

**TOWN OF MIDDLEFIELD
ZONING BOARD OF APPEALS
April 10, 2014
MIDDLEFIELD TOWN HALL
MINUTES**

Board Members Present: Terry Crean, Mitch Feldmesser, Judy Hoag

Meeting was called to order at 6:06 P.M.

Review Fee Rule:

The Board revisited the item of adopting the Review Fee Rule. This rule was adopted at the March 20, 2014 meeting. The Selectboard authorized the Town Attorney to speak to Dr. Andrewes Attorney. A dollar figure of \$800.00 was mentioned in their conversation. Terry made a motion that we adopt the Review Fee Rule pursuant to Mass General Law Chapter44 /Section53G. This would facilitate the continuing dialog between the two Attorneys and a possible establishment of an escrow account with the Town Treasurer. Judy seconded the motion. Discussion: Advice from counsel preempted this decision. All were in favor. 0 opposed. Terry will relay the Boards' adoption of the Review Fee Rule to the Town Clerk and Treasurer.

Time Limit:

The 100 day time limit will be reached on April 21, 2014. Discussion of possible dates of next meeting ensued. Attorney Mark Tanner indicated that his client would be happy to sign an extension if necessary and will call Town Counsel to discuss the \$800.00 review fee.

Formal continuation of Public Hearing:

Judy Hoag submitted Information supplied by the Middlefield Road Boss. A printout from DOR stated the width of the right of way. The technical right of way is 22 ft. with 9 ft. on each side. The Road Boss indicated for snow removal purposes, that he would like 30 ft. off the edge of the road. The Board has no further solicitations of the applicant. Terry made a motion to close the hearing regarding Dr. Andrewes variance application. Mitch seconded the motion. All were in favor. 0 opposed.

Attorney Mark Tanner stated that he and Dr. Andrewes visited the location. There was a pretty big stretch of meadow area before Dr. Andrewes land. A cliff face is located towards the back on the property where the variance is requested. He feels that this is something important to consider when considering a variance application.

The date was set for the meeting on Wednesday, April 16 at 6:00 P.M.

Hudsons' communication:

Terry formally recused himself as the Board has received communication from the Hudsons. Terry made an oral public records request for the public record document. Mitch and Judy reviewed the letter. The letter was addressed to the Building Commissioner Gerry Garner and cc'd to the ZBA. Mitch stated that this is a letter to Gerry and required no action from the Zoning Board of Appeals. Judy agreed. Terry rejoined the meeting at 6:37 P.M.

Public Hearing:

A discussion of the process of scheduling a public hearing ensued. Both the public hearing and a regular meeting have to be posted. A public hearing is incorporated as a part of the meeting.

Town Counsel:

Town Counsel offered to write up the final decision after he has received the Boards' decision. The review fee of \$800.00 is an assist for the Attorney to write the final decision.

Terry entertained a motion to adjourn at 7:00 P.M. So moved by Mitch, and seconded by Judy.

Informational Items:

Selectboard Minutes September 16, 2013

Printout from DOT stating width of right of way

Letter to Building Commissioner Gerry Garner from the Hudsons

Respectfully submitted,

Suzanne C. Lemieux

Recording Secretary