

**Charlemont Planning Board**  
**March 2nd, 2023 6:00 pm Meeting Minutes**  
**Via conference call and in person, Town Hall**

Members Participating: Bob Nelson, Colleen Champ, Lori Shulda-Merrigan, Andy Mueller, Associate Member Gisela Walker

Others Participating Select Board liaison Bill Harker, Jim Scalise SK Design Group (arrived 6:30) Star Atkeson (Secretary)

Via Conference Call: Bill Martin, Berkshire East Attorney,

Called to Order by Bob Nelson at 6:05 PM

**DISCUSSION TOPICS:**

**1. Attorney General's Office response to 2022 Zoning Bylaw Revisions**

- Having read the response to the Attorney General's office regarding the Zoning Bylaw revisions, Bob explained that the letter said that the vote for Article 5 required 2/3 of a vote and that Charlemont had written a "clear majority," and not 2/3rds. The AG's office wants a confirmation that it is 2/3rds majority. Bob Nelson sent an email to Bob Handsaker to see if he had taken notes on town meeting floor, if he would be able to confirm that it was 2/3rds. Bob Handsaker said that he had gotten a copy of the response form the AG's Office as well and that it was up to Kathy Reynolds, Town Clerk, to contact the AG's office about it. G.Walker agrees that Kathy should communicate with the AG and not Bob Handsaker.
- Regarding the solar changes in the bylaw revisions, the AG's letter pointed to many decisions made to Massachusetts Law— which put the whole solar situation "in the air," but they are not forcing us to change our revisions, which is good.

**2. New Email System**

- This item was not discussed at the meeting.

**ACTION ITEMS:**

**1. Finalize Notice of Decision for Jonathan Mirin Special Permit for Theatre**

- L.Shulda-Merrigan will write the Special Permit in time for filing with Town Clerk.

**2. Review/approve the minutes of 2/16/2023, 2/23/2023**

- **B.Nelson made a motion seconded by Lori Shulda Merrigan to approve the 2/16/2023 minutes as amended. All in favor**
- **B.Nelson made a motion seconded by Lori Shulda Merrigan to approve the 2/23/2023 minutes. All in favor**

**APPOINTMENTS: 6:24 PM—Public Hearing for Berkshire East for Special Permit to construct new detachable High Speed Chair Lift and a request for a 2-year extension for their current Special Permit, Filed January 2022.**

- B.Nelson read the Public Hearing Notice.
- Bill Martin explained that Jim Scalise was on his way and that Jon Schaefer couldn't make it. Bill Martin explained the Chair Lift project to the Board.
- Berkshire East has two requests: A two-year extension on the previously approved Special Permit 1/25/2022 (proposal of a new ski trail on the northeast side of mountain) and a Special

Permit for a new highspeed detachable chairlift which will be installed before the existing chairlift is moved. (Summer 2023)

- Rather than installing a new chairlift on the proposed northeast-facing trail, Berkshire East would prefer to take down their existing Summit Quad lift (currently on the *northwest* side) and reinstall it to service the proposed new trail. They request an extension of this special permit because of the time involved to first install new lift before relocating the existing lift.
- G.Walker suggest using the term chair lift rather than ski lift, as chair lift can be used for bikes and skis.
- Jim Scalise happy to come back with construction level drawings if needed.
- Jim Scalise asks Board to amend the January 25 special permit condition #10 to say that you allow it to be extended, instead of “permit will expire”
- A.Mueller recommends that the new start date start today, March 2<sup>nd</sup> 2023.
- B.Nelson remembers that there is a time frame for decommissioned lifts of 5 years. If the Mountain stops using a chair lift for a period of 5 years, it must come down.
- B.Nelson confirmed that for the new lift the same conditions would apply— including being in use from sunrise to sunset every day.
- The Board wonders how to make the 2 year extension, B.Martin directs to write “Extension to permit, Permit would have expired on xx, as a result of findings of this hearing it will expire xx. Or on the New Chairlift new Special permit, noting that they were granting a request for an extension and make a deed reference by book and page #.
- C.Champ asked if there was something in the old permit that tied it to a specific type of chair lift, and would it still pertain to a recycled chairlift. Would it be more expensive to disassemble and reconstruct? B. Martin said that the current permit did not specify and that they will recycle, as the detachable lift is 3 to 4x more expensive.

**Bob Nelson moved to accept two-year extension of special permit. Laurie Merrigan seconded, Andy Mueller and Colleen Champ in favor (Gisela Walker absent at time of motion).**

As for the Installation of the highspeed detachable chair lift:

- No abutters were present.
- The Proposal is to initially place the new lift alongside current lift.
- Once new lift installed, current lift will be relocated to new trail on northeast side of mountain.
- Andy Mueller has questions about storm water collection at base. Berkshire East team has plan to discuss issue with the Conservation Committee. A.Mueller asked where the excavated material would go. Scalise said it would stay on site.
- Scalise reports:
  - 3000 sq feet of trees in Charlemont to be removed, with minimal environmental impact. (32,000 sq feet in Hawley)
  - No increase in lighting, though lights will be moved.
  - Lift is faster, moving more people, better for moving bikes. Traffic volume not predicted to exceed peak capacity range.
- Colleen Champ asks if Berkshire East has data regarding expected increase of visitors (car traffic) *not* on peak days, e.g., new, safer, faster lift may draw greater range of additional visitors looking to bike the mountain in summer. Scalise answer only pertained to peak capacity times; B. Nelson didn't think it would be much of an increase. Andy Mueller added that Berkshire East budgets for any extra need for Ambulance.
- Andy Mueller asked about Ridgeline view of new lift. Scalise says it is not exactly at the ridge, likely won't be visible.

- New lift should not create need to hire more staff except for construction.

**Bob Nelson moved to accept special permit for installation of new chair lift. Lori Merrigan seconded, Andy Mueller and Colleen Champ in favor (Gisela Walker absent at time of motion). Request approved with caveat that written Special Permit matches today's discussion.**

**B.Nelson motioned to adjourn at 7:37, All in Favor.**

NEXT MEETING March 23<sup>rd</sup>, 2023

Respectfully Submitted by Star Atkeson 03/15/2023

Documents reviewed in meeting:

Agenda for 03/02/2023 Meeting

Meeting Minutes of 2/16/2032, 2/23/2023

Public Hearing Notice

Berkshire East Special Permit Application

Reference to Attorney General's Office 2/27/2023 emailed response to Zoning Bylaw revisions voted at Oct 18, 2022 Town Meeting.