



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

Meeting Minutes for March 14, 2018

Planning Board Members Present: Robert Ronzio, Gale LaBelle, Alvin Blake and Ann Krawet

Planning Board Members Absent: Charles Andrews and James Levy

Administrative Assistant: Jessica Perotti

Public Present: Arthur Nappo, Andrew Vincent and Brian Vincent

Call to Order

Robert Ronzio, Chair, calls the meeting to order at 7:00 PM. Mr. Ronzio reads the rules of the meeting to those in attendance. Mr. Ronzio gets a call from Ann Krawet; she lets him know she is running late and will be there momentarily. Mr. Ronzio asks Jessica Perotti if she has heard from James Levy to know if he will be attending. Ms. Perotti confirms Mr. Levy is having some car trouble and may not be able to make it. Mr. Ronzio introduces the Board members present and Administrative Assistant.

Mr. Ronzio moves ahead to Old Business until Ms. Krawet arrives.

Old Business: a. Licensed Marijuana Establishment Bylaw

Mr. Ronzio explains that the Board drafted a bylaw regarding marijuana establishments last month. Mr. Ronzio says that after their meeting, the Cannabis Control Commission (CCC) promulgated their regulations with a disclaimer that basically says the final draft will need to be approved by the Secretary of State for grammatical errors and will be published on March 28, 2018. Mr. Ronzio references some things that were included in the marijuana bylaw drafted by Windsor that were not included in the draft for Becket because the updated regulations from the CCC were not available yet. Mr. Ronzio provides a copy of the draft from Windsor highlighting the areas to discuss possibly adding to Becket's draft of their marijuana bylaw. Mr. Ronzio explains that some things that were going to be held off on, for example micro cultivation operations, that were not going to be allowed for another year, have been added so towns won't need to go back and rewrite their bylaws. Mr. Ronzio suggests adding these types of operations to Becket's bylaw. Mr. Ronzio references Section 23.3.3 on page four (4) of the draft from Windsor where it says no setback is required between a marijuana establishment (ME) to a public/private school or any business where children may congregate. Mr. Ronzio reminds everyone that Becket does require a five-hundred foot (500') setback from schools. Section 6.8.6.1 of Becket's draft: *No retail marijuana use shall be located within 500 feet (500') (measured from edge of the property line to edge of building or occupied space) of any public or private school providing education in kindergarten or any of grades 1 through 12, any public playground, or licensed daycare or other similar facility where minors commonly congregate.* Mr. Ronzio suggests changing the wording from: *where minors commonly congregate* to *where organized youth activities occur.*



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Mr. Ronzio says in Section 6.8.6.1, part 4, the minimum required front, side, and rear yard setbacks for retail establishments shall be fifty feet (50'). Next, in section 6.8.6.2, part 4, the minimum required front setbacks shall be one hundred feet (100') and side and rear setbacks will be fifty feet (50') restricting marijuana being planted within the setback area; the same will be required for indoor cultivation establishments.

Mr. Ronzio references Section 23.4.2 on page 4 of the Windsor draft. It states: *There shall be no limit to the number of non-retail MEs permitted within the Town.* Mr. Ronzio says that means all types of marijuana establishments that are not retail establishments are not limited. It would include independent testing laboratories, indoor/outdoor cultivations and manufacturers. So if ten (10) farmers in town decided to grow marijuana and were approved through all the stages of the state process, they couldn't be denied on a local level based on how many cultivation establishments there already are in town. Mr. Ronzio says that within the last two (2) weeks or so, the CCC determined that cultivation facilities, either indoor or outdoor, can only be 100,000 square feet.

Mr. Ronzio moves on to the next highlighted section of the Windsor draft: Section 23.5.2 which reads: *A Special Permit shall only be valid for use by the applicant and will become null and void upon the sale or transfer of the license of an ME or change in the location of the business.* The Board agrees this looks good and should be included in Becket's bylaw draft.

Next, in Section 23.5.4 of the Windsor draft, it states: *The Special Permit shall be considered null and void if meaningful construction has not yet begun on the project within two (2) years of obtaining said permit, as determined by the Building Inspector or their designee(s).* Mr. Ronzio says that in the Becket draft, it wasn't determined who would be doing this and suggests specifying the Building Inspector or their designee(s) for Becket too.

In Section 23.9.4 of the Windsor draft, it reads as follows: *Photometric Plan. A photometric plan may be required by the Special Permit Granting Authority, or their designee, before or after the LME is in operation, in order to determine compliance with subsection 23.8.3.*

Mr. Ronzio moves on to Section 23.13.6 of the Windsor draft which talks about Independent Consultants. Mr. Ronzio explains that consultants advise the Board because the members of the Board are not experts.



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Mr. Ronzio continues to the next highlighted section of the Windsor draft which is: *Article 3- To see if the Town will vote to add the following to the General Bylaws – Recreational Marijuana Excise Tax*. Mr. Ronzio explains that this tax is handled by the Select Board.

This draft will be discussed at the Public Hearing on March 28, 2018.

**Ann Krawet arrives to the meeting at 7:35 PM.*

Brian Vincent is recognized by the Board. He lets the Board know that he and his brother, Andrew Vincent, would like to establish a micro-grow facility in town. There is a brief discussion regarding their proposed facility. Mr. Vincent asks where the best place in town would be to put this type of facility. Mr. Ronzio tells him where other proposals have failed and explains the town doesn't have zones and everything is done by Special Permit. Mr. Vincent says their facility would be an indoor grow facility. The facility will not be flashy; driving by, you won't even be able to tell what type of facility it is. Mr. Vincent inquires if the town would give a letter of consent to them so that they could apply for a permit. Mr. Ronzio explains they will need to talk to the Select Board to get that letter.

Public Hearing: Arthur Nappo of 1725 Main Street – to take down existing front porch 19½' x 7½' and replace with 29½' x 7½' (enclosed)

Mr. Ronzio opens the Public Hearing at 7:59 PM. Mr. Ronzio informs the applicant that four (4) positive votes from a five (5) member board are required to approve an application. If only four (4) members are present, the applicant will be given the option to defer the public hearing date or accept the vote from the four (4) members present. Mr. Ronzio asks the applicant, Arthur Nappo, if he would like to defer or accept the vote from the members present. Mr. Nappo agrees to accept the vote from the Board members present. Mr. Ronzio asks Mr. Nappo to present his application. Mr. Nappo describes his porch that is on the house currently. He would like to take this down and replace it with one that is ten (10) feet longer and also upgrade the standards of it with a new foundation. Mr. Nappo would also like to have heat in the porch so that it could be used during the winter season. Mr. Ronzio reports that he had the permission of Mr. Nappo to go on his property to check the measurements but with all the snow, he was unable to take measurements. Mr. Ronzio was able to observe the house from the street and was able to confirm what was represented on the application. Mr. Ronzio believes that the Board should consider this application. Ms. Krawet sees that the side of the house where the well is located will not be effected at all. Ms. Krawet asks about a proposed deck that is on the map. Mr. Nappo lets her know that the deck was built last year and he used the same map for this application. Mr. Nappo says that after he built the deck, he didn't want



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to ruin his view from the deck so he thought to extend the porch that was on the front. He also states that by keeping the porch close to the house, he would not be impacting any wetlands that are near his house. Mr. Ronzio asks the Board for any further discussion. Mr. Ronzio asks if all fees have been paid and if taxes are current. There are no public comments. Mr. Ronzio closes the Public Hearing at 8:06 PM and announces that board members will discuss the application. Mr. Ronzio believes that has already happened and gives Board Members a final opportunity for comment. Hearing none, Mr. Ronzio asks the Board to vote. Ms. Perotti passes out paper for the Board members to give their signed statements. The Board votes as follows:

- Alvin Blake: I approve the application at 1725 Main Street for A. Nappo under Section 3.4.4 for a new front porch with dimensions 29' x 7 ½' (enclosed).
- Ann Krawet: I, Ann Krawet, approve the construction of a new front porch at 1725 Main Street, Becket, by owners Susan Gianiotis-Nappo and Arthur Nappo to be 29' x 7 ½' (enclosed) despite the fact that it falls within the required setback requirement under Section 3.4.4 of Becket Zoning Bylaws to reduce the required setback.
- Gale LaBelle: I say yes to the permit of Arthur Nappo 1725 Main Street to replace his front porch 29' x 7 ½' under Section 3.4.4 of the Town of Becket Zoning Bylaws as a betterment to the home and community.
- Robert Ronzio: I, Robert T. Ronzio, approve the Nappo application 1725 Main Street to reconstruct a front porch 29' x 7 ½' within the front setback of his property as it does not increase the nonconformity of the existing structure under Section 3.4.4. It is not substantially more detrimental than the existing structures to the neighborhood.

Mr. Ronzio lets Mr. Nappo know that a Notice of Decision will be mailed to him following the twenty (20) day appeal period. Mr. Nappo thanks the Board for their time and leaves the meeting.

Review of the meeting minutes: December, January and February

Mr. Blake makes a **motion** to accept the minutes of December 13, 2017. Ms. LaBelle believes the wording on the approval of motions regarding medical and recreational moratoria is incorrect. Following the discussions, Ms. LaBelle agrees it is correct. Ms. LaBelle **seconds the motion**. Mr. Ronzio calls for a vote. All in favor. **Motion passes**. Mr. Blake makes a **motion** to approve the minutes of January 10, 2018; Ms. Krawet **seconds the motion**. All in favor. **Motion passes**. The February minutes are not ready and are tabled.



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Old Business, continued:

b. Driveway Bylaw

Mr. Ronzio says the Board has already gone over this enough and feels they only need to hold a public hearing for it. The Board discusses when they will hold a public hearing. Mr. Ronzio thinks a public hearing should be held before the next regularly scheduled Planning Board meeting; he suggests April 4, 5, or 6, 2018. There is discussion regarding what held up the bylaw for approval last time. The Board reads through the bylaw. Mr. Ronzio says a summary will need to be written for the warrant.

c. Photovoltaic (large and small) Bylaw

The Board reviews the requirements for Form 7 regarding Photovoltaic Bylaw. Mr. Ronzio ensures that notices will be sent to Berkshire Regional Planning Commission (BRPC) and the Department of Housing & Community Development regarding the public hearing. Mr. Ronzio asks the Board if they feel it is necessary to draft a bylaw for large and small scale photovoltaic installations; the Board agrees they need to do this. Ms. LaBelle says that as-of-right was included for small scale solar photovoltaic installations; it's in the definitions. Mr. Ronzio reads the definition into the record: *As-of-right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-Right development may be subject to site plan review to determine conformance with local zoning ordinances or bylaws. Projects cannot be prohibited, but can be reasonably regulated by the Becket Building Inspector and the Planning Board.* Mr. Blake disagrees that this definition pertains to small scale photovoltaic installations because the bylaw is for large-scale ground-mounted solar photovoltaic installations. After a brief discussion, Mr. Ronzio disagrees with Mr. Blake and agrees with Ms. LaBelle that this definition does pertain to small scale arrays because as-of-right siting would not pertain to large-scale ground-mounted solar photovoltaic installations. Mr. Ronzio says any solar array projects that are less than what is required for a large-scale solar array should be coming before the Planning Board.

The Board decides it is getting late and discusses having another meeting to re-write this bylaw. After going through some dates, the Board decides to hold a meeting on March 19, 2018 at 7:00 PM.

Budget/Correspondence

Ms. Perotti lets the Board know about the invoices that need to be paid:



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- BRPC: \$35.00 for Ms. Krawet to attend a 5th Thursday dinner on March 29, 2018.
- Berkshire Eagle: \$71.00 to pay for the public hearing notice for hearing held this evening.
- Courier Printing: \$15.00 to pay for business cards for Ms. Perotti.

Ms. Perotti explains the cost has been split between three (3) boards: Board of Health, Planning and Zoning Board of Appeals (ZBA).

Mr. Blake makes a **motion** to pay the invoices. Mr. Levy **seconds the motion**. All in favor. **Motion passes.**

Any other business to come before the Board

None.

Adjournment

Mr. Blake makes a **motion** to adjourn. Ms. Krawet **seconds the motion**. All in favor. **Motion passes.** Meeting is adjourned at 10:01 PM.

Meeting Minutes reviewed and approved on August 14, 2019 by:


Robert Ronzio, Chair

Gale LaBelle, Vice Chair


Ann Krawet, Clerk
Alvin Blake, Clerk Pro Tem