

TOWN OF CHARLEMONT
ZONING BOARD OF APPEALS
APPLICATION FOR ADMINISTRATIVE APPEAL

DATE OF APPLICATION: 08-10-2022

NAME OF APPLICANT: Justin Maynard/DBA Bitter Sweet Acres

ADDRESS OF APPLICANT: 200 Avery Brook Road

PHONE NUMBER: 413-625-6884

LOCATION OF PROPERTY: Assessors Map 4/Parcel Number 31

PROPERTY IS IDENTIFIED AT REGISTRY OF DEEDS IN:

BOOK #: 7387

PAGE #: 303

APPLICANT IS:

(OWNER), TENANT, LICENSEE, PROSPECTIVE PURCHASER, ETC.)

Note: if applicant is not owner, include letter of owner's approval with application.

NATURE OF APPEAL: Zoning Bylaw, Section 33 requiring 50' setback

NATURE OF RELIEF REQUESTED: Obtain a variance from Charlemont

ZBA to permit structures (sugar house, Barn, shipping container, Farm Tool/Equipment, Farm Stand, Dumpster, irrigation pump house, Supplies/Storage)

APPLICABLE SECTION OF BUILDING/ZONING BY-LAW: 33

DATE OF DENIAL: 08-10-2022

BY: BUILDING INSPECTOR / ZONING ADMINISTRATOR / ADMINISTRATIVE OFFICER

I HEREBY REQUEST A HEARING BEFORE THE PERMIT GRANTING AUTHORITY WITH REFERENCE TO THE ABOVE NOTED APPEAL.

APPLICANT'S SIGNATURE: Justin Maynard

OWNER'S SIGNATURE, IF DIFFERENT: _____

***applicant must obtain from the assessors and submit with this application, a certified list of all abutters within three hundred feet (300') of all property lines.

*****ENCLOSE A CHECK FOR \$75.00 PLUS \$6.00 PER ABUTTER*****

Please make checks out to: Town of Charlemont

SEND COMPLETED FORMS TO:

Charlemont ZBA
Attn. Carlene Hayden
P. O. Box 465
Charlemont, MA 01339

Date of receipt by Town Clerk:

Sept. 15, 2022
Katey Reynolds

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Charlemont ZBA Application

Applicant: Justin Maynard

Date: Aug 10, 2022

- a) Seeking a Variance given FRCOGS letter dated August 8, 2022 which outlines the shipping container I have placed violates Charlemont Zoning Bylaw Section 33 which states a setback of 50' in the rural residential district is required.
- b) Deed Attached
- c) Abutter's list attached
- d) To scale drawings of shipping container attached
- e) To scale Detailed Plot Plan attached
- f) Lot dimensions of subject parcel included on map
- g) Street names;
- h) Locations of wells: Not Applicable
- i) Locations of septic system(s): Not Applicable
- j) Any other information pertinent to the application. Not Applicable

Applicants for a variance should demonstrate the following:

1. Owing to circumstances relating to soil conditions, shape or topography of the land or structure and especially affecting such land or structure but not generally affecting the zoning district in which it is located;

Given the natural topography this microfarm is located on it is exceptionally difficult to place a structure on this parcel. Roadways, slopes, streams, existing forest all present challenges for appropriate placement.

2. A literal enforcement of the provisions of the ordinance or bylaw would involve substantial hardship, financial or otherwise;

The removal of this structure would place an overwhelming burden on this operation. The cost to remove is not limited to services alone. In addition to these services there would remain an outstanding need to locate the farm supplies stored in this container. There is finite space available for relocation, restricted enough so there is no other alternative option for its placement.

3. Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the ordinance or bylaw;

I am seeking relief from this zoning bylaw by referencing Charlemonts Right To Farm By-Law:

Section 1B encourages the pursuit of judicious land management for forest and agricultural products, promotes forest and agriculture-based economic opportunities, and protects forests and farmlands within the Town of Charlemont by allowing forestry and agricultural uses and related activities to function with minimal conflict with **Abutters and Town agencies.**

Section 1C **emphasizes that as new homes are built and new people come to live in Charlemont, it is important that the ability to manage and harvest forest and agricultural products is maintained.** to protect the public benefits that come from forest and farm land, as well as the rural character and nature that existing residents value.

Section 2D identifies the word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture or accessory thereto.

Section 2F states "Farming" shall encompass activities including, but not limited to, the following: part 4 of this identifies the processing and packaging of the agricultural output of the farm and operation of a farmer's market or farm stand including signage thereto; part 5 extends this to the Maintenance, repair or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation processing, management, or sale of the agricultural products.

Section 4 part A1 states It is the policy of Charlemont to conserve, protect and encourage the maintenance and improvement of forest and agricultural land for the production of wood, food and other non-timber and agricultural products, and also for its natural and ecological value.

Closing Notes:

My family has lived in Charlemont since 2016 as first-time home owners, the new kids on the block. Since that time, we have started a small family business known as Bitter Sweet Acres Farm. We have consistently worked with the town to our fullest extent to address the needs of Charlemonts citizens, town government and wildlife habitat needs as it pertains to ecological diversity. We have remained open and receptive to the requests and feedback its members have provided us since that time, that is when such comment is provided which is often not openly expressed to us and remains hidden behind the scenes. It is exceptionally clear there are abutters ruffled by our presence here conducting our business as we are. Our interests remain focused on that of the town, sustainability and maximizing production of agricultural outputs with a minimal footprint. If you come to visit us which I encourage you too, you will note a balance of native species and niche habitats as well as common and not so common agricultural goods. We now have the infrastructure established that is necessary for us to conduct our operations efficiently and safe guarded from criminal activity by using secure storage. In the meantime, year after year our perennial goods grow as does our spirit and mental health. The roots continue establishing, the foliage and branching increasing. With this comes an increase in water quality and a decrease in water quantity which is the best thing we can do for our sensitive environment. We are currently focused on maple syrup and honey production as our crops are not fully established. In the years to come, we will have ample supplies of various nut crops, vineyard goods and perennial varieties of fresh fruit. We live in an era where locally produced goods are becoming increasingly important to live a sustainable life style. The reduction or elimination of transportation, storage and retail space associated with goods grown reduces our carbon footprint. It supports our local economy while providing nutritious options to surrounding communities and families. Our intention is not to create an eyesore to the town, the shipping container has provided us a remarkable option for vast farm storage, was quickly assembled on site and remains a package that fits our properties unique landscape and dimensions very well. There are dozens and dozens of these shipping containers placed in Franklin County. Many located within the resource area including examples in Charlemont, and many more placed along the roadside. We are not asking for any favors from the town, rather we seek the same expectation or acceptance as the other shipping container examples located around the surrounding area. Thank you for your time.

Affected Premises:
200 Avery Brook Road
Charlemont, MA

MARG. REF.
BOOK 6916
PAGE 221



Bk: 6916 Pg: 203 Franklin County
Page: 1 of 4 09/14/2016 01:19 PM

QUITCLAIM DEED

I BRYAN R. HARVEY, of Charlemont, Massachusetts for monetary consideration paid of TWO HUNDRED FORTY THREE THOUSAND DOLLARS AND 00/100 (\$243,000.00), hereby grant to JUSTIN H. MAYNARD, of 115 Conway Street, Greenfield, Massachusetts 01301, WITH QUITCLAIM COVENANTS, that certain parcel of land, with the improvements thereon, situated in Charlemont, Franklin County, Massachusetts, described as follows:

**SEE EXHIBIT A ATTACHED HERETO
AND INCORPORATED BY REFERENCE HEREIN**

MEANING TO CONVEY, AND HEREBY CONVEYING ALL THE SAME PREMISES CONVEYED BY DEED OF EDWARD HOGAN DATED OCTOBER 28, 2005 RECORDED IN FRANKLIN REGISTRY OF DEEDS IN BOOK 4977 PAGE 276.

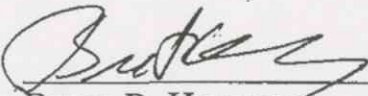
THERE ARE NO NEW BOUNDARIES CREATED BY THIS CONVEYANCE

THE GRANTOR HEREBY RELEASES ANY HOMESTEAD INTEREST IN THE PROPERTY CONVEYED HEREIN.

LINDA D. PARKER HARVEY, SPOUSE OF THE GRANTOR, JOINS IN THE DEED TO RELEASE ANY AND ALL HOMESTEAD INTERESTS IN THE PROPERTY HEREIN CONVEYED.

MASSACHUSETTS EXCISE TAX
Franklin District ROD #11 001
Date: 09/14/2016 01:19 PM
Ctrl# 016327 25635 Doc# 00010115
Fee: \$1,108.08 Cons: \$243,000.00

EXECUTED AS A SEALED INSTRUMENT this 9th day of September, 2016.


Bryan R. Harvey


COMMONWEALTH OF MASSACHUSETTS

Franklin County ss.

September 9 2016

Then personal appeared Bryan R. Harvey, whose identity is personally known to me/satisfactorily proven to me by a valid drivers license, and upon oath acknowledged the foregoing instrument to be his/her free act and deed, and subscribed and sworn to the statements contained herein, before me,




Kevin D. Parsons
Notary Public
My commission expires: 3/16/2023

EXECUTED AS A SEALED INSTRUMENT this 9th day of September, 2016.

Linda D. Parker Harvey
Linda D. Parker Harvey

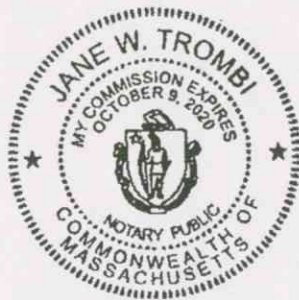
COMMONWEALTH OF MASSACHUSETTS

Franklin County ss.

September 9th 2016

Then personal appeared Linda D. Parker Harvey, whose identity is personally known to me/satisfactorily proven to me by a valid drivers license, and upon oath acknowledged the foregoing instrument to be his/her free act and deed, and subscribed and sworn to the statements contained herein, before me,

Jane W. Trombi



Notary Public

My commission expires: 10/9/2020

Exhibit A

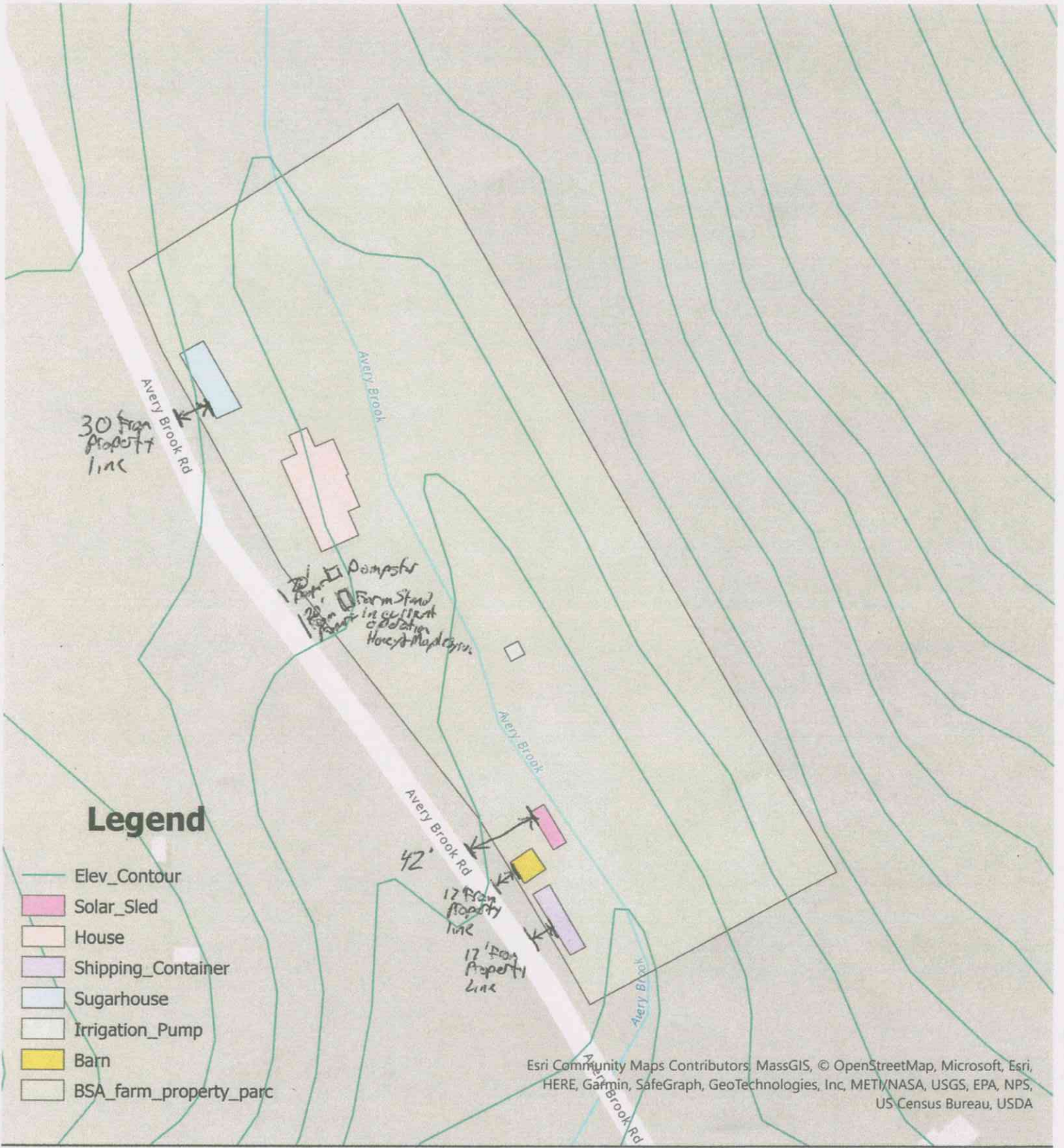
The land in Charlemont, Franklin County, Massachusetts, bounded and described as follows:

BEGINNING at an iron pin in the easterly line of the Town Highway known as Avery Brook Road or as Heath Stage Road, said pin being at or near a bridge on said highway where Avery Brook passes under said highway thence northerly along said highway 620 feet, more or less, to an iron pin in the southerly line of a private roadway on lands now or formerly of Everett B. McCloud and Marion McCloud; thence easterly along said lands now or formerly of said McCloud 210 feet, more or less, to an iron pin; thence southerly along said lands now or formerly of said McCloud 640 feet, more or less, to an iron pin; thence westerly along said lands now or formerly of McCloud 210 feet, more or less to the point of beginning.

INCLUDED in this conveyance is a certain spring of water being the same now in use supplying this conveyed premises which spring is located on said lands now or formerly of McCloud an estimated distance of 350 feet northerly of the northerly boundary of the premises herein conveyed and together with the pipeline which runs from said spring to the conveyed premises and the right to maintain said spring an pipeline and to enter upon the premises now or formerly of said McCloud for said purpose from time to time when necessary.

SUBJECT TO sloping rights as found in Book 1645, Page 3, Franklin County Registry of Deeds.

ATTEST: FRANKLIN, Scott A. Cote Register



Legend

- Elev_Contour
- Solar_Sled
- House
- Shipping_Container
- Sugarhouse
- Irrigation_Pump
- Barn
- BSA_farm_property_parcel

Esri Community Maps Contributors, MassGIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



Justin Maynard: DBA Bitter Sweet Acres Farm
 Aug 10, 2022
 Book, Page: 6916, 203 Property ID: 053/004.0-0000-003
 Location ID: M 92259 931887



Property Owner Justin Maynard: 200 Avery Brook Road, Charlemont MA

Bitter Sweet Acres Farm

Book, Page: 6916, 203 Property ID: 053/004.0-0000-003

Location ID: M_92259_931887

August 10, 2022





300 foot Abutters List Report

Charlemont, MA
September 15, 2022

Subject Property:

Parcel Number: 04-031
CAMA Number: 04-031
Property Address: 200 AVERY BROOK RD

Mailing Address: MAYNARD, JUSTIN H.
200 AVERY BROOK ROAD
SHELBURNE FALLS, MA 01370

Abutters:

Parcel Number: 04-025
CAMA Number: 04-025
Property Address: 96 AVERY BROOK RD

Mailing Address: DEAN, ERIC R. & CHRISTINA L.
92 AVERY BROOK RD
SHELBURNE FALLS, MA 01370

Parcel Number: 04-027
CAMA Number: 04-027
Property Address: AVERY BROOK RD

Mailing Address: RICH, LEONARD ESTATE C/O RICH,
MAY
763A HERITAGE VILLAGE
SOUTHURY, CT 06488-1320

Parcel Number: 04-027-1
CAMA Number: 04-027-1
Property Address: 199 AVERY BROOK RD

Mailing Address: CASHIN, THOMAS JAMES & JACQUELI
P.O. BOX 252
CHARLEMONT, MA 01339-0252

Parcel Number: 04-030
CAMA Number: 04-030
Property Address: 176 AVERY BROOK RD

Mailing Address: BROSCA, MICHAEL A. & LAURA A.
176 AVERY BROOK RD
SHELBURNE FALLS, MA 01370

Parcel Number: 09-002
CAMA Number: 09-002
Property Address: 224 AVERY BROOK RD

Mailing Address: MIRIN, JONATHAN & RICHARD, GOD
224 AVERY BROOK ROAD
SHELBURNE FALLS, MA 01370

CHECKED SEP 1-5 2022 CFH.



www.cai-tech.com

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9/15/2022

Page 1 of 1

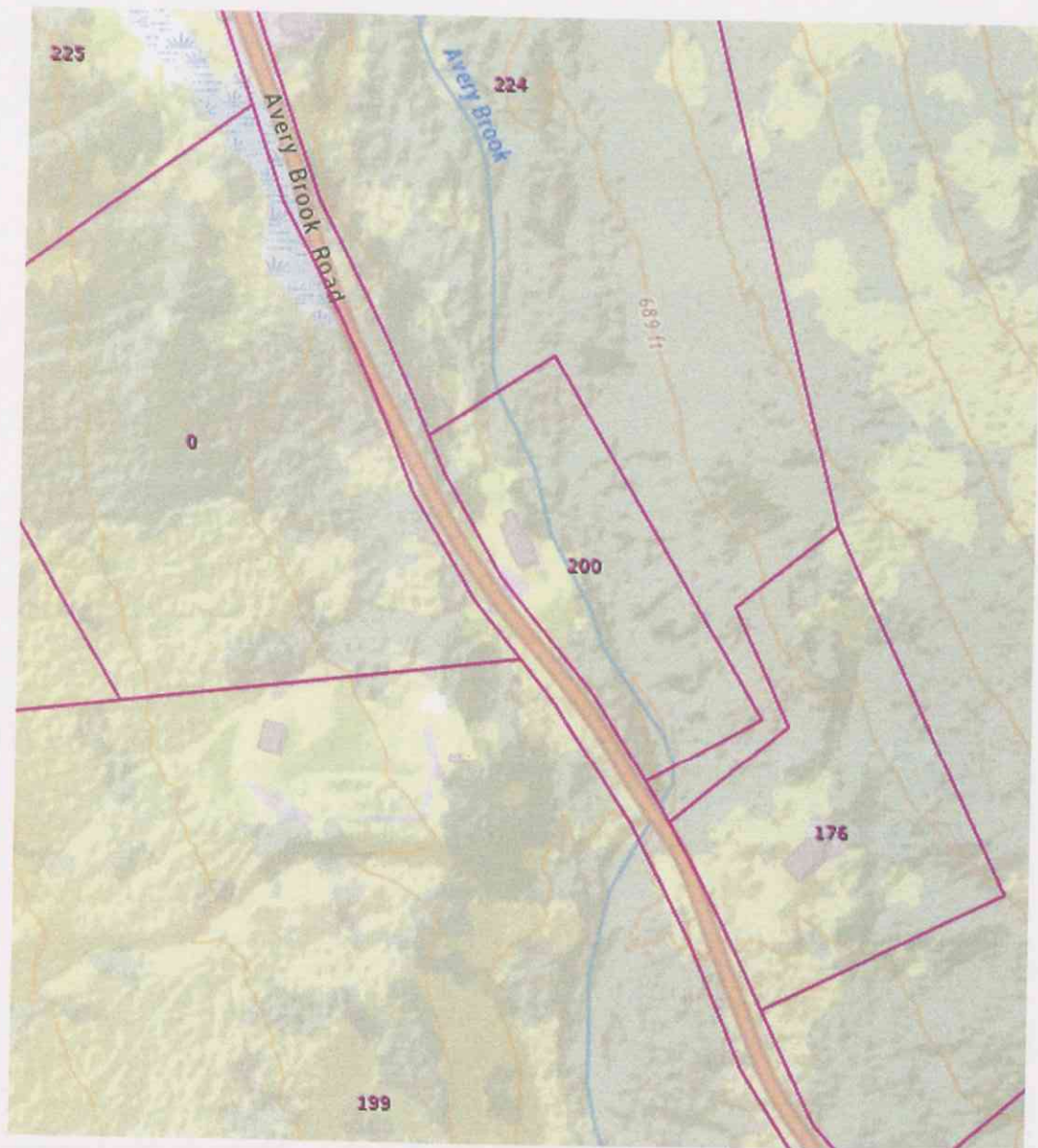
Abutters to 200 Avery Brook Road

Owner: **MIRIN, JONATHAN & RICHARD, GODELIEVE**
224 AVERY BROOK ROAD
SHELBURNE FALLS, MA 01370

Owner: **RICH, LEONARD ESTATE**
763A HERITAGE VILLAGE
SOUTHBURY, CT 06488-1320

Owner: **CASHIN, THOMAS JAMES & JACQUELINE MARY**
P.O. BOX 252
CHARLEMONT, MA 01339-0252

Owner: **BROSCA, MICHAEL A. & LAURA A.**
176 AVERY BROOK RD
SHELBURNE FALLS, MA 01370



Charlemont ZBA Application attachment

Business Owner: Justin Maynard / DBA Bitter Sweet Acres Farm

Date 8/10/2022

Structure: Barn

Contents: Maple syrup bottling unit, Maple syrup candy machine, Honey harvest extractor

Material: Wood

Dimensions 14x14x14

Scale: 1" = 3.5'

3 dimensional view provided



14'

14'

14'

Charlmont ZBA Application attachment

Business Owner: Justin Maynard / DBA Bitter Sweet Acres Farm

Date 8/10/2022

Structure: Shipping Container

Contents: Agricultural equipment, processing and packaging materials, farm maintenance supplies, livestock goods.

Material: steel

Dimensions: 8' x 9.5' x 40'

Scale: 1" = 10'

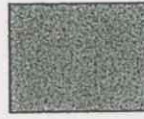
Side View:



Top View:



Front View:



Materials:

Deck Frame Rails: Galvanized 2" C channel
24" on center

Deck Surface: 3/4" Non-slip Pressure Treated

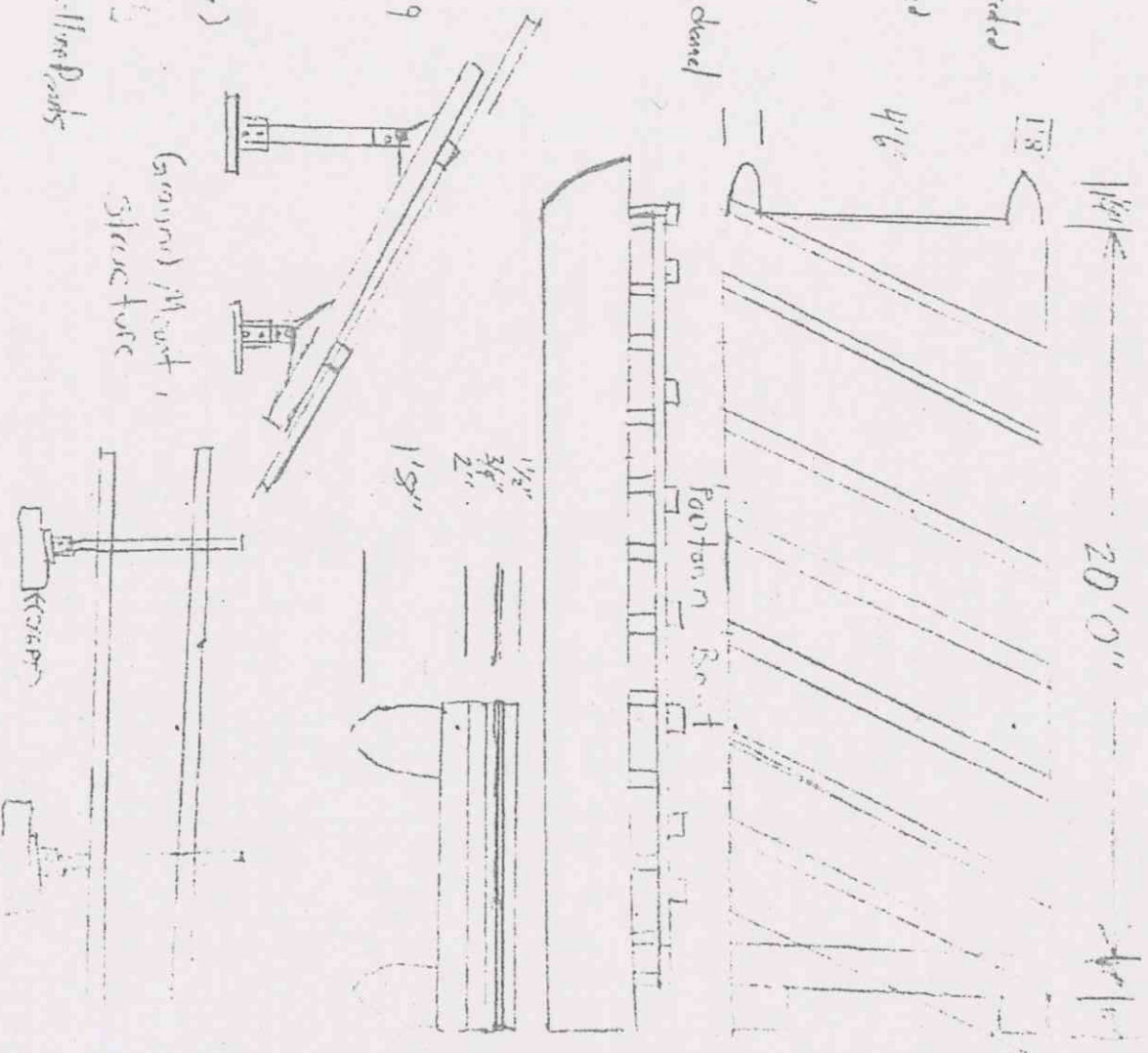
Ground Mount Structure Pressure Treated
to Deck Timber Adaptor: 2X6X10

Hardware:
3/8" Galvanized Fasteners

Ground Mount System: Galvanized 1 1/2" C channel
Construction

Scale: 1" = 4'
Biff's Support Area Form
Justin Moynard
200 Auster Brook Road
Chocomaunt, MA 01339
(413) 625-6284

Anchor Bolts: (4) Part 5 to in. diameter
Saber Structures
not to scale: 21" X 12" holes
Ground. Framing 100% moisture w/ 1/4 in. Part 5
Washers X 1/2"



Biller Sweet Acres

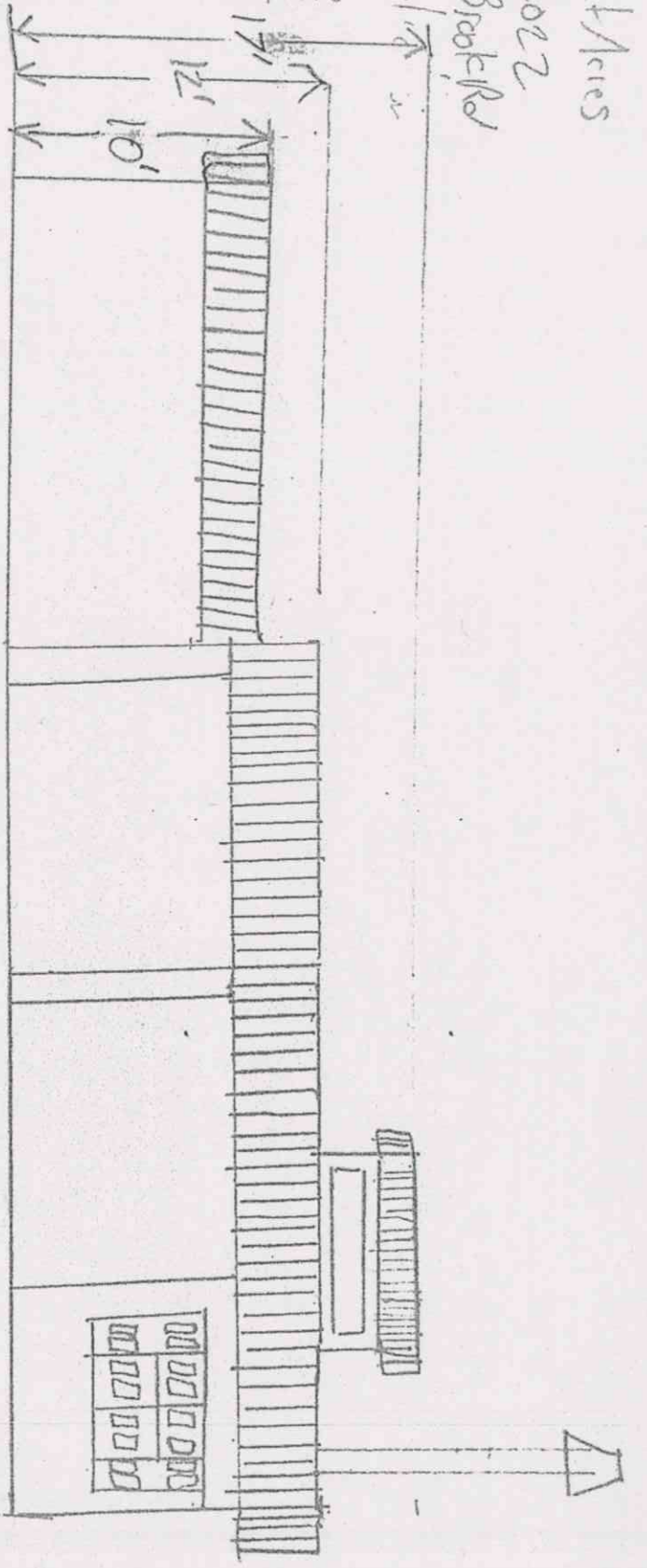
Aug 08, 2022

200 Avon / Brook Rd

ZBA Appl

Sugarhouse

Scale: 1" = 6'



Side View ↑

End View →

