

Charlemont Zoning Board of Appeals
January 9th, 2023 7:00 pm Meeting Minutes
Via conference call and in person, Town Hall

Members Participating: Ron Smith, Frank Carcio, Charlotte Dewey

Others Participating: Secretary Star Atkeson, Bill Harker, Jackie Cashin at 7:55

Called to Order by Ron Smith at 7:02 p.m.

APPOINTMENT: 7:02 Justin Maynard Public Hearing continuation for a variance to the setback requirements.

- The Board went over Justin's situation again with him, citing Jim Hawkins' assertions that the land is not in agricultural use and is more of a processing operation, and that it would set a bad precedent to give variances for shipping containers. The Board prompted J.Maynard to give his reason for wanting the variance; they need a real reason. He believes it will be a hardship to move the container which is too close to the road because of the cost to move the container and the loss of the property contained within.
- The Board offered a compromise of giving him a variance to add on to an existing shed further away from the road. While Justin was open to the idea he counter-offered repeatedly to add cladding to the container to make it look like it was a wooden structure. F.Carcio said that was not an acceptable solution because the violation is the distance from the road. J.Maynard mentioned that the barn is the same distance from the road. If he built along the back however it would remove one of the violating structures from proximity to the road. J.Maynard is not happy with the smaller size of the addition being offered, 200 sq ft., he would want something as big as the container. Also he said he would only be able to take action on that plan in 7-10 years.
- The Board was interested in the information that the state has recently mandated that parcels of 2 acres or greater could be considered farm use and that Charlemont had updated their zoning bylaws because of that. Those are not having to do with setback requirements.
- The Board wants to get advice from Town Counsel, research the new right-to-farm acreage requirement and continue the Hearing on January 30th at 7:00 PM.
- **Frank Carcio made a motion, seconded by Ron Smith, to continue the hearing on January 30th 2023 at 7:00 PM. All in favor.**

ACTION ITEMS:

1. Review/Approve minutes of 12/13/2022
Ron Smith motioned to accept the 12/13/2022 minutes as written, seconded by Frank Carcio. All in favor. The minutes were initialed.
2. Revisit Update application fees/process (bulk mailing vs. certified mailing)
 - **Frank Carcio made a motion that a variance applicant pay the legal ad fee. Charlotte Dewey seconded the motion. All in Favor.**
 - **Ron Smith made a motion, seconded by Frank Carcio, that the abutter mailings for a public hearing continue to use the certified mailing process, including the use of the green notification-of-receipt card. All in Favor.**
3. Vote on Budget
 - **Ron Smith made a motion, seconded by Frank Carcio that the ZBA budget remain \$200. All in Favor.**

DISCUSSION TOPICS:

1. Draft Variance Decision or decide who will
(Decision due to be filed with Town Clerk within 14 days of decision by the Board)
 4. This item will be put on the next agenda for the continuation of the hearing.
2. Set meeting date to sign variance decision and minutes
 5. This item will be put on the next agenda for the continuation of the hearing.

Frank Carcio made a motion to adjourn at 4:57, seconded by Ron Smith, all in favor.

A continuation of this Hearing will be held on Monday January 30th, 2023 at 7:00 PM

Minutes respectfully submitted by Star Atkeson 01/24/2022

Documents reviewed in meeting:

- 01/09/2023 Zoning Board of Appeals Agenda
- The Minutes from the 12/13/2022 ZBA meeting
- The Maynard Variance Application