

**Charlemont Zoning Board of Appeals**  
**May 10<sup>th</sup>, 2023 7:00 pm Meeting Minutes**  
**Via conference call and in person, Town Hall**

Members Participating: Ron Smith, Charlotte Dewey, Frank Carcio

Others Participating: Barbara Beall (ConComm,) Thorne Palmer, Secretary Star Atkeson,  
Justin Maynard

1. Called to Order 7:08 PM

2. Review/Approve minutes of 4/04/2023

**Ron Smith moved to accept the minutes of 4/4/2023 seconded by Frank Carcio, All in favor.**

3. Discussion/decision on Justin Maynard's variance request.

Ron explained that they had continued the hearing after having drafted some draft decisions because they didn't want to tell Justin he could move the structures and then find out that it was not ok with the ConComm and the DEP.

With ConComm represented by Barbara Beall, and regarding the shed, the discussion quickly moved to previous Conservation Commission business, an NOI, that Justin undertook in 2019-2021, for streambank restoration and lot improvement. Justin says his shed was already approved. Barbara said that it was not, no permit was ever taken out for the shed. Barbara explained to ZBA that a Request for Determination of Applicability (RDA) is the permit he should submit. The size of the structure doesn't matter.

Justin said that when he was issued his Certificate of Compliance (CoC) for following the Order of Conditions (OOC) related to his Notice of Intent (NOI) in 2021, a walk-through of the property was required. Justin feels sure that if the ConComm had had a problem with the shed placement as related to the Wetlands Protection Act they would have flagged it at that time. Barbara can't speak to what was verbally said was done in the past as she was not on the Board but maintained that the ConComm were doing their due diligence now, and the paperwork and procedures that she has learned as a ConComm member do not line up with his version of what had been approved. The shed would have had to have been listed in the paperwork and it is not. Justin says he has a map that he updated for his engineer and that he drew in the shed in red ink. Barbara suggested he print that out if he wants them to consider it instead of using his cell phone.

Thorne Palmer joined the meeting at 7:57. He remembered doing the walk-through as a new board member and said he did see the shed, admired it even, but that wasn't what he was there to look at. He was there to check that items listed on the Order of Conditions were in place (related to trees, topsoil, and banks, not a shed) to issue the Certificate of Compliance.

The ZBA considered leaving the decision they had drafted with the suggestion to move the container and shed and to keep the language "subject to approval by ConComm and DEP." Frank decided against that idea, he wants to have ConComm's input before making the ZBA decision, Charlotte agreed.

The ZBA try to make sense out of Justin's assertions about the previous ConComm business, they suggest he get clarification on it, and print up the documentation he said he had. Charlotte wondered if he could contact the engineer that he worked with. Ron said he can see where Justin is coming from with the thinking that the receipt of the Certificate of Compliance would mean that everything on the property was approved.

4. Preparation of decision forms

N/A

5. Adjournment

**Frank Carcio made a motion to extend the hearing to July 19<sup>th</sup> 2023, seconded by Ron Smith. All in favor, motion is carried.**

Minutes respectfully submitted by Star Atkeson 06/21/2023.

Documents reviewed in meeting:

- Agenda for 5/10/2023
- Minutes from 04/04/2023 to sign