



**Town of Middlefield
Zoning Board of Appeals
Public Hearing**

August 05, 2016

6:00 P.M. at Town Hall

MINUTES

Board Members Present: Chair: Alternate member Jay Swift, Denis Basak and Terry Crean
Guests: Applicant Mary Courtney, Civil Engineer Jim Scalise, Resident Wally Smith

The Public hearing was opened at 6:00. Mary Courtney applied for a Special Permit for alterations at her residence on 194 Town Hill Rd in Middlefield. The Board posted the public hearing twice in the Country Journal and sent notices out to abutters, and abutters of abutters.

Jim Scalise, Civil Engineer with SKDesign Group Inc. prepared the application for Mary Courtney, 194 Town Hill Rd. The goal is to expand an existing single family home by increasing the footprint for the ground floor. They met with the Conservation committee July 29 and were approved with conditions. The Board of Health requires a septic system upgrade which has been designed for Title 5. The BOH witnessed percolation tests. The first perc test was done on the Commonwealth of MA's property and after survey work, did a second test on Mary Courtney's property.

Ms Courtney is applying for an expansion and extension alteration of a structure on a nonconforming lot. It cannot be substantially more detrimental to the neighborhood than the existing structure. The entire building area where they show the existing house is all within the existing 40 ft. setbacks.

A couple of issues relating to project: The yellow line is a Riparian line: 100 ft. for the Westfield River protection overlay district. It is 100 ft from bank of river (high water line). Any earth work or grading related to the septic is subject to a special permit in the overlay district which is dictated by title 5 rules which is that the septic system needs to have minimum setbacks from the existing residence and is dependent upon acceptable soils.

The other issue is that structures existing in the overlay, this one doesn't, are allowed to expand by 25%. The little corner of the deck does fall within the overlay district but is significantly less than 25%. They meet the standards under river protection which is supported by the Conservation Committee.

The abutter's property is undevelopable. The existing setback on one location is 15 feet, on another existing is 44 ft. The easterly edge will be 20 or 19.9 ft. at a minimum and will be no closer than existing.

The Conservation Committee approved with 1 condition, to add six blueberry bushes and two trees. When you do work within 200 ft of the river, it is classified as a redevelopment project under the river's protection. There is five criteria for riverfront projects: Several are that the project has to be an improvement and if you increase your area, improvement has to be made on a sq ft per sq ft basis.

Mark Stinson characterized it as non-complex and straight forward.

The current septic system is substandard. In 1995 they rewrote the rules. The new system for a three bedroom house will conform of the current grade with plenty of space so it will be even with the ground. Medical issues are requiring Ms Courtney to do this.

SKDesign group looked at the flood plain map that is published by the Federal Emergency Management Agency. There is no flood plain beyond the high water line. FEMA has done a study on the 100 year storm, running around seven inches in one day. If that rain fall occurs, the level will not increase more than 2 feet. MS Courtney said that because they do not live in a flood plain they were not eligible for flood insurance.

Non-Conforming uses: The house was built before zoning. Improvement shall not exceed 25 %. Their improvement meets 50% but they're not in the zone so the zone's rules don't apply.

6.4.3. CKdesign group gave the Board project plans of the proposed project which include the construction of the building addition. Conclusion: This will not generate excessive amounts of traffic, utility consumption, noise or air pollution and is not detrimental to the neighborhood. They are waiting for the permit from the Board of Health. All the criteria has been met.

Terry made a motion to close the public hearing at 6:40. All were in favor of closing the public hearing. Motion passed unanimously.

Regular Zoning Board meeting began at 6:41. Discussion ensued. This will not set a precedent and will improve the property without impinging on a neighbor. Terry suggested Town Counsel review the case. Denis is okay with voting now. Mary's office could provide a draft decision. The Board wants their concerns noted. After much discussion, Jay made a motion to approve the project as presented with the applicant Mary Courtney providing language, writing up the decision that shall include the boilerplate language that will include a minimum of all applicable federal, state and local regulations which would include review by the Board and or Town Counsel and to incorporate any comments received by Town Counsel. The decision should note that at least one member of this Board sees this project as being a more non-conforming addition to a non-conforming lot but without objection because of the unique character of the parcel itself and is not substantially more detrimental to the neighborhood. We are realizing that this is impinging on lot lines that don't meet zoning codes. The Design Group is including installing the infiltrating water to recharge ground water in their design. Jay makes the motion to improve the special permit contingent with said conditions. The next meeting will be Friday the 19th at 6:00. Mary will copy both of the board with the decision. Denis seconded the motion. Motion passed unanimously. The next step will be endorsement and then filed with the town clerk and after 21 days will be filed at the Registry.

ZBA appointment: Mary is willing to be appointed to the ZBA.

Jay made a motion to close the meeting at 7:10 Terry seconded. Motion passed unanimously.

Respectfully submitted,

Suzanne C. Lemieux
Recording Secretary