

Charlemont Planning Board 2/1/2018 Meeting Minutes

Members Present, Bill Harker, Co-Chair, Gisela Walker, Carlene Hayden;

Public: Melvin Feliciano and Jovanna Feliciano, 176 Main Street; Frank Carcio for ANR

Call to Order

Bill Harker called the meeting to order at 6.50pm

(The meeting had been scheduled to start at 6.30 but Ms. Walker had forgotten and arrived late)

Item 1: Appointments

Mr. Feliciano with translation assistance from Jovanna explained that he wants to sell eggs from the chickens he raises on his lot. Farmstands and agricultural activities are largely exempt from zoning so the Board discussed the details of a farm stand along the sidewalk, parking issues as no parking on Main Street would be allowed for people who want to buy eggs and the number of chickens. He suggested that 60 chickens would be tops. The Board explained that roosters and goats are not allowed in the Village District. Comments from Mr. Carcio whose office is next door then revealed that Mr. Feliciano also raises ducks, geese, goats, and a couple of turkeys. Feliciano explained that he buys such animals, keeps them for a while and then sells them at the auction in Hadley (?). This all made the P Bd want to take another look at this operation on his small lot and a site visit was scheduled for 6pm on February 15.

Item # 2: Approval of Minutes

Minutes of 1/18/18 approved; motion by Harker, Hayden second, all in favor

Item #3: Discussion:

1. Walker reported that uses established before there was zoning and which, if new after zoning would require a special permit, are considered *legally existing non-conforming uses* and now fall under Section 6 of the MGL 40A Zoning Act. This means that if they are expanding beyond their original size of operation they have to come in for a special permit that can carry out a review and set conditions but cannot deny the use. This would apply to such land uses as our longstanding 2 used car sales businesses and 3 mobile home/trailer parks. Some of their original permits lack in details and their operations seem to clearly have expanded beyond the original scope. There is also the issue of the special permit conditions needing to be synchronized with the annual business licenses granted by the Board of Selectmen. Upon review of files the Board could find no evidence of Mr. DuPree having a Class III permit to sell junk cars and parts. The Board will continue to look into this, and work with the selectboard and the businesses to bring everyone up to present zoning requirements.
2. Walker brought in the last zoning amendment timeline to make it clear that the Board needs to progress speedily to cover all the requirements for zoning changes for the annual town meeting on May 22. At present the following zoning changes are under discussion: a) several corrections in the Use Table and dimensional schedule based on erroneous deletions and needed clarification, b) to replace a one sentence paragraph that also had been deleted but needs to go back in to tie the Subdivision regulations together with the Zoning regulations, c) to establish temporary occupancy guidelines for the temporary use of trailers on residential lots and in collaboration with the BoHealth and d) recreational marijuana related zoning changes

3. Meeting with Selectboard February 5

(Board members had planned to bring up the need for synchronizing business licenses with special permits. It turned out the next day that a different item for discussion had been put on the Selectboard's agenda and the meeting was postponed to March 5th.)

Item #4: Upcoming Recreational Marijuana related needs for zoning changes

There will be public hearing on February 6th at the FRCOG office held by the Cannabis Control Commission on their draft regulations. The Board discussed holding a public meeting to inform residents on the potential impacts of legalized marijuana facilities and use and had set a tentative date for February 24. (This date has since emerged as being too early so if you read these minutes please do not anticipate it to take place then.)

Harker moved to adjourn the meeting at 9.25pm

**The next meeting of the Planning Board is Thursday, February 15, 2018 at 6.30 PM.
Site visit at 176 Main Street at 6pm.**

Respectfully submitted **by Gisela Walker**