

Charlemont Zoning Board of Appeals
July 19th, 2023, 7:00 pm Meeting Minutes
Via conference call and in person, Town Hall

Members Participating: Ron Smith, Charlotte Dewey, Frank Carcio

Others Participating: Justin Maynard, Secretary Star Atkeson

Appointments: 7:00 P.M. Continuation of Maynard/ 200 Avery Brook Rd. ZBA Hearing: Variance request for structures placed too close to the road.

1. Call to order

Ron Smith called the meeting to order at 7:00.

2. Approval of previous minutes

Frank Carcio made a Motion to approve the minutes of 5/10/2023, as written. Charlotte Dewey seconded the Motion; All in Favor.

3. Discussion/decision on Justin's appeal

Ron Smith went over where the hearing stands now— they had proposed two options in a draft decision but had never approved the draft with new concern pending from the Conservation Commission about the placement of the structures.

Ron had spoken to Thorne Palmer from the Conservation Commission who said that even if Justin is granted a variance Justin will need to obtain a building permit for the shipping container and which will require a permit from the Conservation Commission

Justin told the ZBA that the Conservation Commission does not want the second structure, the shed closer to the brook. Ron said that it is too close to the road. Justin said there were very large trees in between the shed and the road, and if they widened the road to upgrade the bridge, they would have to cut those trees. Charlotte Dewey said they can do that, and that in their understanding the bridge was slated to be replaced within 2-3 years.

Justin explained his plans to submit an NOI (Notice of Intent) to the Conservation Commission and asked if he could leave the shed where it is, close to the road, in that request. He is receiving help from an environmental scientist. He explained the permit process in detail to the ZBA. He explained that there was only room for the container to be relocated, and not the shed. He repeated his assertion that he was told that it was fine to place the shed there “so long as water could run under it.”

Ron Smith laid out the options— writing the Decision to leave the shed and move the container, or to deny the shed totally, as moving it 10 ft was not an option.

Charlotte Dewey’s opinion is that they allow the shed to stay, and as previously decided, allow Justin time to move the container if a conforming spot could be found and appropriate permitting received.

Charlotte Dewey made a motion to amend the variance drafted on March 22, 2023 based on new information received at the last hearing, May 10th, and today, July 19th, to grant a period of time to allow Justin Maynard to gather resources to relocate the shipping container to a conforming location on his property, if a conforming location could not be found, then he should remove the container from the property by June 30th 2024; and to grant a variance for the shed to allow it to remain in place. Frank Carcio seconded the motion.

Ron Smith—Aye, Charlotte Dewey—Aye, Frank Carcio—Aye.

Frank Carcio made a motion to close the Hearing on July 19, 2023, seconded by Ron Smith. All in favor.

4. Preparation of decision forms

Secretary edited the drafted forms to reflect the new motion. The Board signed the copies of the Decision. A record of Decision will be sent to the appropriate concerned parties.

5. Adjournment

Charlotte Dewey motioned to adjourn, seconded by Frank Carcio, all in favor.

Minutes respectfully submitted by Star Atkeson 07/26/2023.

Documents reviewed in meeting:

- Agenda for 7/19/2023
- Minutes from 05/10/2023 to sign
- Maynard Variance Decision