

**Charlemont Planning Board  
April 2, 2020 Meeting Minutes  
Telephone Conference Call**

Members Participating: Bill Harker Chair, Gisela Walker, Carlene Hayden, Bob Nelson

Others Participating: Maryellen and Phil Banks, Patrick and Katie Banks, Earl Bowen, Byron Gilchrest, Marguerite Willis

Call to Order

Planning Board Chair Bill Harker called the meeting to order at 6:05 pm.

Approval of Minutes

Hayden moved that the draft minutes from the February 6, 2020 meeting be approved as written. Nelson seconded the motion and Harker approved. The draft minutes were unanimously approved.

Board Discussion

The applicant made a request to further delay the continuation of the 133 Warfield, LLC Special Permit for a brewery beyond this meeting. Hearing this, Marguerite Willis dropped off the call as her participation would not be required.

There was a mistake on the agenda for this meeting. The minutes stated that the Warfield LLC special permit continuation was at 6:30. It should have read 7:30. The public hearing notice did have the correct time.

The report from the Animal Inspector regarding the results of the inspection of 176 Main Street pertaining to farm animals at that address was read. A letter will be written to the owners with a copy to the Animal Inspector, that the goats and alpacas needed to be removed by May 15th, 2020 and that the Animal Inspector will re-inspect and report back to the Board.

Vacationland, LLC, Continuation of Special Permit Hearing for Campground:

Harker opened the hearing at 6:15. He requested that Hayden run this hearing, because of her familiarity with the hearing protocol. Hayden reviewed the organization of the hearing via conference call: The applicant will present the proposal. The planning board will ask questions. Then any abutters or other participants will have a chance to speak.

Earl Bowen, abutter stated that he had a question regarding the procedure. He said that the abutters list appeared to be created for lot 23 before the additional lot 24, was acquired. Was the abutters list revised and were any new abutters given notice after the new land was acquired? Specifically, was Bob Turner informed regarding lot 24? Hayden stated that this did occur and that Bob Turner did not show up as an abutter within the 300 foot area of the property. Mr. Bowen could verify this himself online.

Katie Banks reviewed the plan for the seasonal campground at 233 Zoar Road as described in the special permit application. It is currently 5 cabins, but may eventually be up to 10 sites, including cabins, lean-tos or tent platforms with up to 40 campers (people).

Hayden stated that there were questions that were sent to the Banks' following a previous meeting and she reviewed the answers that were supplied. These are in a document attached to the special permit application, labeled Answers to Board's Request for Information (RFI).

Walker asked if the campers would have access to the river. They will not. Will there be a dumpster and will it be bear proof? Yes to both inquires and it will be placed near the parking area. Additionally, there will be no food in the cabins. Walker also expressed concerns regarding security. There will be a security

camera, the entrance will be chained closed during the off season. The owners will come to the property on most weekends and there will be local residents who will be available and will check in during the week.

Earl Bowen asked about rules for campers who might come onto his property. Being a direct abutter, he is concerned that people will enter his property. He is also concerned about ATV, fireworks and firearms. Katie Banks said that she did develop a list of rules that will be posted for the campers to read. She will add that there are to be no ATV's, fireworks and firearms. She added that the campground will be closed during hunting seasons. They would be happy to meet with Earl Bowen and discuss signage to discourage trespassing.

Earl Bowen also asked about liability insurance. Katie Banks said they have liability insurance. There was some discussion as to whether they should supply proof of insurance to the planning board, but this is not something that has ever been done in the past. Additionally, Harker stated that with sufficient signage, it will clearly be the fault of the trespassers should they be injured.

Earl Bowen expressed concerns regarding the possibility of fires. He has trees that are under management and could see a significant loss should there be a forest fire. Since the campground is self-service and will not have management on site to ensure a fire pit is extinguished, the potential for fire is increased. Harker suggested that the fire pit be screened or covered. The Banks said they would be happy to have a cover for the fire pit and additionally water could be made available to extinguish the fire. They also said that there is only one shared kitchen and one fire pit and the kitchen and cabins will have fire extinguishers. The property is accessible to fire trucks. Harker suggested that a tank of water near the pit would be nice. A hose near the pit from the water source would ensure that the water would be more likely to be used. Additionally, a meeting with Dennis Annear the fire chief should take place.

Earl Bowen asked if there was a maximum length of stay. After discussion, Katie Banks agreed that two weeks is a reasonable maximum length of stay.

Walker asked about whether dogs were allowed. They are in two of the cabins, but need to be leashed at all times when they are outside and need to be cleaned up after. Walker also asked if there were to be quiet hours. There are, from 10:00pm to 7:00am.

Katie Banks read through the rules as they are currently written.

The planning board then developed the following conditions for the special permit.

- 1) The property line between the campground and Earl Bowen's property will be agreed upon and posted with the integrity of the signage checked and replaced if necessary yearly.
- 2) The rule book will be updated as discussed during this meeting, including to not allow ATV's, fireworks and firearms and submitted to the planning board.
- 3) The fire pit will have a cover and a water source piped to it with a hose to extinguish the coals.
- 4) The maximum stay at the campground will be 14 days.
- 5) The Banks will need to meet with the fire chief, Dennis Annear before they open the campground.
- 6) Names of local contacts will be updated and provided to the planning board and police/fire annually.

The planning board reviewed and edited the Special Permit Criteria.

Hayden moved that the planning board grant the special permit to Vacationland, LLC for the seasonal campground at 233 Zoar Road. Walker seconded the motion. Harker approved, Nelson approved and the motion was approved unanimously.

The hearing was closed at 8:10pm.

### 133 Warfield LLC Continuation of Special Permit Hearing for Brewery

Harker opened the hearing at 8:14. The applicant was not able to meet this evening, and requested the meeting be further continued. Walker made a motion that on request of the applicant this meeting be continued to May 21 at 6:15 pm at the Charlemont Town Hall or other approved format. Hayden seconded. Harker approved, Nelson approved and the motion was approved unanimously. The hearing ended at 8:19 pm.

### Board Discussion

The board discussed the animals at 176 Main Street. Walker stated that a letter should be written to the property owner that they will be re-inspected by May 15 and the alpacas and goats should be gone.

Hayden said that one of the documents supplied for this meeting was notes from when she and Nelson met in the parking lot on March 19th to notify any abutters that came of the hearing continuations. No abutters appeared and this meeting was not a quorum, so the notes did not require approval.

Hayden proceeded to review the bill that was filed by the Governor and pending approval, regarding addressing the challenges faced by municipalities and state authorities resulting from Covid 19. She highlighted the relevant section for the planning board, which pertained mainly to the relaxation of deadlines regarding the filing of permits.

Walker suggested that we delay discussion on the letter from the Attorney General regarding the Marijuana Bylaw until the next meeting of the planning board.

### Adjournment

At 8:36 p.m., on a motion by Hayden and seconded by Walker, Harker voted yes, Nelson voted yes, the board voted unanimously to adjourn the meeting.

Respectfully submitted,  
Bob Nelson

### **Documents viewed in the Planning Board meeting of 4/2/2020\***

1. Agenda for meeting of 4/2/2020
2. Draft Minutes from the February 6, 2020 meeting
3. Vacationland, LLC Special Permit Application packet, including plot plan and abutters list
4. 133 Warfield LLC Special Permit Application including site plan and abutters list
5. H4598 An Act to Address Challenges Faced by Municipalities.pdf
6. H4598 Relevant Section to Local Permitting
7. Letter from the Attorney General regarding the Marijuana Bylaw
8. Planning Board March 19, 2020 Notes
9. Letter from Animal Inspector regarding the inspection results of 176 Main Street pertaining to animals residing there

\*Documents are stored in their respective files