

Charlemont Planning Board
January 7, 2021
DRAFT Meeting Minutes
Zoom Meeting

Members Participating: Bob Nelson Chair, Bill Harker, Gisela Walker, Carlene Hayden; Marguerite Willis, selectperson, called in before and after the meeting.

Members of the Public: Joe Pellegrino via zoom.

Call to Order

Planning Board Chair Bob Nelson called the meeting to order at 6:35 due to technical difficulties in getting all members logged into the meeting.

Approval of Minutes

Nelson moved that the minutes for 11/19/20 be approved as written, Harker seconded. The minutes were approved unanimously.

Review Correspondence; none received.

Building permit for 48 Potter Road Extension (not on agenda)

Hayden had just learned that an application had been filed for a building permit on 48 Potter Road Extension and had driven by there on the way to the meeting. It seemed that the lot owner had upgraded the road recently but had not contacted the Planning Board for approval. The Board needs to check into what our actual role is when it comes to approving the upgrade of sub-standard private roads before building permits are approved. Walker will get in touch with Thorne palmer, the lot owner, to clarify what they had done to upgrade the road.

Enforcement against Melvin Feliciano on 176 Main Street for maintaining roosters on premise

Since the Board so far has been repeatedly unsuccessful in convincing Mr. Feliciano to remove roosters from his yard full of farm animals, we shall now initiate a cease and desist procedure via the Building Inspector. Hayden presented the Board with a draft letter to the B.I. The Board would like to have a clearer explanation from him as to the specific steps this would entail especially regarding any legal costs incurred for the town, before we send it off and start the clock on a 14 days time frame for him to comply or not.

Zoning Amendment addressing farm animals kept on residential properties.

The Board engaged in a long discussion about clarifying in the zoning bylaw what and how many animals can be kept on residential lots. The discussion included Mr. Pellegrino, neighbor to the series of roosters on Mr. Feliciano's lot, who had expressed interested in helping the Board in drafting clearer language regarding the keeping of livestock, especially on smaller lots. In general, there is public support in rural towns like Charlemont, for people being allowed to keep chickens, rabbits or ducks. The town once adopted the Right to Farm resolution though the Agricultural Commission in charge of implementing it, but it never really took off. Especially when it comes to chickens, geese or ducks sooner or later these lead to noise complaints which is why the Board years ago had outlawed male fowl as the noisier of their species, as well as goats and lamas. We had not specified number of animals beyond this. The problem with such animal husbandry aside from noise, manure or odor is with the enforcement. The Planning Board as a land use board does not want to be responsible for counting animals on people's yards or apply sound-tracking devices. There is a role for the Board of Health regarding private well protection, for the Animal Inspector

regarding the proper upkeep of animals, and for the Select Board regarding noise and nuisance complaints, but somehow these specific complaints about Mr. Feliciano always come back to the Planning Board. The discussion focused on how to regulate better and the following items were discussed:

- What kind of farm animals; kept in what type of shelter, how many of them, on how large a piece of property, and in which zoning district?
- Chickens/roosters: six or eight, with baby roosters not getting older than three or four weeks, rabbits?
- Geese/ducks: no males;
- Lamas, goats, horses, pet pigs (ie: pot-belly), pigs?
- All animal housing 100 feet from property line;
- In Rural Residential District over 5 acres requiring a site plan review to allow neighbor input;
- In the Village District and RR, under 5 acres requiring special permit.

The above are rough suggestions to be drafted then fine-tuned in public hearing and with more research of other towns.

Sun and Soil Cannabis LLC proposal for new organization

The Board is of the opinion that the Tucci's require a new special permit after their new Community Host Agreement Since their operation will no longer be a cooperative, their name and one of their partners has changed.

Upcoming Zoning Amendments at the next town meeting

Walker has inquired with the FRCOG Planning Dept. staff whether there is a chance of them helping us put a package of relatively small zoning changes together. They are recommending we use the upcoming DLTA funding. So far, we need to follow the AG'S correction of our agricultural use table, the farm animal section, and 5G restrictions we had previously drafted with Jonathan Mirin; a resident well-versed in the 5G rollout and who assisted Shelburne in revising their bylaw. Walker raised the question about the usefulness of our cell tower bylaw in that context. It has not been used in almost 20 years; do people still build these things? She will call Trevor Mackie, ex-Board member working for the power companies. Revising that bylaw would require more substantive work.

FY 2022 Budget Request

Hayden gave a budget review; we shall be fine if we request level funding; Harker moved and Hayden seconded a motion to level-fund their Fiscal Year 2022 budget; motion passed unanimously.

Enforcement

Marguerite Willis, Select Board Chair, had called Nelson to express her intent to beef up the town's ability to enforce its land use decisions of the Planning Board, Board of Health and Conservation Commission, with instituting a non-criminal disposition bylaw, to assess fines for violations. The Board began work on this a year ago, but realized that it was a lot of work, however we now have the help of our new Town Administrator and the Board expressed its support for moving forward on this.

Adjournment

At 8.10 pm on a motion by Harker and seconded by Hayden; the Board voted unanimously to adjourn the meeting.

Respectfully submitted,
Gisela Walker

Documents viewed in the Planning Board meeting of 1/7/21

1. Agenda for meeting of 1/7/21
2. Draft Minutes for 11/19/20
3. Excerpts from Buckland and Shelburne's zoning bylaws, addressing farm animals on residential lots.
4. FY 2022 budget request

*Documents are stored in their respective files