

**Charlemont Planning Board  
July 1, 2021 Meeting Minutes  
Charlemont Fairgrounds**

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

Others Participating: Marie Hyytinen, Franklin Taylor, Kelly & John Riley, Phil and Mary Ellen Banks, Patrick and Katie Banks.

Call to Order

Planning Board Chair Bob Nelson called the meeting to order at 6:02 pm.

Approval of Minutes

The Board reviewed the minutes from their 5/20/2021, 5/27/2021, 6/3/2021 and 6/17/2021 meetings and on a motion by Walker and seconded by Harker, the minutes 5/27, 6/3 and 6/17 were unanimously approved as written. The minutes of 5/20 will be amended and brought to the next meeting.

Harker stated that upon complaints of crowds of people spilling out onto the street at the Wells Provisions ice cream window, he spoke to the owners who said they will mitigate the problem with cones or ropes to keep people on the sidewalk and will let the Board know what their final plan is.

Review Correspondence

Public notices from the Buckland and Zoning Board of Appeals were read.

6:00 P.M. Appointment; Greg Rowehl to discuss outside placement of tables at Berkshire Pizzeria

Rowehl had contacted Walker to say he needed to reschedule his appointment to their next meeting.

6:15 P.M. Hearing Continuation; Marie Hyytinen/Hyytinen Hollow Tubes

Chair Nelson opened the hearing at 6:15 p.m. and read a letter received from abutter Phil Banks regarding concerns with cars parking within 200' and pictures showing the river rising. He stated the Conservation Commission should review this. Nelson began by stating they have taken a lot of testimony and would like to see some solutions proposed vs. problems cited with the operation. He noted that the Board has walked the site and moved the cars proposed in the lower lot to the upper lots. He added that Marie's parking area is within her own parking area for her residence and she is out of the river bed. Harker added that the whole Town has businesses that are within the flood plain; we could shut the whole Town down. Common sense needs to be exercised; Vehicles, unlike structures are temporary and can be moved. He stated that you can even build in a flood plain in certain circumstances. He said the Conservation Commission will vote on Marie's parking at their meeting on Tuesday. He added that Marie has complied with everything we have asked; he inspected the operation last weekend and everything looked great and Marie had two parking attendants working. She has agreed to put the signs up river requested by the Banks. Walker noted that the Franklin Regional Council of Governments will be putting universal signs along the river to indicate river exit areas, etc.

The Board then discussed the conditions; parking, per plans, 2 feather flag signs and 2 banners, directional signage "Keep right for Hyytinen Hollow & Sue-Per dogs" will be installed near the railroad bridge. Marie also has a sign stating "if you float by, get out on Shun Pike, not on private property". Harker asked that there be someone to flag people over to get out during busy times. Walker noted that this is a 2-year permit, while the State works out their regulations. The Planning Board will then review it and see what's working and what is not. Kelly Riley stated that people ignore the no trespassing signs and both she and

Katie Banks cited issues with people trespassing this past weekend and she also did not like the hotdog sign on the river as it draws too many people from the river who congregate on the beach or end up on their (Phil & Mary Ellen Banks') property.

Walker stated that the family camping area is not part of this permit and she wants a rope clearly identifying the area we are permitting. There will be 10-15 trash cans and a dumpster, 2 porta-potties, 2 picnic tables by the bridge and 4 upland by the hotdog stand. Marie is not permitting the cabins at this time and there will be no lighting. Operation dates will be from Memorial Day weekend to Labor Day weekend, 10:00 a.m.-6:00 p.m. There will be no outside events or loud music. Marie gives out life jackets and brochures to everyone and gives a safety talk when they come to pay. She also agreed to deliver a safety talk to groups entering the buses. She will need to abide by 323 CMR 6.00 and have an emergency response plan.

After discussion, Nelson made a motion to approve a Special Permit for Hyytinen Hollow Tube Rentals for tube rentals, river parking & shuttle bus, a hotdog concession and seasonal signage along the river. The motion was seconded by Hayden and approved unanimously. Nelson closed the hearing at 8:16 p.m.

### Board Discussion

The Board reviewed the 2014 Special Permit granted to Berkshire East for new ski lift and trails. Miller stated that although Berkshire East's attorney sent an email stating that use has begun with the construction of Thunder and Bolt, he disagrees and showed the Board the proposed trails in the 2014 permit and stated that these were not part of this permit. Therefore, Miller provided the Board with suggested language that substantial use has not commenced and the Board feels Berkshire East should apply for a new Special Permit. Hayden will send the reply to the Attorney, Jon Schaefer and Jim Scalise indicating this.

The next meeting is July 29<sup>th</sup>; the hearing for Ken Stark's sawmill.

The Board will be scheduling a working session to address issues such as upcoming zoning amendments and a meeting with Peggy Sloan, increasing the permit fees, finalizing responses to the two parties hoping to build on the old subdivision roads, and looking over the job description for the Secretary position.

### Adjournment

At 8:50 pm on a motion by Nelson and seconded by Hayden; the Board voted unanimously to adjourn the meeting.

Respectfully submitted,  
Carlene Hayden

### **Documents viewed in the Planning Board meeting of 7/1/2021\***

1. Agenda for meeting of 7/1/2021
2. Draft Minutes for 5/20/2021, 5/27/2021, 6/3/2021 and 6/17/2021 meetings
3. Letter and pictures submitted by Phil Banks, 6/30/2021
4. Hyytinen Hollow Tube Rentals permit application and file
5. 2014 Berkshire East Special Permit file for new ski lift and trails
6. Email from Attorney Martin, 6/10/2021
7. Planning Board response to Attorney Martin's email
8. Buckland and Savoy Zoning Board of Appeals public notices, June, 2021

\*Documents are stored in their respective files