

Pursuant to the foregoing warrant, the Special Town Meeting was called on March 6, 2018 at 7:00 p.m. at the Becket Town Hall, 557 Main Street, Becket, MA 01223. There being a quorum present, the meeting was called to order at 7:05p.m. by the Moderator. There were 68 registered voters present (5% of 1,486 registered voters) and a total of 73 people attended the meeting. Town Officials Present: Ethan Klepetar, Moderator; William Elovirta, Nicole Ledoux and Michael Lavery, Selectmen; Maria Wallington, Mark Karlberg, Ron Defoe, Finance Committee Member; George E. Roberts, Town Clerk; Bob Markel, Interim Town Administrator. Town Counsel, Jeff Blake was also in attendance.

The Moderator opened the meeting stating the rules to be followed. He asked for a showing of hands of non-voters and welcomed them, indicating that they could address the meeting but could not vote. The Moderator noted measures he would take to speed up the meeting, including paraphrasing each article (as the articles are available in written form) and not having the Town Clerk read the call of the meeting and officer’s return of service. The Moderator reviewed the warrant and noted it as having been duly posted.

The following articles were voted on:

ARTICLE 1: TO SEE IF THE TOWN WILL VOTE TO PAY THE FOLLOWING UNPAID BILLS FROM FISCAL 2017

To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to pay the following unpaid bills of prior years as provided for in MGL. C. 44, Section 64:

Vendor/Reimbursement	Date	Amount
Action Ambulance Service - ALS intercept	06/09/2017	\$250.
Action Ambulance Service - ALS intercept	05/27/2017	\$250
Action Ambulance Service - ALS intercept	01/06/2017	\$250
Action Ambulance Service - ALS intercept	12/29/2016	\$250
Action Ambulance Service - ALS intercept	12/08/2016	\$250
Action Ambulance Service - ALS intercept	09/25/2016	\$250
Action Ambulance Service - ALS intercept	09/15/2016	\$250
Action Ambulance Service - ALS intercept	07/30/2016	\$250
Action Ambulance Service - ALS intercept	07/26/2016	<u>\$250</u>
		\$2,250

Or take any other action relative thereto.
Board of Selectmen: Recommended **9/10ths Vote Required**
Finance Committee: Recommended

Article 1 Was moved and seconded. Interim Town Administrator explained this warrant article. There was no discussion. A vote was taken by a count of hands. There were 52 votes for and 2 votes against.
Article 1 PASSED by 9/10ths majority.

ARTICLE 2: TO SEE IF THE TOWN WILL VOTE TO MAKE THE FOLLOWING TRANSFERS WITHIN THE FY 2018 OPERATING BUDGET

To see if the Town will vote to transfer the following amounts within the Fiscal Year 2018 operating budget:

From:	To:	Amount:
Vocational Tuition	Available Funds	\$33,000
Available Funds	Health Insurance	\$13,500
Available Funds	Veterans Benefits	\$10,000
Available Funds	Transfer Station	\$9,500

Or take any other action relative thereto.
Board of Selectmen: Recommended **Majority Vote Required**

Article 2 Was moved and seconded from the floor. Interim Town Administrator Bob Markel gave a presentation explaining Article 2. There was no discussion. A vote was taken and the motion on **Article 2 PASSED UNANIMOUSLY.**

Finance Committee: Recommended
ARTICLE 3: REVOLVING FUNDS

To see if the Town will vote to amend the General Bylaws, pursuant to the provisions of Section 53E½ of Chapter 44 of the Massachusetts General Laws, as most recently amended, by inserting a new bylaw establishing various revolving funds, specifying the departmental receipts to be credited to each fund, the departmental purposes or programs for which each fund may be expended, and the entity authorized to expend each fund, such bylaw to provide as follows:

Section 1: There are hereby established in the Town of Becket pursuant to the provisions of G.L. c.44, §53E½, the following Revolving Funds:

Program or Purpose	Representative or Board	Department Receipts
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	Authorized to Spend Fund	
Plumbing Inspections	Building Inspector	Fees & charges for Plumbing Inspections
Gas Inspections	Building Inspector	Fees & charges for Gas Inspections
Wiring Inspections	Electrical Inspector	Fees & charges for Electrical Inspections
Fire Inspections	Fire Chief	Fees and charges for Fire Inspections

Section 2: Expenditures from each revolving fund set forth herein shall be subject to the limitation established by Town Meeting or any increase therein as may be authorized in accordance with G.L. c.44, §53E½.

And, further, to set FY 2019 spending limits for such revolving funds as follows:

Program or Purpose	FY 2019 Spending Limit
Plumbing Inspections	\$10,000
Gas Inspections	\$10,000
Wiring Inspections	\$15,000
Fire Inspections	\$8,000

Or take any other action relative thereto.

Article 3 Was moved and seconded from the floor. Bob Markel gave an explanation of Article 3 noting that there would be two motions to amend.

A motion to amend was made under section 1, under “Authorized to Spend” to change “Electrical Inspector” to “Building Inspector” The motion to amend was moved and seconded. A vote was taken and the first amendment passed unanimously. A motion was made under Section 2, to amend “And, further, to set FY 2019 spending limits for such revolving funds as follows" to “And further, to set annual spending limits for such revolving funds as follows” the amendment was moved and seconded. A vote was taken and the motion and the second amendment passed. Article 2, as amended was moved and seconded, there was no discussion. A vote was taken.

Article 3 as amended PASSED UNANIMOUSLY.

Board of Selectmen: Recommended
Finance Committee: Recommended

Majority Vote Required

ARTICLE 4: ANIMAL CONTROL BY-LAW AMENDMENTS

To see if the Town will amend Article 20 of the General Bylaws, by amending the existing language with new language shown in boldface text and deleted language shown as stricken through (**Appendix A**); and further to amend the Table of Contents by replacing reference to “Dog Control By Law” with “Animal Control Bylaw”; Or take any other action relative thereto.

Board of Selectmen: Recommended

Majority Vote Required

Article 4 was moved and seconded. Town Clerk George Roberts gave a brief presentation regarding article 4. A motion was made to Take No Action on Article 4 pursuant to Article 1, Section 8A Town of Becket By-Laws and seconded There was no discussion. A vote was taken on the motion to Take No Action on article 4. The motion to Take No Action on article 4 Passed by a 2/3 majority vote as declared by the Moderator.

Article 4 was not acted upon pursuant to a 2/3 vote to take no action.

ARTICLE 5: RECREATIONAL MARIJUANA MORATORIUM

To see if the Town will vote to amend the Town’s Zoning Bylaw by adding a new Section 6.8, **TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS**, that would provide as follows, and further to amend the Table of Contents to add Section 6.8, “Temporary Moratorium on Recreational Marijuana Establishments:”

Section 6.8.1: Purpose

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016 by Chapter 351 of the Acts of 2016 and thereafter, on July 28, 2017 by Chapter 55 of the

Acts of 2017) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses no later than April 1, 2018. Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a “Recreational Marijuana Establishment”), as defined in G.L. c. 94G, §1, is not specifically addressed in the Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

Section 6.8.2: Definition

"Recreational Marijuana Establishment" shall mean a “marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.”

Section 6.8.3: Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through December 31, 2018 or until such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.; Or take any other action relative thereto.

Board of Selectmen: Recommended

2/3 Vote Required

Article 5 was moved and seconded. Robert Ronzio made a brief presentation on behalf of the Planning Board noting that it was his understanding that the Attorney General had not endorsed moratoriums. Selectman William Elovirta gave a presentation in support of the Article noting that the Attorney General recommended the moratorium. Town Counsel gave an explanation of the position of the Attorney General and how any application for a permit submitted to the Cannabis Control Commission would trigger a review of the Zoning By-Laws in effect at the time of the permit application. Mr. Elovirta indicated that the Attorney General’s recommended that towns adopt the moratorium at a meeting he attended. Heather Anello, owner and operator of the Becket General Store spoke against the moratorium feeling that it would put local retailers at a disadvantage. Meredyth Babcock spoke in favor of the moratorium. Rodney Logan noted that he had friends who had cancer and were frustrated with the slowness of distribution of medical marijuana. Roberts Ronzio noted that the Planning Board had drafted a medical marijuana by law but that it had been withdrawn from the warrant in a previous Town Meeting. He noted that there are no zoning districts in Becket, and that retail sales would be controlled by Planning Board Special Permit. This means that the Planning Board can’t take action until they receive an application for a retail marijuana facility. Selectman Michael Lavery spoke in support of the moratorium noting that regulation come out next week and if applications are received in April. Alvin Blake noted that the moratorium, if passed, might place local farmers interested in growing at a disadvantage. James Levy noted that the Cannabis Control Commission will have huge amount of regulations pertaining to marijuana, calling into the question the wild west...no zones in Becket, houses of worship, schools, parks etc., the Planning Board cannot proscribe use in certain areas of town. Steve Rosenthal called the question. The moderator held that Mr. Rosenthal was out of order as others wished to speak. Randy Johnson 305 High Street spoke in favor of the moratorium noting that the moratorium would protect the town, and that marijuana sales might not be appropriate in Becket as it might change the community. A vote was taken. The votes in favor were 29, that votes against were 28, and the Moderator declared that the motion on Article 5 did not receive the 2/3 vote necessary, and thus the motion on Article 5 failed.

Article 5 FAILED

ARTICLE 6: MEDICAL MARIJUANA MORATORIUM

To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section 6.9, **TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS**, that would provide as follows, and further to amend the Table of Contents to add Section 6.9, "Temporary Moratorium on Medical Marijuana Treatment Centers:"

Section 6.9.1: Purpose

By vote at the State election on November 6, 2012, the voters of the Commonwealth enacted Chapter 369 of the Acts of 2012, entitled "An Act for the Humanitarian Medical Use of Marijuana", regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law became effective on January 1, 2013, and on May 24, 2013, the State Department of Public Health issued regulations under the act governing the cultivation, processing and distribution of medical-use marijuana. On July 28, 2017, Governor Baker signed "An Act to Ensure Safe Access to Marijuana" (the "Act"), adopted as Chapter 55 of the Acts of 2017. The Act makes a number of significant changes to the regulation of medical-use marijuana, including, but not limited to, the eventual repeal of Chapter 369 of the Acts of 2012, the transfer of the oversight and regulation of medical-use marijuana from the Department of Public Health to the newly-created Cannabis Control Commission, and the adoption of new requirements for the cultivation, processing, distribution, possession and use of marijuana for medical purposes. Pursuant to the Act, the Commission is required to promulgate new rules and regulations for the medical use of marijuana, including the licensing and operation of Medical Marijuana Treatment Centers. Currently under the Zoning Bylaws, the cultivation, processing, or distribution of marijuana for medical purposes is not a permitted use in the Town and regulations promulgated by the Commission are expected to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers.

The regulation of medical marijuana raises complex legal, planning and public safety issues. The Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and address such complex issues, as well as to address the potential impact of State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaws regarding regulation of Medical Marijuana Treatment Centers and other uses related to the regulation of medical marijuana. A temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers will allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

Section 6.9.2: Definition

"Medical marijuana treatment center" shall mean an establishment approved under a medical use marijuana license that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, and/or administers marijuana, products containing marijuana, related supplies, and/or educational materials to registered qualifying patients or their personal caregivers for medical purposes.

Section 6.9.3: Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaws to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Medical Marijuana Treatment Centers. The moratorium shall be in effect through December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the impact of the "The Regulation and Taxation of Marijuana Act" and the "Act to Ensure Safe Access to Marijuana" and regulations adopted thereunder, and consider adopting new zoning bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses. Or take any other action relative thereto.

Board of Selectmen: Recommended

2/3 Vote Required

Article 6 was moved and seconded. Robert Ronzio read a Cannabis Control Commission memo to the meeting that set forth the Commissions review procedures, and noted that the Planning Board did have a draft by-law in place and that there would be a public hearing in March and the Planning Board anticipated having a by-law in place to put before the Annual Town Meeting in May. Mr. Ronzio stated that the Planning Board was not in favor of this moratorium. John Kovich stated that he felt that this article was not necessary as marijuana had been recognized as medication for six years and that it should be between a doctor and patients. Selectman Michal Lavery spoke in favor of the moratorium and explained that the Selectmen decided to present that moratorium as a method to allow the Town to look at the laws when they came out. A vote was taken. The votes in favor were 22 and the votes against were 38. The Moderator declared that the motion on Article 6 did not receive the 2/3 vote necessary, and thus the motion on Article 6 failed.

Article 6 FAILED

ARTICLE 7: LARGE SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

To see if the Town will vote to amend the Town's Zoning By-Law, Section 6, Large Scale Ground Mounted Solar Photovoltaic Installations, by amending the existing language with new language shown in boldface text and deleted language shown as stricken through:

6.6 LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

6.6.1 Purpose. The purpose of this bylaw is to promote the creation of new large-scale ground-mounted solar photovoltaic installations (LSGMSPI) by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

6.6.2 Applicability. The provisions set forth in this section shall apply to the construction, operation, and/or repair of LSGMSPI. This section applies to LSGMSPI proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that alter the type, configuration, or size of these installations or related equipment.

6.6.3 Definitions. The following definitions shall apply:

As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development may be subject to site plan review to determine conformance with local zoning ordinances or bylaws. Projects cannot be prohibited, but can be reasonably regulated by the Becket Building Inspector and the ~~Site Plan Approval Board~~. ***Planning Board***.

Building Permit: A construction permit issued by an authorized building inspector; the building permit evidences that the project is consistent with the state and federal building codes as well as local zoning bylaws, including those governing ground-mounted large-scale solar photovoltaic installations.

Customer-Owned Generator: An LSGMSPI owned by an entity other than the electric utility company.

Large-Scale Ground-Mounted Solar Photovoltaic Installation (LSGMSPI): A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

Rated Nameplate Capacity: The maximum rated output of electric power production of the photovoltaic system in Direct Current (DC).

Site Plan Review: Review by the ~~Site Plan Approval Board~~ ***Planning Board*** to determine conformance with local zoning bylaws. ~~See Becket Zoning Bylaws §9.4 for details.~~

Solar Photovoltaic Array: An arrangement of solar photovoltaic panels.

6.6.4 General Requirements for all Large Scale Solar Power Generation Installations. The following requirements are common to all LSGMSPIs to be sited on any parcel in Becket with a lot size of four (4) acres or more. Any such parcel may be used as a site for an LSGMSPI, as long as all Site Plan Review criteria have been met to the satisfaction of the ~~Site Plan Approval Board~~. ***Planning Board***

1. Compliance with Laws, Ordinances and Regulations. The construction and operation of all LSGMSPIs shall be consistent with all applicable local, state and federal requirements, including the Wetlands Protection Act, M.G.L. c. 141, § 40 et seq., and any other regulations or laws under the purview of the Becket Conservation Commission, and including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of an LSGMSPI shall be constructed in accordance with the State Building Code. All necessary permits from the Conservation Commission shall be obtained by the applicant prior to Site Plan Review ***by the Planning Board***.

2. Building Permit and Building Inspection. No LSGMSPI shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

3. Fees. The application for a building permit for an LSGMSPI must be accompanied by the fee required for a building permit and the required Site Plan Approval review fee.

6.6.5 Site Plan Review. LSGMSPIs with 250 kW or larger of rated nameplate capacity shall undergo site plan review by the ~~Site Plan Approval Board~~ **Planning Board** prior to construction, installation or modification as provided in this section. Failure by the ~~Site Plan Approval Board~~ **Planning Board** to render a decision on the submitted plan ~~in accordance with Section 9.4.6 of the Becket Zoning By-Laws~~ within 365 days of Completeness Notification (as set forth below) shall be deemed to be a constructive approval of those plans. An applicant claiming constructive approval of a LSGMSPI shall follow the process set forth in M.G.L. c. 40A, § 9 to obtain a certificate of such approval from the Town Clerk.

1. General. All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in *the Commonwealth of Massachusetts*.

2. Required Documents. Pursuant to the site plan review process, the project proponent shall provide the following documents in addition to those required under §9.4 of the Zoning By-Law

a. A site plan showing:

- i. Property lines and physical features, including roads, for the project site;
- ii. The proposed site for the installation shown on a map of the Town of Becket.
- iii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
- iv. Blueprints or drawings of the LSGMSPI signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures or vegetation;
- v. One or three line electrical diagram detailing the LSGMSPI, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
- vi. Documentation of the major system components to be used, including the *photovoltaic (PV)* panels, mounting system, and inverter;
- vii. Name, address, and contact information for proposed system installer;
- viii. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- ix. The name, contact information and signature of any agents representing the project proponent; and

b. Documentation of actual or prospective access and control of the project site (see also Section 6.6.6);

c. An operation and maintenance plan (see also Section 6.6.7);

d. Description of financial surety that satisfies Section 6.6.14; and

e. Proof of liability insurance that satisfies Section 6.6.15.

3. Application Submission. The application packet must contain all the appropriate application fees, application forms, and the appropriate number of copies of all plans and supporting documentation as set forth in § 9.4.3 of the Zoning By-Laws. The application packet shall be submitted to the Town Clerk. The Town Clerk shall stamp the application with the date received and shall immediately notify the Chair of the ~~Site Plan Approval Board~~ **Planning Board** of a submitted application packet.

4. Completeness Review. The ~~Site Plan Approval Board~~ **Planning Board** shall, within thirty (30) calendar days of the receipt of the application by the Town Clerk, determine whether the application is complete or incomplete (“Completeness Review”) and notify the applicant in writing by certified mail.

a. Incomplete Applications. If the ~~Site Plan Approval Board~~ **Planning Board** determines the application to be incomplete, the Board will provide the applicant with a written explanation as to why the application is incomplete and request the information necessary to complete the application. Any additional information submitted by the applicant starts a new thirty (30) calendar day Completeness Review.

b. Complete Applications. When the ~~Site Plan Approval Board~~ **Planning Board** determines the application to be complete, the Board will notify the applicant in writing (“Completeness Notification”) and transmit copies of the completed application to the appropriate local boards, commissions and departments for their independent review.

6.6.6 Site Control. The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

6.6.7 Operation & Maintenance Plan. The project proponent shall submit a plan for the operation and maintenance of the LSGMSPI, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

6.6.8 Utility Notification. No LSGMSPI shall be constructed until evidence has been given to the ~~Site Plan Approval Board~~ **Planning Board** that the utility company that operates the electrical grid where the installation is to be located has been informed of the LSGMSPI's owner or operator's intent to install an interconnected Customer-Owned Generator; as well as documentation from said utility that they can and will connect the proposed Customer-Owned Generator into their power grid. Off-grid systems shall be exempt from this requirement.

6.6.9 Dimension and Density Requirements. The following dimensional and density requirements shall apply to all LSGMSPIs.

1. Setbacks. For LSGMSPIs, front, side and rear setbacks shall be as follows:

- a. Front yard: The front yard depth shall be at least 50 feet;
- b. Side yard. Each side yard shall have a depth at least 50 feet;
- c. Rear yard. The rear yard depth shall be at least 50 feet.

2. Appurtenant Structures. All appurtenant structures to LSGMSPIs shall be subject to reasonable regulations concerning the dimensions and height of structures. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, such structures should comply with the setback requirements in § 6.6.9 (1), be screened from view and/or joined or clustered to avoid adverse visual impacts.

6.6.10 Design Standards. The following design standards shall apply to all LSGMSPIs.

1. Lighting. Lighting of LSGMSPIs shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

2. Signage. Signs on large- scale ground-mounted solar photovoltaic installations shall comply with § 5 of the Becket Zoning By-Laws. A sign shall be required to identify the owner and operator of the LSGMSPI and provide a 24-hour emergency contact phone number. Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer.

3. Utility Connections. Reasonable efforts, as determined by the ~~Site Plan Approval Board~~ **Planning Board**, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

4. Fencing and Screening. All fencing and screening shall be in compliance with § 4.3.2 (2) of the Becket Zoning By-Laws.

6.6.11 Safety and Environmental Standards. The following safety and environmental standards shall apply to all LSGMSPIs.

1. Emergency Services. The LSGMSPI's owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

2. Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the LSGMSPI or otherwise prescribed by applicable laws, regulations, and bylaws.

6.6.12 Monitoring and Maintenance.

1. Solar Photovoltaic Installation Conditions. The LSGMSPI's owner or operator shall maintain the facility and access road in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services.

2. Modifications. All modifications to an LSGMSPI made after issuance of the required building permit shall require approval by the ~~Site Plan Approval Board~~ **Planning Board**.

6.6.13 Abandonment or Decommissioning.

1. Removal Requirements. Any LSGMSPI which has reached the end of its useful life or has been abandoned consistent with Section 3.12.2 of this bylaw shall be removed by the owner or operator no more than 150 days after the date of discontinued operations. The owner or operator shall notify the ~~Site Plan Approval Board~~ **Planning Board** by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

a. Physical removal of all LSGMSPIs, structures, equipment, security barriers and transmission lines from the site.

b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

c. Stabilization and re-vegetation of the site as necessary to minimize erosion. The ~~Site Plan Approval Board~~ **Planning Board** may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

2. Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the LSGMSPI shall be considered abandoned when it fails to operate for more than one year without the written consent of the ~~Site Plan Approval Board~~ **Planning Board**. If the owner or operator of the LSGMSPI fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation.

6.6.14 Financial Surety. Proponents of LSGMSPI projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the ~~Site Plan Approval Board~~ **Planning Board**, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

6.6.15 Liability Insurance. The owner or operator of an LSGMSPI shall provide the Town Clerk with a certificate of insurance showing that the property has a minimum of one million dollars in liability coverage, and that the Town of Becket is an additional named insured thereon. Such a certificate shall be supplied on an annual basis upon the renewal of said insurance policy.;
Or take any other action relative thereto.

Board of Selectmen:

2/3rds Vote Required

Article 7 was moved and seconded. Robert Ronzio gave a brief explanation of the article, noting that the existing by-law inadvertently placed review authority for Large Scale Ground Mounted Solar Photovoltaic Installation in the Zoning Board of Appeals. As it stands now, an applicant have to go to the Zoning Board of Appeals and the Planning Board. The instant article corrects the language of the by-law to place consolidated review authority in the Planning Board. Jeremy Dunn asked the practical difference between the review of the Zoning Board of Appeals and Planning Board. Mr. Roberts explained the general

differences. He also explained that the State requires that fencing 7 feet tall be placed around a Large Scale Ground Mounted Solar Photovoltaic Installation, and that the Town by-laws require any fence taller than 6 feet may only be installed with a special permit from the Planning Board. Ann Krawet confirmed the intent at the time of drafting by the Planning Board was to keep application review in the Planning Board. A vote was taken and the motion on Article 7 passed unanimously.

Article 7 PASSED UNANIMOUSLY

**ARTICLE 8: AMENDMENTS TO SECTION 21 OF ARTICLE 17 --THE TOWN
BETTERMENT BY-LAW**

To see if the Town will vote to amend the Town Betterment By-Law, Article 17, Section 21 by amending the existing language with new language shown in boldface text and deleted language shown as stricken through as follows:

No person shall **(a) drink or possess in an open or partially consumed container any alcoholic beverages as defined in MGL Chapter 138, § Section 1, or (b) smoke, vaporize, ingest, or otherwise use or consume marijuana (marihuana) or tetrahydrocannabinol, as those terms are defined in MGL Chapters 94C and 94G, Section 1, as may be amended,** while on, in or upon any ~~public way or place to which the public has a right of access, excluding premises licensed under said chapter 138, or in, on or upon private lands without the consent of the owner or person in control thereof.~~ **or any area owned by or under the control of the Town of Becket, or any place to which members of the public have a right of access.** ~~A police officer may arrest without a warrant any person who commits a violation of this bylaw in his presence and may seize the alcoholic beverages, which shall be kept by him and destroyed upon adjudication or returned to the person entitled to lawful possession.~~ **This bylaw shall not apply to persons or businesses which have been issued a valid one-day or other temporary license for consumption of alcoholic beverages or marijuana on any Town owned property in accordance with Town Policy. This bylaw shall also not be construed to limit the medical use of marijuana.** ~~The penalty for any violation of this bylaw shall be a fine not exceeding fifty dollars (\$50.00) for each offense.~~

~~The provisions~~ **Violations** of this section may be ~~penalized~~ **enforced through any lawful means in law or in equity including, but not limited to,** by indictment or on complaint brought in the district court or by non-criminal disposition as provided in **MGL Chapter 94C, Section 32N and M.G.L. MGL Chapter 40, Section 21D.**

Or take any other action relative thereto.

Board of Selectmen: Recommended

Majority Vote Required

Article 8 was moved and seconded. Michael Lavery explained that this article seeks to amend the Town By-Law to add marijuana to the existing regulation of alcohol consumption. Jeremy Dunn asked what the phrase “any place to which members of the public have a right of access” means, does it prohibit consumption in a place like the Becket General Store? The moderator noted the Becket General Store has a license to serve alcohol on premises. Town Counsel discussed the issue and noted that he felt that the intent of the article was to prohibit people from consuming marijuana on the streets in town. David Edgecombe stated that it was his belief that a “place to which members of the public have a right of access” was a public way. Cindy Delpapa asked if a “place to which members of the public have a right of access” would include the Westfield River. Town Counsel opined that if the public did, in fact, have a right to access the Westfield River, this article would apply. Jeff Wilkinson asked about if the language that specified temporary one day licenses would exclude consumption in places that had annual licenses. Town Counsel noted that alcohol licenses all expire annually, and that marijuana would likely be licensed annually as well. Chris Swindlehurst questioned if the Town should be limiting consumption of anything on land that isn’t owned by the Town, and recommended that people vote against it. Bob Ronzio questioned if the Town had authority over State Roads. Counsel opined that a fair reading of the article prohibited consumption in public spaces. Jeremy Dunn noted that many ponds are great ponds and that this article would prohibit consumption while in a boat on a great pond. Town Counsel concurred that it would. Chris Massini expressed concern that the language “place to which members of the public have a right of access” includes much private property that isn’t posted and noted that the striking of the “on or upon private lands without the consent of the person in control” would seem to make it impossible for him to give permission to someone to consume on his private property. Town Counsel doesn’t agree that the public has a right of access to your property just because it isn’t posted under this article and stated that you would be. A motion to call the question was moved and seconded. The motion to call the question passed by 2/3 vote. A vote was taken on Article 8 and the motion did not pass.

Article 8 FAILED

ARTICLE 9: PAYMENT IN LIEU OF TAXES AGREEMENT WITH 978 SOLAR DEVELOPMENT, LLC

To see if the Town will vote to authorize the Board of Selectmen to negotiate and enter into Structured Tax Agreements or agreements for payments-in-lieu-of-taxes (“PILOT”) pursuant to Massachusetts General Laws Chapter 59, Section 38H (b), and Chapter 164, Section 1, or any other enabling authority, for a term of years for both real property and/or personal property, as applicable, associated with solar photovoltaic facilities, including but not limited to facilities to be located on land known as 0 Tanglewood Circle and shown as Lots 14-20 & 37-47 on Assessors’ map 406, upon such terms and conditions as the Board of Selectmen shall deem to be in the best interest of the Town, and to take all action necessary to implement such agreements; or take any other action relative thereto.

Board of Selectmen: Recommended	Majority Vote Required
Finance Committee: Recommended	

Article 8 was moved and seconded. Interim Town Administrator Bob Merkel made a brief presentation explaining that a solar voltaic facility is not required to pay taxes, but a Payment In Lieu of Taxes Agreement (PILOT agreement) is an approved method for a Town to recover revenue by agreement through the Selectmen. The amount of income to the Town under the PILOT agreement that has just about been finalized would be \$53,000.00 per year for 20 years. Selectman Bill Elovirta explained that this agreement is in line with how these agreements are done. He noted that the Assessors felt that this was a fair package. Jeremy Dunn stated that he was confused about the language regarding citing. Julia Kay Grace noted that she thought that she had seen an article describing a solar array developer who had entered into a PILOT agreement with a municipality and then latter sold the array to Eversource who then immediately stopped making PILOT payments. Ms. Kay Grace suggested that there should be a clause in the agreement that would prohibit the sale to a third party that would not be otherwise bound by the PILOT agreement. Charles Francis felt that the developer has already gone ahead with development without the benefit of a PILOT and that the developer should be subject to taxes like the rest of us. Bill Elovirta noted that there was a clause in the agreement that prohibited voluntary sale of the property to any entity that qualifies as a charitable organization. Bob Markel noted that the value of the equipment on land depreciates and thus a level term PILOT agreement is beneficial in the long term. He also noted that a PILOT agreement was more advantageous to the Town than assessed property taxes would be as all solar facilities in Massachusetts are treated like they are owned by a non-profit. Mr. Markel explained that because not-for-profits don’t pay property taxes, the only way for the Town to get monies from them is through a PILOT agreement. Bob Ronzio questioned if Town Counsel reviewed the PILOT agreement and determine that the Town would be protected. Mr. Elovirta stated that he believe Town Counsel had reviewed the agreement. Mr. Ronzio noted that there were not-for-profits that he was familiar with that had PILOT agreements and breached them. Steve Rosenthal discussed the possibility of amending the motion. Town Counsel suggested that a motion to require the Selectmen to include specific language in the agreement might not be binding on the Board of Selectmen. Mr. Rosenthal withdrew his proposed motion. Mr. Markel noted that the sample agreement was drafted by attorneys. Mr. Elovirta noted that the sample PILOT was drafted by Town Counsel and provided by KP Law. Town Counsel noted that it appears the sample PILOT was provided by KP Law. David Edgecombe asked for clarification on some issues, and Mr. Elovirta responded. Charles Francis asked if the company was a not-for-profit, Mr. Dunn explained that state law prevents taxation of a solar facility, and that is why we would enter into a PILOT agreement. A vote was taken and the motion on Article 9 passed by majority vote.

Article 9 PASSED

A motion to dissolve the meeting was moved and seconded from the floor. A vote was taken and the motion to dissolve the meeting passed. The meeting adjourned at 9:08 p.m. The checkers were Election Workers Patricia Clemons Charles Francis, Ann Krawet, and Margaret Clemons.

Respectfully submitted,

George E. Roberts
Town Clerk