

Charlemont Planning Board
October 19th, 2023, 6:00 pm Meeting Minutes
Via conference call and in person, Town Hall

Members Participating: Bob Nelson, Colleen Champ, Lori Shulda-Merrigan, Jennifer Mooney

Others Participating: Jonathan Mirin, Liz Bouyea, Star Atkeson

CITIZEN'S COMMENTS:6-6:15

B.Nelson called the meeting to order at 6:02

6:15 Jonathan Mirin to discuss updating cell tower bylaw

- B.Nelson talked about the example of Boxborough Massachusetts bylaw revision. He liked their clear PowerPoint that they had made for the Town Meeting. He recommended the Planning board follow their lead, focusing on the aesthetic aspects of tower and antennae placement. He recommends J.Mirin remove the wording in the revisions on excluding placements in Town Center and remove any setback numbers. He also recommended J.Mirin use definitions that the FCC provides.
- They spoke about setbacks. J.Mirin suggested that if the current 5G cell tower was deemed insufficient by the town, a long-range cell tower could be put in a wooded area. 20 years ago, before there was research, they had approved 800 ft. setbacks Jonathan had fought for 1500, but if people want 800, he wouldn't want to backtrack and remove that language.
- C.Champ said she wasn't comfortable talking about the health ramifications and that was the Board of Health's area. J.Mirin said that the Boards of Health have cell towers listed in their handbook as an emerging threat, but that the Planning Board is in charge of zoning revisions.
- LSM also cited the 1996 Telekom act which prohibits towns from regulating towers on the basis of health or environmental effects.
- J.Mirin suggested talking about diminishing property values as an allowed reason to regulate.
- C.Champ and LSM suggest citizen's petition as a way to bring it to Town Meeting.
- J.Mooney said she felt differently. She sees that a lot of work had been put into the bylaw update and it is almost done. She doesn't 100% look at it from a health perspective but rather protecting rights of property owners in town. The Heath cell tower resulted in people selling their property. She is concerned about the rights of townspeople and property owners. She feels it's necessary and worth putting time into.
- B.Nelson suggested adding setbacks from schools but not houses.
- J.Mirin points out that if there are no setbacks in place there would be danger of discrimination, and said that if it's 800 feet the applicant would ask for a variance, if it's 1500 feet they would ask for a variance. It just causes them to do a little more legwork to find a suitable place.
- J.Mirin offered to follow up with Bob Handsaker and address his specific concerns regarding the backhaul etc., as that was why the revision had stalled before.
- Eric Dean spoke about his observations on the subject. He wasn't saying he was for or against it.
- C.Champ spoke in favor of the positive technological advances that 5G would bring, especially in healthcare.

- The Board recommended J.Mirin make another appointment in December.

ACTION ITEMS:

1. Review / Approve Meeting Minutes from 10/5/2023

Bob Nelson moved to approve the Minutes as written, seconded by Lori Shulda-Merrigan, All in favor.

DISCUSSION TOPICS:

1. **New marijuana regulations compare and contrast to Charlemont's current bylaws**

- LSM will discuss the subject with Sarah again. Nothing needs to be removed from the current bylaws, but they will have to add language about the host agreement and instructions on how to get the host agreement from the SelectBoard. They need to have permits available for a certain number of retail dispensaries (20% of the town's current liquor licenses.) and 50% of the permits should go to "social equity" applicants.
- LSM asked the Planning Board to read the marijuana material.

2. **Look at permit for restaurant space at 90 Main Street**

- LSM will speak to the business owner at 90 Main Street and tell him the Planning Board would like to give him a Special Permit. He can decide whether it goes with the property or with the applicant.

3. **DLTA funds info from FRCOG**

- S.Atkeson reached out to FRCOG about the funds and hasn't heard back yet

4. **What other towns are doing to limit AirBnB's**

- B.Nelson read an email from G.Walker asking the Planning Board to consider figuring out how to reign in Airbnbs, and to use their DLTA funds to get a housing study to provide good data for the Town Meeting. She recommended consultant Jeff Lacey from Shutesbury. She doesn't want people to build houses on the newly created Potters Rd just to have AirBnBs and not live there themselves, not helping the housing needs in Charlemont.
- B.Nelson had sent the PB a link to an info session that Buckland was having regarding short-term rentals. They limited AirBnbs to locations that had an owner-occupied house on the property. They added it to their use table. He'd like to borrow what they did and try to implement it in Charlemont. He'd like to have a good PowerPoint to make clear why it would be beneficial to the town.
- LSM said that the State of Florida taxes second homes doubly. Charlemont has a lot of second homes, they'd like to talk to someone about how they are taxed.
- They think the SelectBoard has talked about this issue. They will reach out to Bill Harker about it and look at other towns' bylaws.

5. **Housing**

- Wondering if the town can buy property and move a development forward with shared septic and water system.
- The Town could put out an RFP for a developer to build a 6,8, or 10 unit cluster housing development and could incentivize with a tax break.
- In VT, there is a development with 10 properties all hooked up to one septic, one big chamber type system. Charlemont could offer land for sale with a discount to developer.
- There are 3 7-acre lots on 8A, past Maxwell Rd.

- There is property on Avery Brook Rd where the A-Frames were.
- Liz Bouyea read about Rural Development Inc, that did a development in Greenfield.
- C.Champ would like to know if the Select Board has already had conversations about housing. They want to talk to Sarah about what kind of grants may be available. She had sent them information on housing recently they want to review.
- An additional avenue is to incentivize people to do backlot development or to split their properties.

Bob Nelson motioned to adjourn the meeting at 8:09, L.Shulda-Merrigan seconded. All in favor.

Bob Nelson re-opened the meeting at 8:15.

C.Champ made a motion to bring Liz Bouyea onboard to fill the Planning Board's open seat. Lori Shulda Merrigan seconded it. All in favor

B.Nelson motioned to close the meeting at 8:17 Lori Shulda-Merrigan seconded. All in Favor

NEXT MEETING: November 2nd 2023

Respectfully Submitted by Star Atkeson 10/31/2023

Documents reviewed in meeting:

Agenda of October 19, 2023

Minutes of 10/5/2023

Printed emails and attachments from people in favor of the cell tower bylaw revision.