

Minutes Selectboard Meeting  
Monday, September 9, 2019  
Claire Teague Senior Center  
917 Main Street  
Great Barrington, Massachusetts

Present at meeting: Mark Pruhenski, Town Manager, Christopher Rembold, Assistant Town Manager, Stephen Bannon, Chairperson, Edward Abrahams, Bill Cooke, Kate Burke and Leigh Davis.

1. Call to Order: 7:02pm, Stephen Bannon, Chairman.  
Gave instructional permission to record, and guideline that Citizens could speak, for a timed three (3) minutes, without audience interpretation.
2. Approval of Minutes: E. Abrahams read:  
A. August 12, 2019: changes to: 1. #7,  
B. August 26, 2019: changes to: #4, 5<sup>th</sup> line typo in 'Old Business, \$50,000 not \$15,000.  
On a motion by Mr. Abrahams, seconded by Mr. Cooke, the Board unanimously approved the minutes of the meeting held July 22, 2019.  
Vote: All in favor (5-0).
3. Selectboard Announcement(s): Kate Burke, made several:  
~applications are available at Town Hall for the Senior Work Off Program and residents may be able to qualify for an abatement on their Real Estate Tax bill.  
~There was a mock active shooter drill in conjunction with Fairview Hospital, GBPD, Fire Department - it went ' smoothly ' and much collaboration occurred.  
~Emergency plans can be shared with GBPD Chief Walsh, can be contacted at the Police Department.  
~Lastly, Chief of Police, has jurisdiction to revoke any weapons from local citizens that pose any harm to themselves or others. Must call directly, to speak of concern (s).
4. Town Manager Report:  
A. Department Update:
  - a. GBPD: Chief Walsh spoke and presented a slide show of Traffic enforcements  
Summary: They studied four (4) blocks, in 8 hour shifts. Had two cars on road, each shift (down 4(four) officers), used radar, watched crosswalks downtown, stop signs, red lights, skateboard area, for by- law violators.  
Findings:
    - 324 radar/ crosswalk assignments
    - 59 citations/warnings
    - 1 OUI
    - Roads patrolled listed
  - b. Next steps: Traffic Enforcements Unit
    1. Mission: (slide), Emphasis on lowering the incidents of traffic violations.
      - a. To remove obstructions and obstacles in roadways. Citizens encouraged to call with suggestions or obscured signage. DPW will aid in the removal of branches, vines, etc.
      - b. A few crosswalks where repainted.

c. Stockbridge Road: Lenox Police Department contacted to get ideas, with traffic congestion.

d. Meet with DOT, Smitty Pignatelli, State Representative, and Town Manager about possibly round-about near Police Department.

e. Public Education: reflective vests for elderly bike safety (conjunction with local bike shop, officers walking through town, OUI/Drug Impairment training for drug use offenses, lastly, creating a flier to be posted on local, public bulletin boards of fines and recommendations.

B. Project Update(s):

1. Water Stations: instillation around town in about 30 (thirty) days, Division Street bridge closed for temporary repair, possible long term (2-3years), depends on cost of estimate.

5. Licenses & Permits:

A. Nicole Blum/Carrs Cider, Farmer's Winery License, September 22, 2019 at Berkshire Fermentation Festival, 380 State Road, Great Barrington, 10am.-5pm.

Vote: All in Favor (5-0), granted.

B. J. Bevan/Clarion Concerts, 2 One Day Beer & Wine Liquor License, September 21, 2019, Saint James Place, 352 Main Street, Great Barrington, 5pm-8pm; October 12, 5-8pm.

Vote: All in Favor (5-0), granted.

6. Public Hearing:

A. Special Permit application of Fulcrum Enterprises, LLC, for marijuana cultivation and Marijuana manufacturing establishment, 22 Van Duesenville Road, Great Barrington  
In accordance with Section 3.1.4 C (13), 7.18 and 10.4 of the Great Barrington Zoning Bylaw, in Industrial Zone.

Chairperson, Stephen Bannon, made statement that a vote would not happen tonight; noise, water, odor reports not completed.

Reminded that Citizens have a three minutes timer, no questions answered, addressed to Chair, and audience outbursts could close the forum at the discretion of Chair.

On a motion by Mr. Abrahams, seconded by Mr. Cooke, the Board voted to open the Public Hearing.

Roll Call Vote: All in Favor (5-0), so moved.

B. Explanation of Project:

1. Kathleen M. McCormick, Esq., spoke as facilitator and spokesperson for the project. She began a slide presentation of the project on 22 Van Deusenville Road, 5.78-acre site, in Industrial Zone, 80,000 square feet cannabis cultivation and 5,000 square feet earth tone, metal building, manufacturing facility. 50'x'100 prefabricated steel building (16'x26' manufacturing extraction lab.), and existing single family house on site.

Applicable sections of Zoning Bylaws:

-3.14.c.13:Table of Use Regulations, Marijuana Establishment.

-7.18: Marijuana Establishments and Medical Marijuana Treatment Center

-10.4: Special Permits

-10.5: Site Plan Review

-State license required from Cannabis Control Commission ("CCC") (935CMR 500)

Slides correspond to stapled handouts of Project. She stated that project would have fully enclosed greenhouses with fans, use sunlight cultivation, odor controls, be safe and secure, low impact on Town Services & infrastructure, create jobs, and increase tax base.

2. Jared Lauzier: Fulcrum: Spoke to cultivation process. After obtaining a Tier 9 License, from the State, there would be 15 (fifteen) greenhouses with 80,000 square feet of canopy, using natural sunlight.

Hours of operation: May - November (7 months of cultivation. Handout states 6 months.), 8am.-7pm., Monday-Friday, and occasional weekend hours. (11 hours/day x 5 days).

Staff will be in compliance with 935CMR 500 and OSHA guidelines.

Natural farming techniques used as well as scouting for mold.

(Handout)

3. David Ross, Fulcrum: Spoke to manufacturing. 5,000 square foot, earth tone building. 16'x 26' Flex Lab C1D1 Manufacturing/Extracting lab, to produce extracts, oils housed in metal building. CCC, Town, and State codes will be used for building to operate.

Hours of operation: 9am-5pm (8 hours), Monday-Friday, occasional weekends.

November-April (5 months), manufacture oil

4. Jim Scalise, Fulcrum: Site Plan; Site meeting, September 9, 2019, with Fulcrum, Town Manager, Selectboard.

15 (Fifteen) rectangular buildings, surrounded with a chain link fence, with plantings on outer side of fencing.

The driveway, for deliveries, is on Nolan Drive. Driving between green houses. Drainage system for rain water is to western side. Culvert on south side for drainage. There will be " bio retention cells under green houses to protect earth from rain. Septic perk test, passed. Water would be supplied by Housatonic water company.

Approximately 37 daily trips (delivery) per day. The lights are low impact (face down), on timers.

5. Dr. Whitman, Advisory Committee, plantings and landscapes to soften view balance beauty with safety, primarily around the fencing. Bio Map 2 biodiversity report by Commonwealth of Massachusetts and Great Barrington Pollinator Action Plan. Using native species and clean and infiltrating storm water entering the site, use multi- functional trees and shrubs.

(handout)

6. Jesse Levin, NCM Environmental Solutions; odor control. Exhaust fan (s) in each greenhouse, with atomizing nozzles attached to exterior misting water- based solution. Solution is biodegradable, 1000-1 ratio of water to solution. Odor to to neutralized.

(handout)

7. Jim Scalise; spoke to noise report study by Cross Spectrum Acoustics, Herbert Singleton Jr., P.E., INCE Bd. Certified. The noise from project will not exceed Town of Great Barrington Noise Bylaws of MADEP Noise Control Policy. Noise would not exceed 75 decibels per unit, and neighboring residents will not hear or be effected.

(handout)

8. Safety and Security: exterior:

-physical security: fence, motion lights, visibility

- electronic security: intrusion detection, access control, and video surveillance
- local police monitoring
- background checks on employees
- mandated software (Metric) to track products
- employee training
- (handout)

9. Kathleen McCormick, Esq.; benefits to community given.

- 4 employees
- \$300,000 in payroll
- (estimate) \$1,000,000 in real estate assessment
- (estimate) \$75,000 personal property assessment, resulting in \$15,720 in Real Estate tax and \$1,179 in PP Tax (FY 19 rate)
- \$10,000 local charity
- 1.5% revenue in Community Impact Fees
- (handout)

C. Findings:

- Development of vacant lot.
- Job creation
- Diversity of tax base
- Increase in tax revenue, annually
- Supports local charity
- Provide payments to HCA
- Low impact use of lot
- Regenerative design promotes biodiversity.
- Promote entrepreneurship
- Low impact on Town Services
- (handout)

D. Public Speak: Chairperson S. Bannon, gave reminder of 3 minutes per town resident, to state name, address, and address the Chairperson directly, no questions will be answered.

- a. D. Bailey, Housatonic; What is on the left side of the slide of aerial map?  
Where will the gasses be vented??  
(Dave: if emergency- will turn fans off to gas. Closed system, recycle gas/fumes)  
In drought, will there be water restrictions? For Housatonic Water Co.?
- b. Mrs. Shumsky, Housatonic; has worked over 30 years in non profit organizations, volunteering in community, ordinary citizen, who has always given back. Concerned about air, water, and value of home assessment, in relation to this project. Will it be comparable to the PCBs in local river?
- c. Carol McGlinchey, Housatonic, against the project! Odor, headaches, health concerns, long term consequences in community. Wants more information.
- d. James Bailley, Housatonic, against project, locals can't hire lawyers to help them with this 'fight'. Who is representing Housatonic? Why is Fulcrum coming to Housatonic?
- e. Mary Elizabeth Merrick, Housatonic, concerned. Feels that there is too much "push".

- f. Michelle Loubert is against. One foot short of requiring a Tier 10 License. Feels it's odor masking solution, no neutralizer going to be used. Will not improve quality of life for Housatonic residents.
- g. Mr. Reed, Housatonic, against the project. Believes that odors will be before November. Thinks it's a moral "disaster"! Could be in different area. Too much noise, smells, and unknown factors.
- h. John Nelson, Housatonic; against the project.  
Odors, flammable chemicals, increased traffic, low quality of life for Housatonic residents.
- i. Susan Lord, M.D., Housatonic wants comprehensive study done. Doesn't understand the consequences of this project. The effects on water, land, carbon footprint, and land / home values. Feels that Fulcrum has intimidated citizens. That this project will increase allergies, nausea, pollution to ground water, just like PCB's in river.
- j. Michelle Quigely, Housatonic; against the project. Feels will stress water supply, cause water shortages, each person uses 100 gallons per day per person, what will this add?? Believes Mr. Mercer will financially gain from Fulcrum.
- k. Sarah Joh, Housatonic; against the project. Affect wildlife patterns. Believes her livelihood of fostering children will end due to proximity to site...
- l. Mrs. Denise Forbes, Housatonic; against the project. She signed petition, against. No information on Fulcrum, as a business.
- m. Mr. Forbes, Housatonic, against the project. Thought "slick" presentation of Fulcrum. Feels will cause water shortages. Believes 80,000 square foot manufacturing in light industrial park is against GB By-laws.
- n. Doug Stephenson, Housatonic, concerned that Fulcrum is not wanted.
- o. Timothy Shumsky, Housatonic, against the project. Feels the economic impact is too great for Housatonic.
- p. Carole Diehl, Housatonic, against the project. Town still paying for new schools and downtown renewal. Feels Fulcrum is taking advantage of rural area.
- q. Laura Keefner, Great Barrington, going to be living near new "pot" shop. Where is money going? Why isn't there affordable housing?
- r. Valerie Locker, Housatonic, against the project. As a greenhouse grower, where are the skins going from greenhouse? What are they made of? In Northeast need to heat in May and November, not enough sun. Why are the greenhouses North/South orientation? How many hours will fans run?
- s. Terry Wallace, Housatonic, against the project. Lived here for 10 years. Feels that anything could be processed on site, delivered from other whereabouts. Concerned about ventilation and closed loop system.
- t. Richard Ruth, Are these experts? Feels that Company needs to pay 3% not 1%.
- u. Rachel Kelly, Housatonic, against the project. Feels it will increase allergies in children, breathing problems, and impact water quality.

Citizens speak was ended. Chairperson stated - citizens will have another opportunity for input.

On a Motion by Mr. Abrahams, seconded by Mr. Cooke, the Board voted to continue the Public Hearing to September 23, 2019, at Claire Teague Senior Center, Great Barrington, 6pm.

Vote: All in Favor (5-0)

E. Motion re: Findings



F. Motion re: Approval/Denial/Table

7. Old Business:

- A. Continuation - Fulcrum Enterprises LLC Host Community Agreement (HCA) for Marijuana Cultivation and Manufacturing establishment in an industrial zone at 22 Van Deusenville Road.

On a Motion by Mr. Abrahams, seconded by Mr. Cooke, the Board voted continue the Host Community Agreement to the September 23<sup>rd</sup>, 2019 meeting.

Vote: All in Favor, 5-0

8. New Business: Kathleen McCormick, Esq. Special Permit application for Donna and Robert Boyer, to create new building lot in R1A zone of 85 Castle Ave., in acceptance with Section 4.3 and 10.4 of Zoning Bylaw.

Discussion: Town water and Sewage, will share common driveway, local residents.

On a Motion by Mr. Abrahams, seconded by Mr. Cooke, the Board voted to send a favorable recommendation.

Vote: 4-0: Leigh Davis abutter- abstained.

9. Citizens Speak:

- a. Michelle Loubert, Housatonic;

Voted "yes" for Marijuana on the ballot question to support marijuana, never thought the Town would be involved with a Fulcrum situation.

10. Selectboard's Time: Citizens Meeting, on September 10, 2019, 7pm at Housie Dome in Housatonic, about possibilities for the Housatonic School.

11. Media Time: No comments from Media.

12. Adjournment: The Board on a motion by Mr. Abrahams, seconded by Mr. Cooke, voted unanimously to adjourn at 9:46pm.

Respectfully submitted,



J.M. Minacci

Recording Secretary