

Charlemont Planning Board
April 9th, 2024, 6:00 pm Meeting Minutes
Via conference call and in person, Town Hall

Members Participating: Bob Nelson, Lori Shulda-Merrigan, Colleen Champ, Jennifer Mooney, Liz Bouyea

Others Participating: Star Atkeson, Jeff and Jen Nielsen, Jim Scalise, Jeff Lacy.
Residents of Charlemont (Hearing Attendance sheet)

Bob Nelson called the meeting to order at 6:00

Board member Lori Shulda-Merrigan read a statement that she will abstain from voting in the impending Special Permit application hearing process. Four members will vote on the Special Permit which will require a unanimous vote.

6-6:15 Kurt Boisjolie / Thorne Palmer, Charlemont Sewer District comments on Hinata Mountainside Resort Project narrative and site plan review checklist included in Special Permit Application.

Kurt Boisjolie read a letter dated April 5th to the Planning Board clarifying Sewer's position on the Hinata application. They want to protect the interest of the Sewer District. There was some misunderstanding of previous communication with the Warfield House. An agreement was talked about but never signed. The gallon capacity that was mentioned was peak flow, not an allocation for Warfield. Sewer is happy to help however they can and happy to use new procedures or make improvements that would increase capacity. They want to be clear about what capacity they have, a lot of houses are hooked up but are underutilized. They need to make sure that the sewer has the capacity to serve them.

Jim Scalise used the numbers from the Tighe and Bond correspondence that he had from back when there were discussions with Warfield about hooking up to the sewer. He hadn't meant to mislead anyone. Jim Scalise has done his own unofficial perc tests up there, so is confident that they can come up with a plan B. Scalise will go to the meeting after next and be in touch with Sewer about it.

The average daily flow is the number of concern for sewer, not peak flow.

6:15 Public Hearing to consider the Special Permit application made by Hinata Retreat LLC/ Hinata Retreat Realty, LLC to construct 32 new glamping cabins, the re-use of an existing restaurant providing food service to guests and the public and continued use of other buildings at the property to create a "resort."

Bob Nelson called the Public Hearing to order at 6:22. He read the Public Hearing Notice.

Samuel Smith, ½ time resident of Warfield Road was with lawyer Hussein Hamdan. He expressed his commitment to Charlemont, he has bought and renovated the Church parsonage and also plans to do more in the future in town. He is worried about environmental impacts, sewage, water rights, traffic issues. The road is steep, slippery, and sandy. He thinks it's not zoned for a resort. He thinks glamping is camping, and that there may be health and safety issues.

Hussein said there was a problem with the sharp turn at the bottom of Warfield Rd, there will be extra traffic on the narrow road. Pets get walked on the road. There may be light pollution, traffic, BoH issues, private well regulations—it may affect the neighbor's water if they hit the same aquifer. It deserved study and careful consideration.

Margaret Howlett on the phone expressed concern about loud partying.

Jim Scalise suggested giving his presentation before the questions came in. He received feedback from Planning Board consultant Jeff Lacy of Rural Planning Associates and has responses prepared in a handout.

- The Nielsen Team is from the Springfield Area and has a purchase and sale agreement to buy the property and buildings contingent on the receipt of the Special Permit, and to create The Hinata Mountain Resort: 32 one-bedroom and studio glamping units; reuse of the bungalow; renovation of the restaurant; renovation of the decks; opening of 150 seat restaurant; reuse of the pavilion for food service for weddings.
- The cabins will have hot tubs and decks. The resort will offer spa services and have a wellness theme.
- The setback is far from neighbors. He does not consider it camping because it is not seasonal. The word seasonal appears in Charlemont's bylaws. It is a dense development. 31 out of 473 acres.
- The proposed 10,000-gallon water storage tank, dry hydrant for fire.
- The current use is a 275-seat restaurant. The proposed use is less than what is currently permitted as far as traffic goes. Now the residents are used to traffic for an underutilized business. If they rejuvenate the business, there will be an increase in traffic. Scalise does not believe the project will create traffic congestion. Scalise offered that the PB could ask him to reach out to DPW he will.
- 119 parking spots are needed. They propose 127 parking spots. The lighting will be limited to what exists— 3 in the parking lot. Other lighting will be off the buildings.
- Single post, downcast, cut off fixture in front of each unit, so guests can find cabins.
- The architecture has been changed since the application was submitted. No longer prefab but will be Timber frame, following logging roads, tree clearing will be limited, ½ will be studio, ½ will be one bedroom. They will be built on piers so there will be less earthwork. Stormwater has been reviewed by DEP, the Charlemont ConComm and DEP have been contacted to review their Notice of Intent regarding building around regulated wetlands. Scalise gave the PB members some handouts of the answers to Jeff Lacy's concerns as well as updates to the plans.
- Scalise acknowledges that it's not an ideal road but maintains that the DOT would only step in if there were a problem. Only a road with 3500 or 4000 trips per day would trigger the access permit. Traffic calming would be a good way to go, creating visual cues, making it appear narrow, low and long speed bumps, (not ideal for plowing.) They could install curbs at every 100-foot interval at their expense.
- Scalise acknowledges that sewer was calculated with incorrect flow numbers. Existing average flows are the issue. He will work with the Sewer District. Official perc tests are scheduled.

Response to Jeff Lacy of Rural Planning Associates.

- A-frames are no longer part of project. The architectural plans have been updated. Some decks and internal work will be added to the main house. There is an updated sewer estimate. (Again, incorrect assumption that number from sewer was an allocation.) The plans have 2

small bridges. They will extend buffer zone enhancement (he mentioned that technically agricultural use is exempt)

- Regarding the intersection at route 2, increase in traffic should be taken care of with mitigation.
 - Re: Sewer he will work with the Charlemont Sewer district
 - Regarding the trails: They are not Chapter 61A public access. He said he will not create trailheads. However, they will not be policing that.
 - The white area on the map represents a clearing. The cabins will be on piers to enhance views and have less environmental impact.
 - Lacy thinks the Road could be narrowed in areas for aesthetic purposes and to lessen excessive excavation and tree removal.
 - Scalise will go back to the Fire Chief and ask for 18' wide on Main Rd., and Steep section, Otherwise, 16'.
 - For fire use the road should be wider where it is denser, so that trucks can pass.
 - Regarding the foundations, Scalise suggested the PB require the foundations to be installed under supervision of a professional engineer.
 - Regarding the road grades they are 12% steep, Scalise plans to match grade at 10 ft intervals everywhere across the project. There are no massive changes in grade.
 - There were some areas on the plan where Lacy thought the road could be moved to require less cutting and filling which may exacerbate erosion and reduce the look of the road looming above the cabins. Scalise said the client didn't want to damage a row of large maples. Also, Scalise needs to minimize work in the 35' disturbance zone. They will balance the cut and fill on 3-feet on each side. There is an erosion control plan as part of the NOI.
 - Lacy offered that he could hug the buffer with the road to keep off the steep slope and/or make a divided entrance with narrower roads. Scalise said he needed to keep the stream crossing standards. He suggested narrowing the Road, possibly relocating the parking, and keeping the geometry circular for Emergency access.
 - Dana the Ambulance director brought up the need for a turnaround at the end of the spurs of houses. And brought up communication for calling 911 and suggested using Wi-Fi. The applicants mentioned that there is pretty good cell coverage. Dana said they should keep it in mind.
 - The Planning Board wants pictures of the new design of the cabins.
 - The PB asked about moving the trail head. Scalise thinks it would be unrealistic to mandate trail maintenance.
 - The trail users in attendance say the trails have been maintained by volunteers.
 - One resident is worried that people brought in because of the cabins will leave litter on the trails.
 - Scalise and the applicant say that there will be some level of monitoring because the trails are an amenity to the resort visitors. Hiking, biking, and outdoor recreation are offered as an amenity package. The public can use them as well if privacy around the cabins is maintained.
 - The litter can be mitigated in easy and creative ways like a few tree-mounted trash cans.
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- PB want to know how they plan to integrate the building and running the business of the resort with the Town people.
 - The Nielsens say that they will use local builders, a local mill and provide job opportunities for local people. They are not going with the previous prefab option for the cabins.
 - They will move to the area with their kids and wish to be a part of the town. They will advertise the local attractions on their website with links, and possibly offering a shuttle. 15-

20 jobs will be available. They will be managed by the Niensens who will move temporarily to the Bungalow on site, or build or buy on Ridell Rd. They will adapt for the neighbors to the best of their ability.

- The Board suggests the applicant write out an exit strategy for a worst-case scenario. The Nielsen's are very confident in their business plan. Even with low occupancy they believe they will break even. They would like to open May 1st, 2025. They will open when all the cabins and renovations are complete.
 - The units will be up to the current energy code. They will use mini splits and thermal SIPS. A resident warned that cutting SIPS creates a flurry of foam beads which would go everywhere if there wasn't an effort to contain them.
 - Andrea asked if they would allow the trail use and would keep the cows. Yes, to the trails but unfortunately the cows had to go because of the wells which are regulated by the State.
 - Scalise suggested collaborating on the location of a trail head as the users would know where would make sense.
 - The cabin acreage would be taken out of 61A.
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- Jenn Mooney brought up the new addition of hot tubs in the units and questioned that water usage. That water would not be discharged to sewage. An average hotel room uses 1400 gallons of water a day.
 - Samuel Smith was concerned with the water table, wanting them to show them something for the neighbors.
 - Scalise talked about the 48-hour pump test. They will have a booster pump and storage and pump overnight.
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- Bob Nelson read Gisela Walkers letter regarding the project as well as Marguerite Willis' and Joe Coppola's. He noted that the issues were with sewer, the road, and the trails.
 - Jenn Mooney noted that most of the public concern was regarding access to the trails. She wondered if there would be parking for the public near the trailhead. Currently the public park in the parking lot. She wants there to be a way that the public can be welcomed. Possibly coming from the backside, or Riddell Rd.
 - The land is under Chapter 61 A which is not for public use, but rather Agriculture. There is no entitlement so there is no answer yet. Jenn said that there should be an answer ahead of the project since there will be a change. Jeff Nielsen agreed.
 - The Board suggested using walkie talkies as a communication back up in case guests get out of control.
 - The Niensens confirmed that the cabins are ADA complaint.
 - Bob listed the concerns: sewer, ambulance, road width, road and field, cut and fill, traffic calming, sewer, or a treatment alternative.
 - Scalise will design onsite septic while talking to sewer. He will design an ambulance turnaround to the end of the road. A hammerhead at the end.
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- Lacy brings up the middle road, wondered if they would consider filling the wetland versus alterations to the rock formations. Shutesbury has a bylaw that you can fill a wetland under 1000 sq feet.
 - The Board pointed out that the restaurant changed from 60 to 150 capacity. Scalise said that it had to do with the sewer capacity numbers, he thought they would either be in their cabins or in the restaurant but not in both simultaneously, so adjusted the numbers.
 - The current restaurant has 275 capacity. Now it could be 150 in the restaurant, 64 in cabins.

- Samuel Smith thinks that the traffic estimate is incorrect. He wants realistic numbers to understand.
- Mooney said of course they would want the business to thrive and be at capacity. Just need to figure out how to make it work, the road and intersection safe.
- A resident pointed out that there is a terrible speeding problem in town near the entrance to Warfield rd. With or without glamping, the town should slow traffic on the trail.
- Jenn wondered if they could have a no right turn. But that would lead to a u turn in the gas station or a driveway. Ridell road is also not great at the intersection with Rt 2. Someone suggested Rice Fort Rd.
- It has been a resort for many years, with an occupancy rate of 45-55 people @ 180-200 days of occupancy.
- One resident wants the Chapter 61 designation to be put in writing, as they have seen the examples of water rights taken away in other locations by private residences. They want the town to put in writing where they can park. Unless closed off, and having people use Ridell Rd.
- The traffic estimate is 1200 trips a day. Scalise says the real count is always under the estimate.
- Scalise will talk to the fire chief with the proposal to be flexible in some areas, would allow some narrowing of the roads.

Bob Nelson continued the hearing for next Thursday April 18th. The meeting was adjourned at 8:50.

NEXT MEETING: April 18th, 2024

Documents reviewed in meeting:

Agenda for April 9th, 2024

Charlemont Planning Board Public Hearing Notice

Sewer District letter dated April 5, 2024

Report to the Planning Board from Rural Planning Associates 4/4/2024

Document from Shelter Design/Architecture DPC re: Proposed Timber Frame Cabins at Warfield Road, Charlemont, Massachusetts

Documents from SK Design to the Planning Board dated April 9, 2024 Re:Supplemental package #1 (includes responses to consultant comments, updated architectural plans, updated sewer estimate, updated site Plan from NOI application.)

Letter dated March 24th from Marguerite Willis re: Hinata Realty Inc, Application for Special Permit

Letter from Gisela Walker re: the Warfield project

Email from Joseph Coppola dated April 3rd Hinata Mountainside Resort at the Warfield House.