

Charlemont Zoning Board of Appeals
January 30th, 2023 7:00 pm Meeting Minutes
Via conference call and in person, Library, Town Hall

Members Participating: Ron Smith, Charlotte Dewey Via Conference Call: Frank Carcio

Others Participating: Justin Maynard, Secretary Star Atkeson

Called to Order by Ron Smith at 7:10 p.m.

APPOINTMENT: 7:00 Justin Maynard Public Hearing continuation for a variance to the setback requirements.

- The state has recently mandated that parcels of 2 acres or greater could be considered for farm use and that Charlemont had updated their zoning bylaws because of that. Those are not having to do with setback requirements, though.
- The original problem of the structures being too close to the road was brought up. The Structures are within inches of the Town's Right of Ways which would be an issue for the Highway Department's maintenance of the road especially when the bridge gets redone.
- Frank Carcio stated that he drove to the site and could see what the concerns were, a lot of structures and congestion, constrained by the topography, and maintained that Justin had created his own hardship for which they were being asked to give relief.
- Justin questioned why he was offered to keep the shed but not the shipping container.
- Ron questioned whether there was another appropriate space on his land to put the shipping container.
- Justin found conflicts such as leach field; proximity to house; and parking spaces for many of the areas— if switched with the parking spaces, that would put the cars 400' away from the house.
- Justin said the container serves as storage for his goods, keeping it safe from mice, ants, and pest.
- Justin offered to put the container on wheels to be mobile.
- Charlotte told Justin that the Highway Department has concerns and reiterated the request to have it be moved elsewhere.
- Justin said that every foot he moves it would be more of a hassle with cutting trees.
- The Board listen to details about the property which would make it difficult to move the container. Charlotte pointed out that he did not come to the Boards in advance of placing the structures.
- Ron Smith asked for a compelling reason that the Board needs to grant a variance for a structure this close to the road. Justin Maynard said Financial Hardship and topographical constraints.
- Justin Maynard would like to consult his real estate lawyer before going any further. The Board welcome the lawyer's input and will also get advice from Town Counsel and continue the hearing on February 28th at 7:00 PM.

- **Ron Smith made a motion seconded by Charlotte Dewey to continue the hearing on February 28th 2023 at 7:00 PM. Frank Carcio—Aye, Charlotte Dewey—Aye, Ron Smith —Aye**
- **Ron Smith made a motion seconded by Charlotte Dewey to authorize town Counsel for a few hours. Frank Carcio—Aye, Charlotte Dewey—Aye, Ron Smith —Aye**

ACTION ITEMS:

1. Review/Approve Minutes of 01/09/2023
Ron Smith motioned to accept the 01/09/2023 minutes as written, seconded by Charlotte Dewey. All in favor. The minutes were initialed.

2. Town Report Preparation
S.Atkeson will draft the Town Report

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)
 3. 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
 4. 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 Charlotte Dewey. Frank Carcio—Aye, Charlotte Dewey—Aye, Ron Smith —Aye**

A continuation of this Hearing will be held on Monday February 28th, 2023, at 7:00 PM

Minutes respectfully submitted by Star Atkeson 03/02/2023.

Documents reviewed in meeting:

- 01/30/2023 Zoning Board of Appeals Agenda
- The Minutes from the 01/09/2023 ZBA meeting
- The Variance Application
- An email with pictures from Scott Sullivan, highway superintendent