

**Charlemont Planning Board
June 4, 2020 Meeting Minutes
Telephone Conference Call**

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

Others Participating: Greg Rowehl, Jerry Pratt, Bryce Ribken, Marguerite Willis, Cathy Buntin

Call to Order

Planning Board Chair Bill Harker called the meeting to order at 6:00 pm.

Board Discussion

The Warfield House Brewery Hearing is still going to take place on June 18. There was some discussion about the possibility of meeting in person. Up to ten people are allowed to attend in person, but at a hearing you cannot be sure how many abutters may attend. The meetings could be on Zoom. This would allow people to view documents. The updated plan Pratt-Ribken Action Plan, which removes the parking near the railroad tracks, was just received today and was therefore not posted to the website, so has not been viewed by anyone beyond the applicants and the planning board.

Minutes for the previous meeting were not received and will be re-sent after the meeting.

We did receive a public hearing notice from the Colrain Planning Board regarding an application for a special permit for a marijuana grow operation at 108 West Leyden Road to be held Tuesday, June 11, 2020. Additionally, Charlemont received an inquiry about a possible retail location in town.

Town elections are still to be held on June 30, but the annual town meeting is postponed indefinitely. State funding may be cut by 30%. The Franklin Conservation District is holding a River Access Forum on Monday, June 15. Their objectives include documenting current uses, identifying issues that might threaten continued public access, and exploring solutions that can satisfy all stakeholders wherever. Willis and Walker plan to attend.

Pratt-Ribken Food Cart Hearing

At 6:15 pm the hearing to operate a food cart business, to be called "Bryce and Jerry" at the Jerry Pratt property at 17 South River Road was opened by the chair, Harker. Hayden stated she is attending the hearing as an abutter, and not as member of the planning board. Jerry Pratt discussed the plan for the business: He spoke of the change in parking that is shown on the updated action plan. There is now only one row of parking and no turn around area. The menu will be basic foods, like chicken in a basket, cheeseburgers and ice cream. They have been in contact with the Conservation Commission regarding access to the property from the river. There will be a stairway at a specific location they designated for this purpose. The rest of the riverfront and road front will be blocked. The building inspector had come to discuss the dilapidated coal building. The applicants will put a fence around the building. It will be twenty feet from the building such that falling slate is not a concern.

Mr. Pratt stated that the Food Cart has been inspected for fire safety, including the hood. They have spoken with the Board of Health about how the situation with the Covid-19 virus will be handled. Walker asked about the signage, hours of operation, trash, noise, etc. Mr. Pratt said the operation will be open from 6:00 am to 9:00 pm Tuesday through Sunday during summertime (May through September) as this is a seasonal operation. Generally they will be open during daylight hours. They will not need additional

lighting. There are 13 municipal street lights around the property because of the bridge and RR crossing. They also have spotlights on the four corners of the house, which are down-shining and low to the ground. They will probably also put out a few solar marker lights. The picnic tables will be 10 feet long. They would like to be flexible re the number of picnic tables; up to 20 tables are requested in the application, though the plan shows 16 tables. They want the ability to have two additional food carts on busy weekends, though these food carts from other vendors would need to go through appropriate permitting and inspections from the town and board of health to be allowed to sell food. A dumpster will be at the end of the driveway near the coal shack. The dumpster will be screened with fencing. They will have four wastebaskets and four recycle bins throughout the area. The two porta-potties will be marked Men and Women. They will need to be cleaned every two hours. Willis said there is a spray that can be used to clean and sanitize these units. Signage will include one 3' x 6', on the food cart. There will be a banner that says "open" at the entrance to the parking lot. There will also be signage about not allowing alcohol near the stairs by the river.

Discussion of the revised parking plan:

Based on concerns raised by board members during the site visit and on written concerns sent in from the Pan Am Railroad as abutter, the applicants presented a revised parking plan that removes the row of parking along the railroad tracks and cuts the number of parked cars roughly in half. A lengthy discussion about the revisions followed: Hayden asked about queuing of cars entering the road near the railroad tracks. Mr. Pratt described that the gates make a very loud noise when they close, which they do well in advance of the trains arriving at the crossing. Additionally, the trains make a very loud sound when they approach. Cars should have much advance notice to approaching trains. Additionally, the Charlemont Police Chief told him that he is not concerned about the tracks and cars entering and exiting the parking lot. There is a stop sign on the Berkshire East side of the tracks. Mr. Rowehl stated his concern that a car that is stopped to enter the Pratt parking area may cause cars behind it to be backed up and waiting on the tracks. Mr. Pratt said that this has never been a problem in the past. Walker asked if the potential problem was cars turning left from the parking lot or when they turn right. Mr. Pratt said that in either case, the cars need to stop and await an opportunity to exit. Miller said there is a similar situation at the RR crossing at Salmon Falls in Shelburne Falls where a sizable public parking lot and two town highways meet up right at the tracks and that it is not a concern. He similarly does not believe this a going to be an issue. Harker asked about whether the parking lot will have a sign to indicate that cars enter on one side and exit on the other side to minimize any congestion at the road. The applicants agreed there would be. Walker asked about where the property ended near the tracks. Mr. Pratt said the property line is 16' off the tracks. On the new plan, where it shows 55 feet, from where is that measured? It is from the property line.

Mr. Rowehl said that he needed to leave the call, but that he assumed the updated plan would be put on a new plan that is surveyed by an architect and made available to the public. He also said that that Mr. Krug's e-mail from the Railroad company appeared to be disregarded. Mr. Rowehl further stated that we would be hearing from his lawyer if we approve the permit this evening. Mr. Pratt said that he questioned the need for an architect's surveyed plan. (It is the Board's decision as to whether scaled, architect-drawn plans are required).

The Board then decided to draft the responses to the special permit criteria as it was getting late and telephone capacity was running low for some members.

Nelson reviewed the Special Permit criteria as they had originally been written in the 2013 version of this special permit and the board made changes where needed. The responses are italicized below:

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. *Economic development around tourism is a major goal in the Master Plan and this operation will serve the many tourists using the river and other outdoor recreation places in town.*

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. *No additional services anticipated except for possible occasional emergency calls*

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.

Traffic concerns were addressed with parking lay out conditions; no exterior lights will be added, no odor anticipated, noise not anticipated to go beyond what is already the situation at this often crowded site; there are no direct residential neighbors on this side of the river. The board has given serious thought to the traffic situation on the bridge and does not consider this to be an issue.

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. *There is some concern that the increased use of the grassy slope will cause erosion and run off. Hence egress from the River needs to be at the sandy beach and as approved by the conservation commission. This is also addressed in the conditions*

Impact on existing traffic conditions and vehicular and pedestrian safety on all roads in town, particularly on intersections with the Mohawk Trail. *This is already a heavily impacted area and only some additional traffic is anticipated) as many customers will arrive from the river. Traffic concerns are addressed by revised parking and entrance and exit signs.*

Degree to which the proposal is compatible with the character of the surrounding area and neighborhood.

The neighborhood is a beautiful area along the river; this will add picnic tables, food service and a river exit structure for boats and tubes.

Degree to which the proposal preserves scenic views and historic, natural and cultural resources through site design, landscaping and protection of resources. *Area will be maintained with an aesthetic site design and operation expressed within the conditions of the permit.*

Employment, housing and fiscal consequences to the Town. *There will be a meals tax and some additional temporary part-time employment.*

Impact on agricultural or forestry operations or the productivity of the land for those uses. *N/A*

Capability of the Town or other public or private entities to provide water supplies, sewage treatment, or Stormwater management. *No public water or sewer is being provided.*

Other impacts on the Town, including support of local products and businesses, protection of open space, provision of recreational opportunities for Town residents, and energy conservation. *The establishment will open up this private property for the town's residents*

Walker reviewed the conditions, which follow.

The hours of operation:

from 6 am to 9 pm, 6 Tuesday through Sunday, primarily during daylight hours between April 1st and October 31st.

Lighting:

No additional exterior lighting shall be set up, though some solar path lighting may be added to less lighted areas

Food Trailer:

The food trailer shall be 10x20 feet placed at the top of the lawn away from the river.

There may be up to two additional food carts added on occasion, that will require additional permitting and inspections

Coal Building:

The coal building will be fenced 20 feet back to keep falling slate from being an issue.

Picnic Area:

Alcohol consumption on the premises is prohibited. There shall be up to 20 picnic tables placed on the property.

Trash:

At least 4 receptacles shall be available for recycling and trash.

A dumpster in the southeast corner shall be screened with fencing.

Sanitary:

2 portable restrooms shall be available, one handicapped accessible. The Board will ask the health agent to do one inspection during a busy weekend to see if the capacity is sufficient.

Signs:

There shall be one 3x6 business sign placed on top of the food trailer, 2 signs (2x3) posting rules re alcohol use, attire and behavior, placed along the river and 1 banner near the parking area and enter/exit signage at parking lot entrance.

Parking:

Up to 30 parking spaces shall be set aside, parking shall be as show in the updated action plan of June 4, 2020.

Traffic Flow:

Entrance and exit lanes to and from the parking lot shall be clearly marked and defined.

River Access:

Exit from and entrance to the River shall be limited to the beach area where there will be stairs. Access elsewhere will be blocked

There was some discussion about the water and cooling for food. These are Board of Health issues. There was discussion regarding whether it would be appropriate to vote tonight or continue the meeting, since the updated action plan had not been available to anyone beyond the board prior to this meeting. Willis stated that Town Counsel has informed the Select Board many times that the website is not an official posting place. All official notices are on the back bulletin board and in fact, Town Counsel has encouraged them to not give the impression that the website is an official notice location. Plans cannot be put on the bulletin board, it is for public notices only. People can call or email and request plans and they will be either mailed or placed on a table outside for viewing. Walker said that since the plans were not available until this afternoon, she recommends that we continue the hearing and draft the permit this week and vote on it at the next meeting. That way the revised parking plan and sign have been made available for public view and we are all looking at and agreeing upon the same information.

Harker moved that the hearing be continued to June 11, 2020 at 6:15 pm by teleconference. Miller seconded the motion. Walker and Nelson approved the motion, which was approved unanimously.

Nelson will do the minutes including the criteria and conditions and Walker will draft the findings

Walker will respond to Ted Krug from Pan Am Railways and will inform Mr. Rowehl of the continuance .

The hearing ended at 8:00 pm.

Board Discussion

Regarding the 176 Main Street animal issue, the inspector will attend the meeting on June 18.

Adjournment

At 8:15 pm on a motion by Walker and seconded by Hayden; Harker voted yes, Nelson voted yes, Miller voted yes, the Board voted unanimously to adjourn the meeting.

Respectfully submitted,

Bob Nelson

Documents viewed in the Planning Board meeting of 6/4/2020*

1. Agenda for meeting of 6/4/2020
2. Pratt Ribken Action Plan Layout Updated 6/4/2020
3. Jerry Pratt and Bryce Ribken Application for Special Permit
4. Ted Krug of Pan Am Railway: Email regarding Parking and Access to Pratt Property
5. Town of Colrain Public Hearing Notice for Marijuana Grow Operation on June 11, 2020
6. Email from Isabella Rossetti dated June 3, 2020 inquiring about possible marijuana store in Charlemont

*Documents are stored in their respective files