

Middlefield Zoning Board of Appeals

November 27, 2018

Minutes

(Not approved at time of filing)

1. Special Meeting called to order by Chris Champagne at 7:38
2. Roll Call: Present were Chris Champagne-regular, Joe Angello-regular, Charles Augur-regular, Mike Janis-regular, Michael Skelps-alternate and Peter Neidhardt-alternate.

3. Approval of Agenda

Motion to approve the agenda as published was made by Chris Champagne seconded by Peter Neidhardt and approved by all.

4. Approval of Minutes Moved to next month's meeting.

Motion to open the Public Hearing for 537 Main St was made by Joe Angello, seconded by Charles Augur and approved by all.

5. Atty. John Corona was present to represent Jordon Cole, the applicant. He noted that they sent in a revision of the application. Abutting neighbors have been notified. Mr. Cole also personally went to his abutting neighbors with a signed statement for notification. It was noted this lot is very oddly configured. Other abutting neighbors have fortified their properties with fences and walls.

Dave Glueck arrived and was updated on the proceedings.

Mr. Champagne explained the legal notices for the Public Hearing.

Mr. Champagne questioned the revision and asked if it was possible to have a 2 sided fence installed to eliminate proving hardship for one of the variances being asked for.

Peter Neidhardt spoke about the line of site in that area. Atty. Corona spoke about traffic conditions in that area. Mr. Champagne spoke about the accidents he has witnessed from people turning left and right from Main St. Mr. Champagne remarked they should concentrate on the safety concerns.

Discussions continued focusing on safety. A brief discussion about a gate in the driveway entrance was discussed. Board members weighed in on the uniqueness of the property.

Mr. Glueck said he noticed there was quite a lot of visibility on the property. The gate was again discussed and because they don't have firm measurements it was asked if a potential condition between the property line and gate placement be a problem. Mr. Champagne also spoke about a 6 ft. fence placed

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would be 6 feet high, however if trees and hedges were planted they could eventually grow and obstruct more visibility.

Atty. Corona asked for special consideration because a 2 sided fence would be more costly to maintain in the event of destruction from plowing or accidents.

The board discussed a past variance that approved the finish side of the fence facing in. Mr. Glueck asked if some samples of fence styles could be provided.

The variance would be a 2 ft. addition to the height creating safety and privacy concerns. Atty. Corona talked about the substantial cost of the fence because of the size of the property. It will be a very long fence. The entire yard will need to be enclosed for safety. Discussions regarding the type of fence continued.

Atty. Corona discussed the property harmony and explained a fence on Mr. Cole's property would be better than no fence at this point.

Mr. Champagne opened the floor to the public. No one was present in the audience to speak about this application.

Motion to close the Public Hearing for 537 Main St. was made by Charles Augur, seconded by Mike Janis and approved by all.

6. Deliberations:

The 1st variance discussed was 08.16.01 6" height. Safety is the main concern of the height variance requested. Mr. Champagne did not feel the height would not make this unsafe. The state will eventually have the final say about the maintenance if they feel it necessary. Mr. Champagne asked the boards opinion regarding the additional 2 ft. in height.

A board member asked if the Town would be liable in and event of an accident because a 6 ft. fence was allowed where a 4 ft. fence is the regulation. The State Highway Department would be able to address their concerns to the applicant (homeowner) if necessary and the Town would not be liable (in his opinion).

Discussions continued and board members expressed their concerns on the safety issue. Mr. Glueck asked Mr. Janis, as a firefighter in Town, about any previous accidents he might have encountered in that area. Mr. Janis said in his opinion the fence would be back far enough off the road the extra 2 ft. should not be an issue. With permission from the commission Atty. Corona will ask the applicant to put up a temporary section of 6 foot fence. It was suggested deliberation be continued to gather more information.

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Discussions continued regarding the “finished side of fence”. Some of the members felt hardship would not be met because there is a way to install the fence without having a variance. Deliberations will continue on December 18, 2018

7. New Business: none

8. Chairman’s Report: The Board welcomed Mr. Skelps to the Commission. And sent belated congratulations to Mr. Glueck.

9. Meeting Dates:

Motion to approve ZBA 2019 Meeting Dates as published was made by Peter Neidhardt, seconded by Mike Janis and approved by all.

10. Miscellaneous. It was noted by the Chairman that this is the 1st time in a very long while there was a full complement of Board Members, Congratulations for all attending.

11. Motion to adjourn at 9:54 was made by Joe Angello, seconded by Charles Augur and approved by all.