

MINUTES OF THE PLANNING BOARD MEETING
TOWN OF CHARLEMONT

January 22 2004

Bill Stephens called the meeting to order at 7:00 PM. Also attending were Charlotte Dewey, Daniel Miller, Ursula Nebiker, and Suzanne Willard-members. Residents Trevor Mackey, Perry Schwarzer, Phil Banks and Frank Taylor were also present. Minutes of the meeting were taken by Secretary to the Boards, Carlene Millett.

1. Trevor Mackey began by questioning the wording in the West County News regarding an emergency meeting held by the Planning Board on December 31. Trevor's question being was the open meeting law violated? Bill responded Mr. Mackey that an emergency meeting was not held as time didn't allow. Mr. Mackey was assured that an agreement was reached at the open meeting between Mr. Bowen, The Planning Board and the Board of Selectmen on the previous night and the other members were informed the following morning of what transpired. No decisions were made, the members were just informed.
2. Frank Taylor wanted to discuss the renewal of his Class three license. At present, the Board was unwilling to renew the license as there were unresolved issues from a previous agreement between Mr. Taylor, The Planning Board and The Selectmen. Bill reminded Mr. Taylor that he agreed to haul the vehicles away two years ago. Frank stated that all the vehicles that were present at the time of the agreement (100) have been hauled away, what is still on the premises are new vehicles since then (35). Mr. Taylor stated that he had moved several of the vehicles in the fall and will move more in the spring. Bill asked that Frank limit the cars on site and move the ones that are close to the river. Bill stated that he would make a site visit in the spring to check on the progress and in the meantime, will tell the Select Board to release Mr. Taylor's license so that he is not in violation.
3. Suzanne Willard submitted a disclosure of a conflict of interest letter, from the State Ethics Board, stating that she was not in conflict of interest. Perry Schwarzer objected to Suzanne being on the Board or making any decisions regarding gravel pits, as she is on a trust and has a financial interest in a gravel pit. Because the Board of Ethics had already cleared her, Bill informed Perry he may contact the Board of Ethics himself if he so desires.
4. It was noted that Suzanne Willard had been voted to serve on the Planning Board at Tuesday's meeting. Suzanne was previously an associate member and will replace Pam Hazlett.
5. Perry voiced objections to Suzanne having any say in cellular tower discussions, as he believed she had a cellular tower on her property. While there is actually no cellular tower on the property currently, a letter will be issued that the permit (previously) in place has lapsed.
6. Perry voiced concern over the Planning Board discussing upcoming special permits to Mr. Bowen before the hearing and he is concerned that the Board would issue Mr. Bowen a permit without him first applying. Mr. Perry stated that the permit has to go through a process and the public and abutters notified before the hearing. Bill stated that as there is much time involved in this issue, he felt that it would be in the best interest of all involved parties if an agreement were reached before a hearing was needed. In the agreements that had come in the final hour of discussions between The Select Board, Mr. Bowen, and the Planning Board, The Planning Board agreed to writing up a draft of conditions which would help in the special permit process regarding Mr. Bowen's gravel pit. Bill stated that there was nothing illegal in discussing options

without going through the hearing process, as long as the abutters agreed. Bill felt this would be in the best interest of the Town overall. Perry was assured that The Planning Board would issue a letter to Mr. Bowen stating what the Planning Board was looking for as far as operating his gravel pit and that a copy will be included in the minutes.

7. Charlotte reminded the Secretary to the Boards (and all) that written conditions/criteria should be attached to Special permits and typed up as part of the document, as they haven't been previously. The Board agreed. Charlotte also emphasized that no correspondence or final permits should be sent out without final review of a co-char. Bill also asked that the Board try to set agendas ahead of time, to make the meetings easier and more expedient.
8. The Board took a short recess at 8:12 and reconvened at 8:16.
9. Jennifer Derway came in to see about getting a special permit to run a small coffee shop/deli at the property next to the Post Office. The anticipated hours would be around 5:15 am to 3:00 PM and would consist of a counter and two to three seats. Jennifer stated that Skip had approved the work to the building and that she would bring it up to fire safety code. Bill explained the process to Ms. Derway, stating that she would need to get an application for the planning Board, then a public notice would be sent out to the public and abutters and finally the special permit hearing would be held. Jennifer will get her application along with a letter from Skip stating his agreement for her to run such business on his premises, to the Secretary to the Boards. Jennifer will also talk to Ruth Cannavo and Jim Hawkins and obtain a list of abutters to begin the process.
10. Bill, Charlotte, and Ursula discussed the January 8 meeting and what would be reasonable conditions for the special permit on Zoar Road. The board then discussed at length the conditions to the special Permit for the Bowen gravel pit. It was agreed that the Board would clarify the Bowen draft, compose a cover letter and circulate it to the Select Board and the Town Council.
11. Phil submitted an email article regarding a similar gravel pit situation in Dalton, Ma involving Koppelman and Paige, for the Board's information.
12. The minutes of the last meeting to be approved at a subsequent meeting.
13. The meeting adjourned at 10:05 PM.

Respectfully Submitted,

Approved by:
Planning Board

Carlene Millett
Secretary to the Boards