

MINUTES TO THE PLANNING BOARD PUBLIC HEARING TOWN OF CHARLEMONT

May 27, 2004

The meeting was called to order at 7:04 p.m. by Bill Stephens, Co-Chair. Members present were Charlotte Dewey, Ursula Nebiker, Dan Miller, and Trevor Mackey. Members not present-Gisela Walker. Others present were Suzanne Willard, Phil Banks, Pam Hazlett, and John Miller.

1. Charlotte began with stating that the last the Board had heard from Town Counsel was Monday (the 24th), when Joel Bard indicated he had yet to speak with Earl Bowen's attorney but if he did not reach him on Monday, he would send the Attorney a letter, which he did, and which Charlotte read. In summary, the letter, it stated the Town and Town Counsel's displeasure at Mr. Bowen's cancellation of the May 5th meeting between the attorneys' and Bowen's unwillingness to cooperate with Town officials on his gravel pit operation. Mr. Bard suggested to Mr. Bowen's attorney that the next step would be for him to respond on behalf of Mr. Bowen, to the list of special permit conditions.

Bill added that this makes things difficult, as the Board still needs to hear from Mr. Bowen's attorney and the deadline for some action to take place, on Mr. Bowen's part was by June 3rd.

Bill will hopefully be speaking to Mr. Bowen tonight and request that something happen quickly.

Charlotte stated that Mr. Bowen does have until the third of June, to apply for the permit.

Bill put Earl and the Building inspector on notice that by Tuesday (the 2nd), the Board needs to hear something and then the Board will decide what action to take next.

Pam asked about Earl's ad in the paper, that he is fully open for business, and that every day trucks are going to the gravel pit. She asked if the Board was just going to let him do what he is doing, stop him, or slap a Cease and Desist order on him?

Bill stated that his plan was that if he did not hear from Mr. Bowen's attorney, within the week, he was prepared to slap a Cease and Desist order on him.

Ursula stated that she feels we should give Bowen only until June 3rd and no longer, as he is currently operating without a permit and has not contacted the Board.

Phil Banks stated that he has seen operations going on at the gravel pit, on Sunday.

The Board stated that the only operation hours for the gravel pit are Monday through Saturday, so if Phil or anyone can get proof or witnesses to this, they should do so.

Bill stated that if he gets no response by Thursday, Mr. Bowen will be shut down on Friday (of next week) and that he (Bill) will be putting the building inspector on notice, on Tuesday, to get the paperwork ready for a Cease and Desist on Thursday.

Pam asked if the whole Board was united in this opinion, or are there differing opinions? Dan stated that he wishes to reserve his opinion until the meeting next Thursday, on the 3rd.

Bill agreed that the Board is fed up and there is a need for a resolution.

Pam suggested that Chuck and Erwin should be involved, and Bill agreed it would be a good idea.

Charlotte read the letter from the Planning Board, to Town Counsel, Board of Selectmen and Earl, regarding his cancellation of the meeting between the attorney's. This letter stated the Board's displeasure and inconvenience, with Mr. Bowen's cancellation of the meeting that was to take place between the attorneys'. The letter also stated that Mr. Bowen had until June 3rd to meet with the Planning Board, Board of Selectmen and the attorneys, or submit an application for a special permit. If by June 3rd, there is not response, the Planning Board will notify the Building Inspector that it will take any legal action necessary to stop the operation of the gravel pit.

Pam wanted to be assured that the Board would not go past the June 3rd deadline, and Bill said that there would need to be an application for a special permit on June 3rd, or Bowen will be shut down. Pam mentioned that there have been complaints of Mr. Bowen's "Trucks Entering" sign being in the line of sight when cars pull out and is blocking the view. Bill said that he would really need letters from the complainants, but the Board will check it out. Dan further added that if Mr. Bowen were seen operating on a Sunday, to call him and he'd go up and take a look.

2. Charlotte read the hearing ad for John Miller and Sarah Prince. There were no abutters present and the only comment that was noted was that of Linda DuPree, who had no problems with the Bed and Breakfast at all. Bill apologized to John, on behalf of the board, about the time it took to get the special permit hearing. Bill asked John what he had in mind for his Bed and Breakfast. John explained that he would like to rent out the house for farm stay lodging, the rooms have a kitchen and all the makings for a Bed and Breakfast, but the renters have privacy and can use the kitchen themselves.

Bill stated that the farm stay is actually a preexisting apartment that was attached and is an L off the main house and will be used for short-term rental.

Charlotte asked if John had checked with the Board of Health, as they inspect Bed and Breakfasts. As John had not, Charlotte advised him to give Ruth a call.

Dan also asked John to jot the Board a quick diagram, and John produced the diagram he had already drawn up.

Dan asked about the number of rooms and John replied there would be two, a sitting room and kitchen downstairs and a bedroom and bath upstairs.

Bill asked if the business would be open year-round, and John confirmed that it would be.

Ursula asked what John would call his Bed and Breakfast.

John replied it would be called the Farmstead at Mine brook, the same sign will be used.

Carlene asked John if he had any plans for further expansion to either his goat business or Bed and Breakfast. John said he did not, as he had no room for it and 24 goats was enough.

Charlotte also advised John to check with the Building Inspector, as he was converting from an apartment to a Bed and Breakfast.

Bill informed John that he would need a second egress, as well as an inspection done by the Board of Health, on the kitchen.

Bill made a motion to grant a Special Permit to John Miller and Sarah Prince D.B.A. The Farmstead at Mine brook Bed and Breakfast, to operate a one bedroom Bed and Breakfast, in the wing attached to their house, located at 8 Mountain Road, Charlemont, as shown per attached plan, to be available for rental on a year round daily basis. Motion was seconded and passes unanimously.

The Board wished John good luck with his business and assured him that his paperwork would be processed in a timely manner and should be available for him to pick up within two weeks.

It was asked if the permit went with the individual or not.

Bill replied that it is part of the boilerplate, and that all permits now, unless otherwise specified, run with the applicant.

It was asked if the property was sold, would the permit expire and Bill confirmed that it would.

3. Ursula will bring Barbara Harris bottles to test her water, and will bring back so that Bill can get her water tested.

4. At 8:15, the Board took a short break

5. Board reconvened at 8:35 p.m.

6. The minutes were reviewed and corrected.

7. Bill stated that he had a telephone conversation with Gail Beauregard, in which they discussed the location of her dumpster. Gail told Bill that BFI would not let her move her dumpster and Bill firmly disagreed. Gail then stated that she likes where the dumpster is and that it would be in Gordy's (Charlemont Highway dept.) way. Bill stated that if she were unable to move it for these reasons, she would need to submit to him, letters from both BFI and Gordy, stating so. Bill suggested she put up some screening to shield the dumpster from her abutters and Gail agreed that she could do that. Bill also suggested that Gail and Frank (her abutter) work it out together, and come before the Board, if necessary.

8. Ed King needs his determination letter ASAP, Charlotte agreed to get this out to him.

9. The Board reviewed Barbara Harris' plan for selling off some lots of her property, and it was determined that she does not have the proper frontage, unless the Town of Charlemont will agree to extend her road, or she adds enough subdivision road to make her lot conforming. The possibility of the Town being willing to add a cul-de-sac, was discussed and it was determined that she should obtain an attorney, and that the process could be quite costly to her.

10. The location of a cell tower and the bylaws of one, were discussed.

Business having been conducted, the meeting was adjourned at 9:15 p.m.

Respectfully Submitted,

Signed by:
The Planning Board

Carlene Millett
Secretary to the Boards.