



**Middlefield Town Hall
Zoning Board of Appeals
Meeting Minutes
October 10, 2017**

Regular ZBA Meeting: 5:45 p.m.

1. Call to order

Meeting was called to order at 5:49 on June 20, 2017 at the Middlefield Town Hall.

2. Roll call

The following members present: Chair Terry Crean, Mary Courtney and Maureen Sullivan.

3. Open issues:

Partial Land Survey as Condition of M.G.L. c. 40A, Section 6 Finding for 45 River Road application was discussed as recommended by town counsel. Issue: Northly boundary line is not confirmed by Assessors Map.

Motion was made that board consider requesting a partial survey as a condition for approval of Sec. 6 Finding as to 45 River Road, to establish Northern boundary line of property.

Motion amended to include a lessor engineers certified plan rather than a full survey to establish the Northerly boundary line.

Vote: Terry Crean -yea; Mary Courtney -yea and Maureen Sullivan – yea. Unanimous approval.

Regular ZBA Meeting suspended at 5:59.

Public Hearing – 45 River Road

1. Call to Order at 6:00 p.m.

2. Roll Call

The following members present: Chair Terry Crean, Mary Courtney and Maureen Sullivan.

Glenn Martin – applicant on behalf of property owners, Stephen Shipp and Deborah Schnappauf property owners of 45 River Road present.

Open issues: Discussed converted public hearing to a M.G.L. c. 40A, Sec 6 Finding per town counsel guidance based on town bylaw of pre-existing non-conforming structure, i.e. garage at 45 River Road property.

3. Closed Public Hearing 6:10 p.m.

Re-Opened Regular ZBA meeting – 6:10 p.m.

1. Motion to convert from Variance Application
2. Finding request. for 45 River Road to a Section 6

Vote: Unanimous vote approving motion by Terry Crean, Maureen Sullivan and Mary Courtney.

3. Glenn Martin- applicant – indicates that he filed out a building permit on line and Building Inspector issued a permit.

Mr. Martin provided “truss plan” which he had attempted to email to the ZBA but was unsuccessful.

4. Standard for Variance (rarely granted per caselaw) vs. Standard for Sec 6 Finding discussed; i.e., proposed expansion of pre-existing non-conforming structure is not substantially more detrimental than the existing non-conforming structure to the neighborhood.”
5. Boards site visit reviewed, and questions raised discussed, specifically the lack of clarity as to the Northly boundary line at the 45 River Road property based solely on Assessors map.
6. Need for ZBA to protect abutters as well as applicant reviewed.
7. No abutters filed any objections to application.
8. Reliance on engineer for partial plan/survey of Northerly boundary line.
9. Request by Mr. Martin for board to clarify strengths vs weakness of boundary line distance from abutter property – discussed without making any definitive decision without the benefit of engineer’s survey.
10. Mr. Martin will contact engineer and communicate same to ZBA.
11. Email Building Inspector, Bill Girard to invite to next meeting to discuss permit procedure, while application is pending with ZBA.
12. Election of Officers: Terry Crean – Chair; Maureen Sullivan – clerk; Mary Courtney member. Suzanne Lemiux to take minutes.
13. Next meetings: October 24, 2014 at 6:00. Additional future ZBA meetings scheduled November 28 and December 19.
14. Adjournment: A motion was made and seconded to adjourn at 7:34. Motion passed unanimously.

Respectfully submitted,

Mary F. Courtney

