

Charlemont Zoning Board of Appeals
March 2nd, 2023 7:00 pm Meeting Minutes
Via conference call and in person, Library, Town Hall

Members Participating: Ron Smith, Charlotte Dewey, Frank Carcio

Others Participating: Justin Maynard, Gisela Walker, Bill Harker, Secretary Star Atkeson

Called to Order by Ron Smith at 7:03 p.m.

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

- The Board met with Justin again, there was no lawyer present, as the cost was prohibitive, and the outcome was not guaranteed.
- Justin said his goal is to relocate the shipping container to the North Side of the house. He cited financial hardship, topographical constraints, his situation as a student running a farm and recent personal developments that would make it hard for him to relocate the container in a timely manner.
- Charlotte questioned whether Justin was certain that the shed could be 50' back from his property line. Justin said yes.
- Justin repeatedly told the board that when he spoke to the building inspector, the building inspector said "the ZBA can grant you a variance."
- The Board agreed to give Justin 1 year and 2 months to move the shipping container. The Board is fine with the other smaller shed being near the road.
- The Board will seek advice from Town Counsel about how to word the permit whether it is that they are denying the variance but have given him until June 30th 2024, or if it is that they are granting the variance until June 30th 2024 when he will be required to move it.
- Bill Harker expressed that he thought that it was too much time and that he should be given 30 days, not a year and a half and that it wasn't setting a good example, as he thought it would pass the problem on to the other boards.
- Ron Smith countered that they take each situation on their merits. And that no one would have that same story as Justin.
- The Board asked Justin to "please make sure that you have done your research" about whether in fact the container can be moved to the location he had chosen.
- Ron will draft wording for Town Counsel to review and advise on. They will seek permission from the Select Board to get Counsel's advice.

Ron Smith made a motion seconded by Charlotte Dewey to continue the hearing on March 15th 2023 at 7:00 PM.
Frank Carcio—Aye, Charlotte Dewey—Aye, Ron Smith —Aye

ACTION ITEMS:

1. Review/Approve Minutes of 01/30/2023

Ron Smith motioned to accept the 01/30/2023 minutes as written, seconded by Charlotte Dewey. All in favor. The minutes were initialed.

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)
 2. 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.
 3. This item will be put on the next agenda for the continuation of the hearing.

Frank Carcio made a motion to adjourn at 8:24, seconded by Ron Smith. Charlotte Dewey—Aye, Frank Carcio—Aye, Ron Smith —Aye

A continuation of this Hearing is planned to be held on Wednesday March 15th, 2023, at 7:00 PM

Minutes respectfully submitted by Star Atkeson 03/21/2023.

Documents reviewed in meeting:

- 03/02/2023 Zoning Board of Appeals Agenda
- The Minutes from the 01/30/2023 ZBA meeting