



**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 – March 9, 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: Adrienne Metcalf and Josh Swartzbach, Amy Perlmutter, Andrew Wilkinson, Arthur Yanni, Barbara Mandler, Brian Vincent, Catherine Scher, David and Anne Kong, David Davison, David Edell, Debra Eberhardt, Drew Bitterman, Fred Braun, Gail Kusek, Gerry Nacheman, Harold Ware, Harriet Pollack, James McGee, Jason Soares, Jeanette Nostra-Katz, Jeff Lynch, Beverly and John Lambert, John Carino, Kathy Dickinson, Jeremy Keyes, Kristopher Massini, Laura Fredricks, Lauren Staley, Laurie Friedman, Laurie Thomas, Lei-Anne Ellis, Lynn Howard, Marc Pillinger, Mary Broden, Michael Goodenough, Michael Pillinger, Michael Zweig, Michele Cohen, Offer Sharaby, Robert Schwartz, Robin Mathiesen, Robin Wolkoff, Rosemarie Bongiovanni, Scott Amaral, Shaw Izikson, Tess Lundberg, Victoria Bleier, Wendy Wright, Yale Robins, Jenna O'Brien, Larry Parnass, Bob Healey and Adele Levine

1. **Call to order:** Robert Ronzio calls the meeting to order at 6:05 pm. Mr. Ronzio reads the rules of the meeting and introduces the board members present. Mr. Ronzio points out that Howard Lerner will be signing on to ZOOM and explains that because Ms. LaBelle has missed too many meetings, she cannot be part of the deliberation process. *Dr. Lerner signs in to the meeting at 6:13 pm.
2. **Board to review and approve meeting minutes of:** Alvin Blake **makes a motion** to move the review of the meeting minutes to the end of the meeting. Ann Krawet 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.**

- a. February 9, 2022 – site visit
- b. February 9, 2022 – regularly scheduled meeting
- c. February 23, 2022



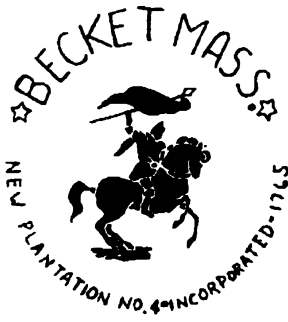
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3. Old Business:

- a. **Board to deliberate over Special Permit Application submitted by Brian Vincent, on behalf of Tetra Hydra AgTek LLC, seeking 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:** Mr. Ronzio begins the deliberations and gives a brief overview of the process. Mr. Ronzio asks the board to start with the neighborhood- specifically, the definition of a neighborhood in § 9.3.2 of the Becket Zoning Bylaws.

First, Ms. Krawet reminds the board of the discussion about whether or not the quarry was a place where children gather. She lets the board know that while she was on a committee for the quarry, she was asked to lead some of the children's group hikes. Ms. Krawet confirms that she did not but she was asked. Mr. Ronzio asks the board for any further feedback. Dr. Lerner says that a one-time program doesn't necessarily indicate that it is a scheduled school activity. Dr. Lerner would like to see proof of a continuing program. Ms. Krawet says it was her impression that these hikes were done every year during the springtime. She does not know how long the program continued after she was off the committee. She thinks it was a program done through the Becket Athenaeum. Dr. Lerner questions if it was school sanctioned. Ms. Krawet says she doesn't have that information. Mr. Ronzio reminds the board he has repeatedly asked for empirical evidence of these field-trips but has not received any. It is his opinion that evidence presented so far has only been anecdotal. Mr. Ronzio speaks briefly about his work as a school teacher and the documentation needed for children to attend anything off of school grounds pointing out that that documentation could be obtained today if needed. Mr. Ronzio asks the board to review § 6.8.3.2 of the Becket Zoning Bylaws. Mr. Blake points out that the quarry is not a licensed facility. Ms. Krawet wonders if the board could consider it if the documentation is produced. Mr. Ronzio says it cannot because public input is closed. Mr. Levy says that when the bylaw was written, the intent was not to have product sold within 500' of children and this is not a retail facility. Mr. Ronzio reminds the board there won't be any signage for the building to advertise it is a marijuana growing facility. Dr. Lerner doesn't think this falls under any of the categories described in the bylaw. There is a brief discussion resulting in an agreement that each member of the board will factor it into their decision.



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Mr. Ronzio returns to the top of neighborhoods. The board agrees that trying to determine a specific definition would be nebulous because people have different opinions on the definition. There is a long discussion regarding what defines a neighborhood including overall area, price of property and private communities. Several communities within Becket are identified that have their own rules and regulations with clarification that neighboring communities do not follow the same regulations. Ms. Krawet questions the relevance. Mr. Ronzio wants to determine if a neighborhood outside of where the facility will be located should have a say in whether or not the facility should be there. Ms. Krawet argues that it is a concern for the town- not just the neighborhood. Mr. Ronzio talks about a private community that has not spoken out against the proposal.

Mr. Ronzio explains that he did research of his own. He gives a brief description of the area within three (3) square miles noting a great majority was the Otis State Forest. He analyzed everyone that has property on Quarry Road and identified twenty-eight (28) houses. He notes most of the properties are large pieces of land similar to the farm at 509 Quarry Road. He compared the average price of the properties on Quarry Road compared to those of the private communities that have voiced their concerns and notes the drastic difference in cost. He asks if those should be included as being in the same neighborhood. There is another brief discussion regarding the density of nearby neighborhoods based on a map provided by Mr. Ronzio from the town website. Ms. Krawet describes a situation that involved her neighborhood. There is a brief discussion regarding wind towers. Mr. Ronzio returns to his point that a neighborhood needs to be defined because the board is being asked to consider the needs of a neighborhood that is a mile and a half away. Dr. Lerner reminds the board there is a horse farm on Quarry Road. It seems to him that the definition of the neighborhood on Quarry Road is very vague as far as character is concerned as there are several different things in the neighborhood. Mr. Ronzio talks about the parcels in the area that are in various degrees of Chapter 61 that allows for farming and recreation including a decrease in taxes to be paid on the land. He notes most of the other neighborhoods in Becket don't have the lot sizes to be eligible for Chapter 61. He also talks about the ability of those on Quarry Road that can split their lots as buildable lots that most others cannot do in the private communities or neighborhoods. Mr. Ronzio reminds every one of the vast majority that marijuana was approved in Becket.



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Mr. Blake interrupts Mr. Ronzio to ask if it is possible for this board to define a neighborhood in this situation. Mr. Blake explains his definition of a neighborhood is a set geographical area giving a range of two miles. Based on that definition, Sherwood Greens or Indian Lakes would not be part of Quarry Road's neighborhood.

Mr. Levy adds that part of a neighborhood definition includes the socioeconomics of the area. Mr. Levy describes his neighborhood growing up seeming as though there were no boundaries other than the differences of how much the houses cost. He describes a plumber's home that could be less than a mile from a surgeon's home but there was still a boundary. Based on that, he doesn't think those private neighborhoods are similar. There is a brief discussion regarding segregation. Mr. Ronzio describes his neighborhood when he was younger.

Mr. Ronzio says the board has to answer part 4 of § 9.3.2. This includes defining the neighborhood including the social structures that goes along with it. The board will have to look at the evidence presented that goes along with that issue. The board will have to write their answers including that structure.

Mr. Levy says his impression is that the building seems cramped where it is located. He thought it would sit better in a larger context because there was so much space there. There is a brief discussion regarding the differences between this application and the first proposal submitted in January 2021. Mr. Ronzio says the overall square footage of the facility hasn't changed. Mr. Ronzio talks about the acreage of the lots in Indian Lakes. Mr. Levy returns to his basic impression that the building seems like it would be cramped there.

Mr. Ronzio returns to his discussion of Chapter 61 that allows hemp to be grown without any regulations because it is allowed to be grown agriculturally. He points out a lot that was to be reported to have been logged-off as part of a plan to grow hemp in the area. Ms. Krawet asks Mr. Ronzio to define the point of his discussion. He reminds everyone there are not regulations to grow hemp like there are for marijuana. Ms. Krawet asks Mr. Ronzio to return to the discussion of neighborhoods. There is a brief discussion regarding Indian Lakes being a private community because there is a dues that has to be paid to live there. Mr. Ronzio talks about the road districts that had to be created in Indian Lakes and



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Sherwood Forest. He notes the Town of Becket takes care of Quarry Road and the people on Quarry Road pay less taxes than most because so many of those lots are in Chapter 61. There is a brief discussion regarding the subject lot being in Chapter 61. It Mr. Ronzio confirms the property would have to be taken out of Chapter 61 and the taxes not paid, as far back as five (5) years, on the property would have to be paid back to the town.

Mr. Blake returns the discussion to defining a neighborhood. He suggests the board take into account their own definitions of a neighborhood when making their individual decisions. He suggests moving on to the next point of discussion.

Ms. Krawet talks about why she and her husband moved to Becket. She explains they lived in a small suburban neighborhood in Orange County New York. There were about twenty-eight (28) homes in their development. She says another religious based development/village was established nearby that encouraged people to live within the development/village but also to live outside of the village. She noted that the new development/village had their own rules and officials but were still part of the town itself. When people from the new development/village started moving out, she noticed her neighborhood started to change. She pointed out her new neighbors had a different culture, different values and different quality of life. It seemed to her that they were trying to turn the neighborhood into a city renting out basements to various workers. She explains that what she sees is people wanting to maintain their quality of life on Quarry Road. Ms. Krawet explains she defines a neighborhood by quality of life and values. She thinks they have to look beyond just a geographic area.

Mr. Ronzio returns to the discussion of when the marijuana bylaw was passed. He speaks briefly about the fact that there are not specific zones for industrial areas in town. Mr. Ronzio says that while most of Becket is rural residential, it is also agricultural and people have the ability to get a special permit to use the land for something else providing they meet specific requirements. Dr. Lerner questions why the town has a marijuana bylaw. Mr. Ronzio gives a brief history of how the bylaw for Becket came into existence. He also talks about some other towns in MA that did not establish a marijuana bylaw and the problems they are facing because of it. Mr. Ronzio talks about prohibited use and describes situations in Becket dealing with large-scale wind turbines. He describes a specific situation. He returns to the original question and says if the



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regulations in § 6.8 are followed, the board cannot deny the special permit. Ms. Krawet says there are other towns that voted for marijuana that want to change some of their bylaws because they were not aware of some of the things that came along with it- most importantly, the smell. She believes the siting of these establishments is important. She thinks if the people of Becket had realized everything that went along with marijuana, the percentage of those that voted for it would be lower. She says there are several towns that are putting a stop to outdoor grows. Mr. Ronzio says they cannot halt anything that has already been approved or in process of seeking an approval. Mr. Ronzio discusses the steps necessary to change modify the bylaw. Mr. Ronzio explains part-time residents cannot vote on that. Dr. Lerner questions if anyone is familiar with the smell of a horse farm.

Mr. Ronzio returns to the criteria for Special Permits regarding the adequacy of utilities and other public services. As far as Mr. Ronzio knows, the only utility needed for the facility is electricity. Mr. Ronzio says high-speed internet will be made available for that area very soon. Mr. Ronzio says the Police Department will be there during the summer season to help manage any overflow of visitors at the quarry. Mr. Ronzio gives some examples of problems at the quarry. He reminds everyone added police patrols would be at the expense of the applicant. There is also a plan in place for other emergency services including fire and ambulance. Mr. Ronzio doesn't see this as being a problem.

Mr. Ronzio also talks about the traffic flow, safety and parking. He says a traffic study was not done in this case. He notes the state has decided to improve this road due to the bridges on that road. It has not been determined when those repairs would be made. There is no parking on either side of Quarry Road. Mr. Ronzio says it was mentioned that a yellow line should be put on the road. He says it is not a common practice to have that on a secondary road. Mr. Ronzio describes road conditions in various communities in Becket. Mr. Ronzio notes the required parking spaces will be provided in the revised plan. He reminds everyone there won't be any public visitors at the facility. Ms. Krawet wants to know if any of the parking for the facility will not be on the facility property. She notes six (6) spaces that are not within the boundary that will be leased from Josh and Adrienne. Mr. Ronzio says there is an agreement in place to have an easement for more parking there. If the facility is approved, the easement will be recorded. Ms. Krawet questions why those spaces would be needed if they



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claim there is more than enough parking on-site. Mr. Levy explains the issue of parking spaces came up based on the overall size of the building but the actual spaces to be used by the employees would be minimal. Those spaces were added to meet the requirements. There is a brief discussion regarding the type of material that will be used for the parking area. It will not be asphalt. Ms. Krawet questions why they won't be using the parking on their property. Mr. Ronzio says it was done for convenience. There is a brief discussion regarding the amount of employees that will be there at the same time. Mr. Ronzio says there won't be twenty-three (23) people there at the same time. Ms. Krawet wants to know how many cars maximum will be there at any given time. There is a brief discussion regarding the easement that would be filed to allow for the parking. Mr. Ronzio clarifies that the parking area changed when the Conservation Commission let them know about the set-back from the wetlands forcing the relocation of the greenhouse and overall layout. Mr. Ronzio gives examples of various easements.

Next, the board discusses the social, economic and community needs that would be served by the proposal. Mr. Ronzio says an HCA was agreed to by the Select Board prior to the Planning Board making a decision. If the HCA had not been executed, the board would not be deliberating over the application. Ms. Krawet points out the board approved the Special Permit for Grow Boys before the HCA was executed. There is a brief discussion regarding public hearing for Grow Boys. Ms. Krawet says the Select Board denied the HCA after the Planning Board gave approval because people from the neighborhood protested it. Ms. Krawet feels that a precedence has been set. Mr. Ronzio disagrees. There is a brief discussion regarding why the HCA for Grow Boys was denied by the Select Board.

Next, Mr. Ronzio talks about impacts on the natural environment. Mr. Ronzio reminds the board they were asked why stipulations were not put in the bylaw regarding hiring third party consulting experts at the cost of the applicant. Mr. Ronzio says he remembers it was because of the CCC and the position of the state. Mr. Ronzio says there are some applicants that do not have the economic resources to hire these consultants. The CCC recommended that certain minorities including veterans, woman and people of color be given preference. He notes that Grow Boys did not fall under any of those categories. There is a brief discussion regarding another application that had been approved. Mr.



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Ronzio says that Michael Goodenough is a veteran and Tetrahydra will be given preference.

Ms. Krawet asks if a **Notice of Intent (NOI)** has been filed with the Conservation Commission. Mr. Ronzio says it has not but that can be made as a condition if given approval. Mr. Ronzio says that Foresight Land Services included the wetlands on the site-plan and that is not in dispute. The Conservation Commission got further information to make a determination about the stream on the property. Mr. Ronzio gives examples of various projects in town that allowed work to be done within the wetland setback area. Dr. Lerner asks for confirmation that the same condition would apply for the Board of Health regarding the well and septic system. Mr. Ronzio agrees and gives a description of the entire process.

Next, Mr. Ronzio talks about the fiscal impact of the proposal. There is a brief discussion regarding the HCA that has already been executed.

Ms. Krawet says Mr. Goodenough talked about the terpenes being measured at the boundaries of the property. She wants to know how often they will be measured and who will be doing the measuring. Mr. Ronzio reminds Ms. Krawet that public input is closed. Dr. Lerner asks if that can be made as a condition. Mr. Ronzio says that odor is managed in the HCA. There is a brief discussion regarding the HCA. Dr. Lerner asks if the board can make conditions that are more stringent than what is in the HCA. Mr. Ronzio says the HCA is already signed. There is a brief discussion regarding the agreements within the HCA regarding odor.

Due to the hour, Mr. Ronzio says the board will continue their deliberations at the next meeting. He asks the board to review § 9.3.6 and § 9.4.5 in preparation.

Mr. Ronzio reminds the board of another public hearing scheduled for April 13, 2022. He asks the board to schedule a meeting to continue these deliberations. Following a brief discussion, the board agrees to meet on Thursday, March 24, 2022 at 6:00 pm. Dr. Lerner **makes a motion** to continue the deliberation on Tetrahydra Agtek LLC regarding their proposal at 0 Quarry Road. Mr. Blake **seconds the motion**. Mr. Ronzio calls for a roll-call vote:

- Howard Lerner: yes



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

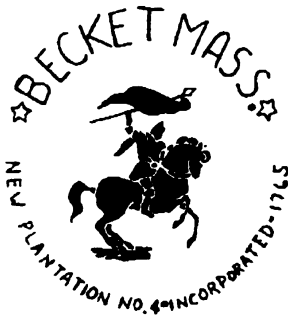
All in favor. **Motion passes.** Dr. Lerner excuses himself from the meeting at 8:50 pm.

4. **New Business:**

- a. **1342 County Road, map/lots: 401/3 & 4: Board to review Special Permit Application for Public Hearing scheduled for April 13, 2022, 6:00 pm.** Mr. Ronzio notes the public hearing will begin April 13, 2022.

5. **Public Input:** Mr. Ronzio asks for any public input on anything other than Tetrahydra Agtek LLC. David Kong is recognized. Mr. Kong asks if the meeting on April 13, 2022 will allow public attendance. Mr. Ronzio says due to the number of people expected to attend, the meeting will be held via ZOOM only. There is a brief discussion about limiting the number of people that could attend in person. Ultimately, the board confirms that because the meeting was noticed to be held via ZOOM only, they have to adhere to that. However, the board can discuss the possibility of holding the May meeting with in-person and virtual attendance. Mr. Ronzio says that discussion will take place at the April meeting. Mr. Kong asks if the meeting could be held at another location and suggests the auditorium at Becket School. Mr. Ronzio says that due to technical issues, it could not be held there. He adds that Dr. Lerner would need to be able to attend virtually. There is a brief discussion who will be available to run the ZOOM. Ms. Perotti confirms she will not be taking the minutes for the April meeting but she can help run the ZOOM. Ms. Perotti says someone showed interest in filling the position. Mr. Levy agrees Dr. Lerner needs to be in attendance. Mr. Ronzio suggests allowing the presentation to be made and hold public input to the May meeting. They discuss limiting the numbers of in-person attendees. Ms. Perotti says there needs to be a fair starting point. The board discusses how the count will be handled. Ms. Perotti reminds the board the notice has already been posted for ZOOM attendance only. There is no mention of having a limit of attendees at the meeting in the notice. The board agrees they need to adhere to the notice that has already been posted. The ZOOM capacity may need to be increased.

6. **Budget:** Ms. Perotti says she was not able to get a copy of the budget.
7. **Correspondence:** None.



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8. **Any other business to come before the Board:** Ms. Krawet suggests adding a provision to § 6.8 that would require applicants to provide third party experts- barring any state waivers. Mr. Ronzio disagrees that that is needed. He says that is why the CCC didn't want that provision in there. Mr. Blake suggests opening that discussion in June. There is a brief discussion regarding when an HCA should be signed.

Mr. Blake reminds the board that this next public hearing may be compromised if there is a change in board members after the next election because the Mullen Rule does not apply to someone that was not on the board at the time of the meeting. Mr. Ronzio says they could win by fiat based on the change in the board.

9. **Adjournment:** Mr. Levy dismisses himself from the meeting at 9:14 pm. Mr. Blake **makes a motion** to adjourn. Ms. Krawet **seconds the motion**. Mr. Ronzio calls for a roll-call vote:

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

All in favor. **Motion passes.** Meeting is adjourned at 9:15 pm.

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

Robert Ronzio, Chair

James Levy, Vice Chair



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Ann Krawet, Clerk

Alvin Blake, Clerk Pro Tem

Howard Lerner