

**Joint Charlemont Planning Board and Select Board Meeting**  
**September 1st, 2022 7:00 pm Meeting Minutes**  
**Via conference call and in person, Hawlemont Elementary School**

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

Select Board Participating: Marguerite Willis, Valentine Reid

Others Participating: Secretary Star Atkeson, hearing attendance sheet attached.

Called to Order by B.Nelson at 7:00 p.m.

**Public Info Meeting and Feedback on Bylaw Revisions**

**DISCUSSION TOPICS:**

**1. Board Membership**

- Bob Nelson told of the recent changes to The Planning Board—Dan Miller and Carlene Hayden resigned, Gisela Walker will be moving to an Associate status.
- There will be an open position in the Planning Board soon.

**2. Bylaw Revisions; Agricultural Changes**

- The Planning Board said they were required by The Attorney General to go from 5 acres to 2 acres as the minimum lot size to have more animals than what is allowed By Right and therefore wanted to make sure that there wasn't a problem with having too many animals on small lots.
- There was strong pushback from many Townspeople on the Planning Board being involved in the regulation and enforcement of animals especially on small lots outside of the village center.
- The Townspeople felt that the entire town shouldn't be over-regulated because of one instance of a rooster zoning violation (176 Main St.)
- The Planning Board and Marguerite Willis confirmed that there were 3 ongoing rooster problems in the town.
- Irwin Reynolds pointed out that it was the State Inspector's jurisdiction to regulate animals and not the Planning Board's and that the State Inspector from the Department of Agriculture should be called in to take care of it.
- Sarah Reynolds said Agricultural Commission adopted a definition that: over 5 acres is a farm, she thinks it is fair to address the Village Center District but not the other districts, General Bylaws state Charlemont is a Right to Farm Community. The new revisions would contradict the General Bylaw.
- It was confirmed that Hawlemont Elementary School would not be subject to this type of regulation because of a municipal exemption.
- A person with experience raising animals on a small lot felt that the restriction of the number of chickens in town was too stringent as chickens don't take up a lot of space.
- B.Nelson reiterated that if there are many chickens then there would inevitably be a rooster problem.
- C.Champ said the Planning Board does not have the expertise to come up with the number of animals allowed and wants an expert to decide.
- Andy Mueller confirmed that 12 lots in the village center are larger than 2 acres.

- Kathy Reynolds suggested recruiting an Agricultural Commission and said that residents can call the Local Agricultural Commission if there is an animal problem.
- The discussion highlighted the need for a full Agricultural Commission which Charlemont doesn't have at the moment. To "allow the right body to make a decision."
- **The Board accepted the input that 6 hens was too small a number that 10-12 would be better. The Board accepted the input from the Townspeople that on a lot 2 acres or larger it is "Yes" in all districts in the Use Table**

### Greenhouses

- The Board went over their concerns about greenhouses.
- The regulations are about greenhouses without added electrical lighting.
- Valentine Reid suggested having a separate bylaw for light pollution.
- Sarah Reynolds highlighted that if you are making \$1000 from products that you raise, grow or sell, no one is required to prove the income by showing any financials. She questioned whether there is a mechanism to see the proof.
- Andy Mueller (tree warden) confirmed that with wood harvesting, they are not required to turn the financials over, they can't enforce it; so it should apply to all the other items as well.

### Farm Stands and Farmers Markets

- The Board wanted to distinguish between farm stands and farmers' markets. Some farmers' markets get out of hand and start selling plastic flowers or have many stands which would create a traffic and parking issue. You want abutters to be able to weigh in
- Parking and turnarounds are an issue
- The farm stand on Avery Brook Rd was good example. The Board was able to visit and see how they would be able to accommodate cars, it was easy for all and it turned out well
- Size rather than the number of contributing farmers could be the condition to regulate.
- Traffic seemed to be the overarching concern. The Board would like to prevent a problem rather than addressing a problem once it occurs.
- **The public recommended the Planning Board remove the Farm Stand Bylaw entirely. The Board accepted the recommendation.**

### Artisans Studios

- Artisans Studios were changed to Special Permit in Village Center and defined in the definitions section.
- Townspeople have no issue.

### Zoning Enforcement

- Sarah Reynolds pointed out that the Zoning Enforcement regulation was already a passed as a General Bylaw, therefore was not needed as a Zoning Bylaw, however the increased fine amount would be beneficial.
- **The board agreed and will remove the enforcement section and will leave the increased fines in.**

### Backlot Development

- Planning Board's Andy Mueller presented his work on the backlot study:

Out of 79 lots, approximately 30-40% qualify for backlot development. If including well setbacks and the prohibitive inconvenience of shared driveways and a 40' x 40' turnaround on each lot, it could be about 15% of lots that would qualify to develop their backlots.

- Marguerite Willis brought up concerns about housing and wants people to start thinking out of the box. She suggested doing something with the big old houses, like adding Accessory Dwelling Units (ADUs.) The sewer system is underutilized; there are problems with wells; Hawlemont is Title I; there is an abundance of poverty. She feels Charlemont doesn't need new low income housing unless it is low income senior housing. She spoke of the large number of people that houses accommodated years ago, and suggested the idea of putting an ADU in the back, and regulating instead a maximum number of people per lot.

### **Ground Mounted Solar Installation**

- G.Walker read her write-up that she had prepared on ground mounted solar installations.
- The words "ground mounted" need to be inserted.
- Decided to use square footage rather than KW/hour because it allows more panels. A 20'x50' installation would be 55 panels
- G.Walker said it was appropriate to limit commercial solar fields in order to protect the landscape. In Lenox, Alford, Stockbridge the ridge lines are protected. A rendering could be done to illustrate to the Planning Board that it will not affect the scenic ridge lines.
- M.Willis pointed out that around 47% of the land is already protected and that there is limited space for growth.

### **ACTION ITEMS:**

1. Review/approve August 4<sup>th</sup> and August 18<sup>th</sup> Meeting Minutes
  - Members would like to approve these minutes at the next meeting on September 22<sup>nd</sup>.
2. Bylaw Revisions, Vote and Sign kickoff document
  - **Marguerite Willis made a motion seconded by Valentine Reid to approve the Planning Board going forward with the proposed zoning changes which will go to a Public Hearing and then a Special Town Meeting for vote. All in favor.**
3. Bylaw Revisions Revision
  - The Planning Board worked together to rewrite the revisions with the new feedback
  - **Gisela Walker made a motion seconded by Lori Shulda-Merrigan to approve the changes to the Zoning Amendments as compiled. All in favor**

**Bob Nelson made a motion to close the meeting at 10:10, seconded by L.Shulda-Merrigan. All in favor.**

The next meeting will be held on September 22nd, 2022

Respectfully submitted by Star Atkeson 9/19/2022

### **Documents reviewed in meeting:**

- The Agenda for September 1<sup>st</sup> Joint Planning Board and Select Board Public Meeting
- Proposed Zoning Bylaw Revisions, hard copy and on screen.
- G.Walker's write up "What are we proposing regarding ground mounted solar installations?"

- A. Mueller's Preliminary Backlot Development Study of the Town Center
- Hearing Attendance sheet