



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

Minutes  
Wednesday, February 3, 2010  
Town Hall

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

Mr. Leahy opened the meeting at 6:30 pm.

**Mr. John Shocket Sunrise Acquisitions LLC tripartite extension for The Glen**  
Ms. Stawski handed a letter to Mr. Leahy from Sunrise Acquisitions LLC authorizing Mr. John Shocket as a representative. Present was Mr. Shocket and Mr. Michael Loin from Bertin Engineering representing Sunrise Acquisitions LLC.

Mr. Loin informed the board members he has looked at all the issues including catch basins, the road, guard rails, burn and wetland replication. Mr. Loin stated as soon as the last house is completed the bank will move forward.

Mr. Shocket stated he is willing to work closely with the Board to see things are done.

Mr. Leahy stated the absence of guard rails is a definite problem.

Mr. Clarke stated the Planning Board needs to review the plans.

Ms. Casucci stated concerns that the Board does not have enough funds to cover the road.

Mr. Shocket stated the bank is holding the \$30k per the tripartite agreement.

Mr. Clarke stated before any occupancy issues safety issues, drainage, reclamation need to be addressed, the extension is to include a statement no building permits will be allowed until the Board has reviewed the proposal.

Mr. Loin Engineer stated the roadway and guard rails will be done.

Ms. Murphy informed Mr. Shocket and Mr. Loin that the Board has discussed what needs to be done to make it safe for the residents due to tripartite expiring.

Mr. Leahy asked for a letter to extend the tripartite.

Mr. Loin from Bertin Engineering submitted the extension to be granted until April 7, 2010 in order to give him time to put together the proposal showing the plans for completion of the project. The extension date was asked due to the fact it is winter and may not be able to attend the next meeting of March 3, 2010. Mr. Shocket signed the letter which included Sunrise Acquisitions LLC will not ask for any building permits until the Board reviews the proposal.

Mr. Shocket informed the Board their goal is to make sure everything gets done that was agreed upon in the tripartite. Their mission is to see that the residents are living in a safe development.

Mr. Loin & Mr. Shocket will be added to next month's agenda for Wednesday March 3, 2010 for 6:30 pm.

**Mr. Hammond 174 Rice Corner Rd Sp. Permit residential business**

Mr. Hammond did not show up for the meeting.

The Board asked to have Mr. Simeone Zoning Enforcement Officer to join the meeting.

Mr. Simeone is working closely with Town Counsel on the violation of running a business without a special permit in a residential district. Mr. Simeone asked Ms. Stawski to follow up with Town Counsel to inform them that Mr. Hammond did not inform the Board he would not be attending.

Ms. Mahoney asked Ms. Stawski if Mr. Hammond had left a phone message. Ms. Stawski stated she checked the phones at 4:00 pm and there were no messages.

**Opened Public Hearing Continuation Mr. Correia White's Landing Fiskdale Rd at 7:10 pm**

No abutters were present.

Present were Mr. Ken Cleveland and Mr. Tim Simon from the Conservation Commission.

Mr. Correia asked Mr. Simon to explain to the Board on Section 4C2b § d Floodway.

Mr. Simon presented a copy of FIRM map on floodway. Mr. Simon explained to the Board a floodway is different from a flood plain. Mr. Simon then presented a copy of a book from National Flood Insurance Program that contains answer to questions about the NFIP. This book contained information on "What is a regulatory floodway". Mr. Simon showed a FIRM map on floodway and the Town of Brookfield only has one floodway and that is Dunn Brook. Mr. Simon suggested changing the bylaw.

Mr. Leahy stated floodway was added in the floodplain, but the bylaw could be changed to make this a separate article.

Mr. Correia stated Con/Com has no problems with the plans.

Ms. Casucci asked if the base elevation was on the firm map. Mr. Leahy said yes.

Mr. Cleveland from Con/Com stated ZBA, Con/Com and the Planning Board need to get together to review zoning by-laws and to make redundancy article changes.

Mr. Correia talked to 3 surveyors and there are no plot plans anywhere for 148 Fiskdale Rd, he stated the deed starting point is on the bridge which has been changed at least once and the brook has also changed. Mr. Correia said cost would be astronomical to have the property surveyed.

Ms. Casucci asked that the Board waive requirement of having a survey.

Mr. Leahy stated the plans need to be exact and to scale.

Mr. Clarke ~~sated~~ as long as there are no encroachment he is okay. Mr. Clarke stated he needs documentation stating sq. footage of addition.

Ms. Mahoney stated concerns on making sure documentation represent changes.

Mr. Cleveland stated he contacted the Army Corp of Engineer and was told it was not their decision to make.

Mr. Correia stated he wanted to include a 6' roof overhand on the street side of the building, plus 20x 40 open pavilion as shown on the plan.

Mr. Leahy asked the Board do we believe we have enough information to vote on the special permit?

Mr. Leahy stated by voting the Board does not endorse determination of zoning issues.

Mr. Leahy closed the Public Hearing at 8:05 pm.

The Board reviewed the plans presented and Mr. Leahy asked for a motion to vote. In reviewing the plans of the zoning bylaw for Section 7 C Dimensional Regulation Table, the minimum setback of 50' may be violated with the addition of the roof overhang. The minimum side and rear may not meet the footage. The Board agreed to deny the roof overhang, and to note the shed on the side of the building must remain even with the front of the main building.

Mr. Clarke motioned to accept the plan for White's Landing, 148 Fiskedale Rd with square footage as noted, shed 320', deck 360', sun room 320', rear deck 136' are in addition to existing structure, 2<sup>nd</sup> Ms. Mahoney, All in Favor.

Ms. Mahoney to write a favorable decision, to be reviewed at next meeting on March 3, 2010.

**Ms. Holly Chisholm ANR lots 19 and 23 Pine Lane**

Ms. Chisholm presented a copy of a deed showing two separate parcels originally, she also presented a surveyed property plan proposal showing the two lots. Somewhere along the way the property became one lot.

Ms. Casucci stated if the board changes the lot we could be making it a nonconforming lot. Ms. Casucci said the deed covers the entire property, and asked Ms. Chisholm if she informed the surveyor as to how to divide the property. Ms. Chisholm replied no, she did not inform Mr. Para Engineer as to dividing the property. Ms. Casucci stated the lot was larger on the deed and the proposal is smaller noting the rear line of the property.

Mr. Clarke stated those lots on Pine Lane all have irregular sizes. He said as long as there were no encroachments he would be okay with it. The lot was originally two parcels to begin with.

Motion made by Ms. Mahoney to accept the change, 2<sup>nd</sup> by Ms. Casucci, All in Favor.

2<sup>nd</sup> Motion made by Ms. Mahoney to waive the fee due to the parcel originally was one lot, 2<sup>nd</sup> by Ms. Casucci, All in Favor.

**Minutes:**

January 6, 2010 – Motion to approve as amended with changes Mr. Clarke, 2<sup>nd</sup> by Ms. Mahoney, All in Favor. .

Meeting adjourned at 8:30 pm.

Respectfully Submitted,

Diane Stawski  
Clerk for the Planning Board

Minutes approved: \_\_\_\_\_