

**Charlemont Planning Board**  
**12/16/2021 6pm**  
**Meeting Minutes**  
**Town Hall**

Members Participating: Bob Nelson Chair, Gisela Walker, Carlene Hayden, Dan Miller, Associate member

Also: Mark Scoco for Berkshire East; Attorney Bill Martin and Jon Schafer via conference phone for Berkshire East; Bill Harker, Conservation Commission.

Call to Order

Planning Board Chair Bob Nelson called the meeting to order at 6.02pm.

New special permit for attached trailer on Zoar Road:

Laurie Griswold contacted to Board to request an extension to her Special Permit, which she has held since 2010 for the attached mobile home to her house on Zoar Road, originally for 2 years with an option for a 2 year extension built in. The mobile home is to accommodate her aging mother until she has either passed away or no longer needs it. The Board granted several additional two-year extensions on the permit and in October of 2017, held a public hearing and granted a new Special Permit for the mobile home for two years, with option for a two-year extension. As explained to the Board by Town Counsel, this permit, by its terms, expired in October of 2021 and we are now back to square one of needing to hold a new Special Permit hearing to continue the use.

The Board feels conflicted about this situation as can be reviewed in previous minutes; they want to respect the unexpected long life of the Mother, yet at the same time there is a domestic conflict involving the Mother's son having moved in, causing disturbances, and refusing to leave. In light of all the extensions and history of this permit, the Board feels the need to change the terms of it to be attached to the mother's lifetime or such time as she no longer inhabits the mobile home, to stipulate that the occupancy of the trailer is limited to the Mother and that it must be removed within 30 days after she vacates it. Hayden will notify Laurie of the need for a new permit and provide her with the application.

Berkshire East Special Permit Hearing continuance: Chair opened continuance at 6.21pm.

Bill Harker from the Conservation Commission attended to report that Berkshire East has worked closely with them to meet all the wetlands regulations and conditions for their Order of Conditions. The plan they submitted reflects those conditions.

Walker started with a question about the rationale of opening a new trail and ski lift system given the climate crisis we find ourselves in. Jon Schafer stated that they of course had thought this through intensely but concluded that skiing will remain a much beloved outdoor recreation in New England, that winters have become more unpredictable, and snow making technology more adapted to warmer temperatures. The Board then went over the drafted special permit conditions and criteria. Walker raised the issue of removal of the 11 lift towers should the ski lift stop operating. A clause requiring removal of the towers after 5 years of non-use has been included in the conditions. There was also a discussion about whether defining the lift as a "ski" lift would prevent using it during other seasons. The Board agreed to the request that the ski lift also be called an aerial tramway and be allowed to be used year-round. Finally Walker moved and Dan Miller seconded a motion to approve a special permit for the Berkshire East ski lift and

aerial tramway as presented in the plans and conditions. All four members voted in favor. The Board now has 14 days to file the decision with the town clerk

#### Minutes of the 11/4/21 meeting approved

CHayden moved to approve the minutes of December 2<sup>nd</sup>, 2021, BNelson 2<sup>nd</sup>ed, all in favor.

#### Building permit request for Mountain Road 'extension'

Mr. Paul Hazard has submitted a building permit to build a home on his lot on Mountain Road. The problem here is this is one of those old subdivisions in town that were never built out. Mr. Hazard owns the last lot at the turn-around of a dead-end "road", shown on a 1981 subdivision plan to be a 50' right-of-way. The Plan was approved by the Planning Board of 1981. After going back and forth about whether the ROW can be built off of, the Board learned from Town Counsel that this approval entitles the lot owners to rightful building permits with frontage on the subdivision road. They only have to finish the road according to the subdivision standards that were valid in 1981. This settles the question of whether Mr. Hazard can build as long as he shoulder the cost of upgrading the road and laying out the turn-around.

#### Non-criminal disposition ticket for zoning and other violations

Members reviewed again the draft violation ticket Carlene had put together so that we are finally able to fine the infamous rooster owner. Hopefully the Building Inspector will serve the violation ticket. GWalker suggested that Mr. Pellegrino, the much disturbed neighbor for years, write a letter of complaint to expedite and add written evidence to the procedure.

#### Pending Zoning Amendments

CHayden shared some feedback from Peggy Sloan about how to format our zoning amendments that we found reasonable. The final draft of these amendments is now done. The Board then sketched out a rough timeline of town counsel review, public meetings and hearings leading up to a special town meeting to take place hopefully by the end of March.

#### Final inspection of the Tea Street solar field

The developers of the solar project have requested that the Board certify their compliance with the permit conditions. The Board directed Hayden to request from the developers a letter stating how they have complied with all of the conditions of the permit, then they will inspect. The Board did not manage to find an immediate date and will reconsider one depending on the weather conditions as we need to walk around the site and check plantings and fences.

Bob Nelson moved to close the meeting at 9.20pm, GWalker 2<sup>nd</sup>ed, all voted in favor.

#### Documents reviewed:

- Draft minutes of 12/2/21
- Plan and deed of Mountain Road subdivision, plan book 50, page 27
- Non-Criminal disposition violation ticket
- Draft zoning amendments (December 16, 2021)
- Berkshire East special permit file
- Town counsel emails re Griswold permits and Mountain Road extension

Respectfully submitted by Gisela Walker