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Charlemont Planning Board
August 17th, 2023, 6:00 pm Meeting Minutes
Via conference call and in person, Town Hall

Members Participating: Bob Nelson, Jennifer Mooney, Colleen Champ

Others Participating: Eric Feindel on phone, Greg Rowehl, Star Atkeson, secretary

While waiting for a quorum to hold Rules and Regs Hearing and sign the ANR, Greg Rowehl voiced his concern about the 20-day appeal period wording (found at the end of Special Permits and Site Plan Reviews) which he says was not included on his 2015 permit. In 2015 he said he had pointed out an issue with his permit and was then scheduled to discuss it at the PB's next meeting which was after the 20-days. He felt the Planning Board was wrong for omitting that information on his permit. Bob Nelson told him that it is now included in the permits. Greg believes meetings should be recorded as sometimes things are left out of the minutes.

They spoke about signs. Greg is not a fan of feather flags, notes that they "do not fit the rustic character of the town" which is a requirement in the zoning bylaws. He told of some of the original history of the signpost which now holds the Crazy Horse sign—it was an Esso sign.

B. Nelson believed that the Planning Board should review the design of signs before they go up.

Colleen Champ joined the meeting, creating the quorum.

Public Hearing for Planning Board Rules and Regulations Update

- The Hearing was opened at 6:50 PM.
- Bob Nelson read the hearing notice for the Update of the Planning Board's Rules and Regulations.
- No comments were received as no Townspeople were present. Bob Nelson asked if everyone on the Board was happy with the changes as they appeared in the posted Rules and Regulations. All were fine with it.

Bob Nelson moved to approve the Planning Board Rules and Regulations as posted. J. Mooney seconded it. All were in favor. The Rules and Regs have passed. The Hearing portion of the meeting was closed at 6:55.

ACTION ITEMS:

1. Sign Approval Not Required (ANR) for Eric Feindel on behalf of Monte Krusz, for lot division at 82 East Hawley Road

Eric Feindel representing Howard Krusz called in to answer questions about the plan of the lot division at 82 E. Hawley Rd. and 63 Hawks Rd. They said that there was plenty of frontage. There is a house on each parcel. The Board members sign the copies of the ANR plans and sign optional Form A1 which could be used to register the ANR at the Registry of Deeds.

2. Review / Approve Meeting Minutes from 7/20/2023, 8/3/2023
B. Nelson moved to approve The minutes of 7/20/2023, seconded by Jenn Mooney. All in favor.

3. Approve and publish updated Zoning Bylaws

Colleen Champ had prepared the updated bylaws including the Use Table which is yet to be approved by the AG. The draft is ready to go, they will wait for the Attorney General's final approval (by September 28th) before publishing.

DISCUSSION TOPICS:

1. Signage—Crazy Horse sign on fence post; sandwich board signs in front yards; feather flags

The Board spoke about signs and read the sign bylaws. J.Mooney had thought that it was odd that a sandwich board sign advertising a business would be on a residential lawn. B.Nelson told the Board members that the house the sign was in front of actually has a Special Permit to be turned in to a welcome center for Berkshire East. (And that it must be approaching 2 years since they gave the Special Permit) J.Mooney then thought the sign made a lot more sense knowing it was on a business property, although yet to be created.

B.Nelson would like to continue the signage discussion for when LSM gets back. Secretary should provide the permit for the Berkshire East Welcome Center for next meeting.

Secretary told of the history of the signpost sign. There had been some action about it in 1991 when it was dilapidated. The Planning Board had looked into having it removed. In town Counsel's written advice, he pointed out that it was written in the bylaws that a sign advertising a business in an abutting town would require a Special Permit. Since this business was not in an abutting town, it could be construed as not needing a Special Permit. Therefore in 1991 the sign issue was dropped. Berkshire East had acquired the land and business the sign belonged to and had wanted to advertise Crazy Horse on there instead. Those involved were asked if they remembered or had emails. Gisela has some recollection but had not easily found the information in minutes. Berkshire East had been given the go ahead and was not required to get a permit to change the sign.

2. Special Permit follow-up including enforcement protocol for registering at The Registry of Deeds as well as question of enforcement of conditions laid out in Special Permit.

The Board resumed discussion about whether or not it is up to the Board to enforce the registration of Special Permits at the Registry of Deeds. B. Nelson had reverted back to G.Walker's advice that it is not up to the Board. He said that they could make sure to verbally tell the applicants that they must register their permits at the Registry of Deeds. The volunteer Board members don't have the time to do the extra follow up. Secretary says that it could be an extra step that she takes, and pointed out that they had discussed and come up with a protocol at a previous meeting—Adding a hard copy insert in with the Special Permit and following up twice after a 2 month time period if the applicant hadn't contacted them.

C.Champ reminded team that language exists about registration on special permit application. JMooney would like to know what the consequences would be if there were a complaint against an unpermitted business. A member suggested discussing it with the Select Board. B.Nelson said that as a town, they go by what they have in the file regardless of whether it has been registered. C.Champ will research Special Permit registration and consequences of invalid permits.

B.Nelson would like to continue the discussion to next meeting.

Other business: B.Nelson told of David Kong wanting to operate a bubble tea truck at different locations in Charlemont and that he did not need a permit from the Planning Board as he is mobile. The Board wondered how other towns handle food trucks as there is the potential that it could be problematic, with signage and noise. They would like to have food trucks in Charlemont in general and had wanted to discuss food trucks possibly having an event at the Fairgrounds. B.Nelson will research food trucks and would like it to be put on the agenda.

Bob Nelson adjourned the meeting at 8:22

NEXT MEETING: September 7th, 2023

Respectfully Submitted by Star Atkeson 08/30/2023

Documents reviewed in meeting:

Agenda of 8/17/2023

Minutes of 8/3/2023

Rules and Regulations Hearing Notice

Section of bylaws on signs