

Charlemont Zoning Board of Appeals
March 22nd, 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 7:00 p.m.

This hearing was continued on March 22nd and not on the March 15th as planned, to allow for time for the Board to get permission from the Selectboard to seek advice from Town Counsel about the wording for the variance, and Justin was told that it was optional for him to attend as the Board would be working on the wording on the permit.

ACTION ITEMS:

1. Review/Approve Minutes of 03/02/2023

Frank Carcio motioned to accept the 03/02/2023 Minutes as written, seconded by Charlotte Dewey. All in favor. The minutes were initialed.

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

Ron spoke to the need to be specific about the shed as it was one of the structures named in the original complaint from the building inspector. Charlotte felt the shed was not as big of a concern to Jim Hawkins as it was under 200 SQ. Ft. However it was still too close the road.

Frank Carcio pointed out that they had talked to Bill Harker regarding the ConComm, if we give a variance, that you have to follow a certain procedure to take care of it, then it goes back to the building inspector, he could file another appeal. Ron said yes, the lawyer had noted that he could come back at the end of the 14 months. The Board feels that the bridge replacement slated around 3 years will affect the area where the shed is.

The Board viewed the map included in the application. When they redo the bridge, it will be a hazard. Charlotte would like to include both structures in the same time limited variance. Frank believes that would be better than continuing the hearing.

They deliberate whether to go forward with one motion and continue the hearing on the shed. Charlotte said he needs to think about where it could go. Frank agreed that it cannot stay where it is. Charlotte agreed that he will have to move it anyways. Frank thinks there should draft a variance for the container. Ron suggested continuing the hearing in regards to the shed and strongly encourage the applicant to be here.

The Board will make two motions, one to clarify the metal container and stipulating the time frame for removal and the other regarding the shed in response to the Building Inspector's notice that the shed in not in compliance.

The board drafted the first variance using the lawyer's language and Ron's letter to Town Counsel and agreed on the variance language.

Charlotte Dewey made a motion, seconded by Frank Carcio to grant a variance until a deadline of June 30th, 2024, in order to allow the applicant time to assemble the necessary resources to relocate the storage container to a conforming location. If no conforming location on the property can be found, then the structure must be removed on or before June 30th 2024.

Ron Smith —YES, Frank Carcio— YES, Charlotte Dewey—YES

Motion passed unanimously.

About the shed: Charlotte has no strong objection, Ron is concerned that it is too close to the road. Charlotte thinks it is a big improvement with having the shipping container moved. They wonder how far back he can move it, and if it makes sense to move it even though it is still an illegal area. Charlotte, said it has been done before, to gain as much space as you can to improve the situation. The board decided to make a motion that the shed be moved ten feet further from the road to decrease the proximity to the edge of the road and using the same time constraints as the shipping container, June 30th 2024.

**Frank Carcio made a motion to move the shed 10 feet further away from the road by June 30th, 2024. Charlotte Dewey seconded the motion. Charlotte said it is an improvement and it will answer the highway superintendent's concerns. Ron Smith —YES, Frank Carcio— YES, Charlotte Dewey—YES
Motion passed unanimously.**

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. The Draft variance was drafted in the meeting and the Secretary will finish it for the Board to review and Sign.
2. Set meeting date to sign variance decision and minutes.
 3. The Board plans to come in on their own to sign the variance decision.

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

Minutes respectfully submitted by Star Atkeson 03/24/2023.

Documents reviewed in meeting:

- 03/22/2023 Zoning Board of Appeals Agenda
- Minutes from 03/02/2023
- Town Counsel's advice on the variance in an email dated: March 21st, 2023
- Ron Smith's letter to Town Counsel regarding the Maynard variance which was submitted to the Select Board to get approval for Town Counsel use and was included in Town Counsel's March 21st email.