



**Town of Becket
Planning Board
557 Main Street
Becket, Massachusetts 01223
(413) 623-8934 ext. 120 fax (413) 623-6036
planning@townofbecket.org**

Meeting Minutes – February 23, 2022

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

Board Members Absent: Gale LaBelle

Administrative Assistant Present: Jessica Perotti

Public Present: Adele Levine, Adrienne Metcalf and Josh Schwartzbach, Alex Shpitalnik, Andrew Wilkinson, Anne and David Kong, Arthur Telegen, Barbara Mandler, Bob Gross, Brendan Slean, Brian Vincent, Cynthia Trenholm, Dan Scher, David Edell, David Johnson, David Killeen, Debra Eberhardt, Donna and Jim Schafer, Fred Braun, Gail Weinstein, Gerry Nacheman, Gordon Celliers, Harold Ware, Jeanette Nostra Katz, Jeff Wilkinson, Jeffrey Lovitky, Jeremy Keyes, Jeremy Lichtman, John and Beverly Lambert, John Carino, John Verity, Judy Pillinger, Larisa Shpitalnik, Larry Parnass, Laura Fredricks, Lauren Staley, Laurie Friedman, Laurie Thomas, Lei-Anne Ellis, Linda and Rob Benton, Luke Stietzel, Lynn Howard, Marc Pillinger, Mary Broden, Michael Bronstein, Michael Goodenough, Michael Pillinger, Michele Cohen, Mitch Greenwald, Nina Stietzel, Paul Aube, Peter Gould, Robert Alarie, Robin Wolkoff, Stephen Stander, Steven Mack, Terry Cowgill, Tess Lundberg, Thomas Markovits, Wendy Wright, Wesley Vercosa, Yale Robbins, Shaw Izikson and Linda Burt

1. **Call to order:** Robert Ronzio calls the meeting to order at 6:04 pm and reads the rules of the meeting and public hearing. He also introduces the board members present noting Howard Lerner is present via ZOOM and Gale LaBelle is absent. Mr. Ronzio determines that the meeting is also being recorded by Michael Goodenough and Terry Cowgill.
2. **Public Hearing, con't.:** Brian Vincent, on behalf of Tetrahydra 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
 - a. **Board to review revised site plan:** Mr. Ronzio gives a brief overview of the application and asks the applicant, Brian Vincent, to finish his presentation regarding the changes that have been made to the plan. Mr. Vincent confirms the outdoor growing area has been removed and the required parking spaces have been added. Mr. Vincent says the elevations for the greenhouse have also been submitted.

Mr. Ronzio asks Mitch Greenwald if he will be speaking on behalf of anyone tonight. Mr. Greenwald gives a brief list of names of his clients to cover his time to speak. Mr. Greenwald confirms that the board received a letter from him.



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Mr. Greenwald confirms this proposal is not allowed a “by-right” - it requires an official approval. He also confirms that the Cannabis Control Commission (CCC) does require all local regulations to be followed.

Mr. Greenwald reads from § 6.8.1 regarding proper placement of such an establishment and meeting neighborhood and community concerns. He also points out that the criteria used for special permit approval requires the board to consider neighborhood character, social structures and impacts on the natural environment. He says this allows the board to consider issues raised from the neighborhood.

Next, Mr. Greenwald talks about odor. It has not been made clear from the applicant what the plan is if there is a problem with odor. He suggests that the board require a third party to determine the odors that are emitted from the facility. This neutral party can confirm mitigation results as found in other communities. Mr. Greenwald confirms he was able to get such a report and advises it had just been emailed. Ms. Perotti retrieves the email and passes it out to the board.

Mr. Greenwald also discusses the financial uncertainties about the applicant. He wonders what the financial impact will be without the outdoor grow area.

Mr. Greenwald is concerned that the public has only had 2 business days to review the revised plan. He believes the public hearing should be left open until the public has had more time to review or have a professional review the plans. He is concerned there are no drawings to show how the greenhouse, that is 24’ high and almost 200’ long, will look from the road or the quarry.

Mr. Greenwald closes by saying there are other deficiencies within the current plan but he does not have the expertise to engage in a discussion. He advises that there are others in attendance that do. He asks for the opportunity to review any findings from outside experts that the board may engage. He points out that the applicant has not provided any information from an impartial expert.



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David Killeen is recognized. Mr. Killeen's family owns property next to the proposed facility. Mr. Killeen is not opposed to the development as long as it is done properly and does not cause harm to the environment or the quality of his family's property. He is pleased to see that the outdoor grow area has been removed and the required number of parking spaces has been added. However, he is concerned that there is not a revision date on the plan. There are still concerned this is a large facility. Mr. Killeen wants to be sure the wetlands are protected as they are connected to the wetlands on his family's property. He is concerned that if the very complex storm water maintenance system is not monitored properly, the effects of the poor quality water will spill over to his property. He has not heard that anyone from Tetrahydra is trained to manage this storm water system. He explains he summarized these requirements in a letter he submitted on February 7, 2022. Mr. Killeen is also concerned about the parking that is proposed to be on the Metcalf property. He wonders what will happen to those spaces if they decide to sell.

In closing, Mr. Killeen asks the board to protect his family's interest in this property. At minimum, he hopes they are able to develop performance standards to ensure good water quality.

Mr. Ronzio asks Mr. Mack to address Mr. Killeen's concerns. Mr. Mack confirms a revision date can be added. Mr. Mack also says they stayed within the requirements set by MA regarding storm water management. The removal of the outdoor grow area will not change or increase in the flow of the water. As far as maintaining the system, it needs to be reviewed quarterly to ensure there is no debris and a clear path is provided. The applicant would have to provide a schedule as part of the order of conditions from the Conservation Commission. Mr. Mack also confirms that the required number of parking spaces have been included on the lot.

Debra Eberhardt reads a letter to the board that also shares concerns of smell. She doesn't think this type of facility should be in a residential neighborhood and is worried an approval will set precedence for future marijuana grow facilities. She is worried about putting 6 more growing facilities throughout Becket. She is also concerned that other marijuana facilities will be placed near wetlands in the future. She believes the size of the greenhouse is out of character of the



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neighborhood. Ms. Eberhardt shares her concerns with declining property values due to marijuana facilities being near them. Ms. Eberhardt claims that some Planning Board members campaigned on the idea of establishing marijuana growing facilities in town. She points out other towns, including Pittsfield and Great Barrington, have discontinued putting these types of facilities in residential areas. This is because they have experienced the negative effects of putting them there. She believes a moratorium is needed to give the town time to determine the best location for these facilities. She respectfully requests that any member of the board who does not live or own property in Becket should recuse themselves from the vote.

Mr. Levy says that a member of the Select Board reported he campaigned to put a marijuana facility in Becket at the last Planning Board meeting- it was not anyone from the Planning Board. Secondly, Mr. Levy confirms everyone on the Planning Board does live in Becket.

Next, Mr. Ronzio confirms that Becket is allowed to have a total of 6 marijuana facilities in town that are not retail. In addition, Becket is allowed 2 retail facilities- both have already been approved. He confirms there are 5 spaces open in town for non-retail facilities.

An unidentified speaker complains that the public was not given enough time to review this revised plan to come forth with questions for the board. He is very concerned with the size of the greenhouse. When this project was first proposed, it was promised that the building would not even be seen from the road and now it is 50' from the road. He says it is not possible for a building that size to fit in with the character of the neighborhood. He questions how the board can come to that conclusion without some sort of picture or drawing. He is concerned how this will look to the visitors at the quarry. This includes children that visit the quarry.

Mr. Ronzio says he has not been shown anything but anecdotal evidence regarding children visiting the quarry. He explains he was a school teacher for many years and anytime there was a field-trip, a permission slip was needed to allow a child to be included. Mr. Ronzio says he would be able to produce permission slips from any of those field trips so he expects to be able to see



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them for field-trips to the quarry. Nobody has been able to produce any permission slips and anecdotal evidence is not enough for him to consider.

Mr. Ronzio comments on having a greenhouse there. He says it will look like a greenhouse and there are greenhouses all over town. He speaks briefly about complaints of other greenhouses near Town Hall and the aesthetics of farms in this area differing from those in CT. He confirms the greenhouse is bigger than when it was first proposed.

Mr. Ronzio says the Metcalf property is Chapter 61 property that gives them the ability to raise farm animals or even grow hemp without any odor mitigation. He says this will be an indoor facility. He speaks briefly regarding the odor mitigations used on outdoor grows versus indoor grows pointing out that all the air will be treated before leaving the facility on the indoor grow.

Bob Gross is recognized. He asks if the board has sent the new documents to all the boards and commissions in Becket so they can take in to consideration the changes of the plan. Mr. Ronzio asks Ms. Perotti if that has happened. Ms. Perotti says that all boards and commissions were noticed at the start of the public hearing. It is up to them to make comments. Other than the Conservation Commission and the Board of Health, Ms. Perotti has not received communications from any town groups. Mr. Gross questions if the Police Department should be notified. Mr. Ronzio confirms that Mr. Vincent has been in contact with the Police and Fire Departments and a plan for the facility has been achieved. Mr. Ronzio says it is his understanding that the Police Dept. was pleased that there would be more presence there during the summer months as it would help them maintain peace at the quarry. Mr. Ronzio talks about some of the problems the police have faced at the quarry. He confirms that the Conservation Commission has received a copy of the revised plan as Mr. Vincent will need to submit a Notice of Intent to them. Mr. Gross repeats his request to notify all the boards and commissions. Ms. Perotti says that information has been posted on the website and is available to everyone. Mr. Ronzio confirms there was no interest from other boards and commissions at the start of the proposal, with the exception of BOH and Conservation, and the information is available to everyone on the website.



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David Johnson, Chair of the Conservation Commission is recognized. Mr. Johnson says he will not be taking any questions. He explains it is very common for Con Com to review applications after they have been through the building department and other boards and commissions for approval. When they review an application, it is not done by opinion, personal feeling or even town bylaws. They follow regulations set by Massachusetts Department of Environmental Protection (MassDEP). The applicant will need to submit an NOI with MassDEP who will issue a file number. This file number allows Con Com to schedule a meeting within 21 days. If MassDEP does not issue a file number, the Con Com cannot take any action. He confirms they do not discuss among themselves or with the public how they will vote on an application. He assures everyone that if this matter does come before them, a special meeting will be scheduled and all documentation will be posted. They will also provide a review by a third party. He confirms all commissioners are dedicated to protecting the wetlands and will be taking this seriously. He invites everyone to send questions or comments regarding the proposal through the town website.

Mr. Ronzio asks Mr. Johnson if an NOI has been filed. Mr. Johnson says they have not. Mr. Ronzio questions when they should have it filed. Mr. Johnson says if it was filed now, a meeting could be scheduled for the end of March or beginning of April.

John Verity is recognized. Mr. Verity asks Mr. Vincent to confirm he filed the application. Mr. Vincent says the application is for Tetrathrydra and he signed the application as being part of the company. He asks Mr. Vincent if he signed the HCA on behalf of the company. Mr. Verity continues to ask Mr. Vincent questions regarding the application. Mr. Verity claims they have gone out of the boundary regarding draining. He wants to know if the site plan is in compliance with the HCA. Mr. Vincent asks his legal counsel to comment. Mr. Vincent's counsel asks Mr. Ronzio to stop Mr. Verity from cross examining Mr. Vincent. Mr. Verity pushing his point that the establishment is larger than what it outlined on the site plan.

Next, Mr. Verity if Mr. Goodenough could provide feedback from any of his neighbors or his partners.



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Stephen Stander is recognized. He realized the issues brought before the board requires expertise. He suggests that the board consult neutral third parties regarding the complex information put before them. He feels it will be helpful to the board and hopes they consider it.

Jim Schafer is recognized. Mr. Schafer is also on the Con Com. He does not see building elevations on the plan. Mr. Ronzio confirms the elevations were in a separate document. Mr. Ronzio says he visited the manufacturer's site to see some of the greenhouses they have built. He sent a document 362 pages long to the Planning Board. Mr. Schafer asks why the applicant didn't provide the information. Mr. Ronzio confirms the applicant did provide information regarding the greenhouse they propose to construct- he wanted to check things out for himself and simply provided what he discovered to the board.

Michele Cohen is recognized. She brings the board's attention to part 8e of the HCA titled "Improvements to the property" that says the company is to make capital improvements to the property so that the property will match the look and feel of surrounding parcels. She wants to know what improvements will be made to the property. Mr. Ronzio says the character of the neighborhood is farming and a greenhouse is part of farming. She doesn't think it is fair for the board to expect the residents to be comfortable with a greenhouse of that size. A building of that size is not in keeping with a residential neighborhood. Mr. Ronzio confirms that Becket is a town that regulates things by special permits and that everything in town is not stickily residential.

Harold Ware is recognized. Mr. Ware says Tetrahydra's representatives have made several oral commitments including providing employment to Becket residents, odor control and providing funds for the town. Mr. Ware wants to know if these commitments have been put in writing and wants to know what the penalties will be, if any, should they not meet these commitments. Mr. Ronzio confirms that if approved, the board can place conditions on the approval. This includes BOH and Con Com regulations. Mr. Ronzio cannot say what may happen during their deliberations. There is a brief discussion regarding the appeal process. Mr. Ronzio confirms the board will not make a decision in haste.



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Barbara Wacholder is recognized. Ms. Wacholder agrees that the board should consult a neutral third party to have the best information. She still questions how much noise will be generated from the fans. She also wonders if the appearance of this greenhouse will be like those around town because it was mentioned that the building would be metal with blacked out windows. She appreciates the revisions made to the plan but wonders why the public has to keep asking for them. She feels if the board consulted with experts, this could have been handled better. She wonders if the trees that will be planted will be evergreens or if they will lose their leaves and the visual screening will be lost seasonally. She wonders how the board can interoperate all of this complex information without an expert consultant. Mr. Levy lets everyone know that the board is not compensated to serve on the board and have a very limited budget to hire an expert consultant. There is a brief discussion regarding who would pay for the consultant. Mr. Ronzio confirms that requiring the applicant to pay for a consultant was not written into the bylaw.

Lei-Anne Ellis is recognized. Ms. Ellis says she knows how to read blueprints but had trouble reading the revised site plan. She and others did research to try and determine what exactly would be here. She also heard the building would be steel with poly windows. She is not trying to be adversarial- she is only trying to get detailed information. She doesn't think it should be this difficult to find information. It is a great concern to her if she could potentially lose value on her home and property. She also shares her concerns that the information provided in the presentation talks about the towns of Lenox and Stockbridge. She wants the information regarding Becket. She asks the board to take into consideration how this establishment will affect them.

Many are recognized and ask that Mr. Greenwald speak on their behalf. Mr. Greenwald points out that in the presentation, there is a note that says "see application to the CCC". Mr. Greenwald was not aware that an application had been submitted to the CCC. He tried looking it up online and could not find a record of it.

Next, people spoke about work being done in the wetlands. He says in the report from Emily Stockman, she notes that work would need to be done in the wetlands.



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Mr. Greenwald also talks about anecdotal evidence. He reads from a letter submitted to the board by Ken Smith that states he led children's groups on field-trips at the quarry. Mr. Greenwald says the board may choose to not believe him but it is not anecdotal evidence but rather a summary statement.

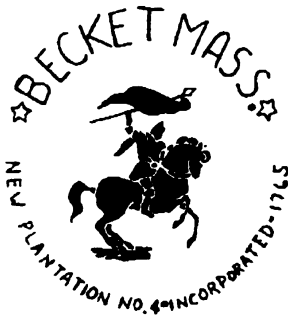
He wonders if it is appropriate for any members of the board to seek additional information outside of the public hearing as this is a quasi-judicial proceeding. It is up to the applicant or their representatives to decide what they want the board to review. He says it is totally inappropriate.

Mr. Greenwald says it is a very common practice for towns to require applicants pay for consultants. If it is not in the bylaw, that is a mistake.

Finally, Mr. Greenwald says that because there are so many mistakes and inconsistencies in the current application that it would be in the best interest of everyone that the board deny the application without prejudice. If denied, it should not be blamed on the neighbors because they did not make any procedural errors.

Michael Goodenough is recognized. He apologizes regarding the misinformation provided. There is a debate over what was said. Mr. Goodenough says there have not been any odor complaints regarding his facility in CT. Mr. Goodenough says their application, if approved, would not set precedence because another grow facility has already been approved in town. He reminds everyone that some of his partners have attended meetings and spoke on his behalf. He says any questions posed to them were answered very quickly.

Mr. Goodenough says he understands everyone's concerns about odor. They listened to the concerns of those that attended a Select Board meeting and included what was asked for in the HCA. Mr. Goodenough says with the exception of the last revised site plan, everything was provided 2 weeks in advance. While some may call it a building, it is a greenhouse and will be very similar to the greenhouses around town. He confirms the greenhouse moved based on wetland concerns and the outdoor field has been removed. This will



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make the facility completely odor controlled. He says the wetlands will be protected.

He explains the decibel level that will be produced from the fans was included in the documentation. He says they will use the very best of technology that is available at the time of construction.

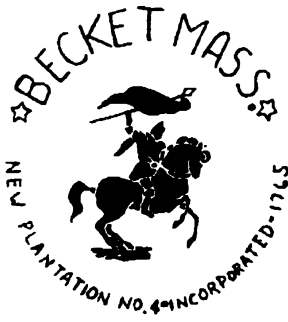
Mr. Goodenough confirms that an application has been submitted to the CCC.

He suggests that they don't need a consultant as they already help other farmers. He explains that hemp and cannabis come from the same plant and further describes the change of molecules that defines the difference.

Mr. Vincent's legal counsel thinks it would be appropriate for public input to be closed as there has been lots of testimony and all documentation has been submitted.

Josh Schwartzbach is recognized. Mr. Schwartzbach says he is surprised by the dynamics that have occurred. Opposition seems to be coming primarily from the Skyline Ridge and Indian Lakes communities. They have attacked the credibility of him and Adrienne as well as the town fathers and town voters with half-truths and outright lies. When he hears descriptions of the quarry, he says it sounds more like they are describing a theme park. He claims it doesn't hold as much natural wonder as it did twenty years ago. Mr. Schwartzbach gives a brief description of the fight to save the quarry back around 1999-2000. He agrees school groups may have visited back then but not in recent years. He said things rapidly went downhill when someone discovered it was a great place for quarry jumping. Ultimately, the quarry was transferred to another entity.

He goes on to explain that when Brian and his brother first proposed the idea of having a facility there, in 2018, it seemed like they were met with a friendly dynamic of appreciation. They were even invited to help write the bylaw. They ultimately withdrew the application but returned last year with the expectation that the notification letters would be sent out and they would simply go through the process. Instead, they were met with anger and a deep hostility. Objectors reacted as if they were proposing to put a toxic waste dump in their front yard.



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Mr. Schwartzbach explains as many as 160 letters have been submitted, both for and against the proposal; some are exact duplicates. Of all the letters submitted, only 17 were from registered voters. He describes the number of lots in Indian Lakes and questions how much water they use. He describes the voting population in Becket. He says that Becket voted to approve medical marijuana by the second largest percentage across the state. Recreational marijuana was voted in by a greater than 2:1 ratio which was the highest percentage in Berkshire County. He questions how big the neighborhood is being considered as all are claiming to be “in the neighborhood”. Mr. Schwartzbach says the closest house on Quarry Road is 2794’ away, the closest home in Indian Lakes is 1780’ away and the cul-de-sac is 2289’ away. He goes on to give distances of many other well-known areas in town to show just how far away this is from everything. He wonders if they realize what their animosity is creating in town. Through reading the letters submitted regarding the project, it is clear to him that second home owners think they pay for everything with their tax dollars. Mr. Schwartzbach speaks briefly about the help that has been provided to second home owners in town. Mr. Schwartzbach says he has the right to turn the entire property into a piggery if he wanted. He asks the board to do the right thing.

Laurie Thomas is recognized. Ms. Thomas, as President of the Indian Lakes Association, explains that she doesn’t appreciate the way Mr. Schwartzbach has referred to the residents of Indian Lakes. She says they are only trying to get information and assurances that they and their property will be protected. She is looking for language that protects the entire town, not just Indian Lakes.

Debra Eberhardt is recognized. Ms. Eberhardt asks what action will be taken if the odor mitigation doesn’t work. Mr. Ronzio says that is explained in the HCA with the Select Board- the operation would need to be shut down. He explains that the Planning Board does not enforce conditions. That is the duty of the Zoning Enforcement Officer who is also the Building Inspector.

Donna Schafer is recognized. Ms. Schafer says she is a full-time resident of Becket and her grandchildren love to hike at the quarry. She wants to be sure the Planning Board protects it.



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Hearing no further comments from the public, Mr. Ronzio asks for a motion to close the public hearing. Mr. Blake makes a motion to close the public hearing. Ms. Krawet seconds the motion. Discussion: Mr. Levy asks if this is suspended or if the public input will be closed. Mr. Ronzio confirms there will be no more public input. Mr. Ronzio says they board will have ninety (90) days to make their decision. He briefly describes the process including the appeal period. There is a brief discussion regarding past applications. Hearing no further discussion, Mr. Ronzio calls for a roll-call vote:

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

All in favor. **Motion passes.** Mr. Ronzio says they will begin the deliberations at the next meeting on March 9, 2022.

3. **Public input:** As discussed throughout.
4. **Adjournment:** Dr. Lerner makes a motion to adjourn. Mr. Levy seconds the motion.

Mr. Ronzio calls for a roll-call vote:

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

All in favor. **Motion passes.** Meeting is adjourned at 8:45 pm.



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Meeting minutes reviewed and approved on March 24, 2022 by:

Robert Ronzio, Chair

James Levy, Vice Chair

Ann Krawet, Clerk

Alvin Blake, Clerk Pro Tem

Howard Lerner