

**Charlemont Planning Board**  
**June 23rd, 2022 6:00 pm Meeting Minutes**  
**Via conference call and in person, Town Hall**

Members Participating: Bob Nelson, Carlene Hayden, Colleen Champ, Lori Shulda-Merrigan  
Gisela Walker

Others Participating: Star Atkeson (Secretary,) Bella Levavi (West County reporter from Greenfield  
Recorder; present from 6-6:15,) Helen Carcio, Bonnie Martel

Call to Order

Called to order by B.Nelson at 6:00 p.m.

6:00-6:15 Tiny Houses

The Board used the 6-6:15 citizen comment time to cover Discussion Topic 2. briefly for the benefit of B.Levavi, The West County Reporter, about what they are learning about Tiny Homes and Accessory Dwelling Units in order to come up with Zoning regulations.

- B.Nelson sited website: <https://backyardadus.com/>, and distributed copies of April 2014 *Amherst Report to Town Meeting Article 26. Zoning-Small House Development*; snippets from the internet on the topic; and Great Barrington 8.2 (ADU) Zoning Bylaw.
- B.Nelson spoke about looking at Great Barrington's Accessory Dwelling Unit bylaws to see if Charlemont can do something comparable or whether they should do something with the camping bylaws (which require 10 acres.)
- What if there were only a few tiny houses, is ten acres really required?
- Smaller lots, different setbacks could be a way to start
- Great Barrington allows only one ADU per lot By Right, do we follow suit or do something else.
- Amherst doesn't allow ADUs for short term rental, which makes sense since the goal is more housing stock
- L.Shulda-Merrigan suggested asking the Building inspector what the building codes are for Tiny Homes.
- C.Champ told of a bill that Adam Hinds is petitioning to add "the International Code Council Appendix Q into the code Massachusetts regulations 780 CMR for the purposes of defining Tiny homes" in order to "establish requirements and standards for construction of Tiny Homes and to develop and promulgate rules and regulations necessary for administrating and enforcing regulation of Tiny Homes;"
- In California: Tiny home has a foundation, once wheels are added it becomes a mobile home.
- CA has special building codes for Tiny Homes: steeper stairs, small lots, lower ceilings.
- Lot for tiny house would need its own utility, septic and water, unless hooked up to the sewer system.
- Great Barrington doesn't have a lot size requirement, Charlemont could possibly take out lot size requirement on a case by case basis
- One could design a Tiny Home as an ADU, and connect utilities; or like a campground many Tiny Homes can share septic
- When crafting Tiny Homes zoning, should allow municipal control and put in Table of Use.
- PUDS (planned unit development) could be something to look at

## Appointments

1. 6:15 P.M. B.Martel, to discuss rebuilding on a nonconforming lot at 1509 Route 2
  - Bonnie asked the board what her options were regarding building a house or rebuilding her house on the nonconforming lot.
  - The Board answered her questions relaying that while building she cannot have two houses on one lot but if the Board of Health deemed her house uninhabitable because of the result of flood damage, she could have a trailer on the premises for one year.
  - B.Martel was advised to ask the Building Inspector what would be required.
  
2. 6:30 P.M. H.Carcio, to discuss minor amendment of Great Outdoors Special Permit
  - H.Carcio wanted a line struck from her Special Permit that she hadn't seen on other tubing companies' special permit and was not the Planning Board's jurisdiction but rather The Conservation Commission's.
  - **L.Schulda-Merrigan made a motion seconded by C.Hayden to remove the 200' clause sentence from her Special Permit. All in favor.**

## Action Item

1. Review Response from Assistant Attorney General re: Minutes editing protocol/ discuss enacting advice.
  - C.Champ read the correspondence from the Assistant Attorney General regarding minutes editing protocol.
  - After exploring ways to follow the directive and still have efficient meetings it was decided to try telling the secretary in the meeting the content of a substantive edit and having the secretary edit the minutes accordingly, rewriting it herself.
  - The Board will try this approach and see if it works well. If it is not effective the Board will try using individually communicated track changes which the secretary will put together and present at the next meeting for deliberation.
  
1. Sign minutes 5/19/2022
  - All participants at the May 19th meeting signed the approved minutes.
  
2. Review/Approve minutes from 6/02/2022
  - The 6/02/2022 minutes' edits were discussed.
  - **B.Nelson made a motion, seconded by C.Hayden to approve the 6/02/2022 minutes as amended. All participants in attendance at that meeting were in favor.**
  
3. Go over Rules and Regulations
  - The Rules were read aloud by B.Nelson
  - The rules needed some revisions which, after discussing each item to edit, will be carried out by G.Walker and distributed and updated in the Planning Board computer.
  
4. Reorganization of Board Members
  - **G.Walker made a motion seconded by C.Champ to reappoint Bob Nelson as Planning Board Chair. All in favor.**

- **C.Hayden made a motion, seconded by L.Shulda-Merrigan to appoint Colleen Champ as Clerk. All in favor.**

5. Review and sign letter to S.Thayer

- Small edits were made to the letter asking Steve Thayer, operator of Heritage Diner to apply for a permit as the Board found his current permit went with a previous applicant. It will be ready to for B.Nelson to sign as Chair before the next meeting.

6. Review new form letter re: Special Permit/SPR where an action is needed

- *Planning Board Request* Form Letter crafted by C.Champ was fine-tuned by long term members with specific knowledge of Planning Board business, it will be used to track Special Permit and Site Plan Review follow-up with applicants.

7. Review mail/correspondence:

a. Letter from Building Inspector to M.Feliciano & J.Lugo regarding storage building setback and male fowl at 176 Main St.

- The letter dated June 7<sup>th</sup> was reviewed
- As of June 23<sup>rd</sup> the recipients had not yet contacted the building inspector with their decision (to remove structure; move structure; or apply for a variance with the Zoning Board of Appeals.)
- They were ordered to contact him within 2 weeks.
- They were also ordered to remove all male fowl from their premises.
- S.Atkeson should follow up with Building inspector on July 1<sup>st</sup> to see if there was a response from M.Feliciano & J.Lugo.

Discussion Topics

1. Tubing Companies' Special Permit conditions

- S.Atkeson should email C.Champ and L.Shulda-Merigan the Notices of Decision on the Special Permits for the Tubing operations.
- The Board plans to visit during the summer to make sure the criteria outlined in the permits are being followed.

2. Tiny House zoning regulations (Great Barrington as an example)

- See beginning of Minutes.

Other Discussions:

1. Final List Zoning Amendments

- In preparation for The Special Town Meeting in September, The Board should have the final list for proposed zoning amendments in order to get Peggy Sloan from FRCOG to help.
- Currently on the list is backlot development; solar; update on animals on the use table.
- B.Nelson feels Tiny House regulations are too involved a topic to complete within the timeframe and cannot be bundled with campgrounds. However an idea would be to do something small to afford more flexibility which would be to remove the 10 acre lot size requirement.

2. L.Shulda-Merrigan and B.Nelson gave the Board brief highlights about what they learned from Citizen Planner Trainings which were attended or watched (5G for planners; EV charging stations, and Zoning Exemptions.)

The meeting was adjourned at 10:00pm

The next meeting will be held July 7, 2022

Respectfully submitted by Star Atkeson 6/24/2022

Documents reviewed in meeting:

- June 23<sup>rd</sup> Planning Board Agenda
- Planning Board Rules and Regulations
- Letter from Building Inspector to M.Feliciano & J.Lugo regarding storage building setback and male fowl at 176 Main St
- Draft letter to S.Thayer
- From B.Nelson: Amherst Report to Town Meeting Article 26 *Zoning Small House Development* Amherst; Massachusetts Accessory Dwelling Unit (ADU) Rules with snippets from the internet on the topic; Great Barrington 8.2 (ADU) zoning bylaw
- Planning Board Minutes from June 2nd 2022
- Planning Board Minutes from May 19<sup>th</sup> 2022
- An email from The Assistant Attorney General was read.