

Charlemont Zoning Board of Appeals
October 4th, 2022 7:00 pm Meeting Minutes
Via conference call and in person, Town Hall

Members Participating: Ron Smith; via conference call: Charlotte Dewey, Frank Carcio

Others Participating: Justin Maynard, Thomas Cashin, Jackie Cashin, Eric Dean, Secretary Star Atkeson

Called to Order by Ron Smith at 7:05 p.m.

Charlotte Dewey made a motion seconded by Frank Carcio to make Ron Smith acting Chair for this Hearing. Charlotte Dewey— Aye; Frank Carcio—Aye; Ron Smith,—Aye.

APPOINTMENTS:

1. 7:00 PM Justin Maynard; Public Hearing for a variance to the setback requirements.
 - Justin explained his situation. He has very limited level land to place anything without cutting forest or entering wetlands. He put the barn up in 2020 @ 17' or 18' feet from the road. It is used for honey processing and to be used for maple candy production. He also has a shipping container close to the road.
 - A complaint was lodged to the Building Inspector who wrote him two letters and instructed him to get a Variance from the ZBA.
 - Justin confirmed that the barn has been in place since 2020, and the container was placed this year
 - Justin confirmed that the structures are related to farming.
 - The neighbors who were present all expressed support for Justin's farming endeavors and were not bothered by the placement of the structures.
 - Eric Dean mentioned that there were many "non-conforming" structures on the road, and that Justin's structures did not impact other properties.
 - It was confirmed that there were no written complaints from neighbors.
 - Ron questioned whether regulations for setbacks apply to temporary structures.
 - The board deliberated whether it was a true violation as the structures could be considered temporary.
 - Some of the Board members had seen the property and others had not or had just heard descriptions. They would like to meet onsite to discuss and to continue the hearing on October 25th.
 - Memo sent from Marguerite Willis was read. She was in favor of Justin doing what he wanted and commended his efforts.
 - Eric Dean brought up that it is an issue of residential vs. agricultural and that the area is not residential.
 - Charlotte agreed and suggested reviewing the Right to Farm Bylaw.
 - **Frank Carcio made a motion seconded by Charlotte Dewey to continue the Hearing for a time that is justifiable, to meet on the property, to check the Right to Farm bylaw and to confirm FRCOG's intention in the writing of the complaint.**
Charlotte Dewey— Aye; Frank Carcio—Aye; Ron Smith,—Aye
 - The Board would like to meet to view Justin's property on Monday October 17th.
 - **Ron Smith made a motion to adjourn the Hearing portion of the meeting at 7:42 PM, seconded by Charlotte Dewey. Charlotte Dewey— Aye; Frank Carcio—Aye; Ron Smith,—Aye**

ACTION ITEMS:

1. Review/Approve minutes of 5/26/2020 and 1/25/2022
 - The Minutes of 1/25/2022 were approved by all and initialed by Ron Smith
 - Ron will locate the 5/26/2020 minutes when he gets a chance.
2. Review correspondence: Zoning violation letters from Building inspector
 - The violation letters dated August 8th and 10th 2022 were read during Justin's appointment.

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)
 - This item will be on the next agenda for the continuation of the hearing
2. Set meeting date to sign variance decision and minutes
 - This item will be on the next agenda for the continuation of the hearing
3. Revisit Update application fees/process (bulk mailing vs. certified mailing)
 - This item will be on the next agenda for the continuation of the hearing

OTHER DISCUSSION TOPICS:

1. Secretary points out that Charlotte Dewey signed Mullin Rule document.
 - Acknowledged by Board
2. Ron Smith went over the plans for the Board, they will:
 - Read Right to Farm Bylaw and bylaws relating to temporary structures
 - After review, will contact Jim Hawkins to see if it was done correctly; if Justin was within his rights then maybe there would be no need to continue the hearing.
 - Frank Carcio and Charlotte Dewey were in agreement.

Meeting was adjourned at 7:50.

As it stands, a continuation of this Hearing will be held October 25th, 2022 at 7:00 PM

Minutes respectfully submitted by Star Atkeson 10/21/2022

Documents reviewed in meeting:

- October 4th, 2022 Zoning Board of Appeals Agenda
- The Minutes from the 1/25/2022 ZBA meeting
- Public Hearing Notice
- Mullin Rule document signed by Charlotte Dewey
- Memo of support from Marguerite Willis 9/26/2022
- Hearing attendance sheet
- August 10 and August 8th 2022 letters to ZBA from Jim Hawkins detailing violation.