

Charlemont Planning Board June 1, 2017 Meeting Minutes

Members Present: Robert Malone, Chair, Gisela Walker, Carlene Hayden, Bill Harker, Dan Miller

Others Present: Bill & Donna Childs, Phil Banks

6:40 P.M.-Board Site Visit to 247 Zoar Road

The Board made a site visit to Phil Banks' property (247 Zoar Rd.) to investigate concerns with water runoff onto his property from Earl Bowen's property across the road from him. Banks said the storm drains cannot keep up with the runoff from the abutting parcel and floods his property. Banks noted that there appears to be substantial construction going on at Bowen's property. Banks flagged areas of concern along the side of the road. The Board will discuss the issue in detail in their meeting.

Call to Order

Planning Board Chair Robert Malone called the meeting to order at 7:02 PM.

Item # 1: Board Reorganization

After discussion, it was suggested that Malone and Harker could Co-Chairs the Board. On a motion by Harker and seconded by Walker, the Board voted unanimously to elect Malone and Harker as Co-Chairs.

Item #2: 7:00 Appointment; Bill Childs

Bill and Donna Childs attended the meeting to discuss possible uses for a property (91 Main Street) they were in the process of purchasing. Childs questioned what would be required to convert the property from a 2 family to a 3 family. The Board explained that this would require a Site Plan Review (SPR). Childs was also exploring other uses on the property, such as operating a woodworking shop or food concession. Childs will be in touch when he's purchased the property and decided what he'd like to do.

Item #3: Phil Banks; Runoff Complaint

Phil Banks attended the meeting to discuss his concerns with water runoff onto his property from Earl Bowen's property across the road from him. Banks has been having water runoff issues with his property for years, and explained the storm drains cannot keep up with the runoff and washes onto and floods his property. This is also a wetlands issue. He noted that there appears to be substantial construction going on at Bowen's property, and his understanding was that if he were constructing the road for the cell tower, he was to give the Board 30 days' notice. The Board confirmed that per Bowen's Special Permit, they were to receive 30 days' notice on which road would be used for the construction of the cell tower, and has not received any notice to date. The Board was unsure of how they would tell if the work was related to the construction of the road, or if he was just working his property, but they could contact the Building Inspector to have him check it out. They also suggested making a complaint in writing to the Conservation Commission. Phil also mentioned dust and silt issues from the gravel pit operation. The Board said that someone else is operating the pit now and suggested having a civil conversation with him to discuss the dust control problem. Malone, who also has a cell tower permit and has had some conversations with Bowen in the past on this, said he would reach out to Bowen and see if he had secured a contract for the tower. Phil thanked the Board for their time.

Item #4: Proposed Solar Project

Hayden said she was contacted about a proposed commercial solar project, which would be located on Legate Hill Road. The applicant asked if the Board could review the preliminary plans and let him know if they had any initial questions or concerns. Since this will be a SPR, the Board reviewed the list of submittal documents and noted what they would require to be submitted with an application. The Board asked their Secretary to pull the solar application from a few years ago for them to reference.

Item #5: Unbuildable Roads Issue

The Board discussed the email from Jonathan Eichman, Town Counsel regarding the past Planning Board determination on the unbuildable roads. Essentially, Eichman indicated that the past decision was based on and substantiated by a reference in their zoning bylaws to the road standards found in their subdivision regulations. Because this section was inadvertently removed from their bylaws, the Board now has no authority by which to apply these standards to lots already in existence. Only with a current ANR plan being submitted for endorsement, could the Board apply conditions of adequate access of the lot the ANR is being submitted for. Eichman recommend putting the reference back into the zoning bylaws in order to gain control over adequacy of access to existing, undeveloped lots on private ways. The Board will ask the Select Board to have this placed on the warrant for Special Town Meeting and Walker has requested assistance from the FRCOG with this as well as the trailers issue.

Item #6: Travel Trailers on Residential Lots

Hayden stated that the Board of Health is dealing with this issue with the Building Inspector because of the possible health issues. Hawkins will be writing a letter to the property owners and it will be addressed at a BoH meeting. Hayden will keep the Board apprised.

Adjournment

Business having been completed, Planning Board Chair Malone adjourned the meeting at 9:00 P.M.

The next meeting of the Planning Board is Thursday, June 15, 2017 at 7:00 PM.

Respectfully submitted,
Carlene Hayden

Documents viewed in the Planning Board meeting of 6/1/2017

1. Agenda for meeting of 6/1/2017
2. 2008 NEIHC (Earl Bowen) cell tower permit & file
3. Site Plan for proposed solar project, dated 7/31/2015
4. Checklist of required submittal documents for solar project
5. Email from Jonathan Eichman (Town Counsel), dated 5/30/2017
6. Email to FRCOG from Gisela Walker, requesting assistance, dated 5.30/17