

**Charlemont Planning Board
August 20, 2020 Meeting Minutes
Charlemont Fairgrounds**

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

Others Participating: Jim Sinclair, Melvin Feliciano, Jovanna Lugo, Phil and Mary Ellen Banks, Helen and Frank Carcio, Marie Hyytinen, Marguerite Willis, Jay Healy, Jim Hawkins (Building Inspector), Doug Telling, Randy Crochier

Call to Order

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

Molly Scott Lot Division/ANR Plan

The planning board signed the lot division ANR plans pertaining to property owned by Molly Scott. The desire is to divide out two skinny pieces of her lot.

Jim Sinclair Interest in Serving on Planning Board

Jim Sinclair described his significant background in planning in college and on planning boards in other towns and his interest in serving the town of Charlemont on the planning board now.

Motion

Hayden moved to recommend Jim Sinclair be appointed to the Planning Board. Nelson seconded the motion, which was approved unanimously. Select Board Chair Marguerite Willis will add appointing Jim to the PB to their next agenda.

Approval of Minutes

Hayden moved that the minutes for 6/18/20 and 7/23/20 be approved as written, Nelson seconded. The minutes were approved unanimously.

Animals at 176 Main Street

Melvin Feliciano and Jovanna Lugo attended the meeting in response to receiving a letter from the planning board recently informing them to remove the male fowl, alpacas and goats from their property. Hayden described the concerns of the letter regarding odors and noise. Jovanna Lugo said they do not know whether they are male or female fowl until they are older, so occasionally they will have roosters until they can get rid of them. She also said that she has heard roosters crowing from nearby houses. Walker said that they own a small lot and the male birds, alpacas and goats must go. Marguerite Willis asked how many animals are on the property. They responded that there were five or six baby geese, three turkeys, two goats, two alpacas, ten rabbits, in addition to chickens. The next door neighbor said he loses sleep from the noise of the geese and turkeys at 4:45 am. He said there are three roosters that have been crowing for three weeks. He also said the smell is so strong he cannot enjoy his property. Melvin Feliciano said two of the roosters are down the street. Randy Crochier said that when you have 50 or 60 chickens it is considered a barnyard. Hayden informed Feliciano and Lugo that the goats, alpacas and all male fowl (birds) need to go by September 20. Jim Hawkins will inspect and if they are not gone, court action will be taken. Walker suggested that a special permit may be required for the remaining animals, but we will wait on taking this action.

Phil and Mary Ellen Banks Discuss River issues and Possible Special Permit Violations of Tubing Businesses

Walker read a passage from a special permit issued eight years ago, which was as relevant today as it was then, regarding overcrowding, drinking, trespassing. Phil Banks said that in the past couple weeks, there have been four rescues, and several instances of trespassing, urinating, smoking and drinking on their property as a result of extreme river congestion resulting from people stopping at Hyytinen Hollow Tubing for hot dogs, the signs for which were not on the original special permit. A group of ten people went on his property last week and when asked to leave, they only moved further down on his property and he needed to call the police. Walker said there is justifiable blame on the part of the Planning Board, since they should follow up and verify the condition on the special permits they approve, but the board instead relies on neighbors. Optimally, people would come back to the board when they cannot live within the conditions of their special permit. She said that when the original special permit was approved for Hyytinen Hollow, they asked if it would be alright to sell a few hot dogs, but clearly things have changed significantly and this has gotten much bigger. Walker said that a new special permit should be applied for that satisfies the current conditions. Walker said that The Great Outdoors and Hyytinen Hollow should both apply for new special permits. Phil Banks suggested limits on people serviced. Mary Ellen Banks said that other rivers use bracelets to limit people on the river, they also do not allow coolers. Marguerite Willis said the Select Board was aware that the existing laws are not working and they are looking into this. Hyytinen Hollow has banners (feather flags) that show where people should exit to get the hot dogs. There may be sixty people lined up to get hot dogs, because of the water is released for three hours so everyone arrives at the same time. Hayden said when they come back for a special permit in October they need to specify anything they wish to add that is not currently permitted, so it can be discussed in a hearing.

Jay Healy to Discuss Marijuana Cultivation on Route 2

Jay Healy discussed his plans working with a company that plans to grow marijuana elsewhere and use his barn to process the plant. Nelson said that the location of the barn does not fit with the way the bylaws are written since it is within 1/8th mile north of Route 2, and are within the Route 2 zone. However, the Attorney General stated in their letter regarding the town's marijuana bylaws that certain agricultural properties were exempted from zoning regulations. The Board informed Healy that his property falls within this category and he can pursue his plans, but will be required to go through the process of applying for a Site Plan Review, described in section 46 of the bylaws. Healy will provide the company this information.

Board Discussion

The property at 225 Avery Brook Road, which had been proposed to split into three lots is being sold. Walker will follow up on this.

48 Potter Road Extension has been graded and improved, the owners wish to build on it. Walker will also look into activity related to this road and property as a follow up after this meeting.

Walker will represent the Planning Board on the FRCOG/Franklin Regional Planning Board.

Adjournment

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

Respectfully submitted,
Bob Nelson

Documents viewed in the Planning Board meeting of 8/20/2020*

1. Agenda for meeting of 8/20/2020
2. Molly Scott Lot Division ANR Plans
3. Draft Minutes for 6/18/20 and 7/13/20
4. Letter to Planning Board from Jay Healy regarding growing/processing of cannabis, 8/12/2020
5. Attorney General approval and comments regarding 2019 zoning bylaw amendments, 2/10/2020
6. Email from Phil and Mary Ellen Banks regarding river issues and potential special Permit violations, 8/17/2020
7. Email/Town Counsel opinion regarding amending Special Permits, 8/20/2020

*Documents are stored in their respective files