

Charlemont Planning Board July 6, 2017 Meeting Minutes

Members Present: Robert Malone, Co-Chair, Bill Harker, Co-Chair, Gisela Walker, Carlene Hayden

Others Present: Doug Telling, Co-Chair, Board of Health, Mr. Joe Ray and Scott Ray

Call to Order

Planning Board Co-Chair Robert Malone called the meeting to order at 7:15 PM.

Item # 1: Approval of Minutes

The Board reviewed the minutes from their 6/15/2017 meeting. On a motion by Malone and seconded by Harker, the minutes were unanimously approved as written.

Item #2: 7:20: Joe and Scott Rae came to let the Board know that they are ready to proceed with the construction of one of the three new buildings that are part of their permit for the old Drive In property. Walker commented on the nice job they have done with the stone wall entrance way and the vegetated visual buffer/border to the commercial enterprise. As the building has been part of the approved special permit the Board saw no reason to weigh in on the planned implementation, thanked the Rae's for checking in and wished them well.

Item #3: 7:15 Appointment; Doug Telling, Board of Health, re 495 Zoar Road mobile home (for more details see last meeting's minutes)

This conversation is in follow up to last meeting's permit extension the Planning Board granted to Laurie Griswold for the addition of a temporary 1 bedroom mobile home to the existing home, to accommodate her mother for the length of her life. The 2010 permit had been extended once in 2013 but not in 2015. Now in 2017 Ms. Griswold came for another extension and to get help with the problem that two male family members have moved in with her mother, are causing great family conflict and an overuse of the well- which is an issue for the BoH.

The Planning Board and the Board of Health are working towards a legal solution that will allow them to restore the single-occupancy permit. The BoH thinks that the P Bd's permit was written too vaguely by not including the term 'single occupancy' but rather stating 'for the use of the mother'. The Building Inspector thinks that this is too weak to be grounds for an eviction procedure, especially since the mother's name is on the deed and thus has the right to invite those two family members. The BoH, on the other hand is not able to invoke title 5 on the additional residents because T 5 Septic System regulations specify bedrooms and not # of household members . A lengthy conversation took place about how to remedy the situation as far as the permits are concerned or whether this was simply a family struggle the town should stay out of.

In the end Doug Telling said given the BoH concerns re water supply and septic, the BoH may file an administrative appeal of the P Bd's permit extension decision to the ZBA requesting that the P Bd clarify the terms of the permit.

Some uncertainty remained about deadlines for such filings since neither Board has any experience with these kinds of appeals. Hayden will research it in Chapter 40A.

Item #4: Unbuildable Roads Issue

The list of remaining questions to town counsel re the 'unbuildable roads' issue has been finalized and will be sent out to town counsel this coming week with a request for a final conference call at the next meeting, July 20. The Board very much looks forward to resolving this issue 'once and for all' - with some optimism!

Item #5: Follow Up on cell tower permit; 300 Zoar Road

The Board discussed the Building Inspector's refusal to at least investigate what looks like a clear violation of a special permit condition requiring Mr. Bowen to come before the Board 30 days before any construction of a road in connection with the cell tower begins. An email to the Building Inspector will go out to follow up on this. Doug Telling, also of the Conservation Commission is concerned about streambank erosion caused by the ongoing road construction.

Site Visit: Cold River Café; 6.30 pm before the meeting.

Planning Board members discussed the site visit conducted at the Cold River Café, as planned at the last meeting to review the installation of three additional outside seating tables beyond the approved patio seats. Board members had concerns about the closeness of this un-serviced seating to the road, and wanted to ensure the plans they had for the operation were up-to-date. During the visit Board members measured the set back from the road (20 feet) and the planned installation of an about 4 foot high fence/barrier to be installed to keep children from running out onto the grass or road. Ms. Faufaw also pointed out where they would like to set up three small children's tables and benches near the ice cream window. The P Bd. took no action on this visit at the above meeting and the owners will provide the Board with an updated set of plans showing the additional seating.

Adjournment

Business having been completed, on a motion by Malone and seconded by Walker, the Board unanimously adjourned the meeting 8.24 P.M.

The next meeting of the Planning Board is Thursday, July 20, 2017 at 7:00 PM.

Respectfully submitted,
Gisela Walker

Documents viewed in the Planning Board meeting of 7/6/2017

1. Agenda for meeting of 7/6/2017
2. Minutes from 6/15/2017 meeting (see file)
3. Joe Rae's original special permit plot plan (see file)
4. E-mails to and from Building Inspector re enforcement of 495 Zoar Rd. mobile home permit; 6/23/2017
5. E-mail to Building Inspector re enforcement of Mr. Bowen's 300 Zoar Rd. cell tower permit; 6/12/2017
6. Draft E-mail questions to town counsel re unbuildable roads issue
7. Draft E-mail to Building Inspector requesting action on Zoar Road cell tower permit