



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

Minutes
Wednesday, November 4, 2009
Town Hall

RECEIVED

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BOARD OF SELECTMEN

Members Present: Bruce Clarke
Kris Casucci
Clifford Fontaine
Daniel Leahy
Sharon Mahoney

The meeting was called to order at 6:31 pm by Chair Dan Leahy.

Mr. Kurt Jacobson 175 Rice Corner Rd. subdivision

6:30 pm

Ms. Mahoney told the Board that in a call to the Planning Board on Oct. 28, Mr. Jacobson had withdrawn his request to meet with the Planning Board as he would not be ready to do so by this date.

Ltr. sent 10/7 Mr. Hammond by certified mail

174 Rice Corner Rd. 6:45 pm

Mr. Hammond did not appear at the meeting. Discussion ensued about the town's bylaws governing rear lots that was initiated during Mr. Hammond's last appearance before the Board. Mr. Clarke said that the purchase of a piece of property does not allow a property owner to create a rear lot; Mr. Hammond has the right to go through the special permit process but it would have to start from the beginning.

Mr. Correia for Continuation Public Hearing without prejudice for White's Landing Fiskdale Rd.

7:00 pm

Mr. Correia did not appear before the Board at the appointed time, so the Board began preliminary discussion. Mr. Leahy said that the Board would be able to deliberate only after the Conservation Commission had issued its opinion on Mr. Correia's application. Mr. Clarke said that both Boards needed to be mindful of the timetable for such applications: "The clock is ticking. We need to either render a decision before the deadline or ask the applicant for an extension."

Mr. Leahy said that the approach toward the Hammond and Correia proposals "seems inconsistent." He said that there should be a level playing field with standardized criteria.

Ms. Mahoney outlined the pertinent sections of flood plain bylaws which she had brought in from Spencer, East Brookfield, and Leicester. The Board agreed that new flood plain maps were needed; there were sections of each that might prove useful in rewriting/revising with an eye to specific definitions and requirements for applicants whose proposed projects fell within flood plains; and a set procedure should be set forth on how a flood plain determination is reached so applicants could know exactly what is expected from them.

Ms. Mahoney agreed to provide each Conservation Commission and Planning Board member with a set of copies of the bylaws for examination and suggestions for a possible bylaw wording change to put before the town at a later date.

Mr. Frank Mosher and Ms. Bonnie Mosher came before the Board, saying the Board of Selectmen had referred them to ask how they would go about getting Lakeside Avenue, a private way, accepted by the town as a public way. The issue was the condition of the road—they want the town to grade their street, and that while they didn't want extensive work done, the road was deteriorating and that the town has done light maintenance work in the past but hasn't recently. The street had gone from three houses to twelve and the roadway was much more heavily traveled than when they had first moved there.

The Board told them that they had no jurisdiction over the converting of private ways to public, town-maintained roads and expressed puzzlement over why the Select board had referred the matter to the Planning Board. Ms. Mahoney said that the matter had to be decided by a town meeting and the matter would have to be placed on the warrant. Mr. Clarke told them that Town Counsel had advised the Select board that they should not assume responsibility for maintenance of private ways. The residents had the option of petitioning the town to do so by petition or by a warrant article sponsored by the Board of Selectmen, and that getting the neighbors to sign such a petition would make their case more persuasive. The Board referred Mr. and Ms. Mosher back to the Select board and said a letter would be drafted explaining the Planning Board's position. They were also warned that if their efforts were successful and the town took over jurisdiction of the road they would have no control over what work was done in the future.

Zoning Enforcement Officer Gary Simeone reiterated his research re: the activity taking place at the Elm Hill property. He said the property was owned by a nonprofit organization and as such was exempt from town bylaws under state law. Mr. Clarke asked how we knew for sure that they had nonprofit status, and Mr. Simeone suggested that a representative from the group be invited to a meeting of the Planning Board and asked to produce proof of nonprofit status.

Mr. Simeone updated the Board on the matter of Mr. Hammond running a repossessing business without the proper permits. He has not responded to repeated communications and "the next step is for the town to take him to court. I can fine him \$50 a day, but it'll be ignored." He said such situations have happened before, and "the judge tends to favor the little guy," with the result usually being a compromise between the town and the alleged offender, with no fines collected. A court action could cost the town about \$5000 "minimum" and the process could take "years."

Mr. O'Clair's application for a business certificate for 5 Quaboag Street. Mr. Simeone said that Mr. O'Clair is apparently looking to rent land at that address for his towing/auto parts business. Currently, Mr. Wallace would need to apply for variance to allow for a business, Mr. Simeone said, "and he will lose." The Board agreed that it was in the town's interests to keep a close watch on this situation and coordinate with Con Com and the ZBA.

Mr. Correia: Continuation Public Hearing for White's Landing, 7 Fiskdale Rd.

The hearing continuation was opened at 8:46 pm. There were no abutters present. (Mr. Correia was in the lobby, had been there for some time and didn't realize he should come into the meeting.) The Board asked him for clarification on the status of his project, and he said that the Special Permit previously issued by the Brookfield ZBA on 10/26/05 was for renovations to the sunroom and the back; the new request has additional provisions for a pavilion, shed and a porch. Mr. Clarke said that the new permit application had to go before the Conservation Commission first. He also suggested that Mr. Correia have plans drawn up by a licensed engineer so that there would be no ambiguity on setbacks, wetland boundaries, and so on, and thus further delay the process while this information was sought.

Mr. Correia said that while that process was going forward, he would go to the Building Inspector and get permission to begin inside renovations that wouldn't affect the footprint of the building. Mr. Clarke suggested that the Board ask Mr. Correia for permission to extend the Special Permit hearing an additional 90 days to allow for the process to continue along all fronts. Chair Dan Leahy **moved** that we ask permission to extend the public hearing process for Mr. Correia an additional 90 days; Ms. Mahoney **seconded** the motion and the Board **passed** it unanimously by voice vote.

Mr. Correia said that he may not have additional information by next month, but he agreed to schedule a hearing continuation for Wednesday, Dec. 2 at 7 pm in case subsequent discussion proves possible.

MINUTES:

Ms. Mahoney **moved** and Ms. Casucci **seconded** that the Board accept the minutes for Oct. 7, 2009; the motion **passed** with all in favor.

Old Business:

Dan Leahy said that he had requested copies of the minutes for the Conservation Commission meeting he had attended so that they could be reviewed and filed with the Planning Board records for future reference.

The next meeting of the Planning Board will take place on December 2, 2009 at 7:00 pm.

The meeting was adjourned the meeting at 8:53 pm.

Respectfully Submitted,

Sharon Mahoney
Secretary of the Planning Board

Minutes approved: 12/2/09