

## Charlemont Planning Board September 1, 2016 Meeting Minutes

### Members Present:

Robert Malone, Chair, Gisela Walker, Carlene Hayden, William Harker

### Others Present:

Attorney Frank Carcio

### Call to Order

Planning Board Chair Robert Malone called the meeting to order at 7:03 PM.

### Item # 1: Approval of Minutes

On a motion by Malone and seconded by Harker, the Board voted unanimously to approve the minutes from the meeting of 8/4/16 as written.

### Item # 2: 7:15 Appointment; Attorney Frank Carcio

The Board reviewed an Approval Not Required (ANR) submitted by Carcio on behalf of 133 Warfield Realty, for the conveyance of a small piece of land to their abutters. Determining that both resulting parcels met zoning requirements, on a motion by Malone and seconded by Hayden, the Board voted unanimously to approve the plan.

### Item # 3: Update on Gravel Pit Hearing

Walker gave the Board an update of the gravel bank hearing held by the Earth Removal Committee last week. The owners of the gravel pit, located behind the Charlemont Fairgrounds were looking to remove material and do some grading work again. Many in attendance were concerned because of a breach at the pit during the flood of 1987, which caused severe flooding and damage to properties. Issues discussed at the hearing centered on setback and footprint of the bank, right of way access and grade percentage. The hearing will be continued on September 13, 2016.

### Item # 4: Discussion on Charlemont Subdivision Regulations

The Board reviewed an email from Pat Smith, of Franklin Regional Council of Governments, stating that the Board may amend their subdivision bylaws after a duly noticed public hearing. Once adopted, copies of the bylaw are maintained by the Planning Board, Town Clerk and are to be filed in the Registry of Deeds. Harker, who has extensive experience in road construction felt the current requirements could be relaxed, with regard to the material for a subdivision road, while still providing safe access for vehicles. The Board asked Harker to provide wording for the bylaws regarding the types and amount of material that would be adequate to meet requirements and safe access.

### Item # 5: Discussion on Special Permit Requirement of a Supermajority

The Board discussed an email regarding the statutory requirement of a supermajority vote on a Special Permit. In the email, Town Counsel advised a town that there is no exemption to this requirement; therefore for a 5 member Board, 4 members are required to approve a Special Permit. The email went on to state that if a supermajority is not present, the hearing should be continued until one could be, or that in the interest of avoiding a constructive grant, the 3 members present may vote a denial of the Special Permit.

Item # 5: Discussion of Compliance with Special Permits

The Board discussed the ongoing review for compliance on previously granted Special Permits. It was discussed that if violations of the conditions of Special Permits are found, the Board will report them to the Building Inspector, who is the enforcement authority. It was further discussed that with the inconvenience of their files being upstairs where there is poor lighting, the Board may investigate hiring someone to scan all their files so they can be saved and accessed on the computer. Hayden noted that she has saved the Special Permits on the computer from 2006 on.

Harker questioned compliance with permits granted for automobile sales, noting that some appear to be exceeding the number of vehicles allowed for sale. The Board asked Hayden to pull the Taylor, DuPree and Matt's Auto files so that they can review them at their next meeting.

Item # 6: Review of Mail & Correspondence

The Board reviewed several Special Permit notices from abutting towns and the building construction reports for June and July, 2016.

Adjournment

Business having been completed, Planning Board Chair Malone adjourned the meeting at 8:13 P.M.

**The next meeting of the Planning Board is September 15, 2016 at 7:00 PM.**

Respectfully submitted,  
Carlene Hayden

**Documents viewed in the meeting of 9/1/16**

1. Minutes from meeting of 8/4/16
2. ANR Plan for 133 Warfield 7/5/16
3. Email from Pat Smith of FRCOG 8/22/16
4. Email from Town Administrator Peg Dean 8/15/16
5. Special Permit notices from Shelburne, Buckland
6. Building construction report for June and July, 2016.