

**Becket Planning Board**  
**Approved Meeting Minutes**  
**August 13th, 2014**

Planning Board Members Present: Robert Ronzio ( Chairperson), Gale LaBelle, Ann Krawet  
Martin Schlanger (Clerk) Beth VanNess (Clerk Pro Tem) Beth  
VanNess ( Clerk pro Tem) Howard Lerner.

Planning Board Members Absent: None

Members of the public present: Attorney Smithers, Michelle Butler, Robert Cohen, Mary Cohen,  
Mark Volk, Jeremiah Pollard, Ronald Fortune, Mary Alarie, Ed Gibson, Bill Girard.

Meeting opens at: 7: 00 pm

Chairperson , Robert Ronzio, opens the meeting and announces that agendas are on the table for anyone who wants them. He advises that the meeting is being held in accordance with Massachusetts General Law Chapter 40A and the By-laws of the Town of Becket. A decision to issue a special permit requires a minimum of four positive votes from a five member board. The board has 90 days to make a decision after the close of a public hearing and 14 days to file paperwork with the Town Clerk once a decision is made. Any Appeals of decisions can be made only to the court and must be made pursuant to Section 17, MGL 40A as amended, and must be filed within 20 days after the date of filing of the decision with the Town Clerk. Mr. Ronzio Requests to dispense with the remainder of the introduction, board members agree unanimously to dispense with the rest of the introduction as there is no one present at this time who is not familiar with that section of the MGL. Mr. Ronzio states that Mr. Howard Lerner is an alternate member and with a full board present, Mr. Lerner will not need to act.

Approval of July 9th , 2014 Meeting Minutes- Board members briefly review and make minor changes as discussed. Mr. Schlanger makes a motion to approve the meeting minutes as presented, Ms. LaBelle seconds the motion; Ms. Krawet abstains. Meeting minutes are approved as amended.

Public Hearing- Robert and Mary Cohen , 1210 Main Street, Assessors' Map 413 Lot 24.

Chairperson, Mr. Robert Ronzio opens the public hearing and confirms that all fees and reimbursements have been paid to the Town.

Mr. Ronzio reads aloud a letter received from the Conservation Commission ( letter attached) .

Mr. Ronzio introduces Mr. Sid Smithers , the attorney representing Mr. and Mrs. Cohen.

Attorney Smithers approaches the Board members and begins his presentation on behalf of the Cohens. Attorney Smithers explains to the Board that the Cohens desire to create a second building lot, further explaining that there is not enough road frontage . Attorney Smithers further explains that the Cohens have opted to change the existing driveway into a subdivision road.

Attorney Smithers presents the map and plans prepared by Foresight Land Services and reviews

them with the Planning Board members present. Atty. Smithers further shows the right of way and where the current home now sits.

Atty. Smithers introduces Mr. Mark Volk and further explains that Mr. Volk will be explaining each of the exemptions and waivers that the Cohens are requesting. Mr. Volk presents and reviews the Certificate of Approval of a Subdivision Plan, Mary and Robert Cohen for "Hambledon Hill Drive." Mr. Volk advises that he has spoke to the Fire Chief and that he has been to the location. He also advises that he has emailed all the information to the Becket Board of Health and is still waiting for a response. He states that the new location has two sites for percolation.

Atty. Smithers emphasizes that the definitive road is from Rte. 8 to the hammer head. Ms. LaBelle expresses concern with the hammer head turn around during the winter time and when there is excessive snow. Atty. Smithers suggests that a site visit may be beneficial for the Board, stating that they need to see first hand how much room there really is up there. Mr. Ronzio states that he has gone to the proposed site and has driven the first 1500 ft. up to the hammer head.

Ms. Krawet expresses concern that there will only ever be two residences at this location and wants to ensure that this will hold in the future. Atty. Smithers explains that it is written in the decision and will be recorded with the plan. Ms. Krawet states that she is uncomfortable granting so many waivers. Atty. Smithers assures her that a rear lot is not possible as their attempt to acquire land from neighbors was unsuccessful. Mr. Ronzio suggests that it should be taken under consideration to put in one addition bump-out, thus providing the driver with clear vision straight through to Route 8. Mr. Schlanger expresses concern that it states in the decision that the property is restricted to two houses *for now*. Atty. Smithers confirms that it will be recorded for two homes only at the Registry of Deeds.

At this time, Ms. Krawet makes a motion to continue the hearing and schedule a site visit for Sunday August 17<sup>th</sup> at 10:00 AM, with the meeting scheduled to reconvene on Wednesday, August 27<sup>th</sup> at 9:00 AM, Mr. Schlanger seconds the motion; Unanimous Approval.

Public Hearing pursuant to the remand order, to review a Special Permit Application submitted by Ronald J. Fortune for his property located on Andrews Road, Assessors' Map 404 Lots 42.1, 42.2, 42.3. The proposed activity is to allow the extension of an existing structure on the property.

Mr. Jeremiah Pollard, Attorney representing Mr. Ronald Fortune, introduces himself to Board members and public present and explains that this is a remand order from the Superior Court. Atty. Pollard advises that they have submitted some new information, as well as reviewing previously submitted information with Board members.

Chairperson, Mr. Robert Ronzio states that they have received some letters from abutters, referencing Mr. Fortune's property. Mr. Ronzio reads aloud letters received, to include letter submitted by the Conservation Commission, Mr. Dale Rozon at 139 Andrews Road and Mr. Bob Alarie at 74 Andrews Road.

Mr. Ronzio invites the public to speak:

Mary Alarie- Expresses concern that there is a lot of debris at the property and that there really is no pasture. Ms. Alarie also advises that there are many bundles of wood, packaged for sale.

Lastly, Ms. Alarie warns Board members that there is actually more stuff at the property than there was for the last hearing back in 2011.

Bill Girard; Building Inspector- Mr. Girard advises that there is a lot of construction debris that has been moved onto the property further advising that much of the materials are rotted.

Atty. Pollard- states that there are two saw mills on the property and also some lumber in the lawn.

Mr. Ronzio requests the original application submitted by Mr. Fortune, he reads and reviews with all present.

Atty. Pollard- argues that Mr. Fortune should fall under an Agricultural use and that one would not be able to have a farm, without a barn.

Atty. Brian Winner- Explains to the Board members that they have to give consideration to two decisions, first to consider whether this is an agricultural use and second if permission can be granted and approval given as long as it is not substantially detrimental. Atty. Winner further explains that the Building Inspector can not issue a building permit until the Planning Board makes a decision.

Building Inspector, Bill Girard, reminds the Board members that the material; or wood, must come from his property in order to be considered an Agricultural use. Mr. Ronzio states that he went to the property and did not see a fence line or even a single animal so that he would meet the definition for an Agricultural use. Mr. Ronzio further states that a saw mill alone is not an Agricultural use.

Atty. Pollard states for the record that he is arguing for Forestry Agricultural use.

Mr. Schlanger makes a motion to close the Public Participation portion of the hearing and move into deliberations; Ms. Krawet seconds motion, Unanimous Approval.

Planning Board members further discuss the application they have in front of them, further discussing if the applicant should even need a Special Permit from the Planning Board.

Ms. LaBelle makes a motion under Chapter 40A3, along with new evidence before us and in accordance with the Zoning Bylaws in the Town of Becket, Mr. Ronald Fortune does not need a Special Permit to extend his barn, for exempt uses only, Ms. Krawet seconds motion; motion carries.

Mr. Ronzio polls the board for a vote:

Ms. LaBelle- Approves

Mr. Schlanger-Approves

Ms. Krawet- Approves

Ms. VanNess-Approves

Mr. Lerner- Recuses himself

Old Business- Release of Covenants for 21 Stoney Brook Road: Board members briefly discuss. Mr. Ronzio advises that he will be in touch with the attorney and will advise him that he will sign off on the covenants.

Continuation of Large and Small Wind Energy Systems Bylaw: Board members briefly discuss. Public Hearing will be continued until October 1<sup>st</sup>.

Correspondence- Read and reviewed

Budget- Read and reviewed

Any other business to come before the Board- None

Mr. Schlanger makes a motion to adjourn the meeting , Ms. VanNess seconds motion; Meeting is adjourned at 9:35 AM.

Schedule next meeting for Wednesday August 27th , 2014.

Respectfully submitted,

Heather Hunt  
Administrative Assistant

Signed\_\_\_\_\_ Date\_\_\_\_\_

Robert Ronzio

Signed\_\_\_\_\_ Date\_\_\_\_\_

Beth VanNess

Signed\_\_\_\_\_ Date\_\_\_\_\_

Martin Schlanger

Signed\_\_\_\_\_ Date\_\_\_\_\_

Gale LaBelle

Signed\_\_\_\_\_ Date\_\_\_\_\_

Howard Lerner