

**Town of Middlefield Zoning Board of Appeals
(partial) Minutes of meeting and hearing 10/13/15**

7:00 PM following minutes taken by Sherri Venditti

A break was called at 7:07 PM, the ZBA meeting was reopened at 7:12 PM.

A hearing regarding use of property on Skyline Trail owned by Joseph and Sharon Dussault was opened at 7:15 PM to hear the owners appeal of a cease and desist order issued by Bill Girard, the Town of Middlefield Building Commissioner and Zoning Enforcement Officer as the building on the property is not compliant with MA building codes.

ZBA member Terry Crean recused himself as an abutter and removed himself from the Board table. The appeal was heard by ZBA Chair Mitch Feldmesser, Member Robert Costa, and Alternate Jay Swift.

Counsel for Mr. Dussault reviewed a plot plan with the Board for orientation. He noted that several deeds refer to a Right of Way to the Dussault property and the 1974 plot plan refers to a "possible old town road". Mr. Dussault advised that he currently accesses the property in his two wheel drive van over a track which has culverts and a bridge to broach streams.

The property contains two structures, a cabin with a deck and a shed. Bill Girard, has searched and not found a record of a building permit or certificate of occupancy, though Mr. Dussault states he was told by the seller when he purchased the property that the structure had been permitted.

Mr. Dussault stated that he doesn't stay on the property, he uses it on a daily basis for hunting.

Town Counsel, Joel Bard, suggested the Board may want to consider the question of whether or not the R.O.W. is a way qualifying as frontage under town bylaws. One consideration is whether the "way" was in existence as a way at the time the town adopted the subdivision control law (1977). Mr. Dussault advised that the R.O.W. was posted as a "Statutory Way" when he purchased the property.

Mr. Dussault stated he is willing to bring the structure into compliance with building codes and install well and septic systems in accordance with Title 5 and health codes by the end of 2016 if the town recognizes the R.O.W. as qualifying frontage for a residence.

A site visit was arranged for the Board members and Mr. Dussault at noon on Tues, 10/20/15.

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Bob Costa moved to continue the hearing until 10/27/15 at 6:00 PM at the Middlefield Town Hall. Jay seconded, voted all in favor.

Abutter Terry Crean spoke stating that he wished to establish his standing in the matter, to confirm he can be heard at future hearings, and to stress that he seeks a final resolution of the matter.

Meeting adjourned at 8:20 PM

Respectfully submitted,
Sherri Venditti

Approved: _____ Date: _____

Approved: _____ Date: _____

Approved: _____ Date: _____