

**New Marlborough Planning Board
Meeting Minutes from February 27, 2019**

Attendees: Peter Tiso (Chair), Lonn Combs, Mark Carson, Eric Schaefer (via phone)

Call to order: 7:07pm

Peter Tiso moves to allow Eric Schaefer to participate in the meeting via speakerphone; Mark Carson seconds the motion, and all vote in favor.

Review of minutes:

The board reviewed minutes from 01/09/2019, 01/23/2019, and 02/20/2019.

Mr. Carson moved to accept the minutes from the joint meeting with the Board of Selectmen on January 9, 2019. Lonn Combs seconded the motion, which passed with three yeas and one abstention by Eric Schaefer, who was not present at the joint meeting.

The minutes from the January 23, 2019 meeting were similarly approved with a slight formatting change to the last line.

The minutes for the February 20th, 2019 meeting were amended to correct the date and slightly modify the last line to make it more accurate, and was passed with one abstention by Eric Schaefer who was not present at the Feb. 20 meeting.

Review of mail:

James Mullen wrote on February 27 to submit his resignation to the Planning Board by mail.

The Great Barrington Zoning Board of Appeals will hold a public hearing on Tuesday, March 19, 2019 at 7:30pm at Town Hall to act on an application filed by Kathleen Sinico for a property at 260 Stockbridge Road and 4 Cooper Road regarding a permit to modify a variance.

The Great Barrington Planning Board will hold a public hearing on Thursday, March 7, 2019 at 6:00pm to invite public feedback on proposed changes to the Great Barrington Zoning Bylaw and Zoning Map.

Continue discussion of Adult-use Cannabis Bylaw:

Mr. Tiso began the discussion by announcing that the board had received DLTA (District Local Technical Assistance) funding for bylaw efforts related to cannabis and zoning for 2019, and a brief discussion followed regarding a follow-up question from BRPC (Berkshire Regional Planning Commission) regarding the application. Mr. Tiso said he would get back to BRPC soon to confirm the grant and make introductions to the planner assigned to work with New Marlborough on the effort.

The discussion moved to general strategy relating to the Board of Selectmen's proposed opt-out vote and overall bylaw strategy. Mr. Schaefer raised concerns regarding what he felt was a premature opt-out vote that would omit necessary context; Mr. Combs and Mr. Tiso pointed out that the Planning Board did indicate to the Select Board that the opt-out process was their responsibility. Discussion moved towards making sure that the information that would accompany an opt-out vote is as complete as possible and includes information on Planning Board progress towards bylaws. There was some uncertainty regarding how much input the Planning Board could have in a short time to change the wording of the ballot questions. Mr. Carson made the point that the board should remind voters that in all cases Cannabis businesses still require a special permit and there is no proposal to change that; as discussion moved towards specific comments on the board of selectmen's proposed ballot questions, it was agreed that the board would recommend that language was added to each question to make it clear that a special permit would still be required if the license type was not opted out of.

Daniel Doern, of the former Cannabis Ad-Hoc Committee, provided a worksheet at an earlier meeting to help the board and the public organize their thoughts around regulations for each cannabis license type. It was suggested that the next meeting make use of this worksheet to begin the process of crafting regulations for cannabis businesses.

Mr. Tiso attempted to focus discussion on the exact wording of the opt-out questions that the board of Selectmen requested feedback on. Lucinda Schmulsky pointed out from the audience that the confusing part for a voter is that all license types are currently allowed and in this case a 'yes' vote is a vote for prohibition; the board then agreed to suggest that the Board of Selectmen include language to clarify what a 'yes' and 'no' vote means.

Discussion continued on the language for these questions and a general discussion on strategy for bylaw writing.

New Business

Mr. Carson suggested that the building inspector wants to sit down and deal with non-conforming lot issues. He wants to give us guidance on potential conflicts between protective by-laws and building codes. Mr. Schaefer and Mr. Carson may meet with him, Mr. Tiso will email to start that contact.

Mr. Tiso mentioned the letter on bridge design guidelines that Mr. Combs had written and said that he would share that letter with the Select Board.

Mr. Carson made a motion to notify the selectboard of the board's intention to solicit for an interim appointment to the vacant seat on the planning board. Mr. Combs seconds, all vote in favor.

Doug Newman, from the audience, voiced support for Mr. Tiso's work as board chair and thanked him for his openness to community input.

Old Business

Mr. Tiso briefly recapped his relaying of the Planning Board's comments on the special permit application for the large scale solar installation at 100 Hartsville Mill River Road at the recent public hearing on that permit.

Motion to Adjourn

Made and seconded at 9:30pm.