

Richmond Planning Board Meeting  
Town Hall  
Minutes  
February 14, 2022

Members present: Richard Bell, Douglas Bruce, John Hanson (Chairman), Katherine Keenum, Peter Lopez

Also present: Lauren Broussal, Jami Grossman, Ira Grossman, Jenny Hansell, John Keenum, Bill Martin, Jeff Morse,

After a short break taken at the conclusion of the preceding Public Hearing, John Hanson called the meeting to order at 7:38 P.M.

1. The first order of business was to schedule a Public Hearing on the proposal for a zoning by-law amendment that had been prepared by three families on Perry's Peak Road. It had been submitted to the Board of Selectmen on January 12, 2022, and sent to the Planning Board on January 14, 2022. Mr. Hanson called for **a motion to schedule a hearing on March 14, 2022**, before the regular monthly meeting of the Planning Board. Ms. Keenum so moved. Mr. Lopez seconded. **The motion carried unanimously by a vote of 5-0.**

Mr. Bell then moved that the Board **authorize Mr. Hanson to undertake the necessary postings and notifications**. Mr. Lopez seconded. **The motion carried unanimously by a vote of 5-0.**

Mr. Hanson said that he had been given a PDF of the proposed amendment but needed a word-processed document in order for it to be posted as required in the Berkshire *Eagle*. He asked whether Mr. Morse could send him a Word.doc version. Mr. Morse said that he could and would.

2. The second order of business was to work on final changes to the Board's proposed by-law amendment that resulted from questions and comments at the night's hearing.

Discussion turned first to the **definition of Recreational Event** and its **use in Section 4.8.A.17a**. The first question was whether a size could be set to specify when a Recreational Event should trigger application for a permit from the Board of Selectmen. If so, should it be the number of persons expected or the number of vehicles? The second question was whether the organizer of an event or the landowner would have to apply for a permit. Mr. Lopez said that greater clarity in Section 9 of the Town Bylaws would be helpful. (For Section 9, see Appendix 1 in the minutes of the Public Hearing that preceded the meeting.) After some back and forth on the difficulties of formulating rules (including comments from the floor by Ms. Hansell of the Berkshire Natural Resources Council and Mr. Martin of the Richmond Zoning Board of Appeals), Mr. Hanson suggested striking out both the definition of "Recreational Event" and the one reference to "recreational events" in Section 4.8.A.17a. These had been added late in the drafting process, and he recommended going back to a simpler version. Section 4.8.A.17a would then authorize as a principal use:

The use of land, under Section 14, for Open Space and Recreation, provided that no fee is charged and no off-highway motorized vehicles are permitted.

Mr. Hanson called for a motion **to remove reference to recreational events in the proposed by-law amendment**. Mr. Bell so moved. Mr. Bruce seconded. **The motion carried unanimously by**

**a vote of 5–0.**

Mr. Hanson also suggested that the Board might recommend to the Board of Selectmen that they include reference to a special recreational event in addition to "a special cultural, educational, or fund raising event" and fortify its present language by adding more specific criteria, but no vote was taken.

**After discussion, consensus was reached that the Parking Lot requirement should stand as written.**

Mr. Hanson reported that he had received an e-mail that suggested "emergency shelters" be added to the permitted accessory structures listed in **Section 4.B.B.18b**. There followed a brief discussion of how to distinguish "emergency shelters" from the "temporary shelters" already allowed. **Members then agreed by consensus that "emergency structures" need not be added.**

In regard to **Section 4.B.B.18a**, Mr. Bruce pointed out that some people owned contiguous lots which together added up to five or more acres. He suggested adding the phrase "including adjoining lots." Mr. Lopez moved that the wording be so changed. Mr. Bell seconded. **The motion carried unanimously by a vote of 5–0.**

Mr. Bell asked whether the phrase "similar uses" in definitions was too broad or too vague. Mr. Hanson agreed that it was not ideal but pointed out that it was used often throughout the bylaws.

Ms. Keenum moved that Mr. Hanson be directed to **gather the changes voted on into a final version** of the proposed amendment. Mr. Bell seconded. **The motion carried unanimously by a vote of 5–0.**

3. Having finalized revisions to the proposed zoning by-law amendment sponsored by the Planning Board, members completed a report form. (For the final wording, see Appendix 1). Mr. Hanson called for a motion to **authorize him to send a finished copy of the report to the Board of Selectmen**. Mr. Bell so moved. Mr. Lopez seconded. **The motion carried unanimously by a vote of 5–0.**
4. Mr. Hanson called for any comments on the draft minutes for January 10, 2022. Mr. Bell queried inclusion of paragraphs at the end of Appendix 2. Mr. Bruce and Ms. Keenum agreed that they were extraneous. Mr. Hanson called for a motion to approve the minutes with modification. Mr. Lopez so moved. Mr. Bruce seconded. **The minutes for were approved by a unanimous vote, 5–0.**

The meeting adjourned at 8:30 P.M.

Respectfully submitted,  
Katherine Keenum, Clerk

Appendix 1: Final report on a Zoning Bylaw Amendment to be sent to the Board of Selectmen

### **Report Regarding Zoning Bylaw Amendment Proposed by the Planning Board**

This report is provided to the Board of Selectmen for Town Meeting in accordance with MGL Ch 40A, sec. 5.

After completing the draft of a proposed zoning amendment, "Recreational, Educational and Research Use of Open Space and Conservation Land," that had been deliberated during public meetings held in 2021 (July 12, August 9, September 13, October 18, November 8, and December 13) and 2022 (January 10), the Board advertised for the required Public Hearing in the Berkshire *Eagle*, on Wednesday, January 19, 2022, and again on Wednesday, January 26, 2022.

The amendment provides for the recreational, educational and research use of open space and conservation land. It allows Open Space and Conservation Recreation as a principal and accessory use in all districts by right.

It also allows Open Space and Conservation Education and Research as a principal use in all districts by right.

It deletes Section 4.9 Temporary Moratorium on Medical Marijuana Treatment Centers and Section 4.10 Temporary Moratorium on Marijuana Establishments.

On February 14, 2022, the Board convened the Public Hearing. After the hearing, the Board deliberated and makes the following recommendation on its final revision of the proposed Bylaw Amendment

- The complete amendment warrant is attached to this report.
- The Planning Board recommends that Town Meeting approve this amendment

For the Planning Board  
John Hanson, Chairman

### **Article ( )- Zoning of Open Space and Conservation Land**

To see if the Town will vote to amend the Zoning Bylaws by adding a new Section 14, Recreational, Educational and Research Use of Open Space and Conservation Land, and revising Section 4.8 A and Section 4.8 B. The Purpose of the Amendment is to provide for the recreational, educational and research use of open space and conservation land.

Also delete Section 4.9 and Section 4.10.

Add the following new Section to the By-Law as Section 14:

Section 14

Recreational, Educational and Research Use of Open Space and Conservation Land

Purpose: Provide for the recreational, educational and research use of open space and conservation land

Definitions:

Conservation Land

Land permanently restricted to limit residential or commercial development of the land or to limit the number of residential or commercial building lots permitted in any sub-division of the land.

Open Space Residential Land

Land exceeding the minimum lot size for a single family dwelling or two family dwelling, or land not used for a dwelling, or structures accessory to a dwelling, that is preserved or maintained in an open condition, including gardens, fields, pastures, forests, wood lots, orchards, lawns, and other similar uses.

Open Space Agricultural Land

Land used for agricultural, horticulture, or floriculture as a principal or accessory use that is preserved or maintained in an open condition, including, fields, pastures, forests, wood lots, orchards, gardens, and other similar uses.

Open Space and Conservation Recreation

The use of Open Space Residential Land, Open Space Agricultural Land, or Conservation Land, open to the public, for hiking, snow shoeing, backpacking, hunting, fishing, bird watching, photography or other similar recreational activities.

Open Space and Conservation Education and Research

The use of Open Space Residential Land, Open Space Agricultural Land, or Conservation Land, open to the public, that may include guided tours, for the observation and study of wildlife, plants, flora, geology, and other natural features.

Parking Lot

The use of land for the construction of a parking lot.

1.0 Parking Lot Requirements for this section

The use of land for a parking lot shall meet the following requirements:

- a) The applicant shall submit an application for site plan approval under Section 6.6 of this By-Law
- b) The application shall include an impact study of expected vehicle traffic, intensity of use, visitors per day and other data relevant to the proper regulation of Parking Lot size and use at the proposed site.

Add the following subsection 17 to By-Law Section 4.8(A) Permitted Principal Uses

	<u>DISTRICTS</u>		
Section 4.8 A. PERMITTED PRINCIPAL USES	RA-A	COMM1	
Continued:	RA-C	SR	COMM2

17a) Open Space and Conservation Recreation: Yes Yes Yes  
The use of land, under Section 14, for Open Space and Conservation Recreation, provided that t no fee is charged, and no off-highway motorized vehicles are permitted.

17 b) Open Space and Conservation Education, and Research: Yes Yes Yes  
The use of land, under Section 14, for Open Space and Conservation Education and Research, provided that no fee is charged , and no off-highway motorized vehicles are permitted.

Add the following subsection 18 to By-Law Section 4.8(B) Permitted Accessory Uses

DISTRICTS

Section 4.8 B. PERMITTED ACCESSORY USES  
Continued:

RA-A COMM1  
RA-C SR COMM2

18. Open Space and Conservation Recreation: Yes Yes Yes

a) The use of land, under Section 14, for Open Space and Conservation Recreation, provided that no fee is charged, no off-highway motorized vehicles are permitted and any Open Space Residential Land, that is open to the public, has a minimum total lot area of 5 acres or more, including adjoining lots.

b) The use of Open Space Residential Land, Open Space Agricultural Land, or Conservation Land, under Section 14, for accessory structures such as temporary shelters, informational bulletin board, parking lot, and restrooms. Yes No No

## Other Zoning Changes

**Delete:** The following sections entirely:

Section 4.9 Temporary Moratorium on Medical Marijuana Treatment Centers

Section 4.10 Temporary Moratorium on Marijuana Establishments