



**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 24, 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: Laurie Thomas, Tess Lundberg, Laurie Friedman, John and Beverly Lambert, Lei-Anne Ellis, Gerry Nacheman, Wendy Wright, Lawrence Abrams, John Carino, Michael Pillinger, Kathy Dickinson, Fred Braun, Rhonda Robbins, Cynthia Trenholm, Catherine Scher, Offer Sharaby, Shaw Isikson, Carol Smolinsky, Drew Bitterman, Adele Levine, Gordon Celliers, Barbara Mandler, Robert Schwartz, Larry Parnass, Philip Wasserman, David Killeen, Mary Broden, Arthur Telegen, David Edell, Barbara Wacholder, Lynn Howard, Jim McKellar, Paula and Charles Miller, Debra Eberhardt, Larisa Shpitalnik, Alexandr Shpitalnik, Marshall Lander, Ethan and Pauline Scher, Harold Ware, John Verity, Jeremy Keyes, Linda Aube, Rosemarie Bongiovanni, Adrienne Metcalf and Josh Schwartzbach, Michael Zweig, Gokul Shah, Andrew Wilkinson, Wesley Vercosa, Laura Fredricks, Michele Cohen, Terry Cowgill, Mitch Greenwald, Michael Lavery, Brian Vincent, Michael Goodenough, David Johnson and Robin Mathiesen

1. **Call to order:** Robert Ronzio calls the meeting to order at 6:06 pm. Mr. Ronzio reads the rules of the meeting and introduces the board members present noting that Howard Lerner is present via ZOOM. Mr. Ronzio determines that Terry Cowgill, Michael Goodenough, Larry Parnass and Shaw Isikson will also be recording the meeting.
2. **Board to review and approve meeting minutes of:** Before *Any other business to come before the board*, the board returns to the review of meeting minutes.
 - a. **February 9, 2022 – site visit:** Mr. Levy **makes a motion** to approve the minutes of the site visit on February 9, 2022. Mr. Blake **seconds the motion**. Mr. Ronzio calls for a roll-call vote:
 - James Levy: aye
 - Alvin Blake: aye
 - Robert Ronzio: aye
 - Howard Lerner: abstain
 - Ann Krawet: abstain
 - Gale LaBelle: absent

All in favor with the exception of Dr. Lerner and Ann Krawet who abstain from the vote as they did not attend. Ms. Krawet notes her absence was due to a medical emergency.

Motion passes.

- b. **February 9, 2022 – regularly scheduled meeting:** Ms. Krawet notes the word “impact” should be added to the last sentence on page 8. Mr. Blake **makes a motion** to approve



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the minutes of the regularly scheduled meeting on February 9, 2022 with the noted change. Ms. Krawet **seconds the motion**. Mr. Ronzio calls for a roll-call vote.

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

All in favor with the exception of Dr. Lerner who abstains from the vote as he did not attend. **Motion passes**. Mr. Ronzio notes that Dr. Lerner signed off on this meeting for the purposes of the special permit application.

- c. **February 23, 2022:** Ms. Krawet notes a correction in the third paragraph on page 6- “if for” should say “is for”. Mr. Blake **makes a motion** to approve the minutes of February 23, 2022. Ms. Krawet **seconds the motion**. Mr. Ronzio calls for a roll-call vote:

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

All in favor with the exception of Dr. Lerner who abstains as he did not receive a copy of the minutes to review. **Motion passes**.

- d. **March 9, 2022:** Mr. Blake **makes a motion** to approve the minutes of March 9, 2022. Mr. Levy **seconds the motion**. Mr. Ronzio calls for a roll-call vote:

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

All in favor with the exception of Dr. Lerner who abstains as he did not receive a copy of the minutes to review. **Motion passes**.



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3. **Old Business: 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 reminds everyone there will be no public input regarding the proposal. Mr. Ronzio gives a brief overview of what has been discussed during their deliberations including various neighborhood definitions and persons of interest. Mr. Levy points out the things that have been points of contention in his opinion. First, he discusses the approvals needed from the Conservation Commission. If the applicant doesn't get the approvals, the proposal will not be approved. There is a brief discussion regarding the authority of the Conservation Commission. Mr. Ronzio says that the Conservation Commission cannot deny the proposal but they can place reasonable regulations on it. Mr. Ronzio discusses a situation in town that involved the Conservation Commission. Mr. Blake suggests that if the board approves the proposal that it would be contingent on approval from the Conservation Commission.

Next, Mr. Levy wonders if the applicants should come before the board to make the fence eight feet (8') high. There is a brief discussion regarding what would be required to get an approval for an 8' fence. Mr. Levy asks the board if an 8' fence would be necessary or beneficial. Mr. Blake doesn't think it would be necessary. Ms. Krawet says it has been done before and may be a good idea. There is a brief discussion when a six foot (6') fence was raised for the purposes of a solar array in town. Dr. Lerner doesn't think raising the fence two feet (2') will make any difference because the size of the building is much higher than 8'. There is a brief discussion regarding the purpose of the fence around the facility. Mr. Ronzio reminds the board of the screening that was put on the chain-link fence at the request of the abutters for a solar array. Mr. Ronzio suggests putting in black mesh screening in the fence. He talks about the various types of fences the board could require to be placed around the facility as needed. Ms. Krawet doesn't think a fence that encourages air flow should be put around the facility. She describes the site visit to the hemp facility in CT and points out she was able to smell the plants when they were just outside of the facility. Dr. Lerner asks the board what type of fence should be installed. Mr. Ronzio thinks a black chain link fence would be the best. Ms. Krawet says she will save her thoughts on the fence for her decision.

Next, Mr. Levy talks about the lighting for the facility. Mr. Levy says if the board were to consider an approval of the application, it needs to be addressed. Mr. Blake and Mr. Ronzio confirm the lighting is addressed within the application. There will not be any light pollution coming from the facility. Mr. Ronzio says there may be walk-way lighting, for safety, that would be pointed downward. Mr. Levy says that downward pointed lights do not always prevent light pollution. Mr. Ronzio points out that Becket does not have a dark-sky bylaw. Mr. Levy wants to



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be sure the words “full cut-off” are used to describe the lighting. Ms. Krawet talks about motion-sensor lights and wonders if they will be used here. She talks about the wildlife and wind that seems to set those motion-lights off and that could be very disruptive. Mr. Ronzio says the board can make it a condition that they use low-candle lightings. Mr. Ronzio says the settings can be changed so that small wildlife doesn’t set it off but a person would.

Mr. Levy questions the need of an easement for parking. He thinks everything for the facility should be on the grounds of the facility. Mr. Ronzio explains there are easements all over town. The easement will go along with the property. He claims the only way the easement could be eliminated would be if it was bought out. Mr. Ronzio says an easement is a legal document that is binding. Mr. Ronzio gives an example of an easement in Sherwood Forest. There is a brief discussion regarding various easements in town and the process of selling properties with easements. The board agrees the easement will need to be recorded at the Registry of Deeds.

Next, Mr. Levy talks about odor control. Mr. Levy wonders if the board should add stipulations to those outlined in the HCA because it is a major concern for residents. Mr. Ronzio reminds the board that the outdoor growing has been eliminated from the proposal. Mr. Levy suggests odor complaints should be addressed immediately instead of waiting for four (4) more complaints within 2 weeks. Ms. Krawet agrees complaints should be addressed immediately. Dr. Lerner is worried that someone complaining about odor could develop into a harassment situation and wants to be sure that doesn’t happen. Mr. Levy doesn’t want anyone to be badgered but if there is a legitimate problem, it should be addressed with a test. Ms. Krawet reminds the board about a suggestion given that would have odor sensor equipment on-site or very close to it for these types of complaints. Mr. Ronzio says the closest abutter is out of range of the 1500’ odor leakage. Mr. Levy says it would be wise for the board to create a stipulation that would address odor complaints in a timelier manner than waiting 2 weeks for 4 more complaints. Ms. Krawet says a standard for odor control should be set to avoid harassment situations. Mr. Ronzio says an agreement has been made, with the Select Board, regarding the equipment that will be used. Mr. Ronzio argues it should not have been put in the HCA. Ms. Krawet emphasizes that enforcement of odor control is crucial and the standard should be transparent. Mr. Ronzio says the Zoning Enforcement Officer will oversee odor controls. Dr. Lerner says if there is a standard set, it would not require someone to complain. If a reading is taken and is above a specific threshold, then odor controls could be put in place immediately. Ms. Krawet suggests having a log of when measurements are taken and the steps taken if they are not within required specifications. This way, the Zoning Enforcement Officer could review that information during an inspection. Mr. Levy says it is his opinion that the thresholds within the HCA are inadequate. Mr. Ronzio says the requirement to have five (5) separate complaints eliminates harassment



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issues. He doesn't think someone needs to be running up there every day when someone complains. Ms. Krawet says conditions for odor control should be addressed when the decision is made.

Mr. Levy shares his concerns for decommissioning and site restoration if the facility closes. There is a brief discussion regarding the requirements for site restoration of cell towers and solar arrays. Mr. Ronzio says the greenhouse could be converted for other types of agriculture. Mr. Ronzio notes there is not a public water supply in the area. Mr. Blake questions if the CCC addresses decommissioning. Mr. Ronzio says decommissioning is not addressed by the CCC. Mr. Ronzio doesn't see any reason that the greenhouse should be taken down if this business closes because it could be converted to agricultural.

Dr. Lerner asks if the permit stays with the company or the property if another entity came in to take over the operation. Mr. Ronzio says if this facility is approved and they decide to sell the property at some point in the future to someone that wanted to operate the same type of facility, the new owners would have to go through the process of getting another permit- if one is available. Mr. Blake points out if it were converted to a hemp operation, a permit would not be required.

Lastly, Mr. Levy notes the number of trees planted in front have been radically reduced on the revised plan. He thought it might be better to have more of a natural barrier. The quality of life issue is legitimate in his opinion. Dr. Lerner asks if he would like to see a specific number of trees. Mr. Blake notes fourteen (14) trees but not in front of the facility. There is a brief discussion about hedges that should not be higher than the fence. Mr. Ronzio agrees he would like to see more of a natural barrier. He suggests adding some trees to the areas where trees were harvested to help for more odor mitigation.

Next, Mr. Ronzio offers his comments on the application. He begins with his suggested hours of operation which are Sunday-Saturday from 6:00 am to 8:00 pm with a 24 hour security guard. He notes there is no parking on both sides of the road in that area. Mr. Blake questions what the hours are in the HCA. Mr. Ronzio believes the hours listed in the HCA are the same. He goes on to say there will be no visible lighting beyond the boundaries of the facility, appropriate evergreen landscaping will be planted between the fence and greenhouse, indoor facility will have top quality carbon filters for odor mitigation, there will be added security with off-duty police officers to patrol the area during the summer, easements must be filed with the Berkshire Registry of Deeds before construction begins and proof of compliance from the Board of Health and Conservation Commission.



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Mr. Ronzio also points out that many residents claimed it was strictly a residential area. He says he went the MassDEP website and found there are already commercial operations designated in the area. He was not sure how long ago they may have been or if they are still operation but wanted to point out that it was on the map currently.

Ms. Krawet reads from the second paragraph of section 6.8 of the Becket Zoning Bylaws. She explains she uses what is known as the “reasonable man” standard. Next, Ms. Krawet refers to the impacts to be considered in section 6.8.6.4. She doesn’t think putting up a chain-link fence with plastic inserts is in keeping with the character of the neighborhood. This is repeated in section 6.8.8.4a. She also refers to parts c and f in that section that refer to the relationship to surrounding uses to avoid unnecessary exposure to minors and site design impacts. She thinks this would include the quarry. There is a brief discussion regarding the definition of a neighborhood. Ms. Krawet believes a reasonable man would assume that area of Quarry Road is part of the neighborhood. She notes when previous applications were presented and residents protested, their concerns were heard and the projects were voted down. She thinks the residents of this neighborhood deserve the same respect. She further notes that even after an indoor grow facility was approved by the Planning Board, the Select Board refused to enter into an HCA with them. There is a brief discussion why the Select Board did not enter into a HCA with Grow Boys LLC. She believes there are odors and noises associated with any industrial facility. She wonders why they would want to encourage this type of facility to operate in an area like this.

She goes on to read from section 9.4.1 of the Becket Zoning Bylaws. She notes the quarry is a scenic, ethological and historic site that is extremely close to the greenhouse with its ugly fence. She notes the Trustees of Reservations protect places of interest like this. She says if the board were to approve this proposal, they would be violating the town bylaws regarding the protection of such resources. She says she looked at the Trustees of Reservations website and says they provide guided hikes for children. While they may not be doing that yet, they will be in the future. She shows the board pictures from the website of the Trustees of Reservations with children hiking. She says if the proposal is approved, it would create future conflict. She found the due diligence of the applicant to be very poor. She has serious doubts that all promises made will come to fruition. Especially with a constantly changing plan. She urges the board to take that into consideration. She thinks the applicant should get their plans in order and come back in 2 years. She agrees with Dr. Lerner that a specific standard should be set with logs to document the level odor timely checks.



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Dr. Lerner says that as a direct abutter, the Trustees of Reservations received a notice of the public hearing and asks if they submitted a letter. Ms. Krawet says it was her understanding they decided to remain neutral. Mr. Ronzio agrees. Dr. Lerner says the board cannot act on behalf of an entity that decided to remain neutral.

Dr. Lerner talks about the social and economic needs of the community- specifically referring to the number of jobs that will be provided to Becket residents. He says this is a new industry and suggests they hold a job fair for Becket residents only to fill as many positions as possible. He says this should include training. Mr. Levy thinks it is a wise suggestion. Mr. Ronzio notes Tetrahydra Agtek currently has minorities on their board. Mr. Ronzio says while there are a number of Becket residents that may be interested, they may need to broaden that out to Lee, Otis or maybe Westfield to find qualified people. Mr. Ronzio agrees they should start with Becket residents but cannot hold-up their production if they don't have enough residents from Becket apply. Dr. Lerner would like it to be a condition that Becket residents be given the first opportunity to be employed. The board agrees.

There is a brief discussion regarding the conditions to be placed on the facility if approved. Mr. Ronzio begins to poll the board to see if they would like to come up with the list of conditions during their discussions or after a decision is made but is interrupted by Mr. Blake.

Mr. Blake says he would like to see all employees to be Becket residents but he doesn't think they can put a specific number or percentage on that because it may hold up their operation if they don't have enough residents apply. He thinks it would be reasonable to ask that they make their best efforts to hire Becket residents first. Mr. Ronzio repeats if they don't find enough applicants in Becket, they should expand to surrounding communities like Lee, Otis or Chester.

All board members are in favor of making a list of conditions before the vote is taken. Mr. Ronzio lists the conditions he outlined earlier:

- Hours of operation: Sunday-Saturday, 6:00 am – 8:00 pm
- No visible lighting outside the fenced perimeter
- Evergreen landscaping along Quarry Road between the fence and greenhouse
- Highest quality carbon filters available for odor control
- Objective testing equipment for odor testing as outlined in the HCA

Mr. Blake reads the odor mitigation regulations from the HCA into the record. Ms. Krawet says she would like to see stronger language in the HCA. Mr. Ronzio says the agreement has been made and signed and cannot be changed by the Planning Board. Ms. Krawet goes on to talk



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Meeting Minutes – March 24, 2022

about some varieties of marijuana that do not smell or at least not as much as other varieties. She questions if the board can restrict the types of strains that are grown. There is a brief discussion regarding the frequency of testing. Ms. Krawet says the testing should be done based on the growing cycle of the particular strains. She says there should be log that can be reviewed during an inspection. She suggests they create a list of the strains to be planted and then create the testing schedule from that. Mr. Levy agrees what is listed in the HCA is good but a bit inadequate. He says having a bi-monthly testing schedule seems legitimate as it is thorough without being onerous. There is a brief discussion regarding the locations of testing. Mr. Ronzio suggests near the exhaust fans. Mr. Blake clarifies fifty feet (50') from the exhaust fans. The board agrees.

Next, the board discusses the type of fence that should be installed. The board agrees the fence should stay at six feet (6'). Ms. Krawet thinks a chain link fence with mesh is ugly and not in keeping with the neighborhood. She thinks a natural wood fence would look better. Mr. Ronzio questions if a chain link fence could be used at the back of the property. Ms. Krawet says as long as it's not visible from the road. There is a brief discussion regarding the aesthetics of various types of fences. Mr. Levy points out the CCC may have specific regulations regarding the type of fencing to be used. Mr. Ronzio says the fencing will be subject to the ruling of the CCC. Ms. Krawet says a more aesthetic looking fence should be at the front of the property and around the corners to the side of the property. Following a brief discussion, Mr. Ronzio confirms the fencing will be 6' high chain-link with mesh screening along with trees planted in front of it. All are in agreement except for Ms. Krawet who has no comment.

Mr. Ronzio continues with his list of conditions and says off duty police officers will be employed, from May 1 through September 30, in paid police attire to patrol the quarry. There is a brief discussion regarding the criminal activity that has been reported at the quarry.

Next, Mr. Ronzio repeats that they would need proof of compliance from the Board of Health and Conservation Commission. All board members are in agreement.

Mr. Ronzio continues and says operations must comply with other town noise and hours of operation restrictions. Mr. Ronzio says the town doesn't really have one except in regards to wind turbines. Mr. Ronzio says a decibel level could be set. There is a brief discussion regarding decibel versus frequency levels. Mr. Ronzio suggests they use the same as in the wind turbine bylaw. Ms. Krawet says the decibel listed there is 5 dBA and should be measured from the property line. The board agrees it is fair.



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The easement must be filed at the Berkshire Middle District Registry of Deeds.

Areas that have been previously harvested and will not be used for the cultivation facility will be planted with **USDA (United States Department of Agriculture)** wind break plant species for odor management. The board agrees with the conditions listed by Mr. Ronzio.

Mr. Ronzio asks the board if they are prepared to make a decision on the application. Mr. Blake **makes a motion** for the board to take a vote on the application. Dr. Lerner **seconds the motion**. Dr. Lerner asks if the job fair is part of the conditions. The board agrees that should be a condition. Mr. Ronzio asks the board to write out their reasons for their decisions. Dr. Lerner calls the question.

- **Alvin Blake:** During the past many months, I have read all letters and pertinent public articles as well as listened to the comments regarding this application. I have also visited several similar farming industrial sites, including one owned by the applicant. Based on the full record of this application; as well as the majority supportive vote by the town residents to allow cultivation; the decision to conditionally approve the Community Host Agreement by the BOS, and the requested adjustments made by the applicant, I vote to approve the Tetrahydra Agtek LLC Special permit application on 0 Quarry Road (Map 416, Lot 10.1) with the provisions that conditions agreed at planning board meeting of 3/24 are made part of this agreement.
- **Ann Krawet:** I, Ann Krawet, do not approve the application of Tetrahydra Agtek LLC for 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 for the following reasons:
 - it is in violation of § 9.4.1 (Purpose) regarding the impact upon the unique and historic resource to with the quarry, now under the ownership and management of the Trustees of the Reservation, which is a historic resource which has conducted youth activities on other of its site and may logically do so on this site.
 - § 6.8.1 referencing safeguarding the built environment in a manner consistent with community and neighborhood concerns
 - § 6.8.8.4a since it is not in the character of the neighborhood.
- **Howard Lerner:** I, Howard Lerner, vote to approve Tetrahydra Agtek LLC special permit to operate an indoor grow facility as presented under § 6.8 of the Town of Becket Zoning Bylaws and will follow all Massachusetts CCC requirements, will follow all conditions the board has laid out at the March 24, 2022 meeting including but not limited to employment of Becket residents, fencing, lighting, landscaping, safety



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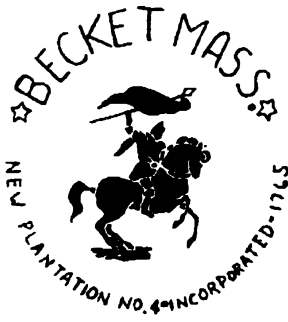
Meeting Minutes – March 24, 2022

concerns, odor emission rules and Conservation Commission and Board of Health approvals.

- **James Levy:** Given the conditions stipulated, the tax revenue and employment possibilities which I believe will benefit the Town, conditional on the execution of the conditions set forth by the Planning Board, I vote to grant the Special Permit to Tetrahydra under consideration at this time.
- **Robert Ronzio:** Given that the residents of Becket overwhelmingly approved the state referendums regarding medical and recreational marijuana in 2012 and 2016 and in 2018 again approved the town's marijuana zoning bylaw to allow for marijuana cultivation both indoors and outdoors by an overwhelming margin, I vote to approve Tetrahydra AgTek LLC's Special Permit to operate a Tier 11 marijuana cultivation facility, at 0 Quarry Road, map/lot: 416/10.1, under § 6.8 of the Town of Becket Zoning Bylaws. The applicant has stated throughout the hearing that the LLC is committed to adhering to all CCC/ MA state regulations and requirements as well as all conditions approved at today's meeting. Furthermore, the applicant has emphasized that they will construct the indoor facility to the satisfaction of the Planning Board, Becket Building Inspector and address all safety concerns and requirements of the Becket Police Chief, Fire Chief and Ambulance Director. The applicant has agreed to submit a Notice of Intent with the Department of Environmental Protection and meet with the Becket Conservation Commission to review and develop a plan for environmental compliance. The applicant has also agreed to submit its well and septic plans to the Becket Board of Health for compliance and approval. In particular, Tetrahydra Agtek LLC has agreed to install the latest and most efficient state of the art odor control equipment available in the marketplace and is committed to monitoring odor emissions thru its Host Community Agreement plan previously approved by the Becket Select Board. Additionally, the applicant has agreed to conditions set forth by the Becket Planning Board with special attention to lighting, off street parking, fencing/screening, landscaping and paid police detail patrols during the summer months.
- **Gale LaBelle:** Absent.

All in favor with the exception of Ann Krawet who denies the application. The Special Permit application is approved. Mr. Ronzio explains the appeal process and lets the applicant know the paperwork will need to be filed at the Registry of Deeds once all approvals have been obtained and the appeal period has passed.

4. **Public Input:** Michael Goodenough is recognized. Mr. Goodenough thanks the board and looks forward to offering tours to show the neighborhood what type of operation they will be running. He also thanks the residents for the time they took throughout the process.



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5. **Budget:** Ms. Perotti was not able to get a copy of the budget for review. Mr. Ronzio says this meeting was primarily to discuss the special permit application.
6. **Any other business to come before the board:** Following the approval of the meeting minutes, Mr. Ronzio reminds the board a public hearing is scheduled for April 13, 2022, 6:00 pm regarding a glamping proposal from Hit the Road RV LLC. Ms. Perotti hands out booklets from Hit the Road RV LLC. Dr. Lerner excuses himself from the meeting at 9:25 pm.
7. **Adjournment:** 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
- James Levy: aye
- Robert Ronzio: aye
- Howard Lerner: absent
- Gale LaBelle: absent

All in favor. **Motion passes.** Meeting is adjourned at 9:29 pm.

Meeting minutes reviewed and approved on May 11, 2022 by:

Robert Ronzio, Chair

James Levy, Vice Chair

Ann Krawet, Clerk

Alvin Blake, Clerk Pro Tem

Howard Lerner