

**TOWN OF MIDDLEFIELD
ZONING BOARD OF APPEALS
September 24, 2015
MIDDLEFIELD TOWN HALL
MINUTES**

Board Members present:

Chairman, Mitch Feldmesser, Terry Crean and alternate Jay Swift.

Present: Attorney Joel Bard and Attorney Dennis Powers

The Chair opened the meeting at 6:02 P.M.

Public Hearing: Preserve LLC

- Attorney Dennis Powers submitted a packet of information concerning this case. See attached. Attorney Powers spoke of the following: Applying for an electrical permit in 2000 resulting in approval; and a complaint filed by a neighbor in 2002, resulting in an investigation by the Building Inspector who ruled that there exists no violation of Section 403.2B. No action was taken by the Board of Selectman. A public disclosure request in 2015 to the Selectboard for complaints issued in the last 12 months has not been responded to. Nine trailers and a sani-pan are located on the property and are not open to the public. Trailers are occupied less than fourteen days. The Use by the Preserve is a pre-existing, non-conforming use and is protected by the bylaw. The Board is bound by previous decisions. Conservation Commission signed off on 9-24- on a permit to alter.
- 4.3.2 section B states that no trailer park shall be permitted in Middlefield. Building Inspector Bill Gerard quoted paperwork of March 3, 2005 stating that the Community Sanitation Program ruled that the Preserve LLC must be licensed according to 105 CMR440 minimum standards for development for a family type campground and that in 2005, the Selectboard requested a license pursuant to General Law 140. Bill stated that the electrical wires had to be wired to the standards of a trailer park. The Board noted that a building permit shall not be issued for an accessory building unless there is a primary residence unless engaged in agriculture.
- Attorney Joel Bard's observations:
 - 1) Electrical permit has no bearing on zoning issues or health requirements.
 - 2) Board of Health classifies area as a camp.
 - 3) There are pretty clear directives towards campground
 - 4) A Cease and Desist order was issued. The ZBA has to vote unanimously to overturn.
 - 5) The Use issue: Where does it fit, is the old Use sufficient.
 - 6) Past problems: Take a close look at documents.

Use Tables: Attorney Bard cited the Use tables 3.0.1 and questioned the use of the campground. The Building Inspector described the property as a park for camper trailers. The Use group written on the Building Permit was described as Utility.

Site visit: The Preserve will contact the Board with a date that will be accessible to all parties.

Next hearing: Terry made a motion to continue the public hearing until Friday Oct 9 at 6:00 P.M. Mitch seconded the motion. Motion passed unanimously.

Adjournment: Terry made a motion to adjourn at 7:22 P.M. Mitch seconded. Motion passed unanimously.

Information:

The Preserve: 2001 existing bylaws; driveway permit, building permit, building inspection, application for a permit to perform electrical work, and complaints from neighbors and results from that.

Building Inspector: Ruling from Community Sanitation Program, Request from Selectboard in 2005.

Respectfully submitted,

Suzanne C. Lemieux

