

# Town of Sandisfield

Select Board  
March 24, 2022

Minutes for Select Board Special Permit Hearing for Berkshire Mountain Cannabis held on Thursday, March 24, 2022 at 7:00p.m. at the Town Hall Annex, 66 Sandisfield Road, Sandisfield, MA

Members present: George Riley, Alex Bowman, Steve Seddon, Jonathan Silverstein, Brian Shea

Called to order at 7:00PM

George Riley summarizes that this is a Special Permit Hearing for Berkshire Mountain Cannabis, a retail cannabis shop that will be located at 88 South Main Street, Sandisfield MA, formerly known as Villa Mia restaurant.

Brian Shea goes over his application for the proposed establishment, which can be found on the Select Board page on the town website. He notes the property has sufficient parking, handicap accessibility, and can easily be renovated. Brian believes this business endeavor will benefit the town greatly, and estimates his investment into the building around \$700,000, which will happen within the next six months should they obtain the special permit.

Brian reports there should be no odor coming from the facility. Just as well, the security system will be similar to that of a bank, if not more advanced, and should include around fifty security cameras. Great lengths will be taken to keep minors away from the establishment, and all individuals entering the building will need to present an ID to be scanned, logged into their system, and verified.

There is an easement on the property, for there are two residencies directly behind the proposed establishment. This will allow for these properties to still easily access the roadway. This easement was there before Berkshire Mountain Cannabis took interest in the property. Brian also notes there is plenty of room to establish additional space that is not to be obstructed, should the homeowners find it necessary.

Alex Bowman goes over the five requirements for issuing a special permit.

**1. Is in compliance with all provisions and requirements of this Bylaw and in harmony with its general intent and purpose** -- Brian clarifies the similarities and differences between the proposed establishment and a craft/gift shop. He notes that both are retail facilities, with the only difference being the products sold.

**2. Is essential or desirable to the public convenience or welfare at the proposed location;** -- The desirability has been established in regards to the revenue it will bring the town and the job opportunities. Brian reports he estimated BMC's one-year revenue

at \$16,080,000 based on the location, demographics and uniqueness of the area. He believes these numbers may be conservative.

**3. Will not be detrimental to adjacent uses or to the established or future character of the neighborhood;** -- Alex believes the establishment will prove similar to that of the previous use. Bringing in a similar amount of traffic. However, questions the possible detriments.

Brian notes that sufficient lighting will be required in the parking lot. He acknowledges this may become an annoyance to the abutters, and would be willing to develop a plan with the Sandisfield Building Inspector that will best suit the establishment. The lights will be on during operating hours, and some lighting during the night for emergency services. George notes all lighting must be dark-sky compliant, meaning all lights should face downward and no light should trespass beyond the property.

A fence is anticipated to be installed for secure deliveries. Brian requests a recommendation from the Building Inspector should the town seek further fencing. A chain-link fence is proposed in the application, which would heighten security. However, the fence is not required, should Sandisfield residents dislike the aesthetics of the fence. Alex notes no other cannabis retailers in the surrounding area have fences around their establishments.

BMC proposed a line queue plan in their application. A line queue plan allows for vehicles to enter one way, exit another, and queue up for parking if necessary. However, Brian does not believe the facility will reach this point of overflow. It's noted that police detail may be necessary initially to prevent road congestion.

**4. Will not create undue traffic congestion or unduly impair pedestrian safety;** -- No traffic studies have been done. However, BMC has looked at the trends in Sandisfield provided online by Massachusetts' Department of Transportation. The tentative hours of operation for the establishment are 8:00am-9:00pm, seven days a week. However, Brian is unsure they will be open the entirety of those hours. He notes that staffing may cause a variance in hours.

**5. Will not overload any public water, drainage or sewer system or any other municipal facility to such extent that the proposed use or any existing use in the immediate area of the Town will be unduly subjected to hazards affecting the public health, safety or general welfare.** -- There is no public water, no drainage has been altered, and no public sewer. No odor is expected to be present outside of the building. Once entered into the building, there will likely be odor. Should odor mitigation need to be installed, BMC would use carbon filters.

Brian reports there was no particular reason they focused on retail, rather than medical cannabis sales. He notes obtaining any license in this field is difficult, but he would not be opposed to obtaining a medical sales license in the future. However, once medical sales are introduced, a separate retail space and line will need to be established within the facility.

Depending on availability, Brian estimates to hire between 25 and 35 employees. Sandisfield residents will be given priority to these job opportunities.

There will not be any billboards posted, nor any signage or advertisement including the word "cannabis" or "marijuana." Limited signage will be included on the property. George notes the Sandisfield signage bylaws are strict.

It's noted that BMC would like to source some of their products locally. However, not all the products will be locally sourced.

It's noted that BMC may use solar power. George reports Sandisfield has a Community Aggregation plan with a solar generated supplier meaning that BMC would simply need to sign up, which is an easy process. This is available to all Sandisfield residents.

George reads the Special Permit Conditions, which are available on the Select Board page of the town website.

George motions to grant a Special Permit to Berkshire Mountain Cannabis LLC to build and operate a cannabis retail establishment with the amendments that have been written by attorney, Jonathan Silverstein. Steve seconds. Motion passes unanimously.

Roll-call vote: Alex, yes. Steve, yes. George, yes.

Meeting adjourned at 8:08pm.

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George Riley

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Alex Bowman

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Steve Seddon