



Town of Becket
Planning Board
557 Main Street
Becket, Massachusetts 01223
Phone (413) 623-8934 Ext. 120
planning@townofbecket.org

Meeting Minutes for August 31, 2021

Attendance includes ZOOM

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

Board Members Absent: None

Administrative Assistant: Jessica Perotti

Public Present: Carl Goodman, Catherine Scher, Dan Scher, Linda Burt, Paula & Charles Miller, Robert & Joan Schwartz, Robin & Stan Wolkoff, Stephen Stander, Steven Smolinsky, Bev Nacheman, Carol Smolinsky, Frederick Braun, Harold Ware, Joan Keener, Judith Koppel, Judy Pillinger, Larry Abrams, Linda Burt, Michael & Doris Starr, Michael Pillinger, Morris Freedman, Offer Sharaby, Paula Dubroff, Ruth Glazerman, Susan Garment, Theodore Ginsburg, Alex Shpitalnik, Thomas Markovits, Ethan Scher, Robin Wolkoff, Destin Heilman, Laura Fredricks, Judith Keshner, Barbara Mandler, Robin Mathesen, Tess Lundberg, Adrienne Metcalf, Josh Schwartzbach, Andrew Wilkinson, Pamela Bachrach, David Giannini, Michael Goodenough, Sharon Spankhurst, Lei-Anne Ellis, David Spankhurst, Kathy Dickinson, Dave Dickinson, John Hathaway, Barbara Wacholder, Brian Vincent, Ed Williams, Charlotte Williams, Bob Alarie, Susan O'Brien, Robert Benton, Jeffrey Louitky, Michele Cohen, Laurie Friedman, Philip Wasserman, Kathy Baugh, Elliot Slotnick, Ann Spadafora, Gerald Barnett, Cathy Terwedow, Julia W. Kay-Grace, Larisa Shpitalnik, Robb Grace, Anthony Byron, David Edell, Paul Aube, Beverly Lambert, John Lambert, Laurie Thomas, Ed Keller, Bob Gross, Gale LaBelle**, Meredyth Babcock, Tommie Hutto-Blake, Judy Slotnick, Christopher Milenkevich, Larry Goetz, Lucy Sandler, Stephen Feldman

1. **Call to order:** Robert Ronzio calls the meeting to order at 6:10 pm and introduces the Board Members present. Mr. Ronzio confirms two (2) members of the public will also be recording the meeting. Mr. Ronzio reads the rules of the meeting and public hearings.
2. **Board to review and approve meeting minutes of:**
 - a. **July 14, 2021:** Howard Lerner* and Gale LaBelle** arrive as Mr. Ronzio begins with the review of the meeting minutes. Alvin Blake **makes a motion** to approve the minutes of July 14, 2021. Ann Krawet **seconds the motion**. *Discussion:* Ms. Krawet asks Jessica Perotti to add that she abstained on the approval of the June 9, 2021 minutes because she did not attend. Ms. Perotti agrees she will make that correction. Hearing no further discussion, Mr. Ronzio calls for the vote. All in favor. **Motion passes.**
3. **Old Business:** Dr. Lerner **makes a motion** to move *Old Business* to the end of the meeting. Mr. Blake **seconds the motion**. All in favor. **Motion passes.**
 - a. Becket Master Plan revisions
 - i. Board to discuss grant possibilities
 - b. Informal discussion regarding drafting a bylaw for Short Term Rentals
 - i. KP Law eUpdate: Styler v. Zoning Bd. Of Appeals of Lynnfield, No. SJC-12901, June 7, 2021
 - c. Informal discussion regarding making revisions to § 6.2, Mobile Home Regulations, of the Becket Zoning Bylaws



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4. New Business:

- a. **Public Hearing: John and Phyllis Hathaway seek relief from § 3.4.7 of the Becket Zoning Bylaws to construct a new single story dwelling at 104 Alan A Dale Drive; map/lot:217/186 and 187:** Mr. Ronzio repeats the rules and opens the public hearing at 6:21 pm. Mr. Ronzio then asks Ms. Perotti if all parties have been noticed and if all fees and reimbursements have been paid. Ms. Perotti confirms they have been. Mr. Ronzio then asks Mr. Hathaway to make his presentation. Mr. Hathaway explains that he and his wife Phyllis purchased this property after doing their due diligence to ensure they could build a home there. During their process of getting approvals through the Board of Health and Conservation Commission, they discovered they needed to obtain a Special Permit. Mr. Hathaway advises that he has received approvals from both the Board of Health and Conservation Commission pending this approval from the Planning Board. Mr. Ronzio clarifies that because there was a dwelling on the property previously that had been either destroyed by fire or demolished more than 2 years ago, it requires a Special Permit to build on the lots again. Mr. Hathaway goes on to confirm that all other zoning requirements will be met and that he is a professional architect registered in Massachusetts. The Board reviews the plan. Mr. Ronzio asks if they have any questions for Mr. Hathaway. Mr. Blake asks Mr. Hathaway to confirm where the dwelling will be placed on the lot; Mr. Hathaway clarifies the proposed position of the dwelling. Ms. Krawet asks where the driveway will be placed; Mr. Hathaway points it out on the plan.

Mr. Ronzio opens public input and recognizes Bob Alarie. Mr. Alarie asks what the setback will be from the water. Mr. Hathaway reports it will be fifty feet (50'). Mr. Ronzio explains that he has already received authorization from the Conservation Commission so it is irrelevant as it is not authorized by the Planning Board. Mr. Ronzio explains all boards and departments are notified within ten (10) days of receipt of an application and if there are no objections raised within thirty-five (35) days, those boards and departments therefore give approval. All abutting towns, Berkshire Regional Planning Commission (BRPC) and the Department of Housing and Community Development are also noticed as well as the abutters. Ms. LaBelle points out that the septic system will be placed closer to the road and not the lake.

Mr. Ronzio asks Ms. Perotti to find out if anyone on the Zoom call has any questions or concerns. Hearing none, Mr. Ronzio closes the public hearing at 6:36 pm.



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Mr. Ronzio asks the Board to deliberate. Mr. Blake **makes a motion** to approve the application. Dr. Lerner **seconds the motion**. *Discussion:* Ms. Krawet says this will be an improvement to the neighborhood. Mr. Ronzio speaks about the improvements. Dr. Lerner **calls the question**. Mr. Blake **seconds the motion**. The Board writes out their reasons for approval as follows:

- **Alvin Blake:** I approve the Hathaway application for a new home at 104 Alan A Dale Drive as they have met or exceeded all requirements and will make an improvement to the area.
- **Howard Lerner:** I vote to approve the request. It will be an asset to the existing community as it combines three lots into one. The home will fit into the community as well.
- **Ann Krawet:** I vote to approve the application for a new single story dwelling located at 104 Alan A Dale Drive because the house plans comply with Town of Becket setback requirements, has the approval from the Conservation Commission, no abutters object, it would be a positive addition to the neighborhood and town.
- **James Levy:** Hathaway relief under § 3.4.7 – The new house would comply with all requirements and therefore the relief should be granted. I vote aye.
- **Robert Ronzio:** I vote to approve Mr. and Mrs. Hathaway's plans to construct a single family dwelling at 104 Alan A Dale Drive as it is a great benefit to the community of Sherwood Forest and the Town of Becket.
- **Gale LaBelle:** Vote was not required.

Mr. Ronzio explains that once the paperwork has been submitted to the Town Clerk, a twenty (20) day appeal period begins. Provided there are no appeals within those 20 days, the paperwork can be picked up from the Town Clerk to be filed at the Registry of Deeds. Mr. Ronzio also advises that he will have three (3) years to execute the Special Permit. Mr. Hathaway thanks the Board for their approval.

- b. **Public Hearing: Brian Vincent, on behalf of Tetra Hydra AgTek LLC, seeks relief from § 6.8 of the Becket Zoning Bylaws to operate a Tier 11 marijuana cultivation facility at 0 Quarry Road; map/lot: 416/10.1:** Before starting the public hearing, Mr. Ronzio explains there are many 0 Quarry Road lots but lot 10.1 was carved out of lot 10 so is therefore near 509 Quarry Road. Mr. Ronzio reads the rules of the public hearing. Mr. Ronzio asks if anyone needs to recuse themselves. Hearing no responses, Mr. Ronzio explains if for any reason the public hearing is continued, Gale LaBelle can fill in for



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Board member that may be absent. Mr. Ronzio opens the public hearing at 6:50 PM and asks Ms. Perotti if all parties of interest have been notified and if all fees and reimbursements have been paid to the town. Ms. Perotti confirms they have been. Mr. Ronzio asks Brian Vincent to make his presentation. First, Mr. Vincent goes through Sections 6.8.7, 6.8.8 and 6.8.9 of the Becket Zoning Bylaws pointing out they meet or exceed all requirements; some requirements were not applicable. He points out the entire facility will be/have:

- Surrounded with a screened fence
- 24 hour security surveillance
- Odor controlled with carbon filters and wind breaks comprised of conifers
- Certified waste removal for anything not recycled during the growing process
- Off-street parking.

Mr. Ronzio points out to Mr. Vincent that if he should decide to withdrawal his application from this point forward, it would be up to the Board to decide if it would be withdrawn with or without prejudice. Mr. Ronzio explains those circumstances. Mr. Ronzio confirms with Mr. Vincent that he has finished his presentation and opens public input. He reminds everyone to keep their comments to two or three (2 or 3) minutes and to not discuss something that has already been discussed. He also notes there have been ninety-one (91) letters submitted regarding the proposal; most are opposed to it.

Ms. Perotti lets Mr. Ronzio know she was asked by a member of Indian Lakes if they could make a presentation regarding the proposal instead of everyone from Indian Lakes speaking individually. Another member of the Indian Lakes Community speaks up to say that group, of five or six (5 or 6), is not speaking on behalf of everyone within the Indian Lakes Community. Mr. Ronzio assures everyone that anyone that wants to speak will be able to.

Mr. Ronzio recognizes Barbara Wacholder from the Indian Lakes Community who explains she is part of the group that wants to make a combined presentation but wasn't trying to keep anyone, from Indian Lakes, from speaking that does not share their views.

Mr. Ronzio repeats the rules regarding public input and recognizes Meredyth Babcock. Ms. Babcock would like to see a map showing where things would be located and also asks about how much water the plants would consume. Mr. Vincent points out the



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surveyed map to Ms. Babcock. Mr. Vincent explains that an average tree consumes approximately 50-200 gallons of water per day. On average, there could be up to 3,700 trees per acre which would require approximately 370,000 gallons per day. He clarifies that they plan to have approximately 5,000 plants that would require about 10,000 gallons of water per day- much less than what would be required if the lot was forested. Someone from the public speaks out that trees don't get watered. Mr. Vincent clarifies that tree roots go to the aquifer to get their water which is where the outdoor plants will be getting their water. Mr. Vincent says the only plants that will be watered from a well will be in the greenhouse. He further clarifies that the plants are not watered during the entire growing process. Ms. Babcock is pleased to hear that thought has gone into making the facility environmentally sound as she serves on the Conservation Commission as well as working with Westfield River Scenic Restoration.

Ann Spadafora is recognized. She questions if the applicant has had contact with the Assessors' Office and/or the Tax Collector's Office regarding how this facility would be taxed. Specifically, she wonders if it will be a **payment in lieu of taxes (PILOT)** or if they will be assessed based on the improvements made to the lot. Mr. Vincent says that if they get the approval from the Planning Board, they will negotiate a **Host Community Agreement (HCA)** with the Select Board and also meet with the **Special Permit Granting Authority (SPGA)** to finalize the plans. Adding that the **Cannabis Control Commission (CCC)** allows towns to collect up to 3% of their gross sales- in addition to their property taxes; the 3% can be used for whatever the town chooses. They will also be getting building permits. Mr. Ronzio says there is not a PILOT in place. Mr. Ronzio asks Ms. Perotti if any questions have been raised regarding how the property will be taxed. Ms. Perotti answers that there have not been any inquiries but the property is currently in Chapter 61 so back taxes would need to be paid back and taken out of Chapter 61. Once improvements are made to the property, it will be assessed at fair market value. There is a brief discussion regarding how to contest your property value. Mr. Blake closes the discussion by confirming there will not be a PILOT payment for this type of facility and that it is up to the Assessors' Office to determine how the property will be taxed.

Mr. Ronzio asks if anyone else would like to discuss taxes. Bob Alarie is recognized. Mr. Alarie says he doesn't know anything about Chapter 61 but appears to read a brief definition from his phone saying it gives preferential tax treatment to property owners regarding the protection of forests, agricultural and recreational land. That is what will



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be lost to the town. Mr. Ronzio briefly defines Chapter 61A and 61B and the tax benefits received and also lost retroactively if taken out of Chapter. Mr. Ronzio says he won't go into the entire process but there is also the right of first refusal as it has come before the Board in the past. There is a brief discussion regarding the possibility of the entire surrounding property being cultivated with hemp which has basically the same effects of cannabis when it is grown.

Tess Lundberg is recognized. She reminds the Board that with the previous application, it was discovered that this company had not paid property taxes at one of their facilities in Connecticut (CT). She questions why they are even coming back knowing that that issue has not been resolved yet. She says it speaks to their character and what type of income Becket can expect. Mr. Ronzio says he will answer that because this matter was addressed at the **Community Outreach Meeting (COM)** earlier today. He says it was due to a dispute with a neighbor that overtook some of their land and basically, they are not going to pay taxes on someone else's property. However, that tax money is being held in escrow until the matter is resolved. Mr. Vincent interrupts to clarify that the company being discussed with the tax issue is not Tetra Hydra Agtek LLC. Tetra Hydra Agtek LLC does not own any taxable property at this time. Mr. Ronzio says that does not apply to the applicant and lets Mr. Vincent finish. Mr. Vincent says they are a newly formed Massachusetts (MA) LLC and do not have any liabilities or taxes in CT; they don't have any in MA either.

Laurie Friedman is recognized next and says she has done a lot of research on this. She says that the current owners will continue to be the responsible party to pay the taxes because the applicant will be leasing the property- not purchasing it. She also speaks briefly about the 3% that will be paid to the town but says she will let someone else from her group speak about that. She talks more about Mike Goodenough and the unpaid taxes of his operation(s) in CT. She lets everyone know about her research, through public records, that shows he has still not paid taxes on property bought in 2019. She says she has copies of the deeds and documents showing the amounts owed. Lastly, she requests that the Planning Board run a background check on the applicant(s) to ensure credibility before making their decision. There is a brief discussion to determine Mr. Vincent owns 3 properties. Mr. Vincent says the things being discussed do not involve Tetra Hydra Agtek LLC. It involves one (1) of his business partners and does not have anything to do with this proposal. Mr. Ronzio asks who the principals are within the company. Mr. Vincent confirms that he, Mike Goodenough, Andrew



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Wilkinson and another silent partner make up 51% of the company; the rest are the investors. Mr. Vincent points out that paying the taxes will be part of the HCA and if they are not paid, they will lose their permit with MA. Mr. Ronzio reminds everyone that the HCA is a legal agreement made with the Select Board and gives a brief description of an HCA. Anthony Byron is recognized and summarizes that if the HCA is not followed, the applicant will not be able to continue to with their operation. Regardless of what may be owed in another state, they would not be able to operate in MA if their taxes are not paid.

Gale LaBelle is recognized and asks if they will be leasing or purchasing the property. Mr. Vincent says they will be leasing with the option to purchase. Ms. LaBelle questions how this can be done if the property is currently in Chapter 61. Mr. Vincent confirms it would be taken out of Chapter 61 if approved. Mr. Ronzio confirms the surrounding property will remain in Chapter 61. There is a brief description regarding the remainder of the property.

Ms. Friedman is still concerned that Mr. Goodenough is involved and has these outstanding tax bills in CT. She feels his reasons are really excuses. She repeats her request for a background check. Mr. Ronzio says they will take it into advisement. Mr. Vincent adds that the state will do a complete background check when they apply for their license. There is a brief discussion regarding contact from the CCC when a retail marijuana establishment in Becket received their final approval from MA/CCC.

Bob Alarie is recognized and talks about the other retail facility that was approved in town without property taxes being paid. The property owners tried to get approval for another marijuana facility on the adjacent lot but were denied. He questions if the taxes have been paid. Mr. Ronzio asks Ms. Perotti about the financial agreement. Ms. Perotti confirms the property owners did enter into a payment agreement with the Treasurer; she is not aware of the status of payments. She further confirms that the permit that was issued for the retail facility, at 2727 Jacob's Ladder Road, cannot be executed until the property taxes have been paid. Mr. Ronzio lets everyone know that the principal interests within the company split but the permit is still available to them for approximately 1 more year. It has no bearing on these proceedings.



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Robb Grace is recognized and asks how much money the town could expect if approved. Mr. Vincent answers that if they were able to operate the facility at full capacity now- at today's prices, he estimates \$1.2 million.

Lei-Anne Ellis is recognized to speak about the 3% community impact fee. She lets everyone know she is part of a group from Indian Lakes/Skyline Ridge. Ms. Ellis gives information, from Forbes Magazine, regarding gross marijuana sales, for 2020, in MA as well as how much of that was generated by taxes. Part of that was a 6.25% sales tax in addition to a 10.75% excise tax on retail sales. She questions what the town will really get with the 3% they are promised as it can only be used for substantial impacts to the town due to the establishment. She says there are two ways that money is generated within marijuana establishments. One is with an optional local excise tax, up to 3%, on retail sales. Since they will only be growing marijuana, she doesn't expect that. Becket can expect to receive the 3% of the annual gross revenue. She clarifies only up to 3% as the 3% community impact fee is money that cannot be used for the school, library or anything else not related to the impact of the establishment. It has to be used on things including environmental impacts from storm water run-off, waste water, traffic controls, substance abuse prevention programs and municipal inspection costs. The CCC warns municipalities not to rely on such fees as they may not withstand judicial scrutiny. Becket can only get money based on the applicant's gross sales or simply to offset costs incurred from impacts by the establishment. Based on the profit figures provided by Mr. Vincent today, they would have to sell 13,000 pounds of marijuana flower at a cost of approximately \$2,612.00. She says those figures are based on information from the U. S. Cannabis Spot Index. She questions how this money will help the impact to the surrounding neighborhoods due to odor, water runoff etc. She closes by saying she appreciates what she was heard at the COM, but does not find such things through her research. Mr. Vincent clarifies that the change of the proposed revenue is due to the fact that this proposed facility is larger than what was proposed earlier this year. Also, the average cost of marijuana is expected to go down. He doesn't expect the facility to have a \$1.2 million impact on the town.

Anthony Byron is recognized and points out that Ms. Ellis' comments didn't include what impacts would be incurred by the establishment and questions what impacts the town might expect that that money wouldn't help. He points out the applicant will be paying for all building permits, application fees/costs and the many additional fees associated with these establishments. Mr. Byron says he is a First Responder working in



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many areas and has never been called to a marijuana facility for anything other than a medical need which he considers to be reasonable. Mr. Vincent says he doesn't foresee any large impacts as they will have their own security detail, electrical use will be low and all waste will be removed as required by the CCC. There may be some water runoff if there is a large storm but everything used in the process is organic. Mr. Goodenough stresses that it is up to the town to determine how that money will be used. There is a brief discussion how this 3% community impact fee was provided and not needed in the town of Lee.

Steven Feldman is recognized. He is looking to get clarification on Ms. Ellis' statement regarding the 3% community impact fee. Ms. Ellis clarifies that the 3% community impact fee is restricted to be used only for costs incurred from impacts from the facility.

Mr. Ronzio speaks generally about HCAs noting they are a financial agreement between the establishment and the town.

Robin Mathesen is recognized. She questions who is restricting the 3% to be only spent on impacts from the facility. Mr. Blake answers it is restricted by the CCC. Mr. Ronzio clarifies it is within the CCC regulations as well as HCAs. Mr. Blake and Mr. Ronzio clarify the 3% community impact fee and how it is negotiated through a HCA.

Elliot Slotnick is recognized. He seeks confirmation that the town only receives money to offset costs they wouldn't have had if the facility were not there. He uses the cost of police patrols for an example. Therefore, there is no gain as the money cannot be used for anything other than to offset incurred costs from the facility. Mr. Blake says that is not true. Many towns have used the funds to educate their communities by offering substance abuse programs and classes at schools for marijuana and opioid prevention.

There are more questions regarding the 3% community impact fee. Mr. Vincent says that if there is no impact to the town, that money will still go to the town to be used however they want it to be used. Many people speak at once is disagreement. Mr. Ronzio recognizes Mr. Goodenough who says that if the town feels the roads are being ruined because their truck goes up and down the road too often, than that money can be used to repair the road. If neighborhoods improve and more children start attending the school, than that is considered an impact so then, that money can be used to buy a bigger school bus or an additional bus.



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Bob Gross is recognized. There is a brief discussion regarding a discussion with the Town Administrator, at a past Select Board meeting, that due to the controversy surrounding the fee, any monies collected would be held in escrow with the possibility of spending it only if it can be directly associated with the farm.

Barbara Wacholder is recognized. She feels it is very important for the community to educate themselves on how this 3% may be spent and how it cannot be spent. Everyone has been real excited when they hear the town will get 3% and she has heard that some believe the town can just buy, for example, a firetruck with it but that is not the case. She thinks there is a lot of misunderstanding regarding the 3% and urges the community to understand what the constraints are and to act in a knowledgeable way.

Cathy Terwedow is recognized. She says it is her understanding there are 2 separate 3% fees that could be expected from these types of establishments: the community impact fee and a local optional sales tax. She says Northampton has given up on the community impact fee because so far, there have been no impacts to their town but there is another optional local 3% tax that is given to the town to be used in whatever way the town chooses.

Anthony Byron suggests making a donation to the police, fire and/or ambulance departments to offset any costs they may incur. Many disagree and think it may be considered a bribe. Mr. Ronzio says that will not be addressed.

Larisa Shpitalinik is recognized. She is disappointed that she cannot see more details on paper that shows specifically how much will be spent and for what. She feels this would be a requirement for any financial arrangement. She wants to know how the price of the product is selected. She claims the cost for marijuana in other states has gone down significantly because there are so many marijuana facilities being established and doesn't expect that to be different in MA. She thinks there should be a plan to be reviewed based on an optimistic and pessimistic budget – a formal published business plan.

Mr. Levy points out that the Board needs to assess the difference between the applicant's proposed business, that they have a right to pursue, and the residents points of view which they have the right to make, but the Board has to come to a reasoned



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position that the applicants understand and that they have to meet the needs of the residents. What Mr. Levy feels the residents have to understand is they, the applicants, have the right to meet those needs. Someone speaks out and says they don't have the right or they wouldn't be at this meeting. Mr. Levy lets them know that they don't have the right to stop the applicants from pursuing it just because they don't like it.

Mr. Blake returns to the question regarding the formal business plan. He says that the CCC requires a very stringent business plan when the applicants go for their license from the state. If the CCC feels the applicant(s) cannot reach the threshold given their financial means or no not agree with the overall plan, they will not issue the license. Mr. Ronzio speaks about the importance of the work done by the CCC.

Laurie Thomas is recognized. She first expresses the deep appreciation and understanding she has for the Planning Board regarding the energy and time they apply and continue to apply to this matter. She lets everyone know that she is the president of her homeowners association (HOA). She reads a statement from the Town of Becket website, regarding the duties of the Planning Board, pointing out those same goals for safety, security, health and well-being exist within her HOA. Her purpose in attending this meeting is to understand the full intended purpose of the applicant. Ms. Thomas points out § 6.8.14, part 5, of the Becket Zoning Bylaws, that states: *Prior to the issuance of a Special Permit or site plan approval, the Marijuana Establishment (ME) or Medical Marijuana Treatment Center must have entered into a HCA with the town. If, upon review by the Select Board, the ME is found to not be fully in compliance with the HCA, the special permit and/or the local license may be suspended or rescinded.* She questions if this application is being done in the order that it should be. She asks the Board to review this part of the bylaw for clarification; the Board reviews this section. Mr. Ronzio says there does seem to be an issue. He feels that it may be in the best interest of everyone to continue the hearing. However, he feels that the discussion can continue since everyone is already here tonight. There is a brief discussion regarding past applications. Mr. Ronzio asks Mr. Vincent if he has had contact with the Select Board regarding negotiating a HCA. Mr. Vincent says their plan was to do that after they receive approval from the Planning Board. Josh Swartzbach is recognized. He says that the CCC regulations, that he believes were lastly edited in April of 2020, give the order of authorizations needed for a marijuana establishment. He says in a small town like this, Planning Board is first and then the Select Board for the HCA. Dr. Lerner feels they should seek guidance from town counsel to see how the application should be



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processed. Ms. Thomas argues what she read, regarding the HCA being needed first, is in the Becket Zoning Bylaws and needs to be addressed before the Planning Board can give an approval.

Mr. Levy says it may be wise for the Planning Board not to proceed as it seems to him that grounds for invalidating or dismissing the Board's position are being established. He says that anything done going forward will be considered invalid from a legal point of view. Mr. Ronzio says that if the Board decides to not make a decision on the application tonight, then the applicant can go before the Select Board to negotiate a HCA. There is a brief discussion regarding past applications that were approved before the HCA was negotiated. Mr. Levy feels that if the Board proceeds, they are opening themselves to legal action. Mr. Ronzio clarifies that the Board is simply taking testimony at this point and may continue the hearing until they are ready to make a decision-pending the HCA negotiation.

Mr. Vincent clarifies that they are not requesting a site plan approval. They are simply looking for an approval to move forward to get a HCA. Once they get their HCA negotiated, they will return with an engineered site plan for approval. The Board disagrees with his assessment of the process for the application.

Ms. Krawet says after reading all of the letters from town residents, it seems most people are looking for specific details which will be provided in the HCA. She thinks that seeing the HCA will solve a majority of the issues so that the Board can proceed with making a decision. Mr. Ronzio disagrees with Ms. Krawet's statement that the clarity will be within the HCA. Ms. Krawet says the odor concerns and waste water concerns will be addressed in the HCA.

Mr. Ronzio says that since everyone is already here and gathered, it would be a shame not to hear everyone's concerns. He says the HCA has to be negotiated with the Select Board.

Anthony Byron is recognized again and points out there are other errors in the bylaw regarding indoor and outdoor cultivations. Because it is not defined in Becket's Zoning Bylaws, the definition from the CCC needs to be followed. He gives a brief description of how the CCC defines indoor and outdoor cultivations. He realizes it doesn't have a bearing on this application but may be a problem for future applications. Mr. Ronzio



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points out that no bylaw is perfect but there is a severability clause which allows them to continue.

Ms. Thomas continues and lets everyone know she has been besieged by members of her community to ask the Board to seek facts, science and answers to fill in the lacking application. She encourages the Board to seek a comprehensive impact study, conducted by an independent professional, to determine what the effects this type of facility will have on the town before making a decision.

Mr. Vincent says that if they need to get the HCA first, that is what they will do. Mr. Ronzio says that may be what happens but the Board can continue to get testimony and proceed pending the outcome of the meeting with the Select Board.

David Edell is recognized. He lets everyone know he is the president of the Skyline Ridge Property Owners Association (POA). Mr. Edell would first like to point out that in the past year, there have been more full-time residents established within the POA. There are now eleven (11) homes there- eight (8) of those are full-time with half of those being families with small children. Being only thirteen-hundred feet (1300') away from the proposed facility, his POA will likely be the most impacted with things like odor that they don't feel can be controlled. 2 of the new vacant lot owners are waiting to see the outcome of this proposal because if approved, they will most likely look for homes in other communities. Many residents within his POA have reviewed the application and agree it is lacking in data. He agrees the HCA will give them the best clarity. It requires more data in order for the Board to make an informed assessment. Mr. Edell notes a letter sent on behalf of Skyline Ridge and talks about 2 issues that are very important within their POA beginning with odor. He says that he and some of his neighbors were at the COM to find out where things would be located and to get information. Since the most odorous time of the grow period is in late summer/early fall, a lot of people in town have their windows open or like to go outside. He reports that many residents from his POA have visited various marijuana facilities in the area at different times, parking their cars at different distances and have noticed significant odor at varying levels. They also interviewed residential and commercial neighbors all of whom reported issues with the odor to different degrees. He points out that the winds are very unpredictable all year round on the ridge and questions how the odor can be mitigated, without disturbing their neighborhood, in the manner described with wind breaks, fans and exhaust systems. They have concerns and are not convinced that the



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answers given by the applicant are true. Once the farm has been approved and if the odor becomes a problem, he doesn't see a real solution to it other than shutting it down. The other concern is security. He is not concerned with the security of the facility but the security of the neighboring residents and associations. They fear that crime will rise in town just because of the facility being there. He notes there are many visitors to the quarry and with or without signage, people know it is there and may "get curious" and use their roadways, through their neighborhoods, to gain access to the property. He says he can walk to the cul-de-sac and straight through to the location of the proposed facility and questions what would stop someone else. While they may be unsuccessful getting marijuana or anything else from the applicant's facility, they may want to try to instead take something from an unoccupied house. He finishes by saying their main concerns are health, security and quality of life in the community. He notes they may meet all regulations but it will still take away from the quality of life.

Barbara Wacholder is recognized. Ms. Wacholder says she will be discussing odor and that her research has been submitted to the Planning Board; number 68 in the letters. She says the application submitted by Tetra Hydra provides inadequate details regarding how the odor of the crops will be mitigated. The applicant discussed using a method recommended by the **USDA (United States Department of Agriculture)**. It is a method used to disperse manure odors from various animals – not cannabis odor. She describes the method using multiple types of trees approximately twenty feet (20') high pointing out only about 10% of the manure odor was mitigated this way. She also talks about the terpenes associated with cannabis and are easily blown around over trees. She describes a misting system that can be used to neutralize the odor for the outdoor crop. It is used internationally and in several states. She says the carbon filters that are proposed to mitigate the odor of the indoor crops are not environmentally friendly. The THC extraction process is discussed and she is worried about the chemicals used for that. She expects the Conservation Commission will have something to say about the water runoff. She questions how the odor will be measured. She is concerned that there will be more periods of odor if they plan on having four (4) crops indoors. Andrew Wilkinson is recognized to talk about the cannabis odors. He says that cannabis odor is measured in parts per million. They move parallel across the ground carried by wind. When that air is interrupted by a wall it moves upward where it is mixed with the billions of particles in the atmosphere. That is based on a single wind break. They will be located in a forest with many trees to help disperse the odor. The conifers are special in that the odor particles grab onto those needles. The carbon filters used



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indoors act like HEPA filters and will not impact the environment negatively because plants inhale carbon dioxide and exhale oxygen. The carbon taken out of the atmosphere is vastly higher than what is used for manufacturing. Ms. Wacholder does not believe Mr. Wilkinson and asks that he put it in writing.

Michele Cohen is recognized. She thinks that the bottom line is people want more information. She encourages the Board to get more information and to allow the public further comment when the HCA is finalized. Her concern is the location of the facility in relation to the quarry. She points out that many families visit the quarry in addition to teens and youth groups. She points out that because youth groups meet there, it is a violation of the bylaw, § 6.8.3 that states a marijuana facility cannot be within five-hundred feet (500') of a facility where organized youth is known to gather. This is based on the property line of the proposed location. In this circumstance it is less than fifty feet (< 50') - directly across the road. She says her parents were instrumental in the creation of the land trust and she is dedicated to its preservation. She talks about the trails throughout the quarry as well as the historical museum that is onsite. It is visited by families, school groups, youth organizations and many others from all around the world. It seems very inconsistent to her to place this type of facility right in the middle of the beautiful quarry. Odor and noise will be a constant distraction. She hopes the Board will take this into consideration. Mr. Vincent questions if hunting is allowed on the quarry property. Mr. Ronzio confirms that hunting is allowed. There is a brief discussion regarding the allowance of hunting at the quarry and whether youth groups have gone on school trips there or not.

Jack DelSantos is recognized and says his backyard almost abuts the location of the proposed facility. He said if he knew a marijuana facility would be built next to his house, he would not have built it. He repeats the concerns about odors. He asks the Board to protect the town from the unknown. He thinks there is enough evidence out there about odor for the Board to make a decision. Odor is further discussed and another request for more information is made.

Someone asks Mr. Vincent how he decided to start this operation in Becket. Mr. Vincent says they knew Adrienne and Josh and liked the area. During their first discussions with the Board, they thought Pittsfield might be better but ultimately decided to return to Becket. Other locations were scouted out but they liked Becket the best. She is concerned with the safety of her property investment. She points out the



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oppositions for his proposal and the impact it will have on the houses/property near that area. People want to live the clean country life. Property values will go down because of this facility. She doesn't think Mr. Vincent will be a good neighbor.

Mr. Wilkinson is recognized again and says he enjoys Western Massachusetts very much. He describes time spent and people he met along the way and notes he enjoys the environment too. He admires the passion of the people within Becket.

Susan O'Brien is recognized and says she is part of a group from Indian Lakes but does not have an official position. Odor is discussed further regarding how it would be mitigated. Mr. Goodenough stresses that the CCC answers those questions based on multiple studies.

Ms. LaBelle asks who would inspect regarding odor control. Mr. Ronzio says it is not up to this Board how odor controls will be enforced. This will be negotiated in the HCA.

Tess Lundberg is recognized to discuss water. She is concerned about chemicals that are used in the process and may enter and contaminate the water supply. She talks briefly about **perfluorooctanoic acid (PFOAs)** that nobody was worried about years ago but is a big problem now. She requests that if approved, as a condition that this company pay for annual water testing for every well within five-thousand feet (5000') for the next 5 years. She also says that the applicant plans on using 10,000 gallons of water per day. The average person uses about 80,000-100,000 gallons of water per day; the average household is 2.5 people. She claims their water usage is the equivalent of putting forty to fifty (40-50) houses on a 5 acre lot. She is concerned for the water levels going down in neighboring wells. She talks about the high expense of drilling her well. Mr. Ronzio speaks about the health concerns of PFOAs. He asks for the applicant to let everyone know exactly what chemicals will be used during the entire process and who has oversight over those chemicals. Mr. Goodenough lets everyone know they use various amounts of baking soda or vinegar for preventive maintenance on the plants. Neither of those are considered toxic. He continues with potassium, magnesium and other natural minerals that can also be found within the soil, byproducts of the quarry and leaching out into the water from the quarry where everyone swims. Water is dripped into the pots within the greenhouse by the irrigation system. They control the water within the system and it is not leached into the ground. It is recycled back to the plants. Each pot receives just the right amount of water based on the size of the pot and the number of



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roots. Mr. Vincent adds that the CCC tests all of the flower produced and if chemicals are found that are not natural or fertilizers are discovered during testing, that is the end of the plant.

Adrienne Metcalf is recognized. She asks Mr. Vincent if they will be processing any of the cannabis with ethanol or any other chemical like that. Mr. Vincent confirms they are not pursuing a manufacturing permit.

Someone asks if they are certified to be organic. There is a brief discussion regarding what is required from the CCC. Mr. Goodenough says the CCC has requirements that need to be followed; having a certification to be organic is not one of those requirements.

Beverly Lambert is recognized to discuss the topic of respect. Ms. Lambert lets everyone know she and her husband John submitted a letter with 13 very specific questions they want to have answered. Beyond getting those answers, she thinks the applicant has not expressed the respect she feels the Planning Board deserves for preserving the quality and integrity of the community. She doesn't think the Board should have to search for answers to their questions. There are no endorsements for the business. There are no specifics to the value of the community. She wonders how many people from Becket will be employed there. She thinks the residents deserve more respect. She and her husband may not be considered abutters but will be affected by the establishment. She thought, being only a quarter of a mile away, they would have received information from the applicant about this proposal but they did not. She believes they deserve to receive the same information. Lastly, she addresses the actual application itself which was sloppily hand written with cross-outs and corrections. The rest is filled with spelling errors, missing words and ambiguous statements. In a statement within their application, they describe the area as residential but still claim it is not a residential area. She thinks it is a careless and unprofessional application. It reflects the disregard for the town, the Planning Board and the residents. She's not sure it's a company for this town.

Charlotte Williams is recognized. She says her daughter works in Sheffield says the odor is horrible. Mr. Ronzio and Ms. Krawet discuss their visit to Mr. Goodenough's facility in CT noting they did not notice the smell until they were approximately twenty-five feet (25') away from the entrance. Ms. Krawet talks about the odors she smelled when she



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visited an outdoor grow facility in Sheffield; they were quite noticeable near the entrance too.

Elliot Slotnick is recognized. After hearing discussions regarding odor and the fact that people will move away or not build houses because of the marijuana establishment, property values will go down and he thanks the town for essentially lowering his taxes. He doesn't see a benefit from this establishment as the only money coming in will be to offset any costs incurred due an impact from the facility. He says it is a lose/lose situation.

Ms. Perotti asks if anyone on the Zoom call has any questions, comments or concerns for the applicant. She doesn't see any raised hands on screen or virtually.

Gale LaBelle is recognized. She is concerned regarding the bridges on the road; one of them is now one way. She also asks if there is an engineered plan to review. Mr. Ronzio says those bridges are on the schedule to be repaired or rebuilt. Mr. Ronzio asks the weight of the vans when full of product. Mr. Vincent says they use a sprinter van for transport that will be used eight (8) times throughout the year; 4 harvests- 2 transports per harvest. They will be using alternate routes for each transport. They already have buyers lined up as required by the CCC.

An unidentified speaker discusses § 9.3.1 of the Becket Zoning Bylaws that discusses what is required for reviewing Special Permits. She feels what is required is lacking on the application. Mr. Ronzio says that traffic studies are required should the Board choose it is necessary. Mr. Levy says the Board did not feel a traffic study was necessary in this case. The Board reviews the bylaw. Mr. Ronzio says the operative word in the bylaw is "may" which means it is not required. If it said "shall", then it would be considered a requirement. The speaker hasn't seen everything listed in the bylaw and asks the Board to confirm anything that has been waived. Mr. Levy says they are still at the stage of making those determinations. The speaker says it is her right to find out if those requirements have been fulfilled and if they have not, she has the right to know what was waived. She is not a lawyer she is just reading from the town bylaws looking to see if those requirements have been met. If the Board hasn't seen those things, the applicant needs to supply it. She would want to see all the facts before making a decision.



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Mr. Levy lets the speaker know he doesn't think she wants the facts; only what she wants. Mr. Ronzio calls the meeting back to order and threatens to eject those that continue to stay out of order.

The speaker seeks an answer to her question regarding § 9.3.1. Mr. Vincent says he will comply with everything in the bylaws. He will go to the Select Board to negotiate the HCA. Mr. Ronzio says engineered plans will be required. Mr. Ronzio asks if people are required to put up a bond if they abandon their house; they are not. Mr. Ronzio discusses further the requirements for site plan approval.

Mr. Vincent thought they had to get approval with the Planning Board to get their HCA. Since they have to get that first, they will do that and return with an engineered site plan for building permits. Mr. Ronzio says the Board will not make a decision until there is a decision made regarding the HCA.

Dr. Lerner excuses himself at 10:00 PM. Gale LaBelle is now attending as a Board member in Dr. Lerner's absence.

Bob Gross is recognized. He requests that the Board keep public comment open until after the HCA is negotiated. Mr. Ronzio asks Mr. Vincent if he agrees to return after the negotiation of the HCA with the Select Board. Mr. Vincent agrees.

Ms. Krawet **makes a motion** to continue the hearing until such time that the applicant has negotiated a HCA with the Select Board with the continued hearing date to be determined. Mr. Blake **seconds the motion**. All in favor. **Motion passes.**

There is a brief recess while people exit the meeting and use the restroom. Mr. Levy excuses himself at 10:30 PM.

5. **Public Input:** As discussed throughout.
6. **Budget:**
7. **Correspondence:**
 - a. Dan Weinstein – update of glamping proposal at Dreamaway Lodge
 - b. Becket Federated Church – request to list meetings in Community Calendar
 - c. Division of Fisheries & Wildlife – 15th Edition Natural Heritage Atlas
 - d. Division of Local Services – “What’s New In Municipal Law?”: pre-registration
8. **Any other business to come before the Board**



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9. **Adjournment:** Mr. Blake **makes a motion** to adjourn. Ms. LaBelle **seconds the motion**. All in favor. **Motion passes**. The meeting is adjourned at 10:43 PM.

Meeting minutes reviewed and approved on September 22, 2021 by

Robert Ronzio, Chair

Ann Krawet, Clerk

Alvin Blake, Clerk Pro Tem

A resident requested a statement to be stricken from the record, therefore, the
Meeting minutes were reviewed and re-approved on October 13, 2021 by:

Robert Ronzio, Chair

James Levy, Vice Chair

Ann Krawet, Clerk

Alvin Blake, Clerk Pro Tem

Howard Lerner