

**Charlemont Planning Board**  
**April 7, 2022 6:00 pm Meeting Minutes**  
**Via conference call and in person, Town Hall**

Members Participating: Bob Nelson Chair, Gisela Walker, Carlene Hayden, Colleen Champ, Lori Merrigan by phone

Others Participating:

Select Board Liaison Bill Harker, Star Atkeson secretary, Simonne Westort

Call to Order

Planning Board Chair Bob Nelson called the meeting to order at 6:05pm.

Pre-discussion about banners, sandwich boards and signage for Simonne Westort.

6:15 appointment with Simonne Westort. Simonne wants to add additional signage in the form of one banner and one sandwich board to her store *Treasures on The Trail* at 97 Main Street.

It was discussed that she could do that by-right and without needing a special permit because she is in a sense using the building to house two separate businesses; the gift shop, and the "Toes in the Sand" foot care service that she provides. The Board went over other similar signage situations in Charlemont such as Wells Provisions and Sheer Perfection.

Bylaws were cited and it was found that: The wall sign (banner) may not exceed 6 sq. feet. Examples of different height and width dimensions were given in order to stay within the 6 sq. feet. Design ideas were also offered. The sandwich board can be up to 48" tall including the legs. Ms. Westort's sandwich board is 20" x 40."

Avery's

The Board is dismayed by the news that Avery's is going out of business and wants to find someone to buy it. Gisela suggests the Co-op (Greenfield's Market) could be a contender. The people from Shelburne Fall's Keystone Market were also thought about as potential buyers.

The ADA compliance issue was brought up, that if it changed hands and names there would need to be a ramp. Other people were thought of-- Byron Gilcrest or David Kong for example (who owns the building) There was a brief discussion about the downfall of Avery's. The limited hours made it hard for some Board members to shop there. David Kong, who buys properties in town and surrounding towns, was mentioned as someone who may be helpful in working with the town and with the store.

Geese/Roosters/ Poultry Complaint

There is a long running animal noise complaint in the Village Center at 176 Main Street. The neighbor has reported that the rooster(s) are still there and that the geese are also very noisy and problematic.

There is also a new rooster at 165 Main Street, which was previously located in the front yard but now has been moved to the side yard. A letter will be sent to the owner stating that male fowl are prohibited per our zoning bylaws.

Carlene would like to amend the upcoming zoning bylaw to include a definition of poultry in an attempt stop people from raising geese, ducks, turkeys and roosters in town even though it is clear that it may not

be done on a lot which is smaller than 2 acres, people may think they can get around the bylaw by not considering some fowl as poultry, and felt the definition would help to clarify what “poultry” includes. However, Walker felt it was unnecessary to add this.

#### FRCOG Zoning Enforcement Officer

All of that said, the complaint has been given to FRCOG cooperative building inspector and zoning bylaw enforcer, Jim Hawkins which leads to the larger problem of the lack of response from Jim Hawkins. He now has a non-criminal disposition ticket he can issue for zoning bylaw violations. He has not issued the tickets for the violations and in general, does not respond to requests for zoning enforcement action from the town. The people with the animals at 176 Main St. are ignoring the town and the enforcement officer is also ignoring the town. The Board has had enough and wants to take action. Discussion ensued as to how to get the Building Inspector to act on this long-standing issue. It was decided that Bob Nelson, Chair will attempt one last time to reach Jim Hawkins and request he do something about the rooster(s)/noisy geese. If Hawkins doesn't do anything, the next step will be a letter to the Select Board, who contracts with the Franklin County Cooperative Inspection program for Building Inspection services, asking them they can get some results by possibly through refusing to pay (FRCOG) for the service, since it is not being provided. Jim Hawkins will be copied on that letter.

Gisela suggests the letter read as follows: The Planning Board has spent many years dealing with complaints about the farmer on 176 Main Street. We have repeatedly asked Jim Hawkins to enforce the bylaws ~~and~~ others on behalf of the Planning Board with no results. We are now referring this matter to The Select Board because you have more clout with the FRCOG establishment. If Bob is not able to get anywhere in speaking with Hawkins, this letter will be drafted by Carlene and signed by planning board chair Bob Nelson.

Bill added that The Boards are doing countless hours of work for naught because of this negligence.

Follow up with RKG consultants was discussed. It was noted that they will only come in person to town one more time to submit their final report. Gisela took down their contact info and will offer them to call in at the next Planning Board meeting with any questions they may have of the Board regarding economic development patterns.

The 5G and cell tower bylaw was brought up which had been part of the package of zoning amendments, but had been tabled at the last meeting because the Board had felt that it lacked the expertise to defend it at Town Meeting. Colleen said she reached out to the Pioneer Valley Women's STEM group, who might be willing to help educate the Board on this.

#### Speeding in town

Bill just wanted to give a heads up to everyone that The State Police are coming (flashing signs and all) to give tickets in an attempt to slow the traffic (trucks) on Main Street early morning.

#### Approval of minutes

Bob made a motion to Approve March 3<sup>rd</sup> and March 17<sup>th</sup>, 2022 minutes. Carlene seconded. Colleen abstained (as she was not present at the meeting). The motion to approve the minutes, as written passed, with one abstention.

#### Zoning Amendments and Special Town Meeting

The Board has a commitment from the Select Board that there will be a Special Town Meeting in September, and that the zoning meeting will be on the warrant. This leaves 5 or 6 months to prepare. Carlene will send out the proposed revisions to the new Board members.

Bob brought up the idea of adding to the amendments a quick revision about mini campgrounds, e.g. the proposed mini glamping proposal brought before the Board previously. Gisela doesn't like the idea of changing a bylaw for one person. Carlene points out that several people have inquired about mini campgrounds, of various natures. Bill points out that the size of the land in regards to septic is what dictates how many units can fit on a piece of property. Gisela would like to revisit the concept of "Campground" as a whole, but not in this round of revisions.

#### Marijuana delivery

There was discussion about a Marijuana delivery service based in Easthampton who had inquired about whether Charlemont will abide by the CCC delivery hour rules or whether Charlemont's hours would be limited or expanded. It was agreed that Charlemont would abide by the hours recommended by the Cannabis Control Commission (8AM-9PM), and that they would like to see a copy of the CCC license.

#### Preposterous cost of bridges

The board is dismayed at the 3.7 million price tag on East Oxbow Bridge.

There being no further agenda items, Bob moved to close the meeting at 8:25pm, Carlene seconded, all in favor.

The next meeting will be held April 21<sup>st</sup>.

Respectfully submitted by Star Atkeson 4/11/2022

#### Documents reviewed in meeting:

Town of Shelburne Planning Board Public Notice, April 5 2022

Town of Buckland public hearing notice

Zoning Board of Appeals ~~re~~ public hearing notice