

Charlemont Planning Board
September 7th, 2023, 6:00 pm Meeting Minutes
Via conference call and in person, Town Hall

Members Participating: Bob Nelson, Colleen Champ, Lori Shulda-Merrigan,
Others Participating: Wendell Rheinheimer, Greg Rowehl, Star Atkeson, secretary

CITIZEN'S COMMENTS:6-6:15

6:05

Wendell Rheinheimer came in with an ANR for the creation of a backlot at 225 Avery Brook Rd. The Planning Board checked the criteria for backlot development including the new, as yet unpublished bylaw revisions. There is enough frontage and there is a 40-foot swathe of land leading to the lot. Wendell mentioned he was working with an environmental engineer on the proposed road and would be dealing with the conservation commission on that.

The Board mentioned setbacks to the house site that would be required once the lot owner is ready to build. Wendell is aware of those requirements.

The Board signed the copies of the ANR plan titled "Plan of Land in Charlemont (Franklin Co.) MA prepared for Jacob Wendell Rheinheimer & Shana Totino, dated 9/6/2023.

Wendell filled out the Form A and submitted the 50\$ fee.

APPOINTMENT: 6:15 Sarah Reynolds to talk about new CCC regulations and related Planning Board work

In 2017/18 towns were advised to create bylaws and a protocol for hosting cannabis related businesses (retail, growers, and processors.) A community host agreement had been created and towns were given a 3% fee that they could use for additional infrastructure needs related to the dispensary. There were no guidelines on that 3% spending. Recently the CCC had lobbied to change some of the stipulations for towns. The Planning Board will need to go through a list of new requirements that S.Reynolds will send out. They are asked to see that their recently created bylaws do not contradict the new regulations, and if they do, they will need to be changed if the legislation goes through. The draft regulations stipulate that towns must have a detailed instruction page on their website to help social equity applicants set up their business, including what criteria the Planning Board looks for to award a Special Permit, as well as a hardcopy packet of that information to be distributed from Town Hall. The fees for social equity applicants will be waived and other costs (interpreter or legal) are to be covered by the town. The towns may need to help the applicants with necessary loans and funding. 50% of the retail businesses need to be given to social equity applicants. The host community agreement is for 1 year instead of 5 years.

The Massachusetts Municipal Association is fighting it, a few towns are talking about a lawsuit, as the current businesses they have will not be grandfathered in.

The businesses in Charlemont will most likely be first come first serve. Charlemont is categorized as an environmental justice community. So it may be that any resident of Charlemont will qualify as a social equity/ justice applicant.

Marijuana cafes are not yet approved to open. S.Reynolds will send the list of town requirements to the Secretary. September 8th is the hearing, these are the draft regulations.

ACTION ITEMS:

1. Review / Approve Meeting Minutes from 8/17/2023

B.Nelson moved to approve 8/17/2023 minutes as amended in the meeting. C.Champ seconded, all in favor

DISCUSSION TOPICS:

1. Signage—Crazy Horse sign on fence post; sandwich board signs in front yards; feather flags

B.Nelson explained that the discussion was continued so that L.Shulda-Merrigan could give her thoughts on the matter. LSM is fine with the overview and only suggests that the Planning Board should approve any sign changes. Maybe it could be a change in the bylaws to have the sign changes approved by the PB.

B.Nelson agrees there could be a bylaw change or a wording change in the Special Permit. B.Nelson read the current sign bylaws and quoted that the Planning Board may include “any other terms” that they are concerned with in the Special Permit Decision language. Therefore, he concluded the sign language need not be a bylaw change but additional wording in the Special Permit, after the signage section.

C.Champ found a fitting spot for the new language. Before the signature box on the permit there is a box with some final stipulations. C.Champ proposed to include the words “as stated” to the sentence *“The Planning board has determined as measured by the purpose of the by-law, that the benefits of this proposal (as stated) outweigh any adverse effects on the Town.”* and to include this sentence as the next sentence: *“Any changes including to signage require approval by the Planning Board.”* The next existing sentence is: *“Additionally the proposal is subject to all applicable federal state and town regulations and is contingent upon approval by other Boards.”*

Bob Nelson moved to add the new statement combined with the words “as stated” to the Special Permit Template. C.Champ seconded, All in favor.

The Site Plan Review for the welcome center at 48 Main Street where the Crazy Horse sign is located is expired. It was not written in the Permit that it would expire in 2 years. B.Nelson looked up Massachusetts Law and found that it does say that if action is not taken on a permitted project within 2 years, the permit expires. B.Nelson wants the secretary to check with Carlene to see if she knows anything about the project. The Planning Board needs to make sure to include as standard wording in a permit that a permit will expire if there has been no action taken in 2 years. B.Nelson would like the secretary to contact Berkshire East/ 133 Warfield Realty about the permit, letting them know that if activity is planned they need to extend the decision.

2. Special Permit follow-up including enforcement protocol for registering at The Registry of Deeds

B.Nelson had the idea, which he had read from other towns, to add language to the Special Permit decision that the applicant must return to Town Hall and tell the Planning Board via the secretary that they have registered the new Special Permit at the Registry of Deeds within 60 days of the decision. If then they do not follow through, the secretary will follow up.

B.Nelson wants to hold a hearing to change one word in the previous Heritage Diner permit to read that the Special Permit runs with the property and not the person. B. Nelson will run the idea by Gisela Walker to see if she has any objections. LSM will talk to the owner.

3. **other towns' food truck regulations in general, food trucks at the fairgrounds

B.Nelson did a good amount of research on food trucks and sent the Planning Board 3 documents. Almost no smaller towns have bylaws regarding food trucks, Granby and Wellfleet being the only ones B.Nelson found, and those were regulated through the respective Select Boards of those towns, not the Planning Boards. The Mass Law section on Mobile Food trucks is all regarding BoH business and nothing else. There was also a 350 p. aggregation and description of all the different mentions of food truck regulations across the united States, many of them about wanting to draw in food trucks therefore limiting the regulations. It was the BoH in each town, not much for the Planning Boards. C.Champ brought up the issue of food truck parking and how they get permission.

Scheduling upcoming business, to dos and Agenda for next meeting

- LSM suggested doing homework and reading over the bylaws to be prepared for the marijuana changes that were expected.
- @ January 1st prepping the possible marijuana bylaw and housing bylaws and hold hearings in time to bring to next Town Meeting
- Have a hearing for the word change for the Heritage Diner (Ask Carlene about that idea.)
- Tiny homes and cluster housing, campsites etc., resurrect the campground bylaw. Ask Peggy Sloan at FRCOG to join in person or by phone to see if she has suggestions about what the PB can do for additional housing in town.
- LSM will follow up on DLTA Funds

Bob Nelson adjourned the meeting at 8:20

NEXT MEETING: October 5th, 2023

Respectfully Submitted by Star Atkeson 10/03/2023

Documents reviewed in meeting:

Agenda of September 7, 2023

Notes of 8/3/2023

Minutes of 8/17/2023