



TOWN OF EGREMONT
Board of Appeals
171 Egremont Plain Road

P.O. Box 368
Egremont, MA 01258-0368
Phone 413-528-0182 ext 10 fax 413-528-5465
email: tegremont@egremont-ma.gov

NOTICE OF DECISION - SPECIAL PERMIT

Date: June 27, 2019

Issued to: Ari and Heidi Zorn

An application was made for a special permit on April 22, 2019 by Ari and Heidi Zorn to have a retail marijuana space at 71 Main Street, South Egremont.

The Board of Appeals, at its hearing on Monday, June 25, 2019, following hearing dates of June 12 and June 19, 2019, made a decision with reference to the above application by voting as follows:

To approve the application for special permit under the following article and section of the Zoning Bylaw: 4.3.1.5, with conditions spelled out below:

In a reading of the Bylaw in its entirety, the area of greatest concern regarding conditions of operation of all retail establishments in South Village is safe and sufficient parking. Aside from safe water and waste disposal, the safety of vehicular and pedestrian traffic is a concern along the entire length of Rte 23.

The following conditions have been set:

- 1: Hours and days of operation be as stated in the application - 7 days a week from 11am to 8pm.
- 2: The method of sale is to be solely by pre-order and/or appointment. A designated time of pick up to be issued to the caller, and an agreed sequence of arrival and departure times assigned. There is to be no walk in traffic.
- 3: There will be at least one traffic guard to check on assigned times, and to direct customers to assigned parking places to the westerly side of 67 Main Street and on the east side of 71 Main Street.
- 4: Per the submitted parking plan, shared parking will be accommodated in conjunction with the abutting property. A signed, legally enforceable agreement including the following provisions shall be executed between the Karner Brook LLC and EmLaw Holding Company LLC prior to opening of the retail establishment:

- a. Applicant business will have access to 5 designated parking spaces in front of the building at 71 Main Street during operating hours and the use of additional spaces in front of 67 Main Street at the end of the business hours at the restaurant at 67 Main Street which is 3:00 pm.
- b. Snow clearing and general parking lot maintenance shall be apportioned among the abutting properties at 67 and 71 Main Street to ensure availability of adequate parking spaces and safe conditions during business hours.

5: All signage and lighting will meet both Town and CCC regulations.

6: The Special Permit will be limited to the current applicant and shall lapse if the permit holder ceases operations.

7: All product will be removed at the applicants' expense under the direction of the CCC or other governing bodies should closure occur.

Signed: _____
Chairman, Board of Appeals

The decision of the Board, together with detailed record of its proceedings stating the reasons for the decision, shall be filed in the office of the Town Clerk within 14 days after said decision.

An appeal of the decision may be made by any person aggrieved pursuant to MGL Chapter 40A, Section 17 as amended, within twenty (20) days after the date of filing in the office of the Town Clerk.

This notice shall be mailed forthwith to the petitioner, abutters, and owners of the land within 300 feet of the property line of the said property, the Board of Selectmen, the Building Inspector, the Planning Board, the Planning Boards of any abutting municipalities, and to person present the public hearing who requested such notice and stated the address to which such notice was to be sent, as provided in Section 15, Chapter 40A, as amended.

RE: Special Permit. The Board of Appeals may, after giving the holder of this permit ten (10) days written notice, sent by certified mail, return receipt requested, to the said holder's last known address, after a public hearing called to modify or revoke said permit, modify or revoke the same. Modification or revocation of this special permit shall require a vote of a least two (2) members of the three-member board.

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As chair of the Board of Appeals, I hereby certify that the following is a detailed record of all its proceedings relative to this application of Ari and Heidi Zorn for a special permit under the following articles and sections of the Egremont Zoning By-Law: 4.3.1.5.

The applicant is asking to operate a Retail Marijuana Shop.

The premises affected are located at 71 Main Street, Egremont MA.

1. On April 22, 2019 an application, of which a true copy marked "A" is made a part of this record, was presented to the Board of Appeals.
2. Thereupon, an advertisement, a true copy of which marked "B" is made a part of this record, was published in the Berkshire Record, a newspaper published in Great Barrington Mass, on 5/24/19 and 5/31/19.
3. Notices of the hearing, a copy of which marked "C" is made a part of this record, were mailed postpaid to the petitioner and parties in interested as specified in Section 11, Chapter 40A, as amended, on 5/3/19.
4. On, Wednesday, June 12, 2019 a hearing was held at the Egremont Town Hall at which hearing opportunity was given to all those interested to be heard in favor or opposition to said application. The hearing was continued to June 19, 2019 and to June 24, 2019.

Members present: Elliott Snyder, Susan Bachelder, Cathy Fracasse.

5. During the hearing, the Board made the following specific findings regarding the property in question and the proposed use (note: Restatement of mandatory provisions and requirements are not to be taken as findings.)
 - A. The proposed amendment is in compliance with all other provisions and requirements of the Bylaw, and in harmony with its general intent and purpose.
 - B. The proposed amendment is essential or desirable to the public convenience or welfare at the proposed location.
 - C. The proposed amendment is not detrimental to adjacent uses or to the established or planned future character of the neighborhood.
 - D. The proposed amendment will not create undue traffic congestion, or unduly impair pedestrian safety.
 - E. The proposed amendment will not overload any public water, drainage or sewer system or any other municipal facility to such an extent that the proposed use or any existing use in the immediate area or in any other area of the Town will be unduly subjected to the hazards affecting public health, safety or general welfare.
6. The Board voted at its meeting on Monday, June 24, 2019 as detailed below, to

GRANT the application

The Zoning Board of Appeals unanimously voted to grant a special permit to Ari and Heidi Zorn under the

following article and section of the Zoning Bylaw: 4.3.1.5, with the following conditions:

In a reading of the Bylaw in its entirety, the area of greatest concern regarding conditions of operation of all retail establishments in South Village is safe and sufficient parking. Aside from safe water and waste disposal, the safety of vehicular and pedestrian traffic is a concern along the entire length of Rte 23.

The following conditions have been set:

1: Hours and days of operation be as stated in the application - 7 days a week from 11am to 8pm.

2: The method of sale is to be solely by pre-order and/or appointment. A designated time of pick up to be issued to the caller, and an agreed sequence of arrival and departure times assigned. There is to be no walk in traffic.

3: There will be at least one traffic guard to check on assigned times, and to direct customers to assigned parking places.

4: Per the submitted parking plan, shared parking will be accommodated in conjunction with the abutting property. A signed, legally enforceable agreement including the following provisions shall be executed between the Karner Brook LLC and EmLaw Holding Company LLC prior to opening of the retail establishment:

- a. Applicant business will have access to 5 designated parking spaces in front of the building at 71 Main Street during operating hours and the use of additional spaces in front of 67 Main Street at the end of the business hours at the restaurant at 67 Main Street which is 3:00 pm.
- b. Snow clearing and general parking lot maintenance shall be apportioned among the abutting properties at 67 and 71 Main Street to ensure availability of adequate parking spaces and safe conditions during business hours.

5: All signage and lighting will meet both Town and CCC regulations.

6: The Special Permit will be limited to the current applicant and shall lapse if the permit holder ceases operations.

7: All product will be removed at the applicants' expense under the direction of the CCC or other governing bodies should closure occur.

Members:

Elliott Snyder - yes: Susan Bachelder - yes: Cathy Fracasse - yes.

Signed: _____

Chair, Board of Appeals

mab

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**NOTICE FOR RECORDING IN THE REGISTRY
OF A DECISION TO GRANT A SPECIAL PERMIT OR ANY EXTENSION,
MODIFICATION OR RENEWAL OF A SPECIAL PERMIT**

TO: Ari and Heidi Zorn

By the Zoning Board of Appeals affecting the rights of the owner with respect to the use of the premises at:
71 Main Street, Egremont MA _____

The record title standing in the name of:

Karner Brook, LLC

By deed duly recorded in the Southern Berkshire District, Berkshire County Registry of Deeds in Book
2417 Page 238_ and in Registry District of Land Court, Certificate Number _____ Book _____
Page _____

The full decision of said Board is on file with the papers and plans in the office of the Town Clerk. Said Board approved application and grants special permit to Ari and Heidi Zorn, at 71 Main Street, Egremont to have a Retail Marijuana Shop as allowed by Egremont Zoning Bylaws Section 4.3.1.5.

Signed and certified this 27th day of June, 2019.

The Egremont Zoning Board of Appeals: _____ Chair

CERTIFICATE BY THE TOWN CLERK FOR FILING OF THE DECISION IN THE REGISTRY

This is to certify that twenty (20) days have elapsed since filing of the above decision with this office and no appeal has been filed, or appeal has been filed and denied in this case.

Signature and Seal of the Town Clerk