



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

## Meeting Minutes for Planning Board Meeting – December 13, 2017

**Board Members Present:** Robert Ronzio, Gale LaBelle, Ann Krawet, Alvin Blake, and James Levy

**Board Members Absent:** Charles Andrews

**Administrative Assistant:** Jessica Perotti

**Public Present:** Zak Farkes, Peter Puciloski, and Robert Gross

### Call to Order

Robert Ronzio calls the meeting to order at 7:10 PM and introduces the members of the Board. Mr. Ronzio then goes over the rules of the meeting.

### Review of Meeting Minutes from November 8, 2017

Mr. Ronzio asks the members of the Board if they have received a copy of the minutes to review. Board members agree that they have received a copy of the minutes. Mr. Ronzio asks if there are any comments to the minutes. Hearing no comment, Mr. Ronzio calls for a motion. Ann Krawet makes a **motion** to approve the minutes of the November meeting. Gale LaBelle **seconds the motion**. All in favor with James Levy abstaining from the vote. **Motion passes**. The approving Board members sign the minutes.

### Old Business

#### **Board to discuss an application for a Modification of a Subdivision Plan at 0 Tanglewood Circle**

The Board recognizes Peter Puciloski who represents Borrego Solar Systems, Inc. (Borrego). Mr. Puciloski first would like to verify the fee for the application. Jessica Perotti confirms that there is a \$25.00 application fee adding \$10 per lot. Mr. Puciloski asks if that is only for the lots affected by the modification or all lots in the subdivision. Mr. Ronzio clarifies that all lots in the subdivision need to be included. Mr. Puciloski confirms there are 30 lots all together in the subdivision so the application fee will total \$325.00. Mr. Ronzio says that application fee should clearly be more but the subdivision bylaw has not been amended to reflect a change to the fees. Mr. Puciloski continues with his presentation to say that the solar field must be on one contiguous lot instead of the two lots that were previously proposed and approved through an ANR Form. Mr. Puciloski currently proposes to discontinue the roadway between the two lots, Tanglewood Circle, and instead make it an easement that will allow the exact same rights to the lot owners within the subdivision. Ms. LaBelle wants to know who would be responsible to maintain the roadway/easement especially during the winter months. Mr. Puciloski says that this easement would only go around the solar field. Mr. Puciloski then refers to a case he submitted with the application dealing with almost the exact same circumstance in Falmouth, Massachusetts earlier this year. Basically, the judge in that case agreed that the easement would allow the same exact rights to the owners within the subdivision and did not require



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approval from everyone within the subdivision. After the Board discusses the proposal, Mr. Ronzio calls for a motion. Ms. LaBelle makes a **motion** to discontinue Tanglewood Circle and to make it an easement within the subdivision. Alvin Blake **seconds the motion**. There is no further discussion. Mr. Ronzio calls for a vote:

- **Gale LaBelle:** Is in favor of making Tanglewood Circle an easement within the subdivision.
- **Ann Krawet:** Is in favor of the modification to the subdivision at 0 Tanglewood Circle.
- **Alvin Blake:** Is in favor of the motion for the modification to the subdivision at 0 Tanglewood Circle.
- **James Levy:** Votes aye
- **Robert Ronzio:** Votes in favor of the modification to 0 Tanglewood Circle as discussed.

### Motion passes.

Mr. Puciloski then asks the Board about the lots that still need to be released within the subdivision. Mr. Puciloski asks the Board to vote to release lots 17, 18, 29, and 30 on map 406 from the covenant. Mr. Puciloski explains that typically, when a subdivision is approved, the Board wants assurances that the project will be built as approved. So, the developer can either give a bond or a letter of credit to guarantee construction or sign a covenant that says none of the lots within the subdivision will be sold until the improvement are done. Mr. Puciloski says that in this case, they had a covenant and gradually released the lots except for these four. Ms. LaBelle asks who owns these lots now. Mr. Puciloski confirms that Robert Naser is the owner of these lots. Mr. Ronzio says the Board needs to vote on releasing these lots before anything can be built on them. The Board questions why they were not released previously. Mr. Puciloski says that he didn't have anything to do with the original release that was done around 30 years ago but claims it was an error and that they should have been included when the other lots were released. Ms. LaBelle makes a **motion** to release lots 17, 18, 29, and 30 on map 406. Ms. Krawet **seconds the motion**. No further discussion. All in favor. **Motion passes**. Mr. Ronzio says that before the release can be signed, it needs to be notarized. Mr. Puciloski says that he can notarize it. The modification to the subdivision plan will be signed once Mr. Puciloski notarizes it and returns it to the Board. Mr. Puciloski and Mr. Farkes thank the Board for their time and leave the meeting.

### New Business

- a. **Board to discuss the Public Hearing regarding temporary moratoria on recreational and medical marijuana facilities**



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Mr. Ronzio says the Board will now continue their discussion from the public hearing regarding temporary moratoria for recreational and medical marijuana facilities. Mr. Ronzio says the Board will now deliberate to decide what their recommendation will be. Mr. Ronzio reminds all that the public hearing is closed. Ms. LaBelle recognizes Robert Gross and asks if he has anything to say regarding this matter. Mr. Gross states that he is attending tonight's meeting because he is interested in the subject and says that his personal feeling on the matter is that he doesn't think there is any need for a moratorium. Mr. Gross assumes there is enough time to draft a bylaw and present it at the next annual town meeting. Mr. Gross continues and says he would be concerned about moratoria being in place and losing out on potential tax revenue should someone want to conduct that type of business in town. Mr. Ronzio reminds all that the Select Board submitted two (2) documents to the Planning Board on October 6, 2017 which set into motion the procedures that need to be carried out for those documents. Mr. Ronzio says the hearing was held within sixty-five (65) days of receipt of the documents and the Board has fourteen (14) days from the date of the public hearing to make their decision to recommend approval or disapproval on the moratoria. Mr. Ronzio reminds everyone that today marks 14 days and the Board will need to make a decision on their recommendation tonight. Mr. Levy states that he got the feeling that people were afraid of applicants rushing to Becket in order to open marijuana facilities out in the woods. Mr. Levy doesn't feel like this will happen. Ms. Krawet says that she felt as though people were concerned that these facilities may be next to them and want to have restrictions and/or standards of operation in place before allowing anyone to open shop. Ms. LaBelle says that she has a problem with the fact that with only one (1) zone, these establishments could be anywhere in town. Ms. LaBelle questions how to regulate where to put such a facility when the town only has one zone. Ms. Krawet says that the same parameters would be met with the marijuana bylaw as were met with adult entertainment and liquor stores so there are standards that have been created that the marijuana bylaw would echo these standards. Mr. Blake agrees that the Board could take that same tactic but thinks those standards would be superseded by the Cannabis Control Commission (CCC). Mr. Blake further clarifies that those standards don't say where they can go exactly but rather say how close or how far away they should be from a school, church or whatever. Mr. Blake continues to say that from what he's seen from the CCC, they will be dictating those standards. Ms. Krawet wants to know if these standards would supersede anything the Board would do. Mr. Blake clarifies that the Board could be even more stringent with what the CCC sets for regulations. Mr. Blake gives the example that if the CCC requires that a marijuana facility be at least 1000 feet away from a school, the Board could require it to be 5000 feet away from a school instead. Mr. Blake feels as though the Board could draft a bylaw before the law came out. Mr. Blake adds that he doesn't feel as a moratorium would help with this. There is discussion between the Board members regarding if an establishment



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would be next door to someone's home anywhere in town. The Board also discusses an area that was inquired about by an applicant for a retail facility that is down by the intersection of Routes 8 and 20 known as Andrew's Corner. Ms. Krawet discusses a location that is near the Becket/Lee town line where the Town of Lee was talking about putting a medical marijuana grow facility; she wonders if Becket should have one on the other side to keep that kind of thing all together. Mr. Ronzio adds that medical and recreational marijuana may be referenced as just marijuana in the future without the difference between the two; it depends on what is handed down from the CCC. Mr. Ronzio adds that all medical facilities in the state will more than likely become recreational dispensaries also. Mr. Ronzio points out that if Becket were to not have marijuana facilities, the people from Becket would, more than likely, drive to Lee to give them the business including the tax revenue benefit. Mr. Ronzio wants to be clear that he is not ready to see marijuana sales in Becket. Mr. Ronzio reads from a statement he wrote to "The underground dealers who live among us: Becket Residents Deserve Better". *The leadership of this town has known, full well, for decades that these illicit dealers exist and they've done nothing about it. The underground black market thrives in this rural environment and it's an embarrassment to the decent, honest, law abiding residents who call Becket their home. The criminal element that lives among us and derives their livelihood from such nefarious activities do not belong here and they should be arrested, prosecuted, and sentenced. Hopefully, the license certified marijuana dealers will make the underground black market disappear like what happened with the sales of alcohol after prohibition ended. There are very, very few Americans who purchase alcohol from bootleggers. Most choose to get it through regulated taxed package stores even though adults can legally produce various alcoholic beverages on their own, very few choose to do so. Municipalities have adopted temporary moratorium restrictions range from small communities such as Ashby, which is North of Fitchburg, to cities such as Springfield and include many suburbs near Boston. Mayor Marty Walsh, who opposed the ballot initiative, has since warned that bans in the surrounding communities could unfairly concentrate commerce to a given area. Governor Charlie Baker, on Thursday – a couple weeks ago, expressed support for the approach noting that local officials can manage the locations of alcoholic licenses are already on the hook for people within the community. So basically, even though retail shops can be open, the number and location of these places will be managed by the Select Board because they are already doing it. The Massachusetts Municipal Association pushed the House Provision which fails to spell out the precise procedures for organizing votes on pot rules and robs the town and city officials of the customary powers they now hold over most other businesses.* Following his written statement, Mr. Ronzio says that this Board can do this and people on the Board currently have written bylaws in the past. Mr. Ronzio points out that a bylaw for marijuana had already been written and if it wasn't for a couple of publishing errors, it wouldn't have been withdrawn and there's a



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good chance that it would have been approved. Mr. Ronzio continues and says that towns that have approved medical marijuana are now in a scramble to rewrite their bylaws and many towns have already written bylaws in preparation for recreational marijuana. Mr. Ronzio says that by the end of the month, the Board should have received the information from the CCC and along with the assistance from Berkshire Regional Planning Commission (BRPC), he doesn't see a problem with getting a bylaw written for marijuana. Mr. Ronzio says with the annual town meeting in May, it gives the Board plenty of time to draft a bylaw and hold a public hearing on it. Mr. Ronzio expresses his concern for people attending the public hearing even though 76% of people in Becket voted in favor of medical marijuana and 67% voted for recreational marijuana-making Becket one of the top communities in the state in favor of recreational marijuana. Mr. Ronzio feels that having a moratorium would be like snubbing the voters in town who want this. Mr. Blake agrees. Mr. Ronzio says if the moratoria go forward, they will carry a recommendation from the Planning Board as well as the Select Board; but since it's a Zoning Bylaw which requires two thirds (2/3) of the vote, it's going to be hard to pass. There is discussion between Board members as to what happens to applicants who apply before the annual town meeting since they are allowed to apply as of April 1, 2018. Mr. Ronzio says that if the moratoria is not enacted and has still not been voted on, it is his understanding that applications that come in during that time are still valid. Mr. Blake questions what happens when the bylaw is created and voted as approved at the May meeting, it would still be too late for applications before that. Mr. Ronzio questions if the application goes to the CCC or to local officials. Mr. Blake says that the application would first go to the CCC and then to local officials; it still needs to be determined what officials receive it. Mr. Blake repeats his question about what happens to applications that come in between April 1, 2018 and May when the bylaw is voted on at the town meeting. Mr. Ronzio says it somewhat depends on if they apply for retail sales or a grow facility. If it is for a retail facility, the town is currently limited to one (1) retail facility, based on the number of package stores in town. Unless the town decided to vote for a higher number of retail facilities. Ms. Krawet doesn't feel as though they would need moratorium for a whole year; she heard of some towns that had it for only six (6) months. She feels this would be a sort of compromise and still allow plenty of time to write the bylaw. Mr. Ronzio talks about towns that voted on moratoria of which some have already expired. He continues to talk about more towns that voted against it and there are over two hundred (200) communities that have done nothing in regards to having a moratorium on marijuana. Mr. Ronzio says there are clearly far more cities and towns in Massachusetts that have done nothing as far as a moratorium versus those that have taken steps for a moratorium. Ms. Krawet asks if the primary reason to not have the moratorium is monetary. Mr. Ronzio says it is one reason and Mr. Blake says the other is the fact the majority of the people in town don't want it. Mr. Blake adds that like the missed opportunity with the growing facility that was



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voted down, the town could potentially lose out on other opportunities. Mr. Ronzio asks if they believe the black market dealers will go away once people can buy it legally. Some members of the Board don't feel that it will because of the price and not having to pay taxes on it. Mr. Ronzio brings up what happened when medical marijuana was approved back in 2012. He says that regulations were handed down and of the thirty-five (35) facilities that were to open within one (1) year, only nine (9) were opened. Ms. Krawet questions if it was due to the standards that needed to be met that couldn't be met. Mr. Ronzio questions if may have been for political reasons. Mr. Ronzio says that there were only two (2) of the three hundred fifty one (351) cities and towns in Massachusetts that voted against medical marijuana; that is overwhelming. Mr. Ronzio says there are those that are in high political office that have voiced being against marijuana but have changed their stance due to the will of the people in their communities. Mr. Blake brings the conversation back to whether or not the Board will endorse the moratoria. Mr. Ronzio says the Board can vote in favor or both, against both, yes for one and no on the other or vice versa. Ms. Krawet suggests the vote be taken one at a time. Mr. Ronzio calls for a motion. Mr. Blake makes a **motion** to disapprove the moratorium for medical marijuana. Mr. Levy **seconds the motion**. No further discussion. Mr. Ronzio calls for a vote:

- James Levy: disapproves the moratorium on medical marijuana.
- Alvin Blake: votes for the motion.
- Ann Krawet: votes for the motion to disapprove the moratorium for medical marijuana.
- Gale LaBelle: votes to disapprove the moratorium for medical marijuana.
- Robert Ronzio: votes to disapprove the moratorium on medical marijuana.

### **Motion passes.**

Mr. Ronzio moves to the moratorium for recreational marijuana. Mr. Blake makes a **motion** to disapprove the moratorium for recreational marijuana. Mr. Levy **seconds the motion**. Mr. Ronzio says the motion is now open for discussion. Ms. Krawet thinks that it would be better to wait for the regulations handed down from the CCC before writing a bylaw. Ms. LaBelle questions what will happen if the state doesn't make a difference between medical and recreational marijuana. Ms. Krawet says that's why she thinks they should wait for the regulations from the state. Mr. Ronzio doesn't see a problem because whether it's recreational or medical marijuana, the Board will be writing a bylaw between now and the annual town meeting. Mr. Ronzio further explains that applications can't be submitted until April 1, 2018 and that application will need to go through the CCC first. Mr. Levy explains that he feels the moratorium has been designed to delay it until May of 2019. Mr. Ronzio agrees. Mr. Ronzio expresses his dissatisfaction that the Select Board has known about this since 2016 and



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presented it the Planning Board, by surprise, on October 6, 2017. Mr. Levy says he thinks it will be an excuse to keep it off the warrant for the town meeting. Mr. Ronzio questions if there will be a special town meeting now that the town will be without a Town Administrator. Mr. Blake informs the Board that the Select Board will be holding a special meeting this Monday. Mr. Ronzio says that he did know about the meeting and checked the agenda to see any of the things they have been discussing was on the agenda and none of it was on the agenda. Mr. Levy talks about the public hearing. He felt that the Board was non prejudicial at the public hearing- letting people say whatever they wanted. Mr. Levy continues saying that he didn't feel anyone from the Board was trying to redirect anyone from their opinions. Mr. Levy has not heard a reason that is good enough to have a moratorium. Mr. Ronzio agrees with Mr. Levy. Ms. Krawet does not agree. She thinks that the basic reason to have a moratorium is to see what comes down from the CCC in order to write a bylaw as quickly as possible; that is the job of the Planning Board. Mr. Levy says he agrees with Ms. Krawet about that. Ms. Krawet continues and says that for the town meeting, they will have time to hold public hearings. Mr. Blake interrupts Ms. Krawet to ask why she thinks a moratorium is needed to do that since the draft for the regulations will be handed down by the end of this month. Ms. Krawet questions further why we don't need it. Mr. Levy thinks that having a moratorium in place until May 31, 2018 makes sense because it would give the town time to hold their annual town meeting but feels that having a moratorium in place through December 31, 2018 sounds to him like there is a hidden agenda. Ms. Krawet thinks that as a separately elected Board, they can give whatever they want for a recommendation and thinks that if the Board feels the moratorium should only be in place until May 31, 2018 then that is what they should recommend. Mr. Ronzio interrupts to make a motion that there is no moratorium since there is no need for one since he feels the Board can come up with a bylaw with whatever language is necessary in the time frame necessary to hold an annual town meeting or a special town meeting. The Board discusses how soon they could draft a bylaw to determine if they could get it done on time; they agree that they can make it happen. Mr. Blake explains the only way they would need a moratorium would be on the slim chance that an application got through the CCC once it was applied for on April 1, 2018- which would take at least thirty (30) days, and then it gets turned over to the town- which would have sixty (60) days to act on the application which would put it after the town meeting. Ms. Krawet claims that the application would still have standing. Mr. Ronzio confirms that if an application comes in before a bylaw is in place, the bylaw has no standing. Ms. Krawet says this is her concern and feels they are abdicating their responsibility – Mr. Ronzio interrupts to say that they are not abdicating their responsibility. Mr. Ronzio explains that their responsibility is to their constituency who has told them time and time again that they have voted in favor of this. Ms. Krawet suggests that a vote should be taken but she is not



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going to change her vote. Mr. Ronzio thinks that this should be wrapped up and calls for a vote to the motion:

- James Levy: aye
- Alvin Blake: aye
- Robert Ronzio: aye
- Ann Krawet: nay
- Gale LaBelle: abstains

**Motion passes.**

Mr. Ronzio confirms that the motions have been approved and the recommendations to the Select Board will be that the Planning Board does not approve the moratoria for medical and recreational marijuana facilities. The Board drafts a letter to the Select Board informing them of their decisions on the moratoria. Mr. Blake makes a **motion** to approve the minutes of the Public Hearing held on November 29, 2017 regarding the moratoria for recreational and medical marijuana facilities. Ms. LaBelle **seconds the motion**. No further discussion. All in favor. **Motion passes.**

### **b. Board to discuss Public Hearing regarding Section 6.6, LSGMSPI, of the Becket Zoning Bylaws**

Mr. Ronzio calls for a motion for the amended bylaw be placed on the warrant for the next special town meeting. Ms. Krawet makes a motion that the amendments to Section 6.6, Large-Scale Ground-Mounted Solar Photovoltaic Installations, be put on the warrant for the next special town meeting. Ms. LaBelle seconds the motion. No further discussion. Mr. Ronzio calls for a vote:

- James Levy: aye
- Alvin Blake: aye
- Ann Krawet: aye
- Gale LaBelle: aye
- Robert Ronzio: aye

**Motion passes.**



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- c. **Board to Prioritize the Following: Driveway Bylaw, Fee Schedule, Marijuana Bylaw, Photovoltaic (large & small) Installation Bylaw, Subdivision Rules and Regulations, and ZBA Rules for the Establishment and Administration of Consultant Fees**

The Board decides to table this item on the agenda.

d. **District Local Technical Assistance 2018**

Mr. Blake informs the Board he is working on the application for this. Ms. LaBelle thinks they should prioritize the bylaws they will need assistance with to complete. The Board decides that they will seek assistance for solar and marijuana bylaws.

### **Budget**

There have been no changes to the budget.

### **Correspondence**

Ms. Perotti tells the Board about a letter that will be coming from the Zoning Board of Appeals (ZBA) regarding an application for a solar project. The ZBA decided to send the application to the Planning Board since it couldn't be reviewed under Section 6.6, LSGMSPI, because of the size of the project. The ZBA suggested that the application be reviewed under Section 3.2.1, paragraph one (1). The Board discusses what they believe should happen with the application once it is officially received.

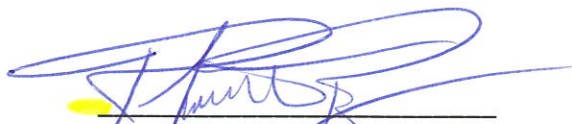
### **Any Other Business to Come Before the Board**

None.

### **Adjournment**

Mr. Levy makes a **motion** to adjourn. Ms. LaBelle **seconds the motion**. All in favor. **Motion passes**.

**Meeting Minutes Reviewed and Approved on March 14, 2018 by:**

  
Robert Ronzio, Chairman  
Gale LaBelle, Vice Chairman



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Ann Krawet, Clerk

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Alvin Blake, Clerk Pro Tem

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James Levy