



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

Minutes  
Wednesday, November 5, 2008  
Town Hall

Members Present: Bruce Clarke  
Kermit Eaton  
Daniel Leary  
Mary T. O'Connell  
Sharon Mahoney (Acting Clerk)

The meeting was called to order at 6:40 p.m. in the Brookfield Town Hall Ballroom. Chair Mary O'Connell announced that the meeting with Mr. Mundell scheduled for that night has been postponed until the Dec. 3 Planning Board meeting. She advised Board members to review Mr. Scannell's engineering report and to submit any questions to her or Diane Stawski.

**Mr. Simeone ZEO, the Planning Board info Latino property** **6:30pm**  
Zoning Enforcement Officer Mr. Gary Simeone gave an update on the Latino property. Board members asked for a status report on the buildings at the back of the property, including the garage. Mr. Simeone said he didn't know the status of the garage, but that the house was clearly in violation, even if not currently in use, because it had been moved off its foundation.

Mr. Clarke wanted to know how many primary uses had been approved for the property by the Zoning Board of Appeals. Mr. Simeone said that the property has storage units, the tractor-trailer storage, the nursery business, and the train ride. He said he didn't know if the tractor-trailer or the train ride were granted permits; and that the train ride required a special permit under the Business "A" classification, but that there was no indication that admission was being charged to customers for that use. Mr. Simeone added that the owners said that the large building in the back of the property was for "personal use."

Ms. O'Connell asked Mr. Simeone to ask ZBA chair Mike Seery to pull the permit for the property so that any conditions for the permit could be noted, and he said he would follow up and report back.

In the matter of the O'Clair property, Mr. Clarke told Mr. Simeone that he had observed Mr. O'Clair using a bobcat to push dirt into the wetlands on his property, including at 3 p.m. that very afternoon outside the gate to his property. Mr. Clarke also said that he had observed building materials being stockpiled on the site. Mr. Simeone said that he had told Mr. O'Clair three weeks prior that such activity wasn't permitted and that improvements were restricted to "incidental brush cutting and the fence" only. Mr. Clarke volunteered to call the Conservation Commission as the matter was in their jurisdiction.

Mr. Simeone asked Ms. O'Connell if James Dolan had approached the Planning Board about a permit to run a sawmill on his property. Mr. Dolan has already received state approval as required, and said that he would contact Mr. Dolan on behalf of the Board.

**Mr. Doug Powers, wants to divide his Fiskdale Road property**

**7:00 pm**

Mr. Powers presented his plot plan for subdividing his property into two lots to the Board. The plans show an easement on Lot 7a designed to circumvent the wetlands. The ZBA has already granted Mr. Powers a variance for a 795 foot long driveway, as required for any driveway over 500 feet in length. Mr. Eaton asked if the Fire Chief Martell should be consulted about emergency access concerns, and Ms. O'Connell said that any risk connected with building that far from the town road was assumed by the owner. She said that the Conservation Commission would have to issue an order of conditions for the application given the proximity to the wetlands. The total fees (at \$50 per lot for this application) are \$100, and that if the plans are approved and signed by the Planning Board they will be returned to Mr. Powers by Town Clerk Linda Lincoln upon receipt of such payment.

Mr. Kermit Eaton then moved that the Brookfield Planning Board approve the application by Mr. Doug Powers to subdivide his Fiskdale Road property as shown on the plans submitted to the Board as part of his application. The motion was seconded by Mr. Dan Leahy. All members of the Board voted in favor.

**Correspondence:** Ms. O'Connell noted that a bill for \$17 for expenses incurred for the Quayside Shores application was received by the Board.

**Continuation Public Hearing Quayside Shores**

**7:15pm**

Chair Mary T. O'Connell opened the continuation of the hearing from September 2008, noting that the October hearing continuation, which focused on legal issues pursuant to the interpretation of the change in the Zoning Bylaw, had been postponed until this day because not enough Planning Board members were able to be present.

Mr. Michael Loin, speaking for the applicant, recapped previous discussions on the application, noting that the units applied for in the plan had been reduced to 47 condominium units from 50. The roads within the development have been reduced to 22 feet from edge to edge from 26 feet, which provides for more parking spaces and enabling the detention pond to be moved back by about 20 feet to address concerns of abutters. He did not send a revised plan to Mr. Scannell, since the changes to the plans were minor. He noted that the plan was to be completed in two phases, with Phase 1 being the construction of the Lakeside Circle area, followed by Phase 2 (the Spruce Lane area), with each phase being completed separately "within practical limits."

Mr. Loin said the applicant would also be submitting ANR (Approval Not Required) paperwork for Lot #2 on the plan, but had not done so yet.

Mr. Clarke asked if the applicant was considering the possibility of deeding some of the units as affordable housing. Mr. Loin said that he didn't know the town's median income, but it was probably in the \$150 to \$160 thousand dollars per annum range; and the proposed sale price of the Quayside Units would be over \$200 thousand each. Mr. Edward Neal, the applicant's attorney, added that any units designated as affordable housing would have to be certified as such by the state and said such certification would give no benefits to the applicant.

Ms. O'Connell noted that the applicant has filed the natural heritage survey, and asked for an updated status report on the archeological survey process. Mr. Loin said that the applicants have a contract with the University of Connecticut to perform such a survey but preferred to wait for the outcome of the permit process first before spending funds on it. Mr. Neal said that the Board could note in the

order of conditions for the permit if granted that the permit would be contingent on either a favorable report or the fulfillment of specific permit revisions.

Mr. Loin said that trees had been added around the detention pond to screen it from both the road and the abutters, with existing vegetation replanted where needed whenever possible, and a fence would also be installed around the pond. In response to a question from Mr. Clarke, he said that the maintenance of the detention pond would devolve to the Condominium Trust.

In response to a question from Ms. O'Connell, Mr. Loin said that construction would be "market-driven," with some of the units completed "on spec" to show prospective buyers.

In response to a question from Mr. Clarke, Mr. Loin said that the egress and access to the construction site would still be on both sides of Brunell Avenue; the applicants would work with abutters on an arrangement that would satisfy everyone.

Abutter Timothy Roughan raised concerns about the enforcement of the order of conditions of any permit, given the previous contractor's history on the site. Mr. Loin said the applicants would work with the abutters on the preconstruction of the road, and that the plans would have to be posted on the site with any subsequent changes indicated in red ink. Mr. Loin also said that the construction office would be a trailer parked on the site, probably on Spruce Lane, with the Phase 2 access road passing in front of the trailer, and with operations transferring from the trailer to one of the new units once such a unit was completed.

Mr. Roughan asked when abutters would be able to see the construction schedule. Mr. Loin said the applicants could set up a meeting prior to construction as part of the Order of Conditions. He said that the hours of operation would be from 7 a.m. to 7 p.m. weekdays and 7 a.m. to 4 p.m. on Saturday, as is the practice in most towns. Mr. Leary suggested that the applicants include the abutter nearest the detention pond (Mr. Amoroso) in any discussions; Mr. Loin said the plan was to build the detention basin first, "and get it out of the way."

In response to a question from Mr. Roughan, Mr. Loin said that the plan was to use propane on the site, but he would confirm that. He also agreed with Mr. Roughan that a traffic light at the end of Brunell would be a good idea, given the configuration of the project's roads. He also said that construction materials would be stockpiled as far from Mr. Roughan's property as was practically possible.

In response to a question from Mr. Clarke, Mr. Loin said that an emergency right-of-way access would cross the nearby vacant lot from Quaboag Street into the development. All roads within the development, with the exception of Brunell, would be private ways. He agreed that all plans would show changes agreed upon during this hearing process, including the location of the temporary construction trailer, prior to any approval granted by the Planning Board. Mr. Neal volunteered to draft a permit decision document for the Board to use; Ms. O'Connell said that the Board would take such a document under consideration when drafting its final decision.

The hearing session was closed at 8:15 p.m., and will be continued on Wednesday, November 19 at 6 p.m. at Brookfield Town Hall.

**Wind Energy Bylaw**

Ms. O'Connell asked the Board to review the draft Wind Energy Bylaw with an eye toward working on Section 3 (pp. 2 - 6). Mr. Eaton shared a news article on a dispute over noise generated by a wind turbine in another town.

Ms. O'Connell mentioned that the fees for the Tower Hill project have been submitted, with \$600 in fees to the town and \$300 to the applicant's fund; and the engineering review has been completed. The town will cover the costs of the public hearing, to take place on December 3, 2008.

Ms. O'Connell will prepare a proposed budget to submit to the Advisory Council for next fiscal year.

Motion to adjourn the meeting by Mr. Clarke at 8:45 p.m., 2<sup>nd</sup> by Mr. Eaton. All in favor.

Respectfully Submitted,

Sharon Mahoney  
Acting Clerk for the Planning Board

Minutes approved: 4/22 REVISED ACTING