

**MINUTES OF THE ZBA PUBLIC HEARING  
TOWN OF CHARLEMONT**

**August 9, 2004**

**Members Present:**

**Joe Wagner  
Tom Shields  
Eric Dean**

**Others Present:**

**Winsor and Judith Mitchell  
Trevor Mackie, abutter and Planning Board Associate member.**

Joe Wagner convened the meeting at 7:05 p.m. Joe began by reading the public notice for Winsor and Judith Mitchell. The Mitchell's are looking to construct a porch to their home located at 2183 Mohawk Trail, Shelburne. Joe explained that the reason the Mitchell's needed to come before the ZBA for a variance was that the Town bylaws ask for a setback of 75 feet, and the Mitchell's setback was 70 feet. The Mitchell's cited a few other examples of structures in the area, with much less of a setback than theirs. Joe went on to read letters from several abutters, either supporting the Mitchell's addition or stating that they have no objection to it.

Joe then asked the Board if they had any problem with the Mitchell's addition. The Board did not and Eric stated that he checked the location himself and saw no problem.

Trevor Mackie, an abutter to the Mitchell's, asked for a description of the porch. The Mitchell's gave Trevor a description of the deck, including measurements and size. Trevor asked about exterior lighting. The Mitchell's replied they would have 2 lights in the ceiling, inside the porch. Trevor asked if they would have lighting on the posts. The Mitchell's replied that they were not putting lighting on the posts right now.

Winsor asked how long the process for his permit would be. The Secretary explained to him that the Board had 14 days to get the decision to the Town Clerk; The Clerk then holds it for a 20 day appeal period. At that point, the Mitchell's will receive their decision, and may take it to the Building Inspector, and must file it with the Registry of Deeds.

Judy Mitchell asked what if her contractor can't start right away.

The Secretary explained that they have two years in which to begin the work, but as long as some work has started, there will be no problem.

Winsor went on to explain that the main reason for constructing the porch is for the drainage water, away from their house.

Lighting, and its effect on abutters and commuters, was discussed.

Trevor wanted it recorded, that he, Trevor Mackie, North River Road abutter, felt that the Variance should be granted, that he saw no negative impact, and feels that the Mitchell's have done a great job with the property so far. Trevor stated that he hopes the Board will grant the Variance.

The Board thanked Trevor for his comments.

Tom makes a motion to grant the Mitchell's a variance to construct a porch to their existing home, located at 2183 Mohawk Trail, Shelburne Falls, MA.

Motion is moved and seconded. Motion passes unanimously. The Mitchell's thanked the Board and left.

The Decision for the Patrick's was signed and Tom and Joe discussed with Eric what transpired at the last meeting, as Eric was unable to attend.

The Board then discussed the porch/deck additions to the building of Mohawk Park, and whether or not it would need a variance. The Board asked Trevor what the Planning Board said about Mohawk Park. Trevor stated that the Planning Board approved their application.

The Board decided to hold a hearing for Mohawk Park Restaurant, for the variance to build an 8'x24' deck to the existing building, which falls within the 75' setback regulations for the town. The date for the hearing was set for August 30, 2004.

The Secretary to the Boards advised the ZBA of a Town Memo, posted last week, requiring all Boards to post their meetings on the Sign on the Town Hall lawn. Eric Dean will look into this.

The Board reviewed the Subsidized Housing Report, discussed it, and decided to put it on file.

The Board asked the Secretary to get a copy of the Minutes where the Cease and Desist was issued on Earl Bowen and bring to the hearing next Monday.

The meeting was adjourned at 9:20 p.m.

Respectfully Submitted,

Signed by:  
ZBA

Carlene Millett,  
Secretary to the Boards