

**Charlemont Planning Board
June 18, 2020 Meeting Minutes
Charlemont Fairgrounds**

Members Participating: Bill Harker Chair, Gisela Walker, Bob Nelson, Carlene Hayden, Daniel Miller

Others Participating: Marguerite Willis, Greg Rowehl, Kristen Martin, Bryce Ribken, Jerry Pratt, Helen and Frank Carcio, Joe Pellegrino, Kristie Faufaw and Michael Sisum.

Call to Order

Planning Board Chair Bill Harker called the meeting to order at 6:05 pm.

Board Discussion

Kristen Martin, Animal Inspector attended the meeting to discuss the results of her inspection of the animals at 176 Main Street. There are goats, alpacas, geese, rabbits, chickens and turkeys at the ¾ acre residence. Martin submitted a letter from a clinical nurse from the Worcester Hospital stating that the goats and turkey serve as emotional support animals for the owner. The owner purports to have been trying to move the animals to another location, but it is taking a long time. The geese are very noisy. Joe Pellegrino, who lives next door, attended the meeting to voice his concern with the noise and smells. He said there have been many promises over the years to remove the animals that have gone unfulfilled. He is awakened at 3:30 in the morning by the geese. He also said that the goats are fed for two minutes a day and questioned the emotional support they give. The animal inspector relayed that the goats and a turkey in particular, created a purpose for the owner to get up in the morning. There was discussion as to the limits of what the Planning Board as a zoning administrator can authorize here. The Board of Health so far has had little involvement, claiming it's a zoning issue. There was no response from the Ag Commission either.

Motion

Walker moved that since the operation has been growing since the original request for chickens to sell eggs that a special permit would be required to specify exactly what animals would be allowed on the property. Nelson seconded the motion. Harker and Hayden approved and the motion passes unanimously.

Motion

Walker moved that the planning board not accept the recommendation in the letter from the clinical nurse specialist that the goat and turkey be allowed to remain on the property as emotional support animals, as they are not allowed per the zoning bylaw. Harker seconded the motion. Hayden and Nelson voted affirmatively and the motion was approved unanimously.

Warfield House Hearing

At 6:40 pm the hearing to operate a brewery at 133 Warfield Road was opened by the chair, Harker. Engineer James Scalise reviewed the plan which is to renovate a sugar house on the property and change it to a brewery, which in the planning board bylaws would be defined as a restaurant/other, requiring a special permit. The building requires some upgrades, including the roof and it needs an ADA ramp. An outside deck will also be added, in addition to four parking spaces. There is the large main parking lot from the Warfield House for overflow parking. There may be some organic nutrient waste going into the sewer and they may need to pre-treat the waste, but that is to be determined in negotiation with the Sewer District. The sewer district requires a grease trap for restaurants serving food, but since they are not serving food, this is not necessary. However, added to the brewery operation there will be a tasting Room

where customers can sample the beers being brewed. There was some discussion about the sharp turn from Route 2 onto Warfield Road and signage at that location and whether additional signage may create an issue. It was suggested that a sign stating “No Right Turn” coming out of Warfield Road may be part of a solution. In any case, trucks are currently going to the Warfield House property and the brewery is not going to increase truck traffic significantly.

Walker reviewed the Special Permit Criteria.

The degree to which the activity, site plan, and building design are consistent with economic development activities, including tourism, as identified in the Master Plan. *The activity is completely compatible with tourism and economic development as outlined in the Master Plan.*

Capability of and cost to the town to provide municipal services for the proposed use and premise including police, fire, emergency services, and road maintenance and the ability of the existing infrastructure to support the proposed use including but not limited to existing roads and bridges and their conditions. *This is not a problem, except for the sharp curve from Route 2 with trucks.*

Impact on Town’s school or other educational facilities. *N/A*

Consequences of sound, light, odor, noise, traffic congestion, or other disturbances for abutting and other properties that may be impacted. *No Issues*

Environmental impact of the proposal, including the degree to which the proposal results in water, air, noise or light pollution, topographic change, removal of mature trees or other botanical assets, removal of cover vegetation, risk of erosion or siltation, increased storm water runoff from the site, or displacements of natural habitats. *None, as the activities are indoors, aside from the deck.*

Impact on existing traffic conditions and vehicular and pedestrian safety on all roads in town, particularly on intersections with the Mohawk Trail. *Very low traffic impact*

Degree to which the proposal is compatible with the character of the surrounding area and neighborhood. *The larger Warfield House neighborhood consists of various buildings, such as a hotel, restaurant, and barn and the existing sugar house conversion will have no adverse impact.*

Degree to which the proposal preserves scenic views and historic, natural and cultural resources through site design, landscaping and protection of resources. *This fits with other buildings on the property.*

Employment, housing and fiscal consequences to the Town. *Very low impact*

Impact on agricultural or forestry operations or the productivity of the land for those uses. *The brewery is committed to use local and regional ingredients for his brewing.*

Capability of the Town or other public or private entities to provide water supplies, sewage treatment, or Stormwater management. *Town sewer and underutilized well on property will be used.*

Walker then reviewed the conditions:

Parking for four cars with overflow in additional lot

Hours are 10:00am to 9:00pm, six days a week

No food service or kitchen

No additional lighting, just what is required by code.

The name is Stone Man Brewery

Directional signs on the property.

There will be canning and bottling on site.

Harker made a motion that to approve the permit for 133 Realty LLC to operate a restaurant/other at 133 Warfield Road according to the terms and conditions outlined previously. Hayden seconded the motion. Walker and Nelson voted yes and the motion was approved unanimously.

Harker closed the hearing at 7:10pm

Ribken Pratt Food Cart and Picnic Area Hearing Continuation

Harker opened the hearing at 7:10 for a Food Cart and Picnic area at 17 West Hawley Road/Route 8A S. Walker stated that the hearing was originally continued because a revision of the parking area was not available to the public prior to the original hearing. The meeting was continued to June 11, but the posting had the wrong date, so the meeting was continued until today. During the original hearing, all of the criteria and conditions were completed, but the Board wanted to open this hearing for discussion over the parking area and any traffic concerns to and from West Hawley Road. The applicants reduced the parking area by half, removing parking along the railroad tracks. Abutter Greg Rowehl stated that the planning board requires a scale drawing and it is hard to judge a drawing that is not to scale. Walker stated that the cart is not a permanent structure. Hayden stated that the board can wave requirements, as they deem suitable. Mr. Rowehl said that the railroad is concerned about spillback, which he said was the potential for cars being backed up on to the tracks when a train passes, because they are forced to stop for cars exiting the Pratt property. Walker said she went back to contemplate the intersection and believes that with a reduced parking area and entry and exit signage, the situation should be safe. Walker described the rail crossing near the Artisan Studio parking area in Shelburne Falls. Miller stated that we reviewed all of this at the previous hearing. Mr. Rowehl expressed concerns over waste oil storage and Americans with Disabilities Act requirements. Mr. Pratt said that the food cart is accessible to wheelchairs. The waste oil is a Board of Health issue. Walker said many of Mr. Rowehl's concerns were Board of Health issues and not applicable to the Planning Board. Helen Carcio expressed her support of the food cart, even though it was potential competition to her plans. Kristie Fauhaw and Michael Sisum. Owners of the Cold River Café also voiced their support of the proposal. Walker then reviewed the conditions and criteria that were developed in the original hearing (see minutes of June 4, 2020).

Motion

Nelson moved that a permit be approved as requested by the applicants, Bryce Ribken and Jerry Pratt to create a picnic area and food cart on the property at 17 West Hawley Road as defined by the conditions and criteria that were reviewed. Walker seconded the motion, Harker and Miller voted affirmatively and Hayden abstained. The motion passed.

Harker closed the hearing at 7:35 pm.

Board Discussion

The board reviewed and approved the draft meeting minutes from May 21, 2020, June 4, 2020, and June 11, 2020 meetings. The next meeting is July 2, 2020. There was some discussion over correspondence regarding maintenance of private roads and properties thereon.

Adjournment

At 8:10 pm on a motion by Harker and seconded by Walker; Nelson and Hayden voted yes; the Board voted unanimously to adjourn the meeting.

Respectfully submitted,
Bob Nelson

Documents viewed in the Planning Board meeting of 6/18/2020*

1. Agenda for meeting of 6/18/2020
2. Special Permit Application, Documents and Plans for Warfield House Brewery at 133 Warfield Road
3. Special Permit Application, and Plans for Bryce Ribken and Jerry Pratt Picnic Area and Food Cart at 17 West Hawley Road/Route 8A S.
4. Draft Minutes from May 21, 2020, June 4, 2020, and June 11, 2020 meetings.

*Documents are stored in their respective files