

**Charlemont Planning Board
May 6, 2021 Meeting Minutes
Charlemont Fairgrounds**

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

Others Participating: Marguerite Willis, Select Board Liaison, Richard Casten, Bill & Marcia Tucci, Wilder Sparks, Dan Wetterwald, Erica Travis, Levi & Wesley Janssen, Joe Pellegrino, abutters and members of the public (see attached sign-in sheets).

Call to Order

Planning Board Chair Bob Nelson called the meeting to order at 6:08 pm.

6:00 P.M. Appointment: Richard Casten; replacement of a non-conforming structure

Casten attended the meeting to discuss replacing an existing non-conforming shed on his property at 28 Heath Stage Terrace. The shed is closer to the property line than the bylaws allow and Casten said he'd like to rebuild the shed and move it further from the property line-from 10' to 12'. He provided the Board with a drawing showing the location of his shed and the property lines and stated that due to ledge and the steepness of his property, he couldn't get any further away from the property line. He has spoken with his abutters and they had no issue with him replacing the shed. After discussion as to the fact that this would be making the shed less non-conforming than it was, Walker made a motion to approve Richard Casten replacing his shed and moving it 2 feet further from the property line, Harker seconded and the motion was unanimous. Casten thanked the Board.

6:15 P.M. Appointment: Sun & Soil Craft Cannabis LLC; Special Permit hearing for cannabis cultivation

Nelson opened the hearing at 6:15 P.M. and read the public hearing notice into the record. The applicants were approved a Special Permit in 2019, but due to some changes with regard to the partners and the legal filing of the organization (LLC instead of a Cooperative) as well as minor changes to the operation, they have applied for a new Special Permit. Nelson stated that a letter had been submitted from Janice Boudreau and Robert Dolan, of 375 Mountain Road, who were not abutters but had some concerns with the proposal. Nelson read the letter aloud (most of the concerns cited had already been addressed in the previous Special Permit). Nelson asked the applicants if they were going with the same plan as their last permit and they said they were, with the only difference being the partners involved, the name change and that they would not be using grow lights this time. Addressing the concerns with smell, the applicants didn't feel the smell would be an issue at all but said they would use carbon filters if it is. They noted they were using a cistern for on-site water collection and will be using organic fertilizer. Walker asked about water runoff from the roof and the applicants said this wouldn't be an issue as it would negatively affect their operation. Harker agreed and stated that he has viewed the site and didn't feel runoff would be an issue at all. Abutter Annie Rancourt mentioned that the road is a problem and not just in the spring. Bill Tucci stated there would not be a lot of deliveries, just in the initial construction and Wilder Sparks added that they will do the construction at an appropriate time of the year so there wouldn't be an issue with the road. Addressing the concern with internet, he said that they have signed up for broadband and added they will have solar and their electrical usage will be minimal as they aren't using grow lights. He noted they will need to provide stamped engineered electrical plans with their permit. Next, noise was addressed. The applicants stated the only noise the site would generate was with the fans, which would not likely be heard by abutters. Marcia Tucci reiterated that the only change is that the new plan is much simpler and lower-tech than the previous proposal (will not require the high-tech grow light system), everything else is the

same. Select Board Liaison Marguerite Willis noted that the applicants have signed the Host Community Agreement with the Select Board and they are doing all they are required to do. It was noted that the \$35,000 donation to the Town by the applicants with the previous permit no longer applies but that the 3% Community Impact Fee will come to the Town. Rancourt said she doesn't see an issue with the proposal and felt the applicants were doing a great job. Harker added that the previous farm on this property used way more electricity than this operation ever will.

The Board then reviewed the conditions from the previous permit and added new ones, as well as the special permit criteria, noting the effect of the proposal on each aspect. The full list of conditions, permit criteria and responses will all be included in the permit decision. After discussion, Walker made a motion to approve a Special Permit for Sun & Soil Craft Cannabis, LLC for cannabis cultivation at 24 Mountain Branch Road. Miller seconded and the motion was unanimous. The public hearing was closed at 6:56 P.M.

6:45 P.M. Appointment: Wells Provisions; Special Permit hearing for café, market and ice cream shop

Nelson opened the hearing at 6:57 p.m. and read the public notice into the record. Wesley Janssen stated that they had assumed the previous permit for the building but wanted to add outdoor seating and have the ice cream window in the same permit so they have applied for a new permit. She explained that they moved from New Orleans and were involved in the restaurant business there and have brought back their chef with them. Janssen envisions the café primarily serving breakfast and lunch with some evening dinners. She explained that they will model the ice cream after the *Northfield Creamy* and added that this will be a family affair as they will live upstairs. They are bringing back the historic Wells name of the store and have modeled the windows based on a 1930's picture of the store. Walker asked if there were bathrooms and Janssen replied there are two. There will be eight parking spaces. They will primarily have orders to go and no table service, with limited seating inside. They would like up to 8 tables and three benches outside. The Board stated they would like trash receptacles in every seating area. There will be an awning and lights over the creamy and a large light in the parking lot, all will be down-wash lighting.

The Board discussed the conditions of the permit and reviewed the Special Permit criteria, noting the effect of the proposal on each. Some of the primary Board concerns were with traffic and pedestrian crossing as well as parking issues when the place got busy. The applicants agreed to address these issues if they arose. After discussion, Hayden made a motion to grant a Special Permit to Levi Janssen/Wells Provisions for a café, market, coffee and ice cream store, including outdoor seating at 159 Main Street. Harker seconded and the motion was unanimous. The public hearing was closed at 7:50 P.M.

Citizen's Comments

Joe Pellegrino attended to ask if there was any further discussion on the proposed bylaw revisions and Walker said the Board had some discussion on what animals to allow and where and had decided it was easier to not allow any animals in the Village and add a footnote that 6 rabbits and 6 chickens (no roosters) would be allowed by right. Pellegrino noted concerns with enforcing the bylaw, especially if the Building Inspector can't get there in time or doesn't respond and asked why the Planning Board couldn't enforce it. Hayden stated that the Planning Board's enforcer is the Building Inspector and said they have added others such as the Board of Health, Conservation Commission, Select Board and Police to be allowed to write tickets. It was suggested to add the Town Administrator (Sarah Reynolds) also, as she would be right in Town in the event of a violation happening and the Building Inspector couldn't come. After discussion, Willis directed Hayden to brief Sarah on having her be able to issue tickets for zoning violations.

Approval of Minutes

The Board reviewed the minutes from their meetings of 4/15/2021 and 4/29/2021 and on a motion by Nelson and seconded by Hayden, the minutes were unanimously approved, as written.

It was agreed that Walker will draft the Sun and Soil permit decision and Hayden will draft the Wells Provisions one.

Review Correspondence

- 1) There was an email sent to the Board with a question regarding building on Cherrie Pierson and/or Mountain View Drive; Nelson has responded and the lot owners will attend a future meeting.
- 2) The Board received a letter on a Draft Priority Habitat Map of Rare Species for Public Comment from the NHESP (Natural Heritage and Endangered Species Program). Willis directed Hayden to forward the letter to Sarah to review for any effect to the Town.
- 3) There is an All Board Meeting on May 18 at 6:30 P.M. at the Fairgrounds.

Adjournment

At 8:17 pm on a motion by Nelson and seconded by Harker; the Board voted unanimously to adjourn the meeting. The next meeting will be Thursday, May 20th; the Great Outdoors Special Permit hearing, preceded by a Board site visit of the Hyytinen Hollow property.

Respectfully submitted,
Carlene Hayden

Documents viewed in the Planning Board meeting of 5/6/2021*

1. Agenda for meeting of 5/6/2021
2. Draft Minutes for 4/15/2021 & 4/29/2021
3. Site drawing of proposed replacement of non-conforming shed
4. Letter from Janice Boudreau & Robert Dolan re. Sun & Soil Cannabis LLC application; 5/6/2021
5. Sun & Soil Craft Cannabis LLC Special Permit file and related documents
6. Wells Provisions Special Permit file and related documents
7. Email regarding building on Cherrie Pierson/Mountain View Drive; 5/3/2021
8. Draft Priority Habitat Map of Rare Species for Public Comment letter from NEHSP
9. Memo from Select Board regarding All Board Meeting; 5/4/2021

*Documents are stored in their respective files