

# **Brimfield Zoning Board of Appeals**

## **Minutes, Tuesday, September 25, 2018**

Business Meeting started at 7:30 PM.

In attendance were Don Damon, Kim Adams, Kevin Moore, Mike MacFadden, and Pamela Engberg for the ZBA, and Denise Dupont, Kathleen Fitzgerald, and Jane Duggan for the Friends of the Brimfield Senior Center. Bob Datz also joined us later in the meeting.

1. The meeting opened with a review of the amended minutes from August 6. Mr. Damon made a motion to accept the minutes, Ms. Adams seconded; the minutes were accepted 3-0. The minutes for the meeting of August 21 were reviewed; Mr. Moore made a motion to accept, seconded by Mr. Damon; the minutes were accepted 3-0.
2. Expense forms for advertising, security software, and postage were reviewed and signed.
3. Review/Discussion of ZBA Forms Revision. It was determined that the forms for the Variance Request and the Special Permit Request could be merged into a single new form. A motion was proposed by Ms. Adams to do so, seconded by Mr. Moore, passed 3-0. There was an extended discussion as each form was examined section by section and a draft for a new form was created. The new form will be titled "Special Permit and Variance Request". The clerk will edit the existing Variance form and present the draft at the next meeting.
4. Friends of the Senior Center Presentation. Denise Dupont of the Friends of the Brimfield Senior Center reviewed events concerning the parcel of 23.4 acres on Holland Road which had been donated for the construction of a new Senior Center. However, several solar companies have approached the group regarding using approximately 15 acres of the land for a large-scale photovoltaic installation. It was noted that at the moment the land is not zoned for solar, but that upcoming meetings may change the zoning so that solar installations can go into agricultural/residential areas. Funds from leasing the land for solar would be used to partially fund the new Senior Center. The Friends have met with the other boards to keep them informed about the project. Mr. Moore and Mr. MacFadden provided suggestions on presenting the benefits to gain support.
6. Review of Mail/Email
  - A. Email from the Selectboard requesting reorganization. Mr. MacFadden had contacted several regulating bodies for opinions as to whether an associate member can be Chairman, based on MGL 40A Section 12. The Ethics Commission stated that this did not fall within their Conflict of Interest area. He also spoke with Nicole Caprioli, an attorney in the Attorney General's office, who strongly recommended that the ZBA seek advice from the town counsel. Mr. Damon put forward a motion that we "respectfully ask the BOS for access to the Town Counsel for guidance and input in this matter." Ms. Adams seconded the motion. Mr. Moore was strongly opposed. The motion passed with two in favor, Mr. Moore abstaining. He wished the following statement to be recorded: "I serve at the discretion of the Selectboard and prefer to honor their request."
  - B. Email from Mr. Burlingame regarding zoning updates on the GIS. The ZBA supports the idea and it was noted that we have \$440 set aside for updated Zoning Maps which we could offer. Bob Datz, who was in attendance, said that he has experience doing the type of overlays proposed and felt that the \$1900 was grossly overpriced. Mr. MacFadden will respond to Mr. Burlingame by email. Mr. Moore made a motion to support the proposal, Ms. Adams seconded, motion passed 3-0.
  - C. SBA Communications Corp. This email was a request for zoning information for a cell tower located on Dearth Hill Road, dating from 1999-2000. The clerk was able to obtain a copy of the information from the Town Clerk and that was sent to SBA.

7. Scheduling next meeting. The proposed date of October 10, 7 PM was problematic as it possibly did not allow enough time for the public notice to be published two consecutive weeks as required by law. A backup date of Oct. 16, 7 PM was agreed upon. Mr. Moore made the motion to set the date for October 10, backup October 16, Mr. Damon seconded,

passed 3-0. The clerk will contact Stonebridge Press to find out if a notice can make publication this week and notify the Board which date will be chosen.

A motion to adjourn was made by Mr. Moore, seconded by Mr. Damon, passed 3-0; the meeting adjourned at 9:30 PM.

Respectfully Submitted

Pamela Engberg  
ZBA Clerk

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Michael Macfadden

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Don Damon

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Kim Adams

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Kevin Moore