

**From:** Tamarin Laurel-Middlefield <middlefield.tamarin@gmail.com>

**Sent:** Sunday, April 7, 2024 12:11:10 PM

**To:** Mary F. Courtney <MFC@chlawyers.com>

**Subject:** Zoning enforcement question

Dear Mary Courtney, (member, Zoning Board of Appeals, Middlefield MA)

I'm not sure how to tackle this exactly, so I am looking for the insights of your legal mind, in relation to zoning bylaws. I've heard, for many months, various grumbles about a lesbian couple in town, with 3 kids, and a tendency to have possessions strewn around their yard because they don't have sufficient storage space. It was often unclear whether the person complaining truly found the most offending trait was indeed a messy yard, or was the sin of bringing kids into town, or was the lesbian part. Sometimes, it sounded like just a prejudice against poor people. But it smacked of prejudice, even when dressed up as concern with zoning laws.

I've been dismayed at a trend in town of using zoning enforcement as the cover for exercising prejudice more than kindness. Or, more exactly, the intention to "choose who lives in this town." (This is referring to an exchange that happened at a January '24 Selectboard meeting. SB Chair: "It might be nice to discuss as a town... Who do we want to have live here?" Surprised audience member: "That's not our choice." SB Chair: "You can make things really difficult for people.")

Now the difficulty has fallen on me to defend myself in relation to zoning enforcement, because I offered temporary shelter to this homeless family with a disabled child. Not only does this prove the old adage "that no good deed goes unpunished" but also bolsters the plan "to make some people's lives really difficult" if they don't happen to be the people approved of by the right sub-set of townspeople.

We got to know the Pires family over the summer, when they began to drop by Blossom Community Center to meet others. They are pleasant people, with well-behaved kids. I was embarrassed that the Town could not, or did not, provide them with any information about well or septic locations of the house previously lived-in on their lot. This impasse ran out the summer time, and they went away to stay with relatives in FL. But when those arrangements became untenable, they were back here, in winter, homeless, in the midst of a declared state crisis of scarce and expensive housing.

Frankly, given the many years of town talk about needing generators in order to make Senior Center and Town Hall capable of providing Emergency Shelter, I always assumed the general consensus was that having someplace able to serve as Emergency Shelter was a good thing. Because Blossom Center already had a generator, and gets annual inspection as a place of assembly safe for the public, we just added a few cots, blankets, and pillows to the rest of the amenities here, and figured we could provide some amount of Emergency Shelter space, until the town could, or in addition. Also, given that "Emergency Shelter" would be such a non-regular use, I never expected that zoning bylaw use lists would include it.

Anyway, Bill Girard -Town Building Inspector and Zoning Enforcement—called me because he'd been called about this family staying overnight at Blossom Center, on weekends, until they found a more permanent solution. Although I started this letter promptly after that call, it stalled when I saw no obvious request to make of Zoning Board, or Board of Health, or state Emergency Shelter system -all of which Bill assigned I research approval from. I have been researching, but turned more of my attention to getting the family into a permanent rental, which we achieved in early March. I thought that would better address town concerns about the family. ...Then I got sick with covid March 12<sup>th</sup> and am only now inching my way back to sufficient energy to pursue the rest of the research Bill assigned.

Bill left a message yesterday (4/6/24), making the assignment more specifically an application to the Zoning Board for a “change of use.” I do not see a pathway to which that applies. But maybe you will see what I have not.

For the building at 16 Bell Rd, there are currently two lease-holders: AzureGreen, and Blossom Center. AzureGreen got its Special Permit for Business Use in the Business District long ago, and needs no change of use. Blossom Center (organized in 2011) has been operating upstairs –separate from the warehouse / commercial operation on the lower level. It is what the bylaws say is allowed by right in the business district: “A Private Club, not conducted for profit.” It also needs no dimensional changes to the existing building covered by the AzureGreen use permit. i.e. there is no increase to the building size or parking area needed. The emergency shelter use is many acres and many 100s of feet from any neighbors, and does not add noise or nuisance to the neighborhood. A single family vehicle does not add traffic congestion.

Blossom Center is also a nonprofit charity with a mission of education –specifically educating through practicing shared stewardship of resources and responsibilities to improve lives and community. It collaborates with other non-profits (providing space for Highland Agricultural (Fair) meetings in the winter), and with religious entities and activities that do not have their own space. So, I believe it fits the use allowed by right of religious and educational institution. It also has a Child Care Facility—another allowed by right use. (Although it does not, as yet, have a Facility Director, to implement a program in that facility space). These are all existing uses, and not ones I would wish to change. So, I do not see a “change of use” path in that regard.

Then I turn to look at the Zoning Table 3 list of uses one might change to, and see no applicable thing to address the Zoning Board on. I assume the list of ‘Business Use’ all concern operating for-profit, which Blossom Center does not do.

Bill mentioned the possibly of looking at ADU designation, but that does not apply. An ADU is a “second dwelling unit within a single-family structure.” And a dwelling is defined by having its own kitchen, I believe. Here we have an institutional building, with only a single commercial kitchen. We do not intend to change this arrangement.

There is no mention, in the Zoning Bylaws, about providing temporary emergency shelter –not specifying any accepted or unacceptable limits or conditions. Yet, as I mentioned, this is a long-discussed aspiration of the town.

If you believe any temporary shelter should be under the auspices of a Religious entity, instead of by the Community Center club not for profit, I could arrange that. I’m sure there are many churches undertaking this service to community, which I could spend my time researching. A 3<sup>rd</sup> lease to a Church or Temple entity can be arranged.

Sincerely,

Tamarin Laurel

Director, Blossom Center. (also building owner, and Priestess)

413-623-2155 x111

[Middlefield.Tamarin@gmail.com](mailto:Middlefield.Tamarin@gmail.com)