



Town of Becket
Planning Board
557 Main Street
Becket, Massachusetts 01223
Phone (413) 623-8934 Ext. 20

Meeting Minutes for October 11, 2017

Members Present: Robert Ronzio, Ann Krawet, Gale LaBelle, Alvin Blake and James Levy
(arriving at 7:15 PM and leaving at 9:35 PM)

Members Absent: Charles Andrews

Administrative Assistant: Jessica Perotti

Public Present: Karen Karlberg, Michael Lavery and Peter Puciloski

Call to Order

Robert Ronzio calls the meeting to order at 7:01 PM and goes over the rules of the meeting. Mr. Ronzio introduces the members of the Board and the Administrative Assistant who is recording the meeting minutes.

Approval of Meeting Minutes for June and September Meetings

Mr. Ronzio suggests that the approval of the meeting minutes be pushed to the end of the meeting because of the other items on the agenda and to give everyone a chance to look them over. Ann Krawet makes a **motion** to push the approval of the meeting minutes to the end of the meeting. Gale LaBelle **seconds the motion**. All in favor. **Motion passes**.

Any Other Business to Come Before the Board

Mr. Ronzio recognizes Peter Puciloski, an attorney representing Borrego Solar Systems, Inc. (Borrego). Mr. Ronzio asks the other members of the Board if it would be alright to hear from Mr. Puciloski before they start discussing the other items on the agenda. Board members agree to allow Mr. Puciloski to be heard first. Mr. Puciloski is here to let the Board know that the state won't approve the solar field as it is now: one (1) solar field on two (2) lots. Borrego would like to discontinue the roadway, however leaving it as an open easement for all abutters. Mr. Ronzio says that with this road blocked off, it violates the rules of a subdivision. Mr. Puciloski says the roadway would remain unobstructed and allow access but would not be considered a public way. Ms. Krawet wants verification that the roadway or easement would be maintained all year. Mr. Puciloski confirms that they would maintain the roadway throughout the year. Mr. Puciloski continues to let the Board know that they would come back with a modification that would include a draft of the easement for approval. Mr. Puciloski asks the Board if they would consider this a minor or major modification which would require advertisement of a public hearing. Mr. Ronzio feels that this is a major modification and all interested parties within the subdivision would need to agree to this modification. Mr. Puciloski thanks the Board for their time.



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The Board briefly discusses what they would like to go over next on the agenda. Ms. LaBelle makes a **motion** to discuss Section 6.6 of the Zoning By-laws. Ms. Krawet **seconds the motion**. All in favor. **Motion passes**.

Old Business

Section 6.6 of Zoning By-laws regarding Large-Scale Ground-Mounted Solar Photovoltaic Installations (LSGMSPi)

Mr. Ronzio goes over the way things are now in the By-law. Small-scale ground-mounted solar photovoltaic units are allowed, by right, to the homeowner for the electricity generated on site to be used for onsite consumption. Large-scale ground-mounted solar photovoltaic units generate electricity that is primarily used for offsite consumption. Mr. Ronzio would like to look over the solar By-laws from other towns to get input for making adjustments to Becket's Solar By-law. Bill Girard, Building Inspector for Becket, submitted the solar By-law from the Town of Wilbraham. Mr. Ronzio has a copy of the solar By-law from the Town of Lanesborough. Mr. Ronzio feels that the more current of the two By-laws submitted is the copy from Lanesborough and would like to use that as a model. Alvin Blake lets the Board know that he was at the Berkshire Regional Planning Commission meeting and spoke with Tom Kerns. Mr. Blake found out that starting next month, the Town would be entitled to free consultation regarding solar projects. Mr. Ronzio wonders if the Board should table what they are working on and apply for this funding. Mr. Blake still doesn't know if the Town will be holding a special meeting before the annual town meeting and asks the Board if they do hold a special meeting, would the Board like to get something done before then. Mr. Ronzio asks Michael Lavery, a member of the Select Board, if he knows whether or not there will be a special meeting before the annual town meeting. Mr. Lavery said that they are planning on having one in January 2018 but it has not yet been set officially. Mr. Blake says there is an urgency due to the fact that there is a proposed new applicant who would like to install two or three small scale 250kW solar fields in the town. The Board reminds Mr. Blake that a public hearing would be needed in order to make any changes to the solar By-law. Mr. Blake recommends that they apply for the solar consultation right away because it is on a first come, first serve basis. Mr. Blake volunteers to get a copy of the application and fill it out with help from Ms. LaBelle since she has done those type of applications in the past. Ms. LaBelle agrees. The Board continues to look over the solar By-law. Ms. LaBelle makes a **motion** that the Board go through Berkshire Regional Planning Commission (**BRPC**) to assist with the rewriting of solar By-law to make it applicable. Ms. Krawet **seconds the motion**. No further discussion. All in favor. **Motion passes**. Mr. Ronzio recognizes Karen Karlberg, Vice Chair of the **ZBA (Zoning Board of Appeals)** to ask for her input on the matter. Ms. Karlberg introduces herself and asks if the request to BRPC should also come from the ZBA since they are currently the approving Board for solar



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fields. Mr. Ronzio reminds Ms. Karlberg that the ZBA did not write this By-law; it was written solely by the Becket Planning Board. Mr. Ronzio explains that there was an oversight and several things were not done at that time that overlapped into other energy By-laws. As a result of the examinations of the By-law and how it was written, because there was a site plan review, it ended up going before the ZBA: this was never the intent of the Planning Board when it was written. Mr. Ronzio reminds all that he was not on the Board when this By-law was written. Ms. Karlberg says that while it wasn't the intent that is the way it is now and thinks that the request should come from both Boards to cover all bases. Ms. LaBelle would like to go before the special town meeting to ask that the Planning Board be the approving Board for LSGMSPI. Mr. Blake gives a suggestion that if there is a special town meeting in January the Board could entertain changing it so it reads that the Planning Board is the approving Board for LSGMPs and not the ZBA. Mr. Ronzio says that won't be easy. The Board asks Ms. Karlberg if that would be agreeable. Ms. Karlberg agrees. There are further discussions regarding what should be done. They look over various parts of the By-law. The Board feels there should be a separate By-law for small scale solar panels. The Board decides to first work on reverting the approval back to the Planning Board for LSGMSPIs and develop a By-law for small scale with the help of the BRPC. Ms. Karlberg agrees it would be better for the applicant to only come before one Board. The Board decides to go through the By-law, line by line, to change the language to have the Planning Board be the ultimate approving authority for LSGMSPI. Ms. Krawet reads through the LSGMSPI By-law. The Board changes wording from the Site Plan Approval Board to the Planning Board throughout the By-law. Where it calls for Site Plan Review throughout the By-law, "by the Planning Board" is being added to read as follows: *for Site Plan Review by the Planning Board*. Mr. Ronzio says there are other things in the By-law that need to be addressed in the future; right now, they will only worry about the authority coming back to the Planning Board. Ms. LaBelle says they also need to look at the table of uses. The Board decides the LSGMSPI would go under industrial uses. Mr. Ronzio says it also needs to be added to the Table of Contents. Ms. Krawet makes a **motion** to amend Section 6.6, LSGMSPI, of the Becket Zoning By-laws by removing any reference of the Site Plan Review and to replace it with Planning Board and to add LSGMSPI to the Table of Uses under Industrial Use. Ms. LaBelle **seconds the motion**. No further discussion. Mr. Ronzio calls for a vote; all in favor. **Motion passes**. The Board agrees to look over the amended By-law after Ms. Perotti types it in its entirety at their next meeting in November to approve the changes. The Board sets a tentative date to hold a public hearing regarding those changes on December 13, 2017 at 7:00 PM.

Board to discuss Rules & Regulations for the Planning Board

Mr. Blake makes a **motion** to table this item to the next meeting and to go over the Rules and Regulations as drafted by Mr. Ronzio to bring any suggested changes up at the next meeting.



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Ms. Krawet **seconds the motion**. No further discussion. Mr. Ronzio calls for a vote. All in favor.
Motion passes.

New Business

Board to Discuss the Moratoriums for Medical and Recreational Marijuana Use

Mr. Ronzio expresses his dissatisfaction to Mr. Lavery of when the letter was presented. Mr. Ronzio reads the letters from Ed Gibson, Town Administrator into the record requesting the Planning Board to hold a public hearing regarding moratoriums for medical and recreational marijuana. Mr. Ronzio then references the attached moratoriums which were not read into the record. Mr. Ronzio announces that once the document is received, which was on October 6, 2017, the Board has 65 days to hold a public hearing. Mr. Ronzio asks Mr. Lavery if he, as a member of the Select Board, would like to make a comment about this. Mr. Lavery introduces himself. He says that both the Select Board and Planning Boards need to follow the open meeting laws and in order to discuss this, a joint meeting would need to take place having quorums for both Boards. Mr. Lavery lets the Board know that he did suggest this at a Select Board meeting and the idea was rejected. Mr. Lavery expresses that he doesn't want Mr. Ronzio's dissatisfaction heaped on him when he was in favor of meeting with the Planning Board to discuss this matter. Mr. Ronzio reminds Mr. Lavery that this topic has been discussed over the last two (2) years and have not heard from the Select Board about it at any time. Mr. Ronzio admits he has not attended any Select Board meetings. Mr. Ronzio feels that this matter was 'dropped' on the Board. Mr. Ronzio notes that this topic has been discussed many times. Mr. Ronzio brings up the By-law that was written and was to be presented to the public two (2) years ago but was not. He informs all that when there are any proposals to change the Zoning By-laws, the Planning Board needs to address it. It doesn't mean that the Planning Board needs to approve whatever is proposed. That is why the public hearing is held: to get input from the public and to make appropriate changes to the proposal. Mr. Lavery asks Mr. Ronzio if he can respond now or wait to be noticed. Mr. Ronzio says he will hear his comment as a citizen or as a Selectman. Mr. Lavery makes it clear first that he is only speaking for himself, not on behalf of the Select Board and says that since he was elected in May, he remembers having a meeting where it was decided that the Select Board would like to impose a temporary moratorium on marijuana and that the Planning Board would be contacted. Mr. Lavery also references a meeting held in Lenox which discussed moratoriums on marijuana; a few of the members from the Planning Board were also present at this meeting. Mr. Lavery says that during this meeting, it didn't make sense to him to impose a moratorium on medical marijuana because these laws have already been set. Ms. LaBelle agrees. Mr. Lavery informs the Board that he abstained from the vote on having a moratorium for medical marijuana. He feels that these laws are already in place and would not require a moratorium. Mr. Lavery says



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he knows that while the rules are exactly the same, they now fall under the CCC (Cannabis Control Commission). The Rules & Regulations for marijuana won't be set until March 15, 2018 and applicants can start to apply for permits April 15, 2018. Mr. Lavery reports that a lot of proposed applicants are saying that it can't be done. Mr. Lavery further reports that he has heard, through Mr. Blake, that legislatures will have a draft by December. There are further discussions about how the matter could have been presented by the Select Board instead. Mr. Blake brings the Board back to the matter at hand and asks that it be discussed as it is now. Mr. Ronzio says with what was presented, it is enough to call for a public hearing to be held. They decide that a public hearing would need to be held before their regular December meeting. Ms. LaBelle advises that they should get input from the BRPC on this. Mr. Ronzio reads part of the moratorium for medical marijuana which gives the expiration date of the moratorium: *December 31, 2018 or until the town adopts zoning by-law amendments that regulate medical marijuana treatment centers, whichever occurs first.* Mr. Ronzio then speaks about other towns in Massachusetts that have issued moratoriums on marijuana. He says there are around 100 including about 20 towns that have banned marijuana from their towns or at least attempted to ban it. Every town in Berkshire County voted for the approval for the use of marijuana-recreational and medical. Mr. Lavery reads from an **MMA (Medical Marijuana Act)** report on marijuana that says communities where voters rejected question four (4) have until December 31, 2019 to ban recreational marijuana businesses through their standard ordinances or By-laws. So, that could be done without having an annual town meeting. Mr. Ronzio says that Becket didn't meet that criteria. Mr. Lavery agrees and says that all of Berkshire County voted yes on question 4. Mr. Ronzio talks about when the State Legislature met in January and the compromise was that towns that didn't approve marijuana will be allowed to ban it; towns that approved it have to go through a much more complicated procedure. They would have to have a town meeting and the question to ban would need to be put on a ballot to vote on it. Mr. Blake interrupts to say that it has nothing to do with the issue at hand now. Mr. Ronzio reads requirements for public hearings. The Board checks the calendar and counts out the days required to be sure they hold it within the required sixty five (65) days of when the notice was received. The Board decides they will hold a public hearing regarding temporary moratoriums for medical and recreational marijuana on November 29, 2017 at 7:00 in the meeting room downstairs. The Board discusses various parts of the moratoriums. Some members of the Board disagree with parts of the proposed moratoriums. Mr. Ronzio explains that these matters can be discussed and possibly amended at the public hearing. Mr. Lavery says that he thinks this moratorium would be beneficial to the Planning Board because it allows more time to write up the By-laws concerning medical and recreational marijuana. Mr. Ronzio says it may or may not be and explains that the town voted for medical marijuana in 2012 and everything has been stonewalled in this town regarding medical marijuana. Mr. Lavery reminds the Board



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that as of April 1, 2018, anyone that would like to open a medical marijuana facility would apply directly to the state and the town would only receive a 90 day notification without the authority to ban it. Mr. Ronzio tells the Board that Jody McCarthy is planning on coming back to Becket. The Board talks about the types of marijuana he plans to cultivate and steps he may take to get started in Becket. Mr. Ronzio says that after this rule change in marijuana- if Mr. McCarthy wants a recreational facility in Becket, the town can't say no to him unless the town bans marijuana which is a very long procedure. Mr. Lavery feels that trying to ban it will be a waste of a vote. Mr. Ronzio tells Mr. Lavery that while that may be his opinion, the other members of the Select Board feel very differently. Mr. Lavery agrees and expresses that he doesn't think the other members of the Select Board realize that the face of Massachusetts is going to change. He continues to say that people will want to come to the Berkshires from New York for [marijuana] instead of going all the way to Boston. Mr. Lavery tells the Board that this industry is expected to have 300,000 jobs by 2020 with expected revenue headed to the billions. Mr. Blake interrupts and asks how many members of the Planning Board would be required to attend the public hearing. Mr. Ronzio replies that at least three (3) members of the Board would be required to attend. The Board discusses what would happen if there were not enough Board Members in attendance and how changes can be made to the moratorium. Mr. Ronzio says the purpose of the public hearing is to get input from the public. Ms. LaBelle points out parts of the moratorium that seem to be based on opinion. Mr. Ronzio says that after the public hearing is held, the Board will make a decision as to whether or not to modify it in any way and if it should be advanced it or not. Mr. Blake makes a **motion** that the Board hold a public hearing for the proposed moratoriums for recreational and medical marijuana on November 29, 2017 at 7:00 PM. Ms. LaBelle **seconds the motion**. No further discussion. Mr. Ronzio calls for a vote. All in favor. **Motion passes**.

Approval of Meeting Minutes for June and September

The Board reviews the minutes of the meetings held on June 14, 2017 and September 13, 2017. Ms. LaBelle makes a **motion** that the September 13, 2017 minutes be accepted. Mr. Blake **seconds the motion**. No further discussion. All in favor. **Motion passes**. *James Levy excuses himself from the meeting*. Mr. Blake makes a **motion** to accept the June 14, 2017 minutes. Mr. Ronzio **seconds the motion**. All in favor- with Ms. LaBelle abstaining from the vote. **Motion passes**.

Correspondence

Board reviews a notice of workshops from the Citizen Planner Training Collaborative. There is a workshop on Rules & Responsibilities for Planning & Zoning Members to be held on November 2, 2017 that Mr. Blake and Ms. Krawet would like to attend. The cost to attend is \$30 per



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person. Ms. LaBelle makes a **motion** to pay for the fees for the workshop on November 2, 2017. Mr. Ronzio **seconds the motion**. No further discussion. All in favor. **Motion passes**.

Budget

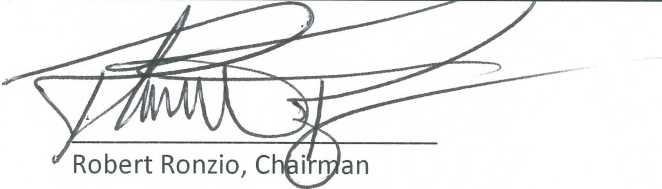
Mr. Ronzio reports that 11% of the budget has been used so far this year.

Next meeting is set for November 8, 2017 at 7:00 PM.

Adjournment

Ms. Krawet makes a **motion** to adjourn. Ms. LaBelle **seconds the motion**. All in favor. **Motion passes**. Meeting is adjourned at 9:50 PM.

Meeting Minutes reviewed and approved on November 8, 2017 by:



Robert Ronzio, Chairman



Gale LaBelle, Vice Chairman



Ann Krawet, Clerk



Alvin Blake, Clerk Pro Tem

James Levy