

Charlemont Zoning Board of Appeals
April 4th, 2023 7:15 pm Meeting Minutes
Via conference call and in person, Town Hall

Members Participating: Ron Smith, Charlotte Dewey, Frank Carcio

Others Participating: Bill Harker (Select Board,) Thorne Palmer (ConComm,) Secretary Star Atkeson

Via conference call: Justin Maynard, Bella Levavi (The Recorder,)

Called to Order by Ron Smith at 7:23p.m.

DISCUSSION ITEMS:

1. **Conservation Commission Issue with Structure Placement

The Board reviewed with Justin the decision on the container they made at the hearing before last. Justin also wanted confirmation that if he moved the shed he would have no other issues with other boards. The ZBA said they can only speak for themselves regarding the Zoning violation and cannot speak for the other boards, and that Justin would need to seek compliance from the other boards.

Justin confirmed that he intended to place the container 58.6 feet away from the edge of the road.

The Board want to speak about the shed as they had not addressed it properly with Justin to answer the building inspector's violation notice. They mentioned the idea to move the shed 10 feet further away from the road as the proximity to the road was the violation called out by the Highway Department. Justin responded that it would be a Herculean feat and that it would also put him a lot closer to the brook. He reiterated that he is topographically constrained.

The Board pointed out that Justin had thought it would be possible to build on to the back of the shed, therefore they thought there was space to move the shed. Justin clarified that it was in fact the Board who had suggested he do that. They replied that they had suggested that if he had gotten rid of the container it would be an option to build on to the shed to try and regain some storage space but since he intended to keep the container, the addition idea was off the table. It was that conversation that gave the Board the idea that there was space behind the shed.

It was pointed out that Justin did not have a permit to be in the wetlands. Justin said he had started with ConComm and said that ConComm members had come out and looked and said that he didn't have a problem, as long as water could flow underneath. Bill remembered that he did speak to Justin about another case at the mobile home park where they were too close to the brook, but they got the permit. Bill said that "you never got the permit." Yes, it's possible that a permit could be granted. But a permit was never sought.

Charlotte asked if he needed a permit for the shed which was under 200 sq feet. Bill responded yes it didn't matter if it was a temporary structure. Justin repeated that when Bill was on ConComm he had said "no issues." The misunderstanding seems to be that a permit was still needed.

Ron Smith spoke up and said that was the crux of problem— that they didn't want to grant a variance that would allow the movement of the structures on the property to have it turn out that the DEP would have a problem with the new locations. Bill Harker said that the DEP does have an issue with it and had looked at the property over the weekend.

Thorne Palmer, acting Chair of ConComm said that the DEP wants ConComm to follow up with a permit and that Mark Stinson had looked it over.

2. ****Discussion on how to proceed with the variance.**

Charlotte Dewey made a motion that new information received from The DEP and Conservation Committee warrants continuation of the hearing and to extend the time period for another 30 days. Frank Carcio seconded the motion. Ron Smith-Aye, Charlotte Dewey-Aye, Frank Carcio-Aye.

Ron Smith reiterated that they are trying to help him and did not turn him down. Justin said he hadn't known the rules.

Thorne Palmer invited Justin to come to the ConComm meeting with Mark Stinson scheduled for Thursday, April 13th 2023.

The ZBA Hearing is scheduled for Wednesday, May 10th, 2023.

ACTION ITEMS:

1. Review/Approve minutes of 5/26/2020 (if available) and Minutes of 03/22/2023.
Ron Smith moved to accept the minutes of 3/22/2023 seconded by Frank Carcio, All in favor.
The Board signed previously approved minutes from 3/2/2023
2. Final review and vote of ZBA's Maynard Variance Decisions
The decision will not be reviewed or voted on as the hearing will continued.

Charlotte Dewey motioned to adjourn at 7:59 seconded by Frank Carcio, All in favor.

Minutes respectfully submitted by Star Atkeson 04/5/2023.

Documents reviewed in meeting:

- Agenda for 4/4/2023
- 03/22/2023 Zoning Board of Appeals Minutes
- Approved Minutes from 03/02/2023 to sign
- Email from Ron Smith regarding the ConComm issues sent to ZBA Monday April 3, 2023