

Town of Middlefield
Annual Town Meeting

Special Warrant

(AMU, REP, etc)

Hampshire, ss:

To either of the Constables of the Town of Middlefield in the County of Hampshire

GREETINGS: In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in Town affairs, to meet on June, 4th 2024, at 6:30 P.M. at the Middlefield Town Hall, and there to act on the following articles:

Article 1: To see if the Town will vote to amend the Zoning By-laws of the Town of Middlefield, Section III: General Use Regulations, Section 3.0 Schedule of Use Regulations, Table 3.0 to add a new type of land use, 3.056 Temporary Structure Without Primary Dwelling applicable to Types of Land Use 3.05, 3.052, 3.053, 3.054, and 3.055 and to amend Section 6.4.2 to add the Planning Board as a special permit granting authority, as follows; or take any action relative thereto:

The following is proposed to be added to the Table 3.0:

Zoning Districts

Bylaw Number	Types of Land Use	Standards and Conditions	Residential Agricultural	Business
3.056	Temporary Structure without a primary Dwelling applicable to uses 3.05, 3.052, 3.053, 3.054 and 3.055	Only upon the issuance of a special permit by the Planning Board where a building permit for a new Dwelling on the Lot has issued. Special Permit may be approved for up to 2 years. If the certificate of occupancy for the new Dwelling does not issue within that 2 years, the temporary structure must be removed within six months of the	Special Permit from the Planning Board applying requirements of Section 6.4. For this use the Planning Board is the SPGA.	Special Permit from the Planning Board applying requirements of Section 6.4. For this use the Planning Board is the SPGA

		special permit expiration, unless petitioners apply for and obtain from the Planning Board, a 1 year extension. Upon issuance of a certificate of occupancy, the temporary structure may become an accessory building provided it is in compliance with building codes and the zoning bylaw.		
--	--	--	--	--

Section 6.4.2 is to be amended to add the new language in bold and italics as follows:

6.4.2 Special Permit Granting Authority (SPGA)

The Zoning Board of Appeals *or the Planning Board* shall have the special permit granting authority specified in Section 3.0 Schedule of Use Regulations.

Article 2: To see if the Town will vote to amend the Zoning By-laws of the Town of Middlefield, Section III General Use Regulations, Section 3.2 Non-Conforming Uses as follows with language to be deleted in strikethrough and language to be added in bold and italics; or take any action relative thereto:

The lawful use of any structure or land existing at the time of the enactment or amendment of this Bylaw may be continued even though such structure or use does not conform with the provisions of the Bylaw. This use or structure is, however, subject to the following conditions:

3.2.1 Discontinuance: A non-conforming use *or structure* that has not been used for a period of two (2) years shall ~~not be re-established and any future use shall conform with this Bylaw.~~ *lose its protected status and shall be subject to all provisions of this bylaw; however, the Zoning Board of Appeals may grant a special permit to authorize the re-establishment of non-conforming use or structure where such re-establishment will not be detrimental to the neighborhood. Any extension applied for must include a detailed timeline for completion.*

3.2.2 Changes: ~~A non-conforming use shall not be changed to any other non-conforming use, and once changed to a more restrictive or conforming use, it shall not be permitted to revert to its previous use.~~

~~3.23-3.22~~ **3.22** Alteration or Extension: Pre-existing non-conforming structures or uses may be extended or altered when the Zoning Board of Appeals finds that such extension, alteration, or change is not substantially more detrimental to the neighborhood than the existing non-conforming use.

3.24 3.23 Reconstruction: A non-conforming structure that has been damaged or destroyed by fire, flood, hurricane, or other accidental cause, may be repaired or reconstructed and used as before, provided such restoration is begun within ~~six (6)~~ **twenty four (24)** months and does not exceed the size of the original non-conforming structures unless enlargement is allowed by the Zoning Board of Appeals as outlined above.

Article 3: To see if the Town will vote to amend the Zoning By-laws of the Town of Middlefield, Section VII Definitions to add alphabetically into the existing Section definitions of Accessory Structure, Conforming Dwelling, and Temporary Structure as follows; or take any action relative thereto:

Conforming Dwelling- A dwelling that meets the use any intensity regulations as laid out in table 3.1 to include minimum lot dimensions, set back requirements, height maximum, and maximum % coverage and was constructed as a residential dwelling pursuant to an approved building permit issued by the building inspector.

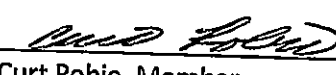


Accessory Structure- A structure located on the same Lot as a main building or use, the use of which is incidental to the main or permitted use, and which is subordinate to the main building or use. All Accessory Structures are subject Table 3.1 and Table 3.05. An Accessory Structure is attached or detached from the residence/business.

Temporary Structure- A structure intended for short-term use to store tools, building materials, and equipment to be used to construct a Dwelling. All Temporary Structures are subject to Table 3.1 and Table 3.056, including any structure under 200 square feet.


Article 4. To see if the Town will take any other action there to.

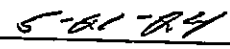
And you are directed to serve this warrant by posting attested copies of same in Middlefield Post Office, on the bulletin board at the Town Hall, a designated place in the Bancroft section of the Town and a designated place in Smith Hollow, at least fourteen days before time of holding said meeting. Hereof, fail not and make do return of this warrant with your doings thereon to the Town Clerk at the time and place of meeting as aforesaid.

Given under our hands at Middlefield the 21st day of May in the year two thousand twenty-four.

		
Curt Robie, Member	Ann Marie Visconti, Member	Tamarin Laurel-Paine, Member

I have this day posted copies of the above warrant


Constable, Attest


Date