



**TOWN OF BROOKFIELD
OFFICE OF THE PLANNING BOARD
6 Central Street
Brookfield, MA 01506**

Minutes
Wednesday, March 19, 2008
Town Hall

Members Present: Bruce Clarke
Kermit Eaton
Daniel Leahy
Sharon Mahoney
Mary T. O'Connell

The meeting was called to order at 6:34 p.m.

Decision on Special Permit: Clarence and Jane Snyder, Equine Business, 12 Gay Road

The Board reviewed decision wording prepared by Ms. O'Connell. The decision included three conditions. Motion made by Mr. Clarke, 2nd by Ms. Mahoney to approve the Special Permit application with conditions. In favor, Mr. Clarke, Mr. Leahy, Ms. Mahoney and Ms. O'Connell. Mr. Eaton abstained because he was not present at the Public Hearing.

Ms. Stawski will file the decision with the Town Clerk, notify Mr. Snyder of the decision and mail him a copy.

Discussion of Zoning Change Proposals

Article 8.E Open Space Residential Development

A discussion followed on the open space residential development bylaw that was presented by Ms. O'Connell. Ms. O'Connell asked the board if they had any suggestions.

Mr. Eaton asked if under **Purposes** the Bylaw should document the benefit to the Town since the wording may imply only the benefit to developers: e.g. cost advantages & more environmentally friendly. Ms. O'Connell stated wording could be changed by adding another bullet.

Ms. Mahoney stated that owners of property do not like being told what they can and can't do with their property, but that open space is beneficial not only to the town but also to the residents. Ms. O'Connell stated there is a lot of room in the bylaw to negotiate with developers. Mr. Leahy stated that our whole Zoning Bylaw should be updated.

Mr. Eaton was concerned about OSRD density bonus wording for affordable units. Ms. O'Connell said the current bonus shall not exceed 25%, but the wording could be changed to cannot exceed 25%.

Mr. Simeone, Zoning Enforcement Officer, concerning Mundell property on Gay Rd, sharing a driveway

Mr. Mundell currently owns property that he would like to build homes on. The property currently has a driveway that he would like to extend to include multiple homes. The plan signed off by the Planning Board in 1988 states there are no provisions in the Bylaw that address common driveways. Approval of the plan was for conformance with frontage and square footage only. The Board

suggested that Mr. Simeone ask Mr. Mundell for a legal opinion from his attorney as to why the lots should be considered okay with the common driveway.

Quayside Shores Condominium project : Special Permit Hearing

Ms. O'Connell opened the hearing continuation at 7:18pm

Present: Mr. Michael Loin of Bertin Engineering [REDACTED] uction, and Mr. Cliff Fontaine representing the Quayside Shores Condo Association. Residents of the condo units and abutters of the property were present.

Ms. O'Connell stated the Board has reviewed letters received from Town Counsel, and John Scannell, consulting engineer for the Planning Board. Revised site plans were given to consulting engineer March 12, 2008.

Ms. O'Connell asked Mr. Loin to give a brief description to all present.

Ms. O'Connell then opened the floor for questions

Mr. Randy Pierce asked how close is the detention basin to the beach area? Mr. Loin stated the end of the fence is 220' from the shore.

Mr. Dominic Amoroso, 76 Quaboag St, the closest neighbor to the pond, was concerned with standing water and mosquitoes from the detention basin. Mr. Loin stated there will not be standing water, the pond will be used only as a filter for the overflow, before it naturally drains out of the bottom of the basin. The pond will improve the pre-treatment of the drainage by filtering out the sediment.

Residents asked if the Lake Association and the Natural Heritage have been notified? Ms. O'Connell stated the notice of the public hearing was advertised, and only the abutters of the property were directly notified as required by law. Mr. Loin stated that he will be contacting the Natural Heritage.

Mr. Woven, 55 Quaboag St., asked how close is the property line to his well in the back of his lot. Mr. Loin stated that the back of the condo is 25' from the property line. The septic has to be 100' from any well by law since 1979. Another concern is the mess that was left such as dead trees and vines when the prior construction on the project was done in the 80's. Mr. Loin stated they will look at the area in question, and will work to clean up the eyesore.

Mr. Randy Pierce asked with 50 more units (100 more cars), has a traffic study been done? Ms. O'Connell stated the Board can discuss whether a study should be done. Mr. Pierce stated that cars are speeding and with more homes being developed means more traffic and problems.

Mr. Timothy Roughan, 61 Quaboag St., stated that currently there are turtle nests and ladyslipper plants that are considered endangered and asked if this has been addressed? Mr. Loin stated they will be contacting the Natural Heritage and will be working closely with them. Mr. Loin suggested that Mr. Roughan contact the state on line with any questions or concerns. Ms. O'Connell asked when the applicant would file with Natural Heritage. Mr. Loin said this week.

Ms. O'Connell asked the board for any comments.

Mr. Leahy suggested that catch basin covers could be offset, reducing the need for some of the road width to accommodate them. Mr. Loin stated that would certainly be taken into consideration.

Ms. Mahoney asked if the road in the development is private? Mr. Loin stated all of it is private and maintained by the association. Brunell has not been added as a public street to his knowledge.

Ms. Mahoney asked about street lights, are they mandated, and how many will be installed? Do you have specifications as to the type of lights? Mr. Loin stated street lights will be installed, with 8 new area lights added. Sconce type lighting on the homes will be included for security purposes.

Mr. Eaton asked about provisions for visitor parking and how many parking sites were available? Mr. Loin stated one site has 19 spaces and another site has 9 spaces. All driveways are wide enough for 2 vehicles, plus each unit has a garage.

Mr. Clarke asked how many rooms in the units of condo's and were any units low income? Mr. Butler stated the majority of units are 2 bedrooms, with a few end units having a loft, but still only two bedrooms. They will not have any low income units. The cost of the units will be around \$235k.

Mr. Pierce stated currently there is a problem selling homes. Ms. O'Connell stated there are no guarantees in place, that's up to the developer.

Mr. Clarke asked Ms. O'Connell to inform the public of the reports the Planning Board have received. Ms. O'Connell read the review by consulting engineer, Mr. Scannell, received March 16, 2008 and also read the report from Town Counsel Kopelman & Paige received March 12, 2008. She noted that all expenses for these consultations are paid by the developer.

Town Counsel's concerns:

4 lots. Town Counsel noted that the subdivision plans shows 4 lots. The plans submitted for this project do not show 4 lots and Town Counsel suggested the board rescind or modify the subdivision to remove the lot lines. Mr. Loin has a plan of record Plan Book 609, Plan 66 dated 1981 showing the 4 lots as being changed to one. Mr. Loin asked if the Planning Board would allow their attorney Mr. Edward Neal to contact directly Town Counsel Kopelman & Paige. Ms. O'Connell asked the Board members of their opinion, all agreed. Ms. O'Connell stated she will contact Kopelman & Paige and ask that the Planning Board be copied on all reports of communication between Mr. Neal and Town Counsel.

The current plan shows future lot #2. Mr. Loin stated they will file ANR on this lot in the future.

Town Counsel shows concerns about common driveways.

Pre-historical & historical materials on the property. Mr. Loin stated they will be contacting the Massachusetts Historical Commission this week. Ms. O'Connell asked that copies of the report be given to the Planning Board.

Mr. Roughan asked what are the expectations as to what is going to be done when— is there a construction schedule? How is the dust going to be handled, how long will he have to keep his windows closed? Mr. Loin stated that 48 hours prior to construction, that the regulations concerning stormwater management include provisions for mud, trash, erosion and parking, in going forward, it is in the interest of all concerned that everyone works together and be made aware of the plans of the construction.

Mr. Clarke asked if upgrades would be done on the road? Mr. Loin said not at this time. Any future request to make the road public would be handled by the project attorneys.

Ms. O'Connell asked the Board if a traffic study should be done. Mr. Leahy stated that the road was not built with embankments, or sharp corners, therefore it would pass. Ms. O'Connell described a study that had been done for a Molasses Hill Rd subdivision for 32 homes, and that the road was considered okay by the standards that are used. Ms. O'Connell noted that traffic speed is not a

Planning Board issue but rather a police issue and that public way maintenance is a Highway Dept. issue. The Planning Board felt that a traffic study was not indicated in this situation.

Mr. Eaton asked if a comprehensive plan, to include construction phases of the development, exterior screening, showing # of units and their location will be done.

Ms. O'Connell asked Mr. Loin about the length of time on getting information and reports from Natural Heritage and Massachusetts Historical. His experience with Natural Heritage suggests a usual turnaround of 30 days, but he has no idea about timelines for Massachusetts Historical.

Ms. O'Connell suggested continuing the Public Hearing to May 7, 2008 at 7:15 pm.

Mr. Loin stated he will submit the forms for ANR on lot #2 on May 7, 2008.

The hearing session was adjourned at 9:20 p.m.

Continuation of discussion of proposed zoning changes.

Section 8.E. Open Space Residential Development. Mr. Eaton suggested that utilities meet the standards in the subdivision rules. Mr. Leahy suggested wording to include minimum of 2 parking spaces per unit.

The Board discussed additional proposed zoning changes, one to **eliminate the provision to allow more than one multi-family dwelling on a lot (delete first sentence of Section 8.D.3.)**, and the second to establish a **"regularity factor" for ANRs (add a paragraph to Section 7.A.)** to eliminate "pork chop" and bizarrely shaped lots. A Special Permit section of this rule would allow irregular lots in some cases. The Board agreed to present the three changes (OSRD, multi-family limit, and lot regularity) for vote at the Annual Town Meeting in May. A public hearing on the changes will be held on May 7th.

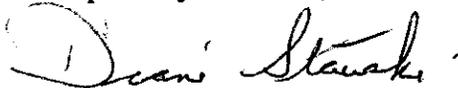
Ms. Mahoney asked if Mr. Leahy would be willing to make a presentation showing in visual form how the regularity formula works so that it would be easier for land owners to understand. He said he would.

Minutes

Motion made by Mr. Clarke, 2nd by Mr. Leahy, to approve minutes of March 12, 2008. All in favor, with Ms. Mahoney and Mr. Eaton abstaining.

Motion to adjourn the meeting by Mr. Eaton, 2nd by Mr. Leahy, at 9:50 p.m. All in favor.

Respectfully Submitted,



Diane Stawski
Clerk for the Planning Board

Minutes approved: 4/2/08

REVISED NAME PG 2 8/7/08