Approved Minutes Submitted by Stephen Lyle, Clerk

Planning Board Public Hearing on Warrant Article 37 to exclude the by-right growing, cultivation, distribution, testing, or dispensation of marijuana within the Town.
May 18, 2021 via Zoom.

PB Members present: Jared Kelly, Chair, Mary McGurn, Eddie Regendahl, Stephen Lyle, Matthew Bersani

Other participants present:
13474282831 (did not ID self when asked)
Eileen Vining (by phone)*
Abigail Rogers-McKee
Mark Holmes*
Charlie Procter•
Alyson Slutzky*
Barbara Kalish*
Bruce Bernstein*
Doug Mishkin
George McGurn
Guy Genin
Joan Goodkind
Len Sharzer
Lisa D Williams
Marilyn Derector
Marj Wexler•
Miriam Curnin
Quigley 1 (Fred Gordon)*
Richard Slutzky*
Rick Ramsey*
Steve Cohen*
Susan Bachelder*
Teddy Klinghoffer
Wendy Jennis
Lucinda Vermeulen
(* denotes those who spoke at the hearing)

A quorum of Planning Board members being present, Chairman Jared Kelly called the public hearing to order at 5 PM.

Chairman Jared Kelly opened the hearing with a presentation covering the following:

- Agricultural practices are currently allowed by right within Egremont
- Adoption of Warrant Article 37 would mean marijuana cultivation would only be permitted by special permit.
- Egremont currently has no recreational marijuana zoning bylaw in place

- The ban on cultivation would be on all forms except for personal consumption
- PB has a draft recreational bylaw ready for a Special Town Meeting which will cover all marijuana licenses, including cultivation
- The ballot vote at the Annual Town Election was one step toward banning cultivation; a second vote to ban is required at the ATM; both yes votes will ban cultivation
- Egremont has 3 options to consider when deciding on how to proceed with recreational marijuana cultivation at the ATM: regulate through the special permit process, ban or allow by-right.

Questions & Comments Raised at the Hearing

Few specific questions were asked regarding Article 37 leaving many of those present to comment on the proposed ban on recreational marijuana cultivation. No one present disputed the need to adopt Article 37.

Does Article 37 affect marijuana cultivation for personal use? No, growing marijuana for personal consumption will remain by-right.

Does Article 37 include hemp? No, it is not being restricted. Hemp cultivation is legal at the national and state level; it is defined as an agricultural product.

Why does Article 37 include the words distribution, testing and dispensation? These words take into account the activities a recreational marijuana cultivation license holder is allowed per the Cannabis Control Commission.

Without Article 37 adopted, how can you stop someone who is cultivating marijuana from setting up a manufacturing facility on their property? Under a marijuana cultivation license, manufacturing is not allowed. Any cultivator who wanted to manufacture the results of their harvest would need to obtain a manufacturing license from Cannabis Control Commission. No other major obstacle under current Egremont regulations, without passing 37.

Comments made on banning cultivation within Egremont:

- Do not ban cultivation but regulate through the special permit process so as to foster free enterprise, create jobs and provide a source of income to property owners
- Small cultivation sites of which Egremont has one example of a property owner seeking to establish an outdoor grow should be supported; recognize the rights of small farmers
- Those for a marijuana bylaw to regulate marijuana cultivation want local opportunity for farmers; it is a crop to subsidize farm income
- A ban is hard to reverse once in place
- Allowing cultivation will negatively impact property values; too much weight placed on allowing entrepreneurship by PB, more should be given to property values
- Greater concern with negative impacts than the stimulus marijuana establishments can bring to Egremont; residents will need to continue to battle marijuana establishments seeking to set up operations within neighborhoods

- Research and more information is needed on the long-term effects of marijuana cultivation on the environment, impacts of water usage, pesticides, traffic, etc not known for Egremont.
- Environmental impacts are relevant to each marijuana cultivation site; generalizations as to environmental impacts are not very useful
- Too much faith placed in the PB's permitting process. Permits inherently hard to deny.
- Hard to find a property within Egremont where marijuana cultivation will not impact abbutters. Request for maps showing 5 and 10 acre minimum impacts.
- Legalization of recreational marijuana in NY and CT will reduce MA as an enclave for marijuana operations
- Illegal marijuana cultivation within Egremont has been going on for years; are you now going to make legal what is currently illegal

PB Chairman Jared Kelly and PB member Matthew Bersani responded to a number of the comments made:

- Proposed PB marijuana bylaw will include acreage minimums, property setback and require a special permit; also under consideration are caps on tier levels and number of licenses; certain regulations can make the nuisance factors go away
- PB wants to account for property rights, the ability to make a living from one's property and minimize impact on neighbors; if growths are kept small then impact on property values is lessened
- Special permits will impose conditions based on what is heard from neighbors and the community at large
- PB anticipates there may be situations where granting a special permit is appropriate and the marijuana business allowed
- It's easy to blanket ban but cost in opportunities to consider – tax revenue, jobs and the entrepreneurial rights of property owners
- None of the PB members want to see unregulated development; only careful regulation

Before adjourning the public hearing, Chairman Jared Kelly asked if any present wished to speak to the other proposed bans on recreational marijuana licenses. Hearing none, the public hearing adjourned at 7PM.