

**Charlemont Planning Board**  
**December 1st, 2022 6:00 pm Meeting Minutes**  
**Via conference call and in person, Town Hall**

Members Participating: Bob Nelson, Lori Shulda-Merrigan, Colleen Champ, Andy Mueller, Alternate Member Gisela Walker

Others Participating: Star Atkeson, Secretary

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

**Other Discussion**

1. L.Shulda-Merrigan researched projected population growth and reported, in regard to capacity for Broadband fiber, that there is no projected increase in population until 2027 according to The RKG Economic Development Report.
2. L.Shulda-Merrigan researched FRCOG planning meetings: reported back, that the Regional planning meetings happen 6 x a year, on ZOOM, on Thursdays. The Board decide to alternate who goes to the meetings between the three members, C.Champ would love to but doesn't have time. B.Nelson suggests that when a Regional meeting is scheduled they adjust the PB meeting schedule in order to be able to attend. (See action item 2)
3. B.Nelson spoke to allowing a long agenda. His first thought was that it would be good to have all the items included so that they weren't forgotten, the danger he realized later is that some of the topics may draw in people who would like to participate only to find that there wasn't enough time for all topics, realized they shouldn't treat the public agenda as an internal document.
  - G.Walker suggested having a business meeting where the public wouldn't need to be involved in the prioritization of Agenda items and planning Board business.
  - B.Nelson suggested that agenda items could A) be figured out at the end of the previous meeting, and B) if larger list is sent, should be rated as high or low priority and dated.

**APPOINTMENTS:**

1. 6:15 Jay Healy re: possible use for his Barn located on land in Agricultural Preservation Restriction (APR)

- J.Healy had some questions for the Planning Board concerning setback requirements in the Scenic Corridor as far marijuana growing is concerned. The Planning board let him know that the setback requirement is 1/8 of a mile. However the 1/8 mile provision does not pertain to 5 acres or less. The CCC or Cannabis Control Council has a lot of requirements for lighting and fencing and access. J.Healy said he wouldn't want to put that on the Trail.
- Regarding ground mounted solar which has an 1/8 of a mile setback requirement, J.Healy wondered what the rule is in the village. The Board answers that is that the rule is not applicable for the village because there is no space to put 5 acres of ground mounted solar. Village residents may do roof mounted solar. There was one possible solar site being discussed with the plans for the Willis Property. The entailed having a parking pavilion with solar on the roof.

- However at the Barn, he would be allowed to use 5 acres of solar as commercial accessory. On pastureland off of the trail you can have 10 acres of solar.
- J.Healy told the Board about all of the use ideas that are being talked about in terms of his barn. He wants to enhance and give back to the community as the barn is an asset like the Charlemont Inn and was also the site of the Hall Tavern and Tyler Fort. Worst case would be if the Barn falls down.
- Possible to use for multiple things at the same time; An event space; conference space; Woodworkers' cooperative; retail space for artisans; an educational venue for Hawlemont Students for example. Board members input ideas like housing and office space and storage space

#### **ACTION ITEMS:**

1. Review/Approve revised 11/03/2022 Meeting Minutes and 11/17/2022 Meeting Minutes
  - **B.Nelson moved to approve 11/03 minutes and 11/17 minutes as written, seconded by L.Shulda-Merrigan, all in favor.**
2. Appoint Charlemont Planning Board member to be FY23 representative to the Franklin County Regional Planning Board (discuss meeting times)
  - As B.Nelson already gets the emails and is the Chair he will be the representative and the Board members will alternate attending the meetings.
3. Vote on budget
  - **B.Nelson moved to request \$700. For next Fiscal year, seconded by I.Shulda-Merrigan, All in favor.**
4. Discuss proposed amendment for fiber optics in RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND IN THE TOWN OF CHARLEMONT (Accept Bob Handsaker's subdivision control bylaws language or present alternative)
  - The Board discussed the timeline of the subdivision control law update requirement to be in time for Sarah Reynolds to be able to apply for grant money. L.Shulda-Merrigan said she talked to Sarah and it would be fine to wait until spring.
  - C.Champ had emailed the new wording to Peggy Sloan and is waiting to hear back. She will send it again and once they hear back they will proceed.
  - The issue was that at some point a large expenditure would be triggered for a new expensive piece of broadband equipment, so the wording will need to include a strategy for building up the bank in advance of that; something like an improvement fund or a betterment fund –Charging people now, a set cost (\$3-5,000. Is the current number) per house in a development.

#### **DISCUSSION TOPICS:**

1. Site review at lots 6 and 7 of Jacksonville Stage Road, that occurred Sat. 11/19/2022 with Paul Hazard, Bob Nelson, Andy Mueller, and Colleen Champ
  - B.Nelson would like to Contact the Highway Department and ask if 1) Digging the ditches deeper would be sufficient rather than repaving the street and; 2) If the fire trucks can work in the 120 ft. circle; 3) Would like to ask if in the 15' center median circle, they would allow him to keep 3 trees or if that would impede the fire trucks
  - P.Hazard would needs to do Power, and Lighting is optional.
  - P.Hazard wanted to build the house close to the circle, 20' setback rather than the 50' required setback.

- A.Mueller and C.Champ bring up the frontage issue, wondering where this subdivision got their frontage number to have it approved as a subdivision. It seems clear that the frontage was gotten along the inaccessible 8A. The other lots do not have enough frontage on Mountain Road extension.
  - C.Champ wonders why town is involved in the regulation of the road as the road was never petitioned to be a town road. As it stand now it is a shared driveway or a private road.
  - G.Walker points out that the road is approved, the plan is signed by town counsel. C.Champ maintains that it does not belong to the town.
  - The plan was made in 1978 and approved in 1981.
  - C.Champ reads excerpt from a state document that a road is not a public road until accepted at Town Meeting, and wonders if it is not public then how can the PB regulate?
  - If Hazard wants his house close to the circle he would need to get a variance.
  - G.Walker suggests looking back to 1978 to see what the rule was back then in terms of dimensions and setback.
  - A.Mueller countered that it can't be grandfathered in and should comply with current standards.
  - G.Walker said bylaw was changed in 2010 requiring access and frontage to be the same property line.
  - B.Nelson reiterated that they contact the Highway Department for two items: the ditches and the trees in the median circle and then recommend he get a variance for frontage and setback. He would need to bring power and fiber.
  - G.Walker explained that the lots were sold as building lots, once a road is made a road, the lots become building lots and can be taxed as such. G.Walker mentioned a folder of "unbuildable roads."
  - A.Mueller said application should be made under current subdivision and have the appropriate waiver.
  - C.Champ questioned whether PB should be involved.
  - A.Mueller says that if they consider Mountain Road Extension as the back of the property then the distance from a house to the rear property line has a 25' setback requirement. G.Walker says not to make a rule of it as the current requirements state that frontage and access need to be the same. They wonder if building inspector agrees with 25' rule. Would need to get Permit from the Building inspector for the driveway and all other building requirements.
  - A.Mueller read in the minutes from May 28, 1981 that the road in question will be "kept as private road until accepted by town."
6. Status of amended bylaws
- Secretary gave the information that the case # is 10797 and the email address is [bylaws@state.ma.us](mailto:bylaws@state.ma.us) to send in supplemental information to the Attorney General
  - There is a 90 day waiting period
8. A request from town member that the Town Administrator be the one to handle tickets
- Joe Pellegrino, 176 Main wondered if someone local like the town administrator could be the one to issue tickets for the male fowl zoning violation instead of FRCOG. The Select Board does not want the administrator to write tickets. The Building inspector will need to follow up. L. Shulda-Merrigan will email him.

## Other Discussion

Dupree Meeting. The Board members want to prepare for the 3 Board Dupree meeting that they will attend with the hope that the Boards can work together to mitigate the situation of the unpermitted junkyard located too close to a Brook. B.Nelson gave a brief history. C.Champ questioned what permit the Planning Board has given to Dupree, suggesting that the Planning Boards's Permit would not have mentioned the additional inherited land that has cars. Suggested tightening up their enforcement structure.

### Zoning Revisions for next Town Meeting

G.Walker suggests that the Board brainstorm what they would like to bring to the Town Meeting

- Rules and Regs Finalize and approve
- Typos and numbering
- Tiny Homes, subdivisions, campgrounds, short term rental. GWalker pointed out that Buckland is limiting their short term rental, and pointed out how helpful it is when several towns can work together. A.Mueller will reach out to Buckland regarding short term rentals. It will need to wait until spring Town Meeting.

**C.Champ motioned to adjourn at 8:30, seconded by L. Shulda-Merrigan, All in Favor.**

NEXT MEETING December 15<sup>th</sup> 2022

Respectfully Submitted by Star Atkeson 12/12/2022

### Documents reviewed in meeting:

Agenda for 12/08/2022 Meeting

Meeting Minutes of 11/03/2022, 11/17/ 2022

Planning Board Minutes from May 28, 1981

Maps of Mountain Rd extension from C.Champ's research

File called Mountain Rd. Lots

File with copies of Paul Hazard email correspondence

### Hearing Notices:

Buckland ZBA, ADU construction 11/29/2022 Notice of decision