

Richmond Planning Board Meeting  
Town Hall  
Minutes  
March 14, 2022

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

Also present: John Keenum, Roger Manzolini, Jeff Morse, Jen Morse, Matthew Mozian, Ira Grossman, Jami Grossman, Jonathan Silverstein, Lauren Broussal, Jenny Hansell.

After a short break taken at the conclusion of the preceding public hearing, John Hanson called the monthly meeting of the Planning Board to order at 7:50 P.M.

1. As the first order of business, Patrick McColgan presented a \$50.00 check and an *Application for a Determination of Planning Board Jurisdiction and for Endorsement that Planning Board Approval under Subdivision Control Law Is Not Required, Form A (ANR)* on behalf of Richard Levy to subdivide property at 20 Swamp Road in order to convey a 10,683–square-foot lot to abutters Penny Dew-Champlin and Donald R. Champlin, Jr. (see Exhibit 1). Members agreed that the plan was straightforward. It was approved, the plans were signed, and Ms. Keenum undertook to convey the check to the Town Treasurer.
2. Members began discussion of drafting a report to the Board of Selectmen on the two zoning bylaw amendments presented at the night's hearing.

For the **proposed amendment by citizen's petition**, it was agreed by the members and Attorney Matthew Mozian that **no changes could be made in the language**.

Concerning the amendment proposed by the neighbors on Perry's Peak Road,. Mr. Mozian asked whether a revised version could make it to the floor of the May Town Meeting if his clients made changes. Mr. Bell said that if the changes were minor and reflected what the crowd had heard tonight and if they were made immediately, then the Board could report on a revised version.

Mr. Hanson said that at the end of the Board's meeting on February 14, 2022, Mr. Morse had said he would like the portion of the neighbors' proposal taken from the Planning Board's proposed amendment to reflect the changes made that night. It was reasonable to allow the definition and clause on special events which the Board had dropped to be deleted from this amendment, too. However, anything that was big enough in scope to require a referral from the Selectmen back to the Planning Board for a new hearing would mean that the neighbors' proposal would be too late to be included on the May warrant.

Mr. Mozian cited the agenda item, "Ask the three families on Perry's Peak Road if they want to make changes to their recreation zoning amendment resulting from the public hearing" and said that his clients should be allowed to make changes. Mr. Hanson asked what changes they wished to make. Mr. Manzolini asked whether the citizens' petition could be used at Town Meeting with the Planning Board's version subsumed as a subset and amendments to be made from the floor. Mr. Grossman pointed out that after the last hearing, the Planning Board had made changes to its version and asked why they should not be allowed to do the same.

After more discussion about process and timing, Mr. Mozian asked for a brief recess so that he and

his clients withdrew to the back of the room to confer. When they returned, they proposed two changes to the bylaw amendment proposed by the residents of Perry's Peak Road:

- The definition of a "recreational event" and the clause in 4.8.A.18a that read "and recreational events shall require a permit from the Board of Selectmen under Chapter X, Section 9 of the Town By-Laws" should be dropped to make that portion of their version conform exactly to the Planning Board's proposed amendment.
- In the definitions of "Publicly Promoted Open Space and Conservation Recreation" and "Publicly Promoted Open Space and Conservation Education and Research," the clause "[land ...] that is promoted or advertised, by any means or medium, to the general public" should be changed to read "[land ...] that the landowner promotes or advertises, by any means or medium, to the general public."

**Ms. Keenum moved that members should agree that the changes were minor. Mr. Bell seconded. The vote to approve the motion was unanimous. Mr. Bruce moved to accept the changes made by the Perry's Peak Road neighbors to their proposal. Mr. Bell seconded. The vote to approve was unanimous.**

Discussion continued on the content of the neighbors' proposal. Mr. Lopez noted that their change meant that the bylaw would apply to promotion by the landowner, but he asked whether it applied to a specific activity. If the Berkshire Natural Resources Council (BNRC) sent a message to its membership about something that became available, did that count as promotion? Did identifying properties on a website count?

Mr. Bell asked whether BNRC owned the land at Hollow Fields and was told that it did. He pointed out that activities on town-owned property, such as the beach at Richmond Pond, could not be affected, but asked whether this amendment would force BNRC to apply for a special permit once a year at the discretion of the ZBA or for each event that happened there? Ms. Broussal added that the Richmond Land Trust (RLT) listed properties on its website. If mention on a website was promotion, would they have to apply for special permits for each one?

Mr. Hanson turned to the two reports that must be written. Each would contain an introduction that described the steps taken. The language of the proposed amendment would be attached. Findings based on what was heard at the hearing would be set forth. The Board should recommend to the voters whether to approve or disapprove the amendment. He reminded everyone that the Planning Board does not decide whether a proposed bylaw amendment will go on the warrant for Town Meeting. If the Board of Selectmen chooses to place a proposal on the warrant, however, then the Planning Board's recommendation to the voters is published with it.

More discussion followed, at the conclusion of which the members had agreed that the new concept of "publicly promoted land" was unclear, too broad, and unwieldy; that it was too restrictive; and that it burdened the BNRC, RLT, and other nonprofits with the need to apply for special permits.

**Mr. Hanson polled the members on the bylaw amendment proposed by citizens' petition. Mr. Bruce: disapprove. Mr. Lopez: disapprove. Mr. Hanson: disapprove. Mr. Bell: disapprove. Ms. Keenum: disapprove.**

Moving on to the bylaw amendment proposed by neighbors on Perry's Peak Road as modified tonight, Mr. Hanson said that he still had a concern about how promotion of land was going to be recorded for the purposes of zoning. In zoning, there was a requirement that you could find a

category of land based on maps or the registry of deeds so that when it comes to enforcement, the Zoning Enforcement Officer (ZEO) can know what bylaws apply to a property. How long into the past must the ZEO know whether a property had been promoted or not? Mr. Mozian said that if the land changed hands, then it was no longer promoted. Mr. Morse said that if it had been through the special permitting process then it would be on record as promoted.

Mr. Bell said that the concept of public promotion went against the concept of open land and restricted the right of a private landowner to invite the public. Mr. Bruce offered the example of his parents who had put a sign on their gate which invited people onto their property for hiking, skiing, and snowshoeing. Did that constitute promotion?

**Mr. Hanson polled the members on the bylaw amendment proposed by residents on Perry's Peak Road. Mr. Bruce: disapprove. Mr. Lopez: disapprove. Mr. Hanson: disapprove. Mr. Bell: disapprove. Ms. Keenum: disapprove.**

**Mr. Hanson took upon himself as an action item to write two reports to the Selectmen along with the modified version of the amendment proposed by Mr. Mozian's clients. Mr. Mozian asked to be sent a copy of the draft of the modifications, before it was forwarded to the Selectmen. Mr. Silverstein did the same. Mr. Hanson agreed.**

Mr. Hanson told Mr. Manzolini that the Planning Board would be sending reports on two amendments in addition to the Planning Board's proposal that had already been submitted. He reminded everyone that it was up to the Selectmen whether to place one, two, or three of them on the warrant.

3. Owing to the lateness of the hour, Mr. Hanson asked whether approval of the minutes of February 14, 2022, could be continued to the next meeting. Ms. Keenum said, yes, but asked whether anyone had any changes to make. Mr. Bell said, Let's just get it done! **Mr. Hanson made a motion to approve the minutes of the meeting. Mr. Bell seconded. The motion carried unanimously, 5-0.**

**Mr. Bell moved that the minutes of the public hearing of February 14, 2022 be approved. Mr. Bruce seconded. The motion carried unanimously, 5-0.**

The meeting adjourned at 9:23 P.M. and everyone could go gratefully home.

Respectfully submitted,  
Katherine Keenum, Clerk

**SURVEY OF LAND**  
in  
**RICHMOND, MASSACHUSETTS**  
Prepared for  
**PENNY DEW-CHAMPLIN**  
**DONALD R. CHAMPLIN JR.**  
February 23, 2022

REING A PORTION OF THAT LAND DESCRIBED IN  
MIDDLE BERKSHIRE REGISTRY OF DEEDS:

BOOK: S887 ~ PAGE: 213  
GRANTOR: The Girl Scouts of Central and Western Massachusetts, Inc.  
GRANTEE: Richard S. & Patricia F. Levy  
DATED: September 28, 2016  
LOT 1 Being a Portion of Tract 1 - Parcel 1

**TAX MAP & ZONING INFORMATION**

LOT 1 IS A PORTION OF TAX MAP 10B, LOT 53  
LOT 1 IS ZONED RA-C

**LEGEND**

- IRON PIPE SET OR TO BE SET
- IRON PIPE FOUND
- XXXXX FIELD STONE WALL FOUND
- - - REMAINS OF FENCE FOUND
- MONUMENT FOUND
- OUTLINES PROPOSED BY SURVEY
- UNDOCUMENTED COMPUTED POINT

**NTS NOT TO SCALE**

- - - SURVEY TIE COURSE
- - - ABUTTER LINE OR STREET LINE
- +•+ UTILITY POLE
- N/P NOW OR FORMERLY

**SCALE METERS**  
1 INCH = 6.098 METERS

**SCALE FEET**  
1 INCH = 20 FEET

**DATE: FEBRUARY 23, 2022**

**SURVEYOR CERTIFICATIONS**

I declare that this plan conforms to the Rules and Regulations of the Registrar of Deeds.

*(Signature)*  
DONALD R. CHAMPLIN JR.  
MASSACHUSETTS LICENSED LAND SURVEYOR

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