



# Select Board

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## Select Board Meeting Minutes Special Meeting October 12, 2023

**Quorum present:** Select Board Members; Kathleen Keresey, Chair, Andrew Krouss, Andrew Potter, and Town Administrator Marie Ryan.

Kathleen opened the meeting at 6 PM.

Kathleen explained the reason for this special meeting was due to a large number of complaints from neighbors in West Stockbridge and Richmond in regard to odor emanating from Wiseacre Farm on Baker Street. She then introduced Nicole Costanzo, Town Counsel from KP Law, who assisted the Town in creating the current Host Community Agreement (HCA) with Wiseacre Farm.

Nicole explained that an HCA is required by the state to operate and address any concerns a community may have in any marijuana growing and manufacturing establishment in Massachusetts. The HCA spells out the responsibilities of the applicant. The HCA is a contract between the Select Board and the operator which governs how the establishment operates.

In regard to complaints about odor, there are two provisions within Wiseacre Farm's HCA. The first one is Section 5 of the HCA which requires the business to take affirmative steps to address concerns by abutters, neighbors and neighboring businesses and to work with these persons and the Town collaboratively to create a written policy and procedure to address reasonable concerns raised. The Select Board must provide notice to the business to hold a meeting and address complaints raised and assess any policies that may need to be created to address odor mitigation. The second provision within the current HCA is in Section 10 which lays out specific odor mitigation measures that must be implemented as well as additional measures the business may complete down the road but are not required to do to begin the initial operation.

The HCA odor mitigation required to be in place prior to operation are:

For Outdoor operation:

- Create air gaps, space between plantings to dissipate the odor
- Install fencing with fabric barriers to contain the odor
- Install aromatic plantings to mask the odor

For indoor operation:

- Install air recirculation system
- Install scrubbing filtration system
- Create directional venting

Non-required odor mitigation steps, but may install:

- Odor detection system
- Cutting edge technology such as molecular filtration system

Nicole stated that if requested by the Town, the business must take additional mitigation measures at its own expense, including but not limited to, having odor mitigation assessment done by a third-party independent engineer. This additional step would address any complaints to the satisfaction of the Town.

At this time, Kathleen allowed residents to comment and asked that West Stockbridge residents come to the microphone to speak first.

David Anderegg, 10 Iron Mine Road, stated that he believes that Wiseacre Farm is covered by the Right to Farm bylaw in West Stockbridge which should cover any incidental accompanying noise and odor produced by a farm. Kathleen asked Nicole to speak in regard to this. Nicole stated that cultivation of marijuana does not constitute agriculture per the Legislature therefore the Right to Farm bylaw does not apply.

Gary Quadrozzi, 11 Cross Road and Tom Walsh and Joanna Yurman, 23 Baker Street, all complained about intense odor that not only impacts their ability to enjoy sitting outside at their home but also the odor comes inside their homes.. They feel that the business has lowered the value of their property and could possibly make it harder to sell their house if they decided to do so. They asked the Board to help them to mitigate the odor.

Lin Cox, 289 Great Barrington Road, works for Jon Piasecki, owner of Wiseacre Farm, and truly believes that he tries to be a good neighbor that will listen to peoples' concerns and try to accommodate them all. She said that the smell is only strong for 1-2 months out of the year when they are harvesting.

Kathleen asked any Richmond residents that wanted to speak to come to the microphone to comment.

Jane Mayer, Dean Hill Road, requested that Jon Piasecki, please provide additional odor mitigation due to the impact it has on the daily lives of the neighbors.

Evelyn Garston and David Valenti, 92 Baker Street, live directly across the street from the farm. When they heard about the possibility of the farm being located where it is, they reached

out to Jon Piasecki and he addressed all of their concerns. He assured them that he would take all the necessary precautions to combat smell and be a good neighbor. They both agree that in late August until the first week in September the smell can be pungent, however right before and after that the smell is light. The farm will bring revenue to the Town and has employed many people. They believe that Jon and his staff run the business in a very positive and professional manner.

Alex Dalton, Richard and Pam Pfeiffer, from Dean Hill Road and Kathryn and Sean Wilson from 250 Cross Road all made comments that they believe the smell began to be very pungent in early July through September. They had concerns this may impact their real estate values. They asked that the Town hold Wiseacre Farm accountable for odor mitigation. Kathryn Wilson does not believe that additional plantings will be enough to mask the odor and she hopes for further additional attempts for odor mitigation.

Kathleen then opened the floor to Aaron DuBois, Attorney for Wiseacre Farm, to speak on behalf of the owner, Jon Piasecki.

Aaron stated that cannabis cultivation is extremely regulated in Massachusetts. He also believes that smell and odor are very subjective. He stated that Jon wants to be a good neighbor to the residents of both towns, however, not one person ever came to see Jon or asked questions or complained to him. He had no idea that there were so many concerns about odor since no one ever approached him or informed him. The HCA and State law requires that Jon provide reasonable mitigation which he feels he had done with fencing that included an additional fabric barrier and planting the aromatic plants, which do not mature for 2-3 years. The current plants are not helpful with odor yet. Jon is committed to an additional 200 plantings and wants to work collaboratively to mitigate the odor to minimize the impact on everyone but they need to realize that the smell will not be eliminated totally. Aaron explained that since the majority of the complaints are from up the hill in Richmond, that tells the business that they will need to install fans that will redirect the flow of air in the opposite direction. The West Stockbridge Board of Health compiled independent subjective odor readings, in future years, as the aromatic plantings mature, the smell will be somewhat masked.

Jon explained one of the biggest odor mitigation steps he took was to cut down the land by 20 feet to have a large grade separation and use the land wall to stop the flow of odor. He placed fencing with fabric barriers on three of the four sides of the property and will add the fencing to the fourth side this year.

Kathleen asked what Jon has in mind for future odor mitigation. Aaron responded that Jon will add fencing with fabric barriers on the fourth side of the property, acquire an air moving system to disperse the odor upward and outward away from Richmond and increase his plantings by 200 aromatic plants, and finally they hope to start the plantings on time this coming year.

Kathleen asked Aaron what cutting edge technology could be used as mentioned in the HCA. Aaron stated that at this time, that would include such systems as misters, which would release additional chemicals into the air that could cause odor issues. Jon is not prepared to go in that direction for that reason.

Kathleen questioned Aaron on the use of a 3<sup>rd</sup> party independent engineer and if that is something Jon will be looking into. Aaron and Jon both stated that there are very few engineers that specialize in this type of situation. They said there is a company that could

come and do odor level readings but that would not make sense until next year right before, during and after the harvest. After the results from next year's harvest time, then Jon could work on a more definitive odor mitigation process.

Kathleen suggested that Jon prepare a written response for the Board with what his plans are for additional odor mitigation. She does not feel that waiting until next growing season to get a study and then decide on a process for odor mitigation is soon enough. She would like to see Jon be more proactive and asked what comfortable timeline would be for Jon to produce a plan for the Board.

Andy Potter stated that the HCA requires an Annual Report from Jon and suggested that this include his additional odor mitigation plan. This report is due in January 2024. Aaron, Jon and the Board all agreed this would be a good next step in this process. Andy then thanked everyone for coming to attend the meeting for this important discussion.

Andy Potter made a motion to adjourn, seconded by Andy Krouss at 8:03 PM.  
All were in favor, meeting adjourned.

Respectfully submitted,

*Marie y. Ryan*

Marie Y. Ryan  
Town Administrator