

Charlemont Planning Board
November 3rd, 2022 6:00 pm Meeting Minutes
Via conference call and in person, Town Hall

Members Participating: Bob Nelson, Gisela Walker, Lori Shulda-Merrigan, Andy Mueller

Others Participating: S.Atkeson Star Atkeson

Called to Order by B.Nelson at 6:03 p.m.

ACTION ITEMS:

1. Review/Approve Minutes from 10/06/2022
 - October 6th 2022 Meeting Minutes were reviewed and approved.
 - **B.Nelson moved to approve the Minutes as written, seconded by L.Shulda-Merrigan, all in favor.**
2. C.Champ initial Sept 1st and Sept 29th 2022 minutes
 - This item will appear on next agenda.

DISCUSSION TOPICS:

1. Town meeting debriefing
 - L. Shulda-Merrigan said B.Nelson and G.Walker did an amazing job explaining things. Noticed that there was a lot of vocal support which helped and also a lot of angry people, which was surprising
 - The Planning Board happy with having the revisions pass overall.
 - The Planning Board very complimentary towards Bob Handsaker's moderator job.
 - G.Walker's constructive criticism for revisions going forward would be to present the issues generally and not line by line, as it really drags the whole process out. Too much editing of little things.
 - A.Mueller reiterated, yes present items as cluster, rather than line item by line item.
 - B.Nelson recognized that for the future they should not make so many small changes in the Use Table.
 - Comparatively there were few big changes made to the bylaws, there was not a large issue like Marijuana or temporary housing.
 - It was a positive thing that people expressed themselves.
 - Noted that it was the first time a whole Town Meeting is for The Planning Board. Usually they come in at 10:30PM with their revisions.
 - G.Walker said going forward would it be good to have whole bylaws available as context for the changes. People thought we were picking on artisans and farmers markets, not seeing that in fact there is an extensive list of uses. That was confusing for people. It's the AG that only wants to see the changes as they have a record of the entire bylaws. Whereas townspeople are less familiar so should be able to see whole thing.
 - S.Atkeson noted that C.Champ had foreseen that and had combined the changes in with the entirety of the Bylaws. The idea to present it that way had been nixed.
 - G.Walker realized that by removing an entire line in the Use Table, (farmers market, for example) rather than writing YYYY or some other combination actually automatically changes the category to "other uses" which requires Special Permit. She cited the wording in the bylaw: "any use not identified requires a special permit."
 - G.Walker said Peggy needs authentic changes voted on by Town Meeting. Usually Town Clerk takes care of it. S.Atkeson will check with Peggy Sloan in which format she wants it.

2. Discuss Plan for using Gisela as a Planning Board Resource

- After being lightheartedly asked to continue coming to meetings G.Walker said she would not do that but would look at Agenda, do general musings, take phone calls. She has two important insights to share:
- **1)** There is DLTA money (Division of Local Technical Assistance money that funds help from Peggy. Once a year the Planning Board must confirm to the Select Board that they do indeed need the money and want to use it otherwise it will get assigned to something else. So the Planning Board should look out for it, get in touch with Peggy and tell the Select people that they need help with particular projects.
- B.Nelson said funding will be needed for the subdivision. G.Walker said the Select Board can put that project on their DLTA \$, not the Planning Board's, as it is an issue that the Select Board wishes to take up. The Planning Board should prioritize what they want to bring to next Town Meeting. Subdivision should be combined with a Hearing for something else and be one warrant item.
- **2)** G.Walker's second thought is that the Planning Board is an elected Board with specific power and authority and deserves respect as such. The Planning Board is often inadvertently left out of decision making in Town Hall on issues of which they are intimately familiar. They need to pay respect to the Planning Board. You must keep pointing it out, we are an elected Board. So keep your heads up, people elect you to take on undesirable position of being in between private land owner and public good.
- A.Mueller appreciated advice and thinks that the All Board meetings are a positive step in the right direction. A.Mueller appreciated G.Walker being there to shepherd them.
- G.Walker tells them to go to CPTC in person trainings so you can get to know people and see how they are doing things. A.Mueller surprised at how processes vary from town to town.

3. Revisit Gisela Walker's idea to get a one-on-one Board trainer for Planning Board on CPTC topics/ can be paid out of the Board's budget.

- The Planning Board is more comfortable with the webinar form of the CPTC trainings but is happy to know that training is available for larger and harder issues like subdivision. There is money that a town is allowed to ask an applicant for which they put in ESCROW and the town hires a consultant, if you have to go out to bid for a consultant it is more difficult. The Board is able to charge an applicant for consulting money for a consultant to help the Board review a complex application such as a subdivision. It is called 53G money. On any other issue you can call CPTC and get a person to come.
- A.Mueller said online webinar series is halfway through. G.Walker advises to give invoice to S.Atkeson to get reimbursed.
- B.Nelson notes there is onsite training at Holy Cross in the spring.

4. Plan meeting with Jay Healy and others re: his barn.

- B.Nelson always surprised by Healy's assertion that The Planning Board restricted him. Says it's in the minutes in a meeting that he was told that he could do marijuana processing in his barn.
- G.Walker offered to sit down with Healy to figure out what he could do with solar and Marijuana as some rules on Agriculture Protection Restriction land (APR) has changed.
 - (APR = selling development rights for land which results in limitations.)
 - It is the Department of Agriculture calling the shots, not the Planning Board or ZBA.
 - They want to find out if the interior of the barn fall under those restrictions or if there are possibilities.
- The Planning Board muses about how he could retrofit the barn to get a marijuana processing facility inside. The Planning Board thinks about 5 acres of solar as accessory use.

- **They Decide on Dec. 1st as a meeting date.**
- G.Walker gives The Planning Board documents from Massachusetts Department of Agricultural Resources to take home and read in prep for meeting:
- Agricultural Preservation Restriction Program Guidelines *Requests For A Certificate of Approval to Construct a Ground Mounted Renewable Energy System*
- Hemp and Marijuana Production on APR and Farm Viability Protected Lands

5. Person wanting confirmation to build on Mountain Rd.

- This is regarding ditches. The highway Department and Fire Department need to approve.
- The Planning Board is fine if the curbs are cleaned up. Needs to be 25' from ditch to ditch.
- G.Walker suggest visiting the site with new Board Members.
- The Planning Board go first then go with Highway and Fire later or all go together.
- G.Walker said it is a subdivision road, when they decide where they will put their house it will become a real road with utilities.
- Mountain Road Extension, fairly good shape road. Town Counsel said must bring road up to standard.
- G.Walker tells A.Mueller history: 1976 created subdivisions, sold off a total of 40 Bldg lots which were never built.
- G.Walker flags p 29-31 of Subdivision Control Law about streets, class 1 about streets and class 3 about curbs (*Rules and Regulations Governing the Subdivision of Land in the Town of Charlemont*) and makes copies.
- **Scheduling visit: Aim for November 19th, if people prefer the weekday, week of the 14th-18th.**

6. Still need to finalize The Planning Board Rules and Regulations

- G.Walker made edits, not wanting to continue with the project, as leaving Board.
- B.Nelson will read them.

OTHER DISCUSSION TOPICS:

1. Re: Defense of Solar limitations

- G.Walker talked to Bob Ritchie, former Assistant Attorney General, regarding what the Planning Board can send to the AG to bolster their case and he said that they can send anything.
- Therefore G.Walker prepared a cover letter to Mrs. Hurley as well as the memo about the reasons for the limit in the Revisions and the easily accessible hand out with what you can do with Solar in each use category.
- G.Walker added the information about Charlemont being part of the 21- town Mohawk Trail Woodlands Partnership.
- The Planning Board reviews collection of documents, give small edits, want to put on Charlemont letterhead.

Review correspondence

- Old correspondence that was in Planning Board mailbox.
- The Planning Board was not impressed with collection of old correspondence that they were unaware of.
- G.Walker reminded that they used to get a regular statement with all the permits that were happening.
- A.Mueller asks where all these notices go, suggests housekeeping.

- A.Mueller wondering what to do with materials from trainings. S.Atkeson suggests telling Sarah Reynolds that they want cloud storage (in time for IT help), as it would otherwise be filed away;
- S.Atkeson prints out the most recent permits from FRCOG's permit eyes.

NEXT MEETING November 17th 2022

B.Nelson motioned to adjourn at 8:00, seconded by L. Shulda-Merrigan, All in Favor.

The next meeting will be held on November 17th, 2022

Respectfully submitted by Star Atkeson 11/16/2022

Documents reviewed in meeting:

Agenda for November 3rd Meeting

Meeting Minutes of 10/06/2022

pp 29-31 of Subdivision Control Law (*Rules and Regulations Governing the Subdivision of Land in the Town of Charlemont*)

Massachusetts Department of Agricultural Resources: *Agricultural Preservation Restriction Program Guidelines*

- *Requests For A Certificate of Approval to Construct a Ground Mounted Renewable Energy System*
- *Hemp and Marijuana Production on APR and Farm Viability Protected Lands*

Copy of G Rowehl Complaint

Print out of FRCOG's Permit Eyes permit page

Hearing Notices:

Town of Buckland ZBA Notice of Public Hearing April 13th 2022

Town of Buckland July 7th 2022 The Planning Board and ZBA Notice of Hearing Notice

FRCOG request for Charlemont FY23 Representative Post date July 13, 2022

Town of Buckland The Planning Board notice of Decision and Conditions for Monopole, September 1st

Town of Colrain ZBA Notice of Public Hearing September 7th, 2022

Town of Heath Planning Board Notice of Public Hearing September 7, 2022

Town of Shelburne Notice of Public Hearing Sept 20, 2022

Town of Heath Notice of Public Hearing, amendment to Special Permit, October 6th 2022