



CITY OF NORTH ADAMS, MASSACHUSETTS

Planning Board

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**REGULAR MEETING**

**MINUTES**

**January 11, 2021**

**Call to order** 6:00 p.m.

**Chair statement for virtual public hearing**

Chairman Leary read the following statement: Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this public hearing of the North Adams Planning Board is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but the public can listen to this meeting while in progress via teleconference. Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the hearing designated for public comment, by teleconference.

**Members present virtually** Chairman Michael Leary, Lisa Blackmer, Lynette Ritland Bond, Robert Burdick, Kyle Hanlon, Kayla Hollins, Brian Miksic, Paul Senecal, and Larry Taft

**Members absent**

**Others present virtually** Rob Base, Barbara Canale, Tammy Daniels – iBerkshires, Don Dubendorf, Angie Lopes Ellison, Jeongyoon Han, Charlie LaBatt, John Lee, John Macolini, and Se Eun Oh

**Public hearings new business**

- **Case No: SPA2021-01** Application of Se Eun Oh for property located at 139 Ashland Street. Special permit requested for a change of use to operate a retail sushi food service restaurant in an CBD zone.

Chairman Leary opened the hearing to Se Eun Oh and John Lee. Mr. Lee explained that they will be remodeling. She is calling the electrician and the plumber and as soon as they are allowed, they will change the other parts of the restaurant so that they can start the business there.

Chairman Leary stated that it was a very thorough application and requested questions from the board or the gallery. No questions.

Chairman Leary requested a motion to close the public hearing. Member Blackmer made a motion to close the public hearing. Member Miksic seconded the motion. All in favor. Motion carried.

Ms. Oh inquired about when she would be allowed to change the signage outside. Chairman Leary explained that if the board approves her package, that would all be part of the approval.

- **Case No: SPA2021-02** Application of Sparkboro Wellness NAMA Corp. for property located at 1268 Curran Highway. Special permit requested for new construction to operate a marijuana retailer in an I-1 zone.

Chairman Leary opened the hearing to Attorney Don Dubendorf and Charlie LaBatt of Guntlow & Associates, Inc. Mr. Dubendorf explained that they went before the Conservation Commission on January 5 and were granted approval and an Order of Conditions for the proposed project. They come before the Planning Board for three pieces. One is the special permit for marijuana retail use, two is the site plan approval and the third is a waiver to store non-cannabis related solid waste in a dumpster exterior to the building. In the regulations, it requires all waste to be within the building. They would propose to segregate and treat them differently.

Mr. LaBatt explained the site plan proposal is for marijuana retail. There is a small parking lot with single access off of Curran Highway that is slightly relocated/adjusted to fit the current site better. There are 21 spaces proposed. The building will sit in the rear of the site with access from the northbound lane of Curran Highway with a 24-foot access drive. There is a fairly small 60-foot-wide parking lot with typical 9-foot by 20-foot parking spaces with a 20-foot aisle. There is a curbed walk immediately adjacent to the drive for building entry. A small retaining wall is proposed on the north side to minimize grading impacts to on-site wetlands. They are proposing a fill site due to the on-site septic system proposal. The septic system would need to be raised due to the high groundwater so to accommodate that they raised everything. Sub surface detention is also proposed for stormwater treatment and detention that is also above existing grade. Generally speaking, the entire site has been raised several feet. This will allow for more direct access from Curran Highway as opposed to the slope down that is currently there. Mr. LaBatt further explained the lighting plan as well as the rain garden and plantings design plan.

Chairman Leary inquired about the number of parking spaces on the site and the number of employees expected to be on the site at a time. Mr. LaBatt explained that there are 21 parking spaces proposed which includes one universally accessible van space. The number of employees anticipated at one time would be eight to ten. Chairman Leary confirmed that almost half the parking would be taken by employees. Mr. LaBatt confirmed and stated that he believes that the owner is researching alternative parking options although no agreement has been made at this time. Chairman Leary expressed concern about the amount of traffic that has been at the Great Barrington and Williamstown sites and inquired about a traffic plan. Mr. LaBatt explained that they do anticipate that they made need to make provisions for parking at the initial opening for traffic control that could include hiring a police officer. They do not anticipate there will be a parking problem in the long term. For the first week or two they plan to reach out to neighboring sites for extra parking and hiring a police officer to manage traffic. He does have another design concept that would allow for another lane if they are able to coordinate a shared city sewer connection option instead of the on-site septic. Mr. Dubendorf stated that he felt the Great Barrington situation was due to the early entry in to the market. The Williamstown site has not had the traffic issue that Great Barrington experienced. He does not feel that will be the long-term case for this site. Given the sensitivity of the planning now to capture the stormwater on site, they are opting to put more impervious on site than needed for the long term. They are confident that the 21 spaces will meet the needs of this site.

Chairman Leary requested questions from the board. Member Senecal inquired about the building material for the building, the type of roofing that will be used, whether the building will be on a slab, as well as color choices, etc. Mr. LaBatt stated that colors have not been chosen yet. The building is proposed to be frost walls, slab on grade, single story traditional stick-built truss type building. The exterior is anticipated to be vinyl siding with asphalt shingle type roof. A vinyl shake type siding in the gable ends, dormers over entrances and exits and false windows to break up the façade.

Member Senecal inquired about lighting around the building. Mr. LaBatt confirmed that the full perimeter will be lit as well as parking lot lighting. He explained the lighting plan will have fixtures on all sides and over doorways with a couple of taller sight lights for the parking lot and access drive areas. Chairman Leary requested confirmation that the lighting is downcast. Mr. LaBatt confirmed. The sight lights are full cut offs.

Member Senecal stated that the board will need the color of the building when they decide on the color for the file.

Member Miksic inquired about the reason for splitting the dumpsters. If there is a new building, why would they not keep it all inside. Mr. LaBatt explained that they would like to keep traditional waste outside so that it can be managed and picked up by a traditional waste hauler. Non-traditional waste is a scheduled event and has to be managed differently. Member Miksic inquired about the guidelines to ensure that there isn't comingling of marijuana waste and traditional retail waste. Mr. Dubendorf explained that the CCC requires that you can't recycle the marijuana waste like you can traditional retail waste so that is why they are trying to keep them separate. Mr. LaBatt stated that the on-site waste would be generated by employees and staff as there will not be trash receptacles outside.

Member Ritland Bond inquired about the timeline for opening, providing signage, and what the name of the business on the sign will be. Mr. LaBatt explained that the applicant is hoping to open as soon as possible. This is one of the last local permits. He would anticipate three to four months if everything goes well. The signage hasn't been finalized yet as they are trying to coordinate it with the store in Williamstown. They will need to come back to the board for that.

Member Blackmer expressed concern about the parking as the Williamstown store parking lot is always busy. She also inquired about the nature of New England weather in regard to the rain garden and if they took that in to account with their planning as Wal-Mart has had a lot of problems with their design surviving the plows and the salt and the sand over the years. Mr. LaBatt confirmed and explained that they have to use natives to the area and specifically Berkshire County in their design. The rain garden does set back a fair amount from the road but they have tried to pick resistant type plants if the salt is high. He is hoping that the grass buffer between the shoulder and the rain garden can absorb most of it.

Member Burdick directed an inquiry to the chair regarding whether it would be in the purview of the board to require a condition that police be hired for traffic control at the opening. Chairman Leary confirmed that it could happen after the public hearing closed at the second part of the meeting.

Chairman Leary requested questions from the board or gallery. No questions.

Chairman Leary requested a motion to close the public hearing. Member Senecal made a motion to close the public hearing. Member Blackmer seconded the motion. All in favor. Motion carried.

### **Approval of minutes**

- Planning public hearing – December 14, 2020

Chairman Leary requested a motion to approve the minutes of the Planning public hearing for December 14, 2020. Member Hanlon made a motion to approve the minutes. Member Taft seconded the motion. Member Miksic abstained. All in favor. Motion carried.

- Regular meeting – December 14, 2020

Chairman Leary requested a motion to approve the minutes of the Planning regular meeting for December 14, 2020. Member Blackmer made a motion to approve the minutes. Member Taft seconded the motion. Member Miksic abstained. All in favor. Motion carried.

### **New business**

- **Case No: SPA2021-01** Application of Se Eun Oh for property located at 139 Ashland Street. Special permit requested for a change of use to operate a retail sushi food service restaurant in an CBD zone.

Chairman Leary requested a motion to approve. Member Hanlon made a motion to approve. Member Blackmer seconded the motion. All in favor. Motion carried.

- **Case No: SPA2021-02** Application of Sparkboro Wellness NAMA Corp. for property located at 1268 Curran Highway. Special permit requested for new construction to operate a marijuana retailer in an I-1 zone.

Chairman Leary requested a motion to approve. Member Miksic made a motion to approve. Member Hanlon seconded the motion. All in favor. Motion carried.

Chairman Leary requested a motion require a condition that the applicant needs to bring in appropriate traffic control as needed during the opening and for as long is required to maintain adequate traffic control. Member Blackmer made a motion to add the condition. Member Taft seconded the motion. All in favor. Motion carried.

Chairman Leary requested a motion require a condition that the applicant return to the board with a signage plan and color of the building. Member Burdick made a motion to add the condition. Member Hanlon seconded the motion. All in favor. Motion carried.

Chairman Leary requested a motion to allow a waiver for waste disposal, allowing for a separation of non-cannabis related traditional waste to be stored in an outside location with appropriate screening. Member Miksic made a motion to add the condition. Member Taft seconded the motion. All in favor. Motion carried.

Chairman Leary requested a motion to approve. Member Miksic made a motion to approve. Member Hanlon seconded the motion. All in favor. Motion carried.

### **Other business**

- Form A – Application for Endorsement of Plan Believed Not to Require Approval (ANR) request from Hill-Engineers, Architects, Planners on behalf of John Duquette for property located at 445 Ashland Street.

Chairman Leary requested a motion to approve. Member Miksic made a motion to approve. Member Blackmer seconded the motion. All in favor. Motion carried.

- Nomination Committee for 2021 Election of Officers

Chairman Leary requested Paul Senecal and Lynette Ritland Bond to serve as the nominating committee and to report recommendation for chairman and vice chairman back to the February meeting.

**Adjournment** Motion to adjourn 6:35 p.m.

Respectfully submitted,



Michelle Ells  
Planning Board Secretary