

**Charlemont Planning Board
July 18, 2019 Meeting Minutes**

Members Present: Bill Harker, Co-Chair, Gisela Walker, Carlene Hayden, Bob Nelson.

Members Absent: Robert Malone

Others Present: Sarah Reynolds, Marguerite Willis, Jay Healy, Phil Banks, Mary Ellen Banks, Frank Mooney, Dan Miller

Call to Order

Planning Board Co-Chair Bill Harker called the meeting to order at 6:05 p.m.

6:05 P.M.: Discussion with Affected Parties regarding Tea Street Extension Activities

The meeting began with the reading of a letter from Paul Fantucchio that stated that he had never had a problem with the tubing business but has had constant problems with Smoke and Float. The letter included various concerns including the participants ignoring private property signs.

Phil Banks reviewed a notebook full of pictures he brought to the meeting showing how the river by his house used to be an area of children playing on the water, but now is occupied by people trespassing, climbing over his electric fence, and vandalizing tents. He has seen people smoking marijuana on his property and hears much vulgarity from the participants. There are signs indicating the sale of hot dogs, which are a violation of his Special Permit.

Hayden read a letter from Building Inspector, Jim Hawkins. The letter stated that the special permit needed to be amended as Green Mind Events is in violation. Hayden added that the current special permit is for a different parcel of land from than the one the current Green Mind events are taking place on. Both Green Mind Events and an attorney representing them were told that they need a special permit. The town has received many complaints regarding these activities.

The weekend prior to this meeting, Police Sergeant Jared Bellows went to the property and all but one of the vendors immediately left. Marguerite Willis stated that it is not legal for people to be smoking marijuana on neighbors' property and we cannot let this continue. It falls on the Planning Board and the Board of Health. They do not have permits for what they are doing. Jay Healey stated that the letter written by the Jim Hawkins was very mild and questioned whether we could do something with more teeth to it.

Frank Mooney of Crabapple Whitewater asked if the town could shut down a business that is not abiding by its permits. He stated that when an accident occurs, people will first go for the deepest pockets to sue, including the electric company, then the town and then Hyytinen Hollow tubing company. There is a serious liability issue. Marguerite Willis said there is just enough information on the internet to suggest that Charlemont is a Wild West town and that this will hurt the town. We cannot allow the public consumption of marijuana.

Hayden said that she had contacted the Cannabis Control Commission and they stated that they planned to speak to Jared Bellows, but she had not heard the results of this interaction. Walker stated that we cannot give a permit for illegal activities. They advertise as private, but the events are advertised on YouTube and other social media sites.

Hayden stated that the tent camping taking place on the property meets the description of a campground, per 105 CMR 440; Family Type Campgrounds, and requires a permit from the Board of Health. Additionally, they need to supply water, septic and toilet facilities. There are minimum site area as well as other requirements under the regulation.

Phil Banks stated that the town should require the use of personal flotation devices on the river. Hayden stated that the Town has a noise ordinance that should be enforced. There was some discussion over the definition of safari camping, but it does not apply since it must be about a campground. Marguerite Willis stated that it is starting to get very wild on weekends and there are not enough police. The Town of Deerfield shut down all tubing, because of these issues. Jay Healey said that the violations are overwhelming the town and we have much exposure.

Phil Banks said he contacted Senator Hines' office about the issue. Walker stated that the town needs to take long term steps and appeal to legislators to seek help. Frank Mooney said that the rafting regulations were rewritten for the first time in thirty years. The town should also regulate other (similar) businesses. The river is regulated from the border to Zoar Gap by rafting regulations. Jay Healey stated that the DCR has a third of the staff they had ten years ago. The Select Board voted to authorize overtime for police for the next four weeks and will let the police know they should enforce the noise ordinance.

Motion

Hayden motioned that Sarah Reynolds should contact Jim Hawkins to send a cease and desist to Green Mind Events and Hyytinen Hollow Tubing for the Smoke and Float events for permit violations. The motion was seconded by Walker and approved unanimously.

Board Discussion: Review of Adult Use Recreational Marijuana Bylaw

The board reviewed the rest of the proposed Marijuana Bylaw in preparation for the special town meeting planned for October. It was decided that rather than allow for two retail stores, one in the village and one in East Charlemont that instead, we would allow one in the village and a second store elsewhere, anywhere along Route 2 outside of the village.

Adjournment

At 9:00 p.m., on a motion by Harker and seconded by Hayden, the board voted to adjourn the meeting.

Respectfully submitted,
Bob Nelson

Documents viewed in the Planning Board meeting of 7/18/2019*

1. Agenda for meeting of 7/18/2019
2. Phil Banks' Three Ring Binder of Various Pictures of Impact of Green Mind Events of Deerfield River
3. Jim Hawking Letter to Green Mind Events regarding Smoke and Float
4. Paul Fantucchio Letter regarding Smoke and Float
5. Preliminary Draft for Marijuana Zoning Bylaw Amendments

*Documents are stored in their respective files