

**Charlemont Planning Board
May 27, 2021 Meeting Minutes
Charlemont Fairgrounds**

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

Other Attendees: Marguerite Willis, Helen & Frank Carcio, Patrick Banks, Phil and Mary Ellen Banks, Frank & Jennifer Mooney, Andrea Santos, Margery Carlson, Greg Rowehl.

Call to Order

Planning Board member Walker called the meeting to order at 6:00 pm.

Ken Stark, Operating a Sawmill at 2130 Route 2

Ken and Michelle Stark attended the meeting at the request of the Planning Board as Ken has been operating a portable sawmill and didn't realize he needed a permit. Stark submitted a plan and explained that it is a small operation and he mostly does custom orders as requests come in. There will be no lighting as it will be a daytime operation. Ken will submit an application and the Board will schedule a hearing.

Luke Toritto/Berkshire Bike Tours, LLC, Special Permit hearing for guided bike tours

Nelson opened the hearing at 6:22pm. He read the notice for the hearing as well as a letter from Jim Sinclair and the response from Luke Toritto. Jim Sinclair wanted to ensure that the bike tours were during daytime hours, that speed limits would be obeyed on Warfield Road and that participants be informed of speed limits and he wanted contact information for Luke Toritto. Mr. Toritto ensured that all of these concerns would be followed in his response that was also read.

Luke Toritto discussed his project to hold bike tours. The project will be small in scale this year. He is unlikely to have camps this year and will have three guides and at most five guides. Some abutters were concerned about the proximity of the tours to their properties and the potential for noise and trespassing. Mr. Toritto will need to go out to the property with Jon Schaefer to ensure that he is well aware of the borders to keep away from abutters. He will apply May 15 to October 31 from 8:00 to sunset. Most events will be one day, but there will be multi day events where the participants may stay at local BNB's or motels. The sign showing where to meet will likely be mobile and attached to a fence during the event. Hayden said that if they cut new trails they should come before the Conservation Commission. He will have insurance for injuries. Patrick Banks spoke very highly of the great opportunity that this business offered the area. The special permit will run with the applicant. Berkshire East will renew the relationship on a yearly basis. He will need to identify evacuation points in an emergency. He did say that one guide is a nurse, another is the athletic director at the Academy of Charlemont.

Special Permit Criteria

- a) 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.** This activity supports tourism and the potential for participants to eat, sleep and shop in Charlemont.
- b) Capability of and cost to the Town to provide municipal services for the proposed use and premises, including police, fire, emergency services, and road maintenance and the ability of existing infrastructure to support the proposed use including, but not limited to existing roads and bridges and their condition.** Municipal services are not required. There may be the need to emergency services, but limited use.
- c) Impact on the Town's school or other educational facilities.** N/A
- d) Consequences of sound, light, odor, noise, traffic congestion, or other disturbances for abutting and other properties that may be impacted.** There is the potential for sound, but it should be minimal.

e) Environmental impact of the proposal, including the degree to which the proposal results in water, air, noise or light pollution; topographical 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 displacement of natural habitats. There is some minimal potential for erosion or siltation and the removal of some cover vegetation should they develop new trails.

f) Impact on existing traffic conditions and vehicular and pedestrian safety on all roads in town, particularly at intersections with the Mohawk Trail. Low impact

g) Degree to which the proposal is compatible with the character of the surrounding area and neighborhood. It fits well.

h) Degree to which the proposal preserves scenic views and historic, natural, and cultural resources through site design, landscaping and protection of resources. There is no damage.

i) Employment, housing and fiscal consequences to the Town. Some employment and housing locally and some local spending

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

k) Capability of the Town or other public or private entities to provide water supplies, sewer treatment, and stormwater management. N/A

l) Other impacts on the Town including support of local products and businesses, protection of open space, provision or recreational opportunities for Town residents, and energy conservation. Offers recreational activity.

Conditions:

Helmets are required

Insurance will be carried

Emergency Access Plan will exist

May 15 to October 31

8:00am to sunset

Promotional information will require that patrons be aware of speed limit on Warfield Road

Hayden moved that the special permit be approved for Berkshire Bike Tours LLC as described in the application with the conditions reviewed. Walker seconded the motion, which was unanimously approved. Hearing closed at 7:07pm.

Great Outdoors Special Permit Hearing for Tube Rental, Parking Shuttle, Retail at 78 Main Street

Nelson opened the hearing at 7:07 p.m.

Nelson read a letter from Mia Taylor, who rents the house next door, and cited concerns about crowds, intoxicated people in the yard, trash, the flimsy fence, lack of staff and other concerns. Nelson also read some ideas developed from the last meeting, including making the duration of the special permit two years, limiting the cars to 100 and improving safety training.

The Great Outdoors revised their Special Permit application prior to this meeting and reduced the request of cars to 200.

Helen Carcio said that Mia Taylor was someone that they had to evict, so understand there is a history with the person who sent the complaint.

Parking:

The Great Outdoors feels that there is a big benefit to park many more cars as these people will have more information about the river than people who try to find spaces on their own.

Marguerite Willis said that it was her hope that business would help resolve the parking issues, since the town will not be offering shuttles.

They have three people devoted to the parking lot on busy weekends. There will always be someone when you drive in and someone at the lower level.

Greg Rowehl, abutter expressed concerns about the fire pit and people lingering. He also suggested that we consider 130 cars as a compromise. He also would like to see six porta-potties and would like to not see the tubes all winter.

Jen Mooney expressed concerns about people getting lost on the river and how the Great Outdoors finds people. She suggests they put together a safety plan to address this.

Frank Mooney asked about how they check in their tubes. Also, if people call with issues, how do you save them? He is concerned they are not training people adequately.

Christian Carcio said that he had dealt with this in the past and seeks out people and also uses a drone to find people.

Patrick Banks likes the idea of the shorter term permit, since it allows us to see how they have upped their game for the renewal of the permit.

Jen Mooney would like to see the traffic not go up the right of way at their driveway. The driveway is to access the lot behind it, not the lot with the parking lot.

Walker said that increasing the parking to 200 is an increase in overall work and required needs to service those parking. The board settled on 120 parking spaces.

Walker suggested the possibility of a taped safety message to save on staff requirements. Frank Mooney suggested strongly that everyone should receive a safety speech whether live or on video. He also suggested that there should be a safety evacuation plan.

There is not cell service over the whole river, so relying on calling is not always possible.

Patrick Banks is concerned about how people start tubing so late that they are still up river at 7:00 pm and run out of water.

Conditions:

Parking:

Parking according to attached plan will be allowed up to 120 cars.

Parking lot will be clearly identified.

Improved rope fence on west side with private property signage.

Entering and exiting traffic will be to the lot permitted for this business.

Safety Procedures:

There shall be live or prerecorded safety education presentation given before people enter the shuttle.

Alcohol is not allowed on the shuttle.

Trash shall be collected regularly.

Two or more Porta Potties will be available and added as needed and kept clean and sanitary.

Three employees on site at all times on weekends and holidays.

One person will control traffic in and out of Main Street.

Trash will not be burned in the fire pit.

Cars need to leave by 7:00.

A barrier will prevent vehicles from accessing lot after hours.

Traffic lanes in front lot will be clearly marked.

Caution sign will be in upper lot before entering Route 2.

Current Great Outdoors sign will be maintained.

Lot Full or Closed will be placed at end of day or when closed for high water flow or full lot.

Lighting:

There is a street light in the middle of the parking lot and there are Christmas lights on the gazebo.

Hours of Operation:

10:00 am to 7:00 pm.

May 15 to October 31.

Shall comply with 323 CMR 6.00 at all times.

Children 8 and above can use tubes.

Anyone 15 and under must be accompanied by an adult.

Special Permit Criteria will be written following this meeting.

Walker made a motion that we accept the special permit requested by The Great Outdoors to operate a parking, shuttle and tube rental operation as applied with the conditions reviewed. Hayden seconded the motion and all approved.

The Planning Board will inspect the business in two months to ensure compliance.

Hearing ended at 9:25 pm.

Board Discussion

Miller said that a permit was granted for a ski lift for Berkshire East about five years ago. They now want to build the ski lift, but he does not believe the current permit is valid, since it has likely expired. Hayden will look into this.

Vaughn Tower has two houses on a lot and wants to split property. He has enough frontage for each.

The board reviewed the drawing of the 42 Burrington Road property on which they desire to have events. The Special Permit hearing is June 17.

Adjournment

At 9:34 pm on a motion by Harker and seconded by Nelson; the Board voted unanimously to adjourn the meeting.

Respectfully submitted,

Bob Nelson

Documents viewed in the Planning Board meeting of 5/27/2021*

1. Agenda for meeting of 5/27/2021
2. Jim Sinclair Letter regarding Berkshire Bike Tours LLC Special Permit
3. Berkshire Bike Tours LLC Special Permit Application
4. Mia Taylor Letter regarding The Great Outdoors
5. The Great Outdoors Special Permit Application
6. Drawing of Burrington Road property showing parking and event areas

Documents are stored in their respective files