enforced? How will odor be measured? Would it be wise for officials to wait until NCM's odor technology is tested—and not on a residential neighborhood in a rural community?

The Special Permit Granting Authority should require a thorough analysis and information from Fulcrum on the question of odor control; this analysis and information should be made available to the public for careful review well before any public hearing. As a suggestion, maybe board members can visit a cultivation and/or manufacturing site nearby (such as in Sheffield) during the marijuana flowering season when its unique odor peaks (September and October). Smell first-hand what your Housatonic constituents will be subjected to before voting on this project.

Water and Waste Water Disposal

Initially, Fulcrum presented that wells would be the water source for their business. However, at the May 28, 2019 community outreach, at which James Mercer of Housatonic Water Company was present, it was stated by Mr. Heck that conversations were being held with Housatonic Water regarding the possibility of using this private water company as the water source. The application now confirms this information. At the outreach, citizens raised concerns over Housatonic Water's ability to provide the volume of water required for marijuana cultivation and manufacturing while fulfilling the needs of its current water users. In the Fulcrum application, it is stated that water usage could be "anywhere upwards of 2,000,000 (million) gallons per year, with a maximum demand during the growing season" (23). Our town officials are very aware of Housatonic Water customer concerns. Housatonic Water's ability to meet water demands should be substantiated, in writing, by a credible, independent source. It would be unwise to simply take either company's word for it. It should be noted that the Fulcrum application refers to the water source as "municipal" which it is not as Housatonic Water Works is a private company.

In the absence of any type of engineering report as to water use, concerns remain. Even the Cannabis Control Commission warns, "in the case of local municipal water, attention should be paid to whether the water supplier has enough capacity to supply the water both from a source and infrastructure perspective."

Continuing, "depending on the watershed and the specific town the facility is located in, the additional volumes may not be available within the town's registered or permitted amounts, or an Interbasin Transfer approval may be required."

In the case of using wells, the Cannabis Control Commission states, "a marijuana cultivation facility could trigger the Water Management Act's permitting requirements" depending on the volume of water it uses.

Regarding waste water disposal, according to the CCC, "recaptured water requires treatment if it is to be reapplied to plants to prevent the growth and spread of microbial pathogens and to reduce the amount of ionic and toxic elements that can be introduced to the water through the addition of nutrients." Further, "water which is not reused must be discharged to a sewer or collected and stored in a certified holding tank for disposal at an approved facility." It cannot "be discharged to an on-site septic system."

State regulations as to water use and waste water disposal for this industry are overwhelming and should be carefully reviewed, preferably by experts in those fields; then considered and discussed before the granting of any special permit.

Waste Management

Volatile chemicals are used in the manufacturing process. "Butane and ethanol are used during the manufacturing/extraction process" (22) Hazardous waste could include "spent lighting, pesticides, solvents, used oil, or other chemicals used in facility operation and maintenance" (Cannabis Control Commission). This is of high concern since this facility is in close proximity to homes, the Housatonic River, and an aquifer at the site, not to mention the wildlife that frequent this area.

Further review of CCC guidance on Waste Management Requirements reveals stringent rules as to the disposal of the waste generated by marijuana facilities.

No special permit should be granted until the SPGA is fully aware of these requirements.

Environmental Impact (including compliance with the Global Warming Solutions Act)

Fulcrum states in its community outreach presentation that the project will be "greenhouse based, sunlight powered cultivation and manufacturing operation utilizing environmentally sound growing, harvesting and manufacturing practices" and the application states this as well. Although this sounds wonderful, little information has been presented as to possible environmental impacts. In order to make a responsible recommendation or vote, this topic should be investigated closely.

Cannabis Control Commissioner Kay Doyle stated in a WBUR article (June 29, 2018), "[w]e understand that marijuana cultivation and production manufacturing is one of the most energy-intensive industries that there is right now."

According to the CCC, projects such as this are required to comply with the Global Warming Solutions Action (August 2008) which "requires Massachusetts to cut greenhouse gas emissions by 80 percent by 2050 from 1990 levels" (WBUR June 29, 2018).

Equally concerning are the use of fertilizers in the cultivation process that could damage the area as well as the chemicals used in the manufacturing process (as pointed to above).

In a community that touts its environmental awareness and sustainability measures, this project's potential negative impact on our environment is unknown and, again, should be studied before a special permit is granted.

One may say that this site is already beaten up from an environmental perspective and certainly from an aesthetic one. But two wrongs don't make a right and adding to the damage (insult to injury) already there is not forward-thinking. Studying historical information on the site, including previous actions by previous boards, I came across an August 4, 1989 Berkshire Record article in which William Nolan's then-attorney Paul Feldman states:

"this land would, in turn, be seeded and loamed, restored to an appropriate condition for 'its ultimate use' which Feldman said would be 'whatever is decided as best, whether it be a baseball field or homes or offices' (Devoti).

It seems to me that we are moving in the wrong direction. To know where we are going as far as planning and economic development, shouldn't we familiarize ourselves with the historical information of this property? This historical information—including deeds (B. 638, P. 304, covenants (B. 1518, P. 295), protective restrictions (B. 1136, P. 198), and Assessor's records, past and present—gives a glimpse of what was in the forefront of consideration years ago but should also be considered today before allowing any other business to go into this location or elsewhere in Van Deusenville. At the least, this information should raise a red flag of the intent, years ago, for the use of this property.

Traffic impact

This area (including Division Street and North Plain Road) is a heavily trafficked area with large trucks and excessive speed. As a matter of fact, historical information on the site presented a December 2000 letter from the Planning Board to the Selectmen states, "It has come to our attention that there is a great amount of truck traffic along Van Deusenville Road and Division Street." It is 2019 and the volume of traffic and speed have multiplied many times over.

I have contacted the Great Barrington Police Department numerous times and met with the Chief of Police regarding the high volume of commercial vehicles, speed of all vehicles, and other traffic concerns on Van Deusenville Road, North Plain Road, and Division Street.

Will the Fulcrum project make an already dangerous traffic situation worse? Will traffic generated by this new facility "tip the scales" in an already overburdened traffic area. The application states, "traffic for the site will be minimal" (15). This statement is insufficient and unquantifiable; it is merely an opinion. Keeping in mind the scope of this project—a Tier 10, 80,000 square foot marijuana cultivation and manufacturing facility—an *independent* traffic study must be done with regard to this Tier 10 project.

Property values

Our properties—our homes—mean a lot to us. Mine is my family's homestead which my father built in 1958.

Equity in the value of one's home sometimes funds the education of our children. Sometimes, home value represents retirement security. For others it goes deeper; for me, my home means carrying on a family legacy and perhaps, passing the property on to my daughter. According The Sacramento Bee, "dozens of large scale pot growers are hoping to reap profits in the city of Sacramento soon, but their gains may mean losses for neighboring homeowners. The value of homes close to legal cannabis-growing operations could suffer, and sellers may be required to disclose to would-be buyers the presence of cannabis cultivation sites in their neighborhoods, some experts contend" (September 2017).

Is this yet another negative impact Van Deusenville neighborhood residents will face?

At a recent neighborhood meeting concerning this issue, two young families directly across the street were present expressing fear as to what will happen to their homes if this project is approved. One couple has already placed their home on the real estate market.

We live in a community that says it wants to attract young families to our area. We live in a community that uses Community Preservation funds and an Affordable Housing Trust to assist those without homes to obtain one. We live in a community that has been named a "Housing Hero." Why then would this same community create a situation where young families are put in a position where they feel they need to sell their homes?

Great Barrington can't have it both ways.

Lawsuits have been filed regarding the loss of property values in states such as Colorado; Massachusetts suits are sure to follow.

Safety

As referenced above, volatile (explosive) chemicals are used in the manufacturing process. This is confirmed in the Fulcrum application.

According to the International City/County Managers Association, "[b]ecause of the volatile solvents used, the extraction process should only take place in regulated environments using proper equipment and safety precautions—otherwise, risk of explosion is high. This is enough to dissuade some local governments from wanting to allow such activities in their communities."

In a February 2019 article in Politico entitled, "New Problem for Legal Weed: Exploding Pot Factories" it is written, "most of the states where marijuana is legal offer no safety and health guidance for the new industry." The article continues, "labor unions complain that state governments are moving too swiftly to license producers, outpacing the states' ability to inspect production facilities for potential safety violations."

The SPGA must consider this risk before it allows a facility such as this marijuana cultivation and manufacturing facility in this neighborhood.

Security

Page 14 of the Fulcrum application reads, "Security will be reviewed at the meeting, however, due to safety concerns, will not be submitted for public consumption." With little time to review information at

a public hearing, are residents to place a trust in a company they know little about? Security at the facility—its quality and extent—is relevant to the many residents in the area. I, for one, am not prepared to put the security (and safety) of my home and family at risk on brief comments made at a public meeting.

Enforcement

Enforcement in our community is often a topic of discussion at public meetings. It is not unusual to hear that the manpower is not available to enforce some town bylaws. As recently as June 6, 2019 this concern was raised at a Board of Health meeting.

Assessing conditions to special permits is one thing; enforcing these conditions or having the ability to enforce these conditions is quite another.

What if noise is disturbing a neighbor's sleep? What if odor becomes unbearable? What if additional traffic poses a danger? Will enforcement take place? If the response to this question is unknown, no special permit should be granted. At a recent meeting on July 15, 2019, I was told that in our town, enforcement is "complaint" driven. This means it is up to the citizen/resident to file a complaint regarding an issue before the town will respond. In other words, enforcement is "reactive" versus proactive. This may be do'able with a small business but certainly not an 80,000 square foot, Tier 10 marijuana cultivation and manufacturing facility. For Great Barrington to designate citizens/residents as the "lookouts" for infractions is unacceptable in general; reckless as enforcement applies to large scale businesses.

What else can go in at 22 Van Deusenville Road? In opposition to this marijuana and manufacturing facility—something that I strongly feel will negatively impact the Van Deusenville neighborhood in particular and the Housatonic community in general, I've been asked by a few town officials, "what else can go in there?" I'm disheartened by this question—is the marijuana industry the best we can offer our community stakeholders? I think not.

In a report by the Environmental Project Agency, the EPA encourages protecting natural resources and reducing pollution in economic development efforts. "Communities that invest in their natural assets by protecting natural resources can better attract and retain residents, tourists, and businesses who value clean air and water and natural landscapes. Cleaning up and redeveloping polluted properties makes productive use of existing transportation, water, and utility infrastructure; increases the tax base and employment opportunities; removes environmental contamination, and helps spur investing in surrounding properties" (EPA, How Small Towns and Cities Can Use Local Assets to Rebuild Their Economies, May 2015).

This seems like a win/win to me—thoughtful economic development.

Tiny House Construction: At the May 2019 annual town meeting, zoning regarding tiny houses was presented. However, this zoning did not pass due to lack of a two-third majority vote. Regardless, at this time and to address housing and affordability concerns, tiny houses are very much in the housing market forefront. With a community concerned with the environment, sustainability, and affordable housing, a tiny house manufacturing company located in this area would be feasible.

Vocational/Technical Learning Center: Imagine this—a Vocational/Technical Learning Center where people can be trained to be carpenters, electricians, plumbers as well as designers, architects, engineers. This center would not only provide services to our youth about to embark onto careers after high school, but those citizens that require re-training in order to secure gainful employment. Additionally, forming partnerships with local educational institutions as well as MassHire, as an example, will cultivate long-lasting efforts to not only employ our youth but to re-employ the unemployed as well.

Again, seems like a win/win to me.

Innovation Center: The Berkshire Innovation Center will be a Pittsfield jewel. Such a center could be duplicated, perhaps in smaller scale, in South County. With our community's focus on environmental and sustainability challenges, such a center could, as its core mission, focus on those areas. With a solar array "next door" as well as one down the road, it would be my hope that this Innovation Center could guide Great Barrington in a more pleasing way to "do solar," one that not only provides an environmental service but is aesthetically pleasing to residents as well as compatible with the beauty of the area.

...and last but certainly not least: what about (affordable) Housing?

Great Barrington, through the Affordable Housing Trust and the Community Preservation Act, has embarked on an initiative to provide affordable housing options to low and moderate income households. This area is an untapped housing resource.

Conclusion: Although indicated as zoned (light) industrial, this area is embedded in an R2 area comprised of many new and older homes. It is centrally located to Great Barrington and to the village of Housatonic and allows easy access going north and south of the area. Tapping the Public Transportation Advisory Committee, developing a way for the BRTA to travel Van Deusenville Road would allow residents of 22 Van Deusenville Road to travel easily to their destinations for work, daily needs including medical and grocery shopping, education, and recreation. Our Master Plan also references this area as easy accessibility to passenger train service: "There are areas around Van Deusenville Road and Division Street that have space available for a "park and train" lot that offered basic ticketing but would be intended for longer term parking."

If housing can be proposed and developed for a brownfield site on Bridge Street, Great Barrington why not at 22 Van Deusenville Road, Housatonic?

Interestingly enough, in May 28, 1993 correspondence from the firm of Davis, Malm & D'Agostine regarding William F. Nolan, Trustee of Nolan Realty Trust v. Louison et al (Special Permit Appeal) it is said of the current gravel operation at this site, "**Bill Nolan believes that the highest and best use of the property is a carefully executed gravel removal operation with recreational and residential use thereafter.**" Residential use (affordable housing) is suggested above; a recreation area along the Housatonic River, is yet another suggestion. The Fulcrum proposal contradicts the statement made in this correspondence and actually elevates the industrial use of the property, a use that was heavily opposed by area residents in the eighties and nineties.

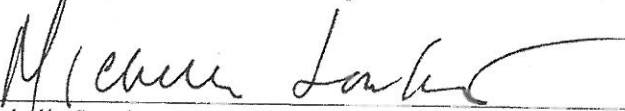
Regardless, the above provides only a few examples of "what else" can go in at 22 Van Deusenville Road and, in turn, aid in the revitalization of the Housatonic community.

In the meantime, however, and in the absence of independent, unbiased information, numerous concerns and fears have already surrounded this project and are increasing. The Special Permit Granting Authority must consider several factors including Traffic flow and safety, neighborhood character and social structures, as well as impacts on the natural environment (Great Barrington Zoning Bylaws, p. 134). It is my hope these decision-makers consider these factors carefully with residents in mind. Also, on August 26, 2019, the Select Board will discuss the Host Community Agreement for the Fulcrum Project. It was stated at the neighborhood meeting held August 15 that the community impact fee for this project may be less than 3%.

If this project is passed, a reduced community impact fee would be, for me, an insult. But, honestly, to lose the enjoyment of my property and investment for even the maximum of 3% is an insult.

After review of the historical information surrounding this property, it is clear to me that many years ago, despite the well-organized and exhaustive opposition efforts by area residents, town leadership failed the citizens of Van Deusenville. With the Fulcrum Enterprises, LLC proposal, it is imperative that the current SPGA not continue this legacy by approving this permit and further degrading this neighborhood. It is time to support our neighborhoods.

Respectfully submitted for the public record:



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Great Barrington, MA 01230
Tel. (413) 854-8185

cc: Mr. Mark Pruhenski, Great Barrington Town Manager
Ms. Rebecca Jurczyk, Health Agent
Mr. Christopher Rembold, Town Planner

Great Barrington Master Plan: *Our Vision for Great Barrington is that our small town continues its vibrant combination of rural landscapes and urban infrastructure. The balance between these two features, a legacy of our Town's agricultural origins and its industrialized history, serves our civic, cultural, economic, and social needs. Great Barrington thrives because of this legacy, and maintaining this balance will be the foundation of our Town's tomorrow.*

FULCRUM ENTERPRISES_PLANT LIST

| Plant | Height | Growth Habit | Spread | Bloom Time |
|---------------------------|---------------------------------------|--------------|----------|------------|
| American Witchhazel | 12-15 ft as shrub; 20-30 feet as tree | Small tree | 15-20 ft | Sept-Nov |
| American Holly | 15-30 ft | Small tree | 10-20 ft | May |
| Common Winterberry | 6-10 ft (can get larger) | Shrub | 6-10 ft | June-July |
| Northern Bush Honeysuckle | 2-3 ft | Small shrub | 2-4 ft | June-July |
| Black Chokeberry | 4-6 ft | Shrub | 4-6 ft | May |
| Highbush Blueberry | 6-12 ft | Shrub | 6-12 ft | May |
| Black Elderberry | 7-12 ft | Shrub | 8-12 ft | June-July |
| Running Serviceberry | 4-5 ft | Shrub | 4-5 ft | April-June |
| False Blue Indigo | 3-4 ft | Small shrub | 4-5 ft | May-June |
| Maple-leaf Viburnum | 4-6 ft | Shrub | 3-4 ft | May-Aug |

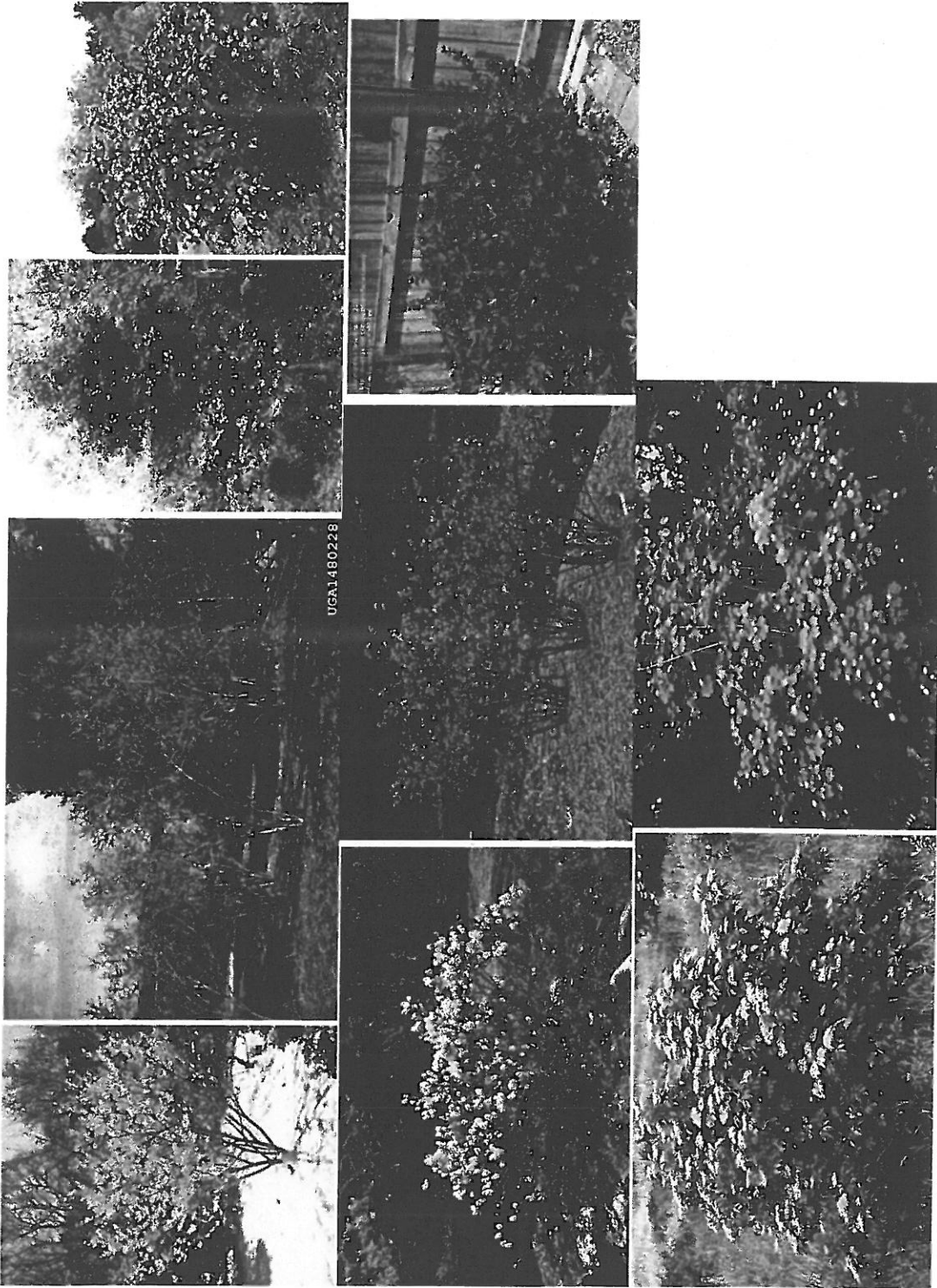
Semi-Shade Wildflower Seed Mix (for Roadside Garden Bed)

SPECIES: Virginia Wildrye (Elymus virginicus), Canada Wild Rye (Elymus canadensis), Partridge Pea, (Chamaecrista fasciculata), Red Fescue, (Festuca rubra), Spiked Gayfeather/Marsh Blazing Star (Liatris spicata), Sensitive Fern (Onoclea sensibilis), Zigzag Aster (Aster prenanthoides)/Symphyotrichum prenanthoides), Hollow-Stem Joe Pye Weed (Eupatorium fistulosum/Eutrochium fistulosum), White Avenas, (Geum canadense), Eastern Columbine (Aquilegia canadensis), Path Rush (Juncus tenuis)

Showy Wildflower Seed Mix (for Eastern Garden Bed & Rain Garden Strips)

SPECIES Little Bluestem (Schizachyrium scoparium), Red Fescue (Festuca rubra), Indian Grass (Sorghastrum nutans), Partridge Pea (Chamaecrista fasciculata), Canada Wild Rye (Elymus canadensis), Riverbank Wild Rye (Elymus riparius), Butterfly Milkweed (Asclepias tuberosa), Black Eyed Susan (Rudbeckia hirta), Lance Leaved Coreopsis (Coreopsis lanceolata), Ox Eye Sunflower (Helianthus helianthoides), Common Sneezeweed (Helenium autumnale), Marsh Blazing Star (Liatris spicata), Blue Vervain (Verbena hastata), New England Aster (Aster novae-angliae), Wild Blue False Indigo (Baptisia australis), Hollow Stem Joe Pye Weed (Eupatorium fistulosum/ Eutrochium fistulosum), Early Goldenrod (Solidago juncea).

Shrubs/Trees



Site Plan Plantings

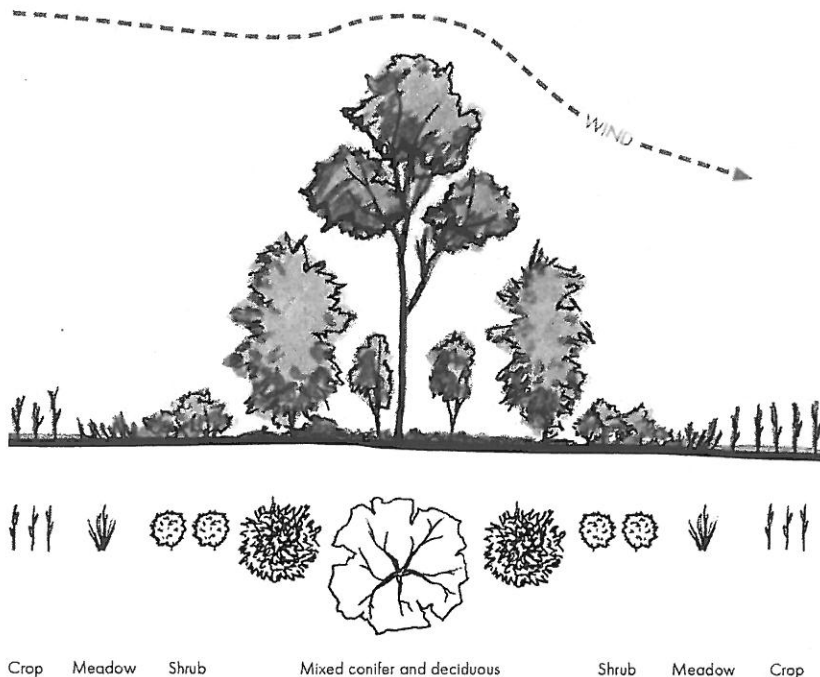
The two main resources used in developing these design approaches are the *Biodiversity Report from the State of Massachusetts* and the *Pollinator Action Plan* adopted by the Town.



Area 1 - East and West Boundary Plantings - Pollinator Hedgerows

"Pollinator hedgerows are diverse linear plantings of native flowering trees, shrubs, perennial wildflowers and grasses, designed to provide foraging and nesting habitat for pollinators. Throughout much of Great Barrington, agricultural parcels lack these long, contiguous bands of natural vegetation. Hedgerows defined by Merriam-Webster as "a row of shrubs or trees enclosing or separating fields," can act as wildlife corridors, allowing dispersal between isolated habitats. These physical barriers also serve as windbreaks, and can impede pesticide drift. Bumble bees are known to use hedgerows to guide their foraging activity. Many farms have cut into existing hedgerows, impeding habitat networks for pollinators.

As illustrated in the following image, this ecosystem would provide screening based on the mixed conifer and deciduous tree species assembled in the center. These species have been selected from a list of native plants and the maximum height at maturity was a consideration during selection. The maintenance of this system would require little mowing annually.



Source: Great Barrington
Pollinator Action Plan.

| Plant | Height | Growth Habit | Spread | Bloom Time |
|---------------------------|---------------------------------------|--------------|----------|------------|
| American Witchhazel | 12-15 ft as shrub; 20-30 feet as tree | Small tree | 15-20 ft | Sept-Nov |
| American Holly | 15-30 ft | Small tree | 10-20 ft | May |
| Common Winterberry | 6-10 ft (can get larger) | Shrub | 6-10 ft | June-July |
| Northern Bush Honeysuckle | 2-3 ft | Small shrub | 2-4 ft | June-July |
| Black Chokeberry | 4-6 ft | Shrub | 4-6 ft | May |
| Highbush Blueberry | 6-12 ft | Shrub | 6-12 ft | May |
| Black Elderberry | 7-12 ft | Shrub | 8-12 ft | June-July |
| Running Serviceberry | 4-5 ft | Shrub | 4-5 ft | April-June |
| False Blue Indigo | 3-4 ft | Small shrub | 4-5 ft | May-June |
| Maple-leaf Viburnum | 4-6 ft | Shrub | 3-4 ft | May-Aug |

Semi-Shade Wildflower Seed Mix for Pollinator Hedgerows along west boundary

SPECIES: Virginia Wildrye (*Elymus virginicus*), Canada Wild Rye (*Elymus canadensis*), Partridge Pea, (*Chamaecrista fasciculata*), Red Fescue, (*Festuca rubra*), Spiked Gayfeather/Marsh Blazing Star (*Liatris spicata*), Sensitive Fern (*Onoclea sensibilis*), Zigzag Aster (*Aster prenanthoides*/Symphyotrichum prenanthoide), Hollow-Stem Joe Pye Weed (*Eupatorium fistulosum*/Eutrochium fistulosum), White Avens, (*Geum canadense*), Eastern Columbine (*Aquilegia canadensis*), Path Rush (*Juncus tenuis*).

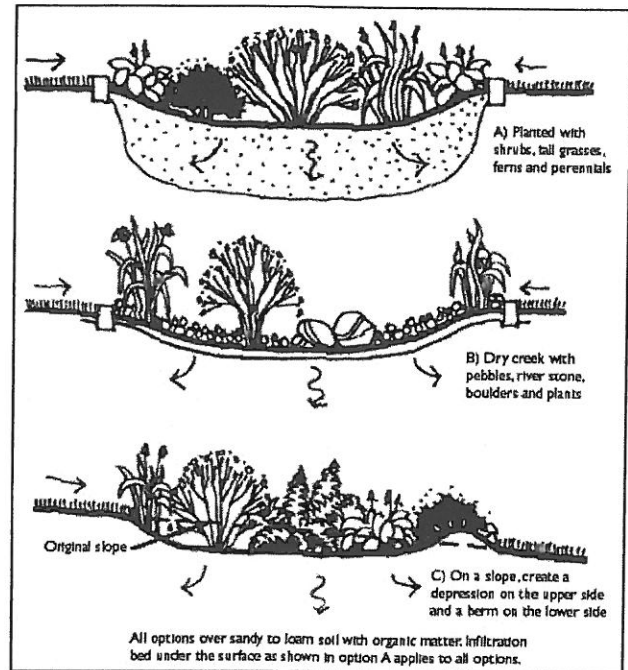
Showy Wildflower Seed Mix for Pollinator Hedgerow along east boundary

SPECIES: Little Bluestem (*Schizachyrium scoparium*), Red Fescue (*Festuca rubra*), Indian Grass (*Sorghastrum nutans*), Partridge Pea (*Chamaecrista fasciculata*), Canada Wild Rye (*Elymus canadensis*), Riverbank Wild Rye (*Elymus riparius*), Butterfly Milkweed (*Asclepias tuberosa*), Black Eyed Susan (*Rudbeckia hirta*), Lance Leaved Coreopsis (*Coreopsis lanceolata*), Ox Eye Sunflower (*Heliopsis helianthoides*), Common Sneezeweed (*Helenium autumnale*), Marsh Blazing Star (*Liatris spicata*), Blue Vervain (*Verbena hastata*), New England Aster (*Aster novae-angliae*), Wild Blue False Indigo (*Baptisia australis*), Hollow Stem Joe Pye Weed (*Eupatorium fistulosum*/Eutrochium fistulosum), Early Goldenrod (*Solidago juncea*).

Area 2 – Rain Gardens

This component of the site design includes a network of rain gardens that are located between the greenhouses that will be capturing, slowing, infiltrating, and cleaning the stormwater on site.

The **rain gardens** need to include low growing plants to ensure that they do not restrict air flow into the greenhouses. The plant selection for these areas will be plants that can tolerate wet soil, provide habitat for beneficial insects, and when harvested add nutrients to the composting operation. The maintenance of these areas will likely require annual mowing and harvesting of the biomass for composting. The resources below include a long list of possible plants to be used. In addition to these rain garden appropriate species there should also be some dynamic accumulator plants (Comfrey, etc.) that are really nutrient powerhouses.



Showy Wildflower Seed Mix for Rain Gardens

SPECIES: Little Bluestem (*Schizachyrium scoparium*), Red Fescue (*Festuca rubra*), Indian Grass (*Sorghastrum nutans*), Partridge Pea (*Chamaecrista fasciculata*), Canada Wild Rye (*Elymus canadensis*), Riverbank Wild Rye (*Elymus riparius*), Butterfly Milkweed (*Asclepias tuberosa*), Black Eyed Susan (*Rudbeckia hirta*), Lance Leaved Coreopsis (*Coreopsis lanceolata*), Ox Eye Sunflower (*Heliopsis helianthoides*), Common Sneezeweed (*Helenium autumnale*), Marsh Blazing Star (*Liatris spicata*), Blue Vervain (*Verbena hastata*), New England Aster (*Aster novae-angliae*), Wild Blue False Indigo (*Baptisia australis*), Hollow Stem Joe Pye Weed (*Eupatorium fistulosum*), *Eutrochium fistulosum*, Early Goldenrod (*Solidago juncea*).

Resources:

Plant species for rain gardens:

https://extension.unh.edu/resources/files/Resource005899_Rep8265.pdf

Other Massachusetts based resources:

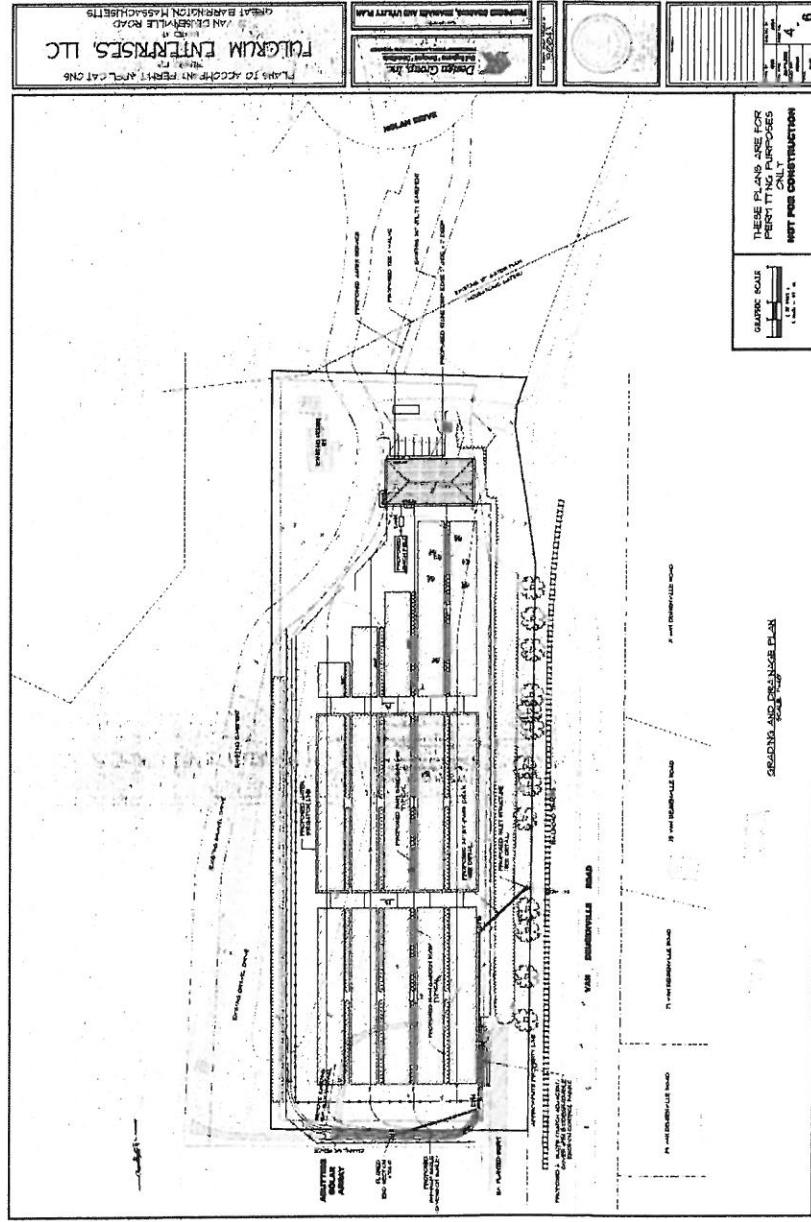
http://commonwaters.org/images/stories/pdfs/raingardn_gde.pdf

http://commonwaters.org/images/stories/pdfs/community_guide_greener_v5.pdf

<http://prj.geosyntec.com/npsmanual/bioretenionareasandraingardens.aspx>

<https://ag.umass.edu/landscape/fact-sheets/rain-gardens-way-to-improve-water-quality>

Special Permit Fulcrum Enterprises 22 VanDeusenville Road, Great Barrington



Fulcrum Team

- Ownership

- G. William Heck
- David Ross
- Jerad Lauzier
- John Heck

- Advisor Team

- Kathleen M. McCormick, Esq. of McCormick, Murtagh & Marcus
- James Scalise, Sarah Gapinski of SK Design, Inc.
- Will Luzier, James Borghesani of Tudestr
- Dr. Stephen Whitman, Dr. Liz Kelly of Resilience Planning & Design, LLC
- Clint Wynne Jr., CPP, CHS, of Wynne & Associates
- Jesse Levin, John O'Brien of NCM Environmental Solutions

Project Summary

- 22 VanDeusenville Road
- 5.78 acre site in an Industrial Zone
- 80,000 sq. ft. cannabis cultivation and manufacturing facility
 - Existing single-family house remains
 - 50'x100' prefabricated steel building (includes a 16' x 26' manufacturing extraction lab)
- Application sections of Zoning Bylaws
 - 3.14.c.13 Table of Use Regulations, Marijuana Establishment
 - 7.18: Marijuana Establishments and Medical Marijuana Treatment Centers
 - 10.4 Special Permits
 - 10.5 Site Plan Review
- State licensing is required by Cannabis Control Commission ("CCC")(935 CMR 500)

Location

- Develop vacant, stripped lot in an Industrial Zone
- Bordered to the north by large, ground-mounted solar array, on east by a construction/electrical contractor, on south by other developed industrial lots (Nolan Industrial Park), on west by Housatonic Railroad and VanDeusenville Road
- Other surrounding historically commercial/industrial activities include:
 - Amerigas Propane, LP
 - Large Kirt Mayland solar array
 - Housatonic Welding
 - Formel's auto storage/scrap yard
 - Rail Siding for Housatonic Railroad
 - 4 businesses located in Nolan Industrial Park
 - Guthrie Center, Inc.

