



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

Minutes
Wednesday, July 2, 2008
Town Hall

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

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BOARD OF SELECTMEN

The meeting was called to order at 6:38 p.m.

Mr. Roger Mundell: Gay Rd. Common 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. In reviewing the plans signed off by the Planning Board in 1988, it was noted previously (March 19, 2008) that the endorsement states there are no provisions in the By-Law which address common driveways. Approval of the plan was for conformance with frontage and square footage only. Ms. O'Connell asked Ms. Stawski to pull the minutes and original plans. Mr. Simeone, Zoning Enforcement Officer, had approached the Planning Board about concerns on allowing a common driveway. Ms. Mahoney asked how long the driveway would be. It is estimated to be in excess of 500'. Mr. Leahy expressed concerns that the safety of a property owner could be jeopardized if a common driveway allowing 4 additional lots were approved. Ms. O'Connell suggested that Mr. Mundell provide a legal opinion as to why he should be allowed to have the driveway. The letter should be presented to the Zoning Enforcement Officer.

Mr. William Simpson: Master Plan Committee

Currently the Master Plan Committee is trying to create a plan for the future for Brookfield. The Master Plan Committee will be mailing to all residents a survey and asking for the residents' feedback and suggestions as to what they would like to see happen for the Town of Brookfield. This would be beneficial to all residents. The State of Massachusetts requires a master plan in order to apply for certain grants. Mr. Simpson said the Committee is working with the Central Massachusetts Regional Planning Commission. Expected cost \$54k to create the document. The plan will be good for 10 - 15 yrs.

Mr. Clarke asked what is the goal of the Master Plan? Mr. Simpson replied it depends on what the town wants. It's up to the people to inform the Master Plan Committee as to what they would like. Ms. Mahoney commented that the plan can be used not only to guide town boards and committees, but also to provide a list of projects that might be undertaken by private parties for the good of the town (the project to plant cherry trees along Route 9 is an example).

Mr. Simpson commented once the Master Plan is accepted all sections will be forwarded to the departments, e.g. highway, planning board, conservation, etc. with the hope that the departments would use it as a guideline for regulations and decisions. Mr. Clarke asked what keeps the Master Plan alive. Ms. O'Connell said strong support from the Selectmen and other town boards would be critical.

Mr. Simpson will be meeting with all the Boards to ask for their help and suggestions to complete the Master Plan. He will be at the local landfill to inform and answer any questions residents have about the survey and to encourage people to complete it. Once the Master Plan is completed, the Master Plan Committee ceases to exist, but it could be followed by a Master Plan Implementation Committee.

Continuation Public Hearing: Quayside Shores Special Permit Application

Ms. O'Connell opened the hearing continuation at 7:20 pm.

Mr. Michael Loin of Bertin Engineering, Mr. Donald Zucco of Zucco Construction, Attorney Mr. Edmond Neal III representing Zucco Construction, and Mr. Cliff Fontaine representing the Quayside Shores Condo Association. Residents of the condo units and abutters of the property were present at the meeting.

Ms. O'Connell informed Mr. Loin and Mr. Butler that there is balance of \$952.50 monies due for legal fees. Faxes of all the bills incurred from legal counsel have been sent to Mr. Loin for review. Mr. Loin stated he would like copies of all correspondence, emails, and documents received from Kopelman & Paige, legal counsel for the town. He commented the charges are high for phone conversations, emails, and reviews. Ms. O'Connell was given copies of all the bills received and she will forward documents she has to Bertin Engineering.

Ms. O'Connell suggested that the Planning Board agree on amount to be deposited for future counsel fees. Mr. Loin suggested the amount of \$2,000 be given. The Planning Board agreed on this amount to carry the project forward for the moment. This amount would cover the amount currently owed plus some additional work. Mr. Zucco stated his secretary would drop off the amount July 7th, or July 8th.

The Town of Brookfield has approved a Zoning Bylaw change, by deleting the first sentence of Section 8.D.3., or take any action relative thereto. (This amendment deletes the provision for more than one multi-family structure on a lot.) This was voted on May 9, 2008 and approved by the State of Massachusetts a letter was received on June 26, 2008.

Mr. Zucco's attorney, Mr. Edmond Neal, III, was present representing Zucco Construction. He handed copies of a letter to the Planning Board. Mr. Neal commented the town's legal charges are high, Mr. Zucco feels they were blind sided by the zoning change. They were not informed of the Town Meeting on the article, and would have been present to argue their case at the hearing that was held on May 7th. Ms. O'Connell stated this is the first time they have seen Mr. Neal's opinion and that the Planning Board cannot answer any legal questions. Ms. O'Connell will contact Town Counsel Kopelman & Paige tomorrow and Mr. Neal will need to discuss any legal issues with them. Ms. O'Connell asked the Planning Board members to review the letter before the next meeting. We hope to clarify these problems at our next meeting. Ms. Cantor from Kopelman & Paige will address any issues involving subdivision amendment, ANR, and zoning changes.

Continuation of the hearing will be on Aug. 6, 2008 at 7:15 p.m. The hearing session was closed at 7:38 pm.

Other Business:

Ms. Stawski presented all Board members with an up-to-date binder that includes all of the Town of Brookfield rules & regs, bylaws, subdivision regs, along with state zoning, Chapter 41, Chapter 40B, and items from the Department of Housing and Community Development.

Ms. Stawski informed the board members that no response had been received from the Police Dept. to the Board's notification of unregistered vehicles that was made on May 19, along with a follow up letter on June 2, 2008. Mr. Eaton will contact Chief Ackerman for information as to what has been done.

Ms. O'Connell asked Mr. Leahy if he would review the Subdivision Rules and Regulations to see if any changes should be made.

Old Business:

Mr. Leahy will pick up information on an article that was just passed in Charlton, Ma on wind turbine.

Motion to adjourn the meeting at 8:05pm by Mr. Eaton, 2nd by Ms. Mahoney. All in favor.

Respectfully Submitted,



Diane Stawski
Clerk for the Planning Board

Minutes approved: 8/6/08