



**Town of Becket
Zoning Board of Appeals
557 Main Street
Becket, Massachusetts 01223
Phone (413) 623-8934 Ext. 20**

Meeting Minutes for November 7, 2017

Board Members Present: Victoria Bleier, Karen Karlberg, George Roberts, Joy Lennartz, Alvin Blake and Jeffery Wilkinson

Board Members Absent: None

Administrative Assistant: Jessica Perotti

Public Present: None

Call to Order

Victoria Bleier, Chairman, opens the meeting at 7:00 PM. Ms. Bleier begins to read the rules of the meeting but since there was no one from the public at the meeting, George Roberts makes a **motion** to waive the reading of the rest of the opening statement. Karen Karlberg **seconds the motion**. All in favor. **Motion passes.**

Review the Meeting Minutes of March 7, 2017 and October 3, 2017

Jessica Perotti made the corrections to the minutes of March 7, 2017 that were approved by the Board at the last meeting. However, there are still sections of the minutes that need to be checked against the recording of the meeting. Mallory Larcom, who was the recording secretary for that meeting, still needs to check the recording to determine those clarifications and add the required information to the minutes. Ms. Bleier, along with the other Board Members, question if they should go over the current revisions since it is still incomplete. Mr. Roberts makes a **motion** to table the review of the March 7, 2017 minutes until the tape has been reviewed. Alvin Blake **seconds the motion**. All in favor. **Motion passes.** Ms. Bleier moves to the review of the minutes for October 3, 2017. Ms. Bleier asks everyone if they have had a chance to review them. Ms. Karlberg says she would like to clarify something on page one (1). Under "New Business", Ms. Karlberg points out a section in the second sentence where it looks as though Mallory Larcom would be doing the consultation work. Ms. Karlberg thinks that it is phrased in way that is a bit misleading as Mallory Larcom would not be doing the consultation work herself but would be hiring a consultant for this. The Board decides how that section of the sentence should be worded and decides that it should be as follows: Ms. Larcom explains that she will be hiring a consultant to assist in the Conservation Commission's review of the Borrego project. Ms. Karlberg points out another typo on the fourth line of page three. There is a "the" that should be a "that". Ms. Karlberg reports that that is all she has for corrections. Ms. Bleier asks if anyone else has any other corrections or comments on the minutes. There are none. Mr. Roberts makes a **motion** to approve the minutes of October 3, 2017 meeting as amended reflecting the changes proposed. Mr. Blake **seconds the motion**. All



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in favor. **Motion passes.** The Board will sign the minutes at their next meeting once the corrections have been made.

Old Business

Board to Discuss Refunding a consultant fee to Borrego Solar Systems, Inc. (Borrego)

Mr. Roberts asks Ms. Bleier if she received the email regarding the consultation fees. Ms. Bleier confirms that she saw it. Mr. Roberts reports that Ed Gibson, Town Administrator, spoke with town council, Kopelman & Paige, and from those discussions, it was clarified that the ZBA does not have any further inspection obligation since the project has already been approved. Therefore, the ZBA can and should be refunding any unused funds including the appropriate interest accrued. Mr. Roberts makes a **motion** that pursuant to the verbal opinion of town council and the Town Administrator that the ZBA can and should refund Borrego's deposit for consultation fees to the Zoning Board of Appeals because the funds have not been used and they have no mandate to follow up with any type of investigation or inspection now that the Board has approved their site plan. Mr. Roberts says a check for \$2,500.00 was submitted; that with the appropriate interest should be returned. Jeffery Wilkinson **seconds the motion**. All in favor. **Motion passes.**

New Business

Board to discuss the renaming of an Addendum to Zoning By-laws

Mr. Roberts reports that there is a document called "*Addendum to the Zoning By-laws*" that sets fees and procedures and at a Public Hearing held by the ZBA on February 12, 2008, there were additions to section "F" that were approved. A clean copy was never made and Section "F" appeared by itself on the town website. Mr. Roberts reports that he did research and was able to locate a copy of the original "*Addendum to the Zoning By-laws*". Mr. Roberts continues to report that Zoning By-laws need to be approved at a Town Meeting, a copy sent to the Attorney General and also to have a copy posted before they can take effect. Mr. Roberts says that since this document is not an actual by-law that it doesn't need to be submitted to the Attorney General; it is simply a document that governs the Board's financial procedures regarding the by-laws. Mr. Roberts feels that the document should be officially renamed to reflect its purpose. Mr. Roberts confirms that all parts of the document have already been approved by the prior ZBA. Mr. Roberts feels that the current title doesn't fit as it is not part of the Zoning By-laws. Mr. Roberts says that he spoke with Ms. Perotti, who recreated the document, and suggested the title "*Zoning Board of Appeals Rules for the Establishment and Administration of Consultant Fees*". Mr. Roberts feels that this title is a sufficiently descriptive



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title. There is discussion between the Board members about the document and its title. Mr. Roberts makes a **motion** to change the document name from "*Addendum to Zoning By-laws of the Town of Becket*" to "*Town of Becket Zoning Board of Appeals Rules for the Establishment and Administration of Consultant Fees*". Ms. Karlberg **seconds the motion**. All in favor.

Motion passes. Mr. Roberts makes a **motion** to instruct Ms. Perotti to give a copy of the "*Town of Becket Zoning Board of Appeals Rules for the Establishment and Administration of Consultant Fees*" to Nina Weiler and have her place it where Section "F" currently is on the website. Joy Lennartz **seconds the motion**. All in favor. **Motion passes.**

Budget

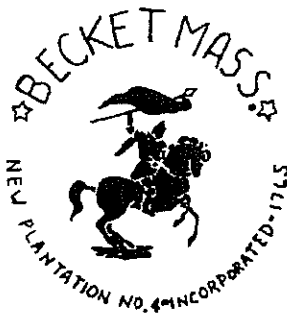
The Board reviews the budget. There have been no changes to the budget.

Review Correspondence

The Board reviews a memo from Beverly Gilbert, Town Secretary, regarding the annual Town Report. As chairman of the Board, Ms. Bleier will need to submit a report detailing the activities of the Board for 2017. Ms. Bleier asks Ms. Perotti if she could submit to her a list of applications that were processed for the year. Ms. Perotti agrees to help gather information for the report. Ms. Bleier asks about other correspondence. Ms. Perotti asks everyone to look at a flyer regarding a dinner for Berkshire Regional Planning Commission (BRPC) and asks if anyone would like to attend; the cost to attend is \$30.00. None of the Board members responded that they would like to attend.

Any Other Business to Come Before the Board

Ms. Perotti informs the Board of an application for a solar array that was received. Mr. Roberts reports that he, as Town Clerk, received the application and noticed, as a ZBA member, that the application was incomplete. Mr. Roberts suggests to the Board that they authorize Ms. Perotti to send a letter to the applicant to inform him that the application is incomplete and to include a copy of the Zoning By-laws so that the applicant could go over what else would need to be submitted. The Board questions if the required timeline to hold a public hearing would change from the date of the original application submission to the unknown date of when the applicant submits the rest of the required documents. The Board looks through what was included with the submitted application and discover that there are quite a few things missing and some of what was submitted is not even legible to determine what it describes. Mr. Roberts suggests to the Board that it is a waste of the Board's time to consider an application that is clearly incomplete. The Board considers coming up with a policy in regards to having a complete



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application before a public hearing is scheduled for future applications. The Board questions if they should continue the application or deny it if the application is not complete by the time the Public Hearing is held. The Board feels that if a letter is sent to inform the applicant that their application is incomplete, it should allow for enough time for the applicant to submit the required information and documents. Mr. Roberts suggests to put a discussion regarding policy and procedure regarding applications on next month's meeting agenda. Mr. Wilkinson references **Section 6.6.5** of the Zoning By-laws, paragraph 4. In this section, it describes the Board's responsibilities in regards to informing the applicant that their application is incomplete and also suggests that the time line regarding the Completeness Review would then start again once everything required for the application has been received from the applicant. Mr. Roberts questions what would happen if the applicant does not submit anything further on the application. The Board decides that if the applicant does not submit what is required for the application then it will be denied and not continued. Ms. Karlberg makes a **motion** for Ms. Perotti to send a letter to the applicant to let them know the application is incomplete. Ms. Lennartz **seconds the motion**. All in favor. **Motion passes**.

Ms. Karlberg reports to the Board what happened at the Planning Board meeting, November 8, 2017, in regards to making changes to the **Large-Scale Ground-Mounted Solar Photovoltaic Installations (LSGMSPI)** By-law. Ms. Karlberg says the Planning Board would like to first take back approving authority from the ZBA by changing the language in the by-law from "Site Plan Approval Board" to "Planning Board" throughout the by-law. Once the Board has accomplished this, they would like to make some further changes to it. Mr. Roberts reports that the Planning Board would need to have this change approved at an annual town meeting. Mr. Roberts notes that making those changes will take quite a bit of time. Mr. Roberts asks what other changes the Planning Board would like to make. Mr. Blake, who is also a member of the Planning Board, reports that for starters, they would like to incorporate a by-law concerning small scale solar arrays.

Mr. Blake makes a **motion** for the Board to meet on December 5, 2017 at 7:00 PM. Ms. Karlberg **seconds the motion**. All in favor. **Motion passes**.

Adjournment

Mr. Roberts makes a **motion** to adjourn. Ms. Lennartz **seconds the motion**. All in favor. **Motion passes**. Meeting is adjourned at 7:48 PM.



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Meeting Minutes Reviewed and Approved on December 5, 2017 by:

Victoria Bleier, Chairman

George Roberts, Clerk

Alvin Blake

Karen Karlberg, Vice Chairman

Joy Lennartz

Jeffery Wilkinson