



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

Minutes
Wednesday, March 3, 2010
Town Hall

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

Mr. Leahy opened the meeting at 6:35 pm.

Present at this meeting were: Mr. Michael Seery, ZBA, for a joint meeting; Mr. Rudy Heller, Selectman; Mr. David Olson; Mr. Kenneth Cleveland, Conservation Commission.

Mr. Michael Maneggio Molasses Hill Estates

Mr. Maneggio presented an update on Molasses Hill Estates, a subdivision whose permit was approved in Dec. 2006 and will expire Dec 30, 2010. He has begin work on starting the development, and asked the Board for a copy of his expenses and balance of funds remaining in his Permit Account. Ms. Stawski told him the current balance in the fund is \$2184.00, and gave Mr. Maneggio a copy of the spreadsheet along with a copy of the last bill received from Kopelman & Paige, Attorneys for Town Counsel. The balance of the funds are designated for site visits by the town's consulting engineer, Mr. John Scannell.

Mr. Maneggio showed the subdivision plans to the Board. He stated the reason it took so many years before he could start the project was because the property at one time was considered historic land and needed to go through the land courts. After considerable time the courts stated the land could be used and that the court would not intervene on the development. The delay in development then coincided with the downturn in the economy, resulting in a further delay. Mr. Maneggio indicated that he wished to request an extension on the construction date and asked if the Planning Board needed anything from him to do so.

Mr. Leahy stated that a letter would suffice asking for the extension. Ms. Stawski nformed Mr. Maneggio that the current expiration date is December 30, 2010.

Mr. Maneggio said he would contact Mr. Scannell directly as needed for site visits. Mr. Leahy asked that Ms. Stawski be contacted by email at the same time, so the Planning Board will be informed as to the progress of construction, and Mr. Maneggio agreed.

Mr. John Shocket Sunrise Acquisitions, LLC/Glen Clear Creek Subdivision

Present was Mr. Shocket representing Sunrise Acquisitions, LLC, and Mr. Michael Loin from Bertin Engineering. Mr. Loin presented a letter to the board from Sunrise authorizing him to represent Sunrise Acquisitions and copies showing the proposed staging for completion of construction of the subdivision, with the final roadway paving to be finished after the last property has been completed:

Task A: Installation of guardrails shall be completed as soon as weather and frost conditions allowed. His firm will contact a professional beaver removal specialist to remove beaver construction on the site, after which time the Brookfield Planning Board will grant permission for the town to issue the first occupancy permit.

Task B: The drainage system, site cleanup, and landscaping will be completed, after which the Planning Board would grant permission for the town to issue the second occupancy permit.

Task C: The developer shall coordinate with Brookfield's Engineer to determine pavement sections. Areas agreed upon shall be saw cut and replaced as required, along with installation of bituminous and concrete curbs. Clean all drainage structures, adjust all structure rims and install finish pavement., after which the Brookfield Planning Board would release the third occupancy permit and final bonding back to the Owner of Record.

The Board took a few minutes to compare this plan to the letter received from consulting Engineer Mr. John Scannell as to his opinion of what needed to be done to the site.

Mr. Leahy noted the phasing spells out the specific work to be done and that the road final paving will be the last thing completed to minimize damage to the new road from construction vehicles.

Mr. Shocket told the Planning Board that Sunrise Acquisitions LLC "has no plans to go anywhere." The company realizes that things need to be done and updated in order to sell the remaining lots, he said, and that people would not buy or move into a subdivision if it is not up to par.

Mr. Kenneth Cleveland from the Brookfield Conservation Commission said that currently the Town of Brookfield only has one person who is authorized for beaver removal. Mr. Loin said he works with someone from Spencer who is certified and asked if he had to have someone from Brookfield do the work. Mr. Cleveland said that was not a requirement and there would not be a problem as long as the person is certified by the state.

Mr. Cleveland added that the detention pond is a problem, and Mr. Leahy agreed that is a Conservation Commission issue.

Mr. Shocket and Mr. Loin then presented a letter to the Board asking to extend the permit until November 2011.

Mr. Leahy asked if there were any more questions, and for a motion. A motion was made by Ms. Mahoney to accept the extension and proposed construction phasing plan; the motion was seconded by Mr. Fontaine. All in Favor.

Mr. Leahy opened Joint Meeting with Zoning Board of Appeals 7:05 pm

Mr. Seery requested that the Planning Board join the ZBA in updating the Brookfield Zoning Bylaws. It would be beneficial to all the Boards and to the town's citizens to eliminate redundancy for home occupations, second principal or accessory uses in the business district.

Ms. Casucci stated it would be great to include the Master Plan Committee, especially since they are currently working on writing the Economic Development section of the Plan. Mr. Heller informed the Board the Master Plan should be finalized and ready for a vote by Town Meeting by the end of this fiscal year.

Mr. Leahy agreed the Boards should have a joint meeting to discuss and make changes to eliminate confusion.

Ms. Casucci asked Mr. Seery if he would put together a letter informing the Boards the meeting will be held on Saturday.

The Joint Hearing was continued to Wed. April 28, 2010 at 6:30 pm.

Mr. Leahy opened public hearing special permit Mr. Hammond, 174 Rice Corner Rd., towing business in residential district at 7:30 pm

Resident abutters present: Ellen D. Varnum, Steven & Michelle Taylor, Mr. Leonard Audette, Mr. Steve Johnson, Ms. Jean Johnson, Mr. Albert Johnson, Mr. James Cooke, Mr. Gerald Farinella, Ms. Tammy Dupre, Mr. Dave Olson, Mr. John D. Holdcraft.

Mr. Gary Simeone Zoning Enforcement Officer was asked to join the meeting.

Representing Mr. Hammond was Michael Loin of Bertin Engineering.

Mr. Leahy read the public hearing ad, and informed the public after the Planning Board discusses the special permit for business in a residential district, the floor would be opened for questions and comments to be directed to the Board for discussion.

Mr. Loin, the engineer for the project, handed the Board copies of the site survey done on the property.

Mr. Hammond stated he is operating a towing/recovery lot, for repossessions only. He is not running a towing business. He gets calls to pick up cars from the bank. 95 percent of the cars he picks up do not have keys. Once the vehicles are picked up and parked on his property the bank then arranges their removal from his property.

Mr. Leahy asked if there would be a fence surrounding the area where the cars are to be held. Mr. Loin said a fenced area for car storage would be located in the back portion of the property, and the cars parked within the fenced area would not be visible from the street.

Mr. Hammond said at the time he purchased the property it was "a mess," with gas tanks stored on the back portion of the lot, and he cleared the trash away himself. He also encampulsated a tractor trailer that was located on the property line. Ms. Mahoney asked what was meant by "encampulsating," and Mr. Hammond said he covered it with a roof and siding like a shed, and fenced it in.

Mr. Clarke asked how many square feet will be used for parked cars, and if it was currently paved. Mr. Loin said the yard is gravel; Mr. Clarke said it is dirt.

Mr. Clarke asked Mr. Hammond if he tows damaged cars. Mr. Hammond said no, he does not work with damaged or wrecked cars, but occasionally a car may have existing damage such as a dented fender that would not render it inoperable.

Mr. Clarke asked for permission for the Planning Board to do a site visit, explaining that this is standard procedure, and Mr. Hammond agreed to the site visit.

Mr. Clarke asked about Mr. Hammond's business' hours of operation, and Mr. Hammond said that he operated mostly Monday - Friday from 9 am to 4:30 pm.

Mr. Clarke asked about the maximum number of cars on the lot. Mr. Hammond stated currently he has 12 cars.

Mr. Leahy asked when the bank picks up the vehicles, how much time the process took per pickup, and the effect of this activity on traffic on Rice Corner Road. Mr. Hammond stated if it's a carrier it was usually 30 minutes, but occasionally it may be longer, depending on the number of vehicles and how long the driver took to record his log. He added that any road obstruction was temporary while the driver entered the driveway to retrieve the vehicle from the back of the property.

Ms. Casucci asked about the existing lighting on the property. Mr. Hammond stated there was one motion-activated light mounted on the back of the house.

Ms. Mahoney stated the plan needs to be specific as to the maximum number of cars to be stored on the lot at a given time, and where they would be. Mr. Loin said he could work with Mr. Hammond to determine that number.

Ms. Mahoney also asked that the plan narrative indicate how much movement of cars on and off the property affected the ambient noise level, and that it would be helpful to know what public facilities, such as schools or churches, were located nearby.

Mr. Clarke added that would like the plans to be amended to include the locations of the closest neighbors.

Mr. Leahy asked if the Board had any more questions, then opened the meeting to public questions and comments, and stressed that any comments or questions should be addressed to the Board through the Chair.

Mr. Dave Olson asked Mr. Hammond where he lived. Mr. Hammond stated 174 Rice Corner Rd, and that he just recently purchased 117 Rice Corner Rd for his family.

Mr. Clarke asked Mr. Hammond if he his neighbors had expressed concern about his running a repossession lot. Mr. Hammond stated he has been running the business there for seven years and had never had any problems.

Mr. Gary Simeone, Zoning Enforcement Officer, stated that parking a flatbed with a car on it at 117 Rice Corner Road was a violation of the Brookfield zoning bylaw. Ms. Dupre stated there has never been a flatbed on the property, and Mr. Simeone said he personally witnessed the flatbed with the car.

Mr. Leahy informed everyone that issues involving 117 Rice Corner Road were not part of this public hearing and that comments and questions should be limited to 174 Rice Corner Road only.

Mr. Albert Johnson stated that the Hammond property is a "junk yard" and that he has seen liquid running out back the back of the lot from the vehicles parked there. He said that the nature of the truck traffic and the speeds at which the trucks traveled to and from 174 Rice Corner Road were out of character for this road.

Mrs. Johnson has also noticed more traffic on their street. Originally, she said, it was a "beautiful farm road" and she finds it irritating to see all these trucks coming down the country road which, she pointed out, is listed as a Scenic Road.

Mr. James Cooke said he is bothered by the presence of huge carrier trucks because the road takes a very sharp corner on the street, and the road pavement is not built for heavy trucks.

Mr. Gerald Farinella is concerned about the effect of the presence of so many cars on his well. He also questioned the condition of the cars, and noted that the car carriers take up half of the roadway. Mr. Farinella also stated that Mr. Hammond is currently working "twenty-four hours a day," in contrast to his stated hours, and asked if Mr. Hammond is currently continuing to operate the business.

Mr. Simeone answered yes, the courts have allowed Mr. Hammond the right to operate the business as long as he is in the process of applying for a Special Permit from the Planning Board.

Mr. Leonard Audette said he is worried about what may be running into the ground and asked Mr. Seery, in his capacity as a member of the Board of Health, "What happens if I have problems with my well down the road?" Mr. Audette also said he saw burnout marks in front of Mr. Hammond's home and is concerned about the safety of his two young children from the increased traffic and the presence of strangers coming to and from the property.

"If something happens to them, I'll be coming *this* way, not *that* way," he said, first pointing to the Board, and then to Mr. Hammond.

Mr. Clarke and Ms. Mahoney asked Mr. Audette to clarify his remark.

Mr. Audette said that what he meant was that if the Special Permit was granted and something happened to his children I'll be looking for answers from you people who approved it."

Mr. Clarke replied to Mr. Audette, "We're here to take information tonight."

Mr. Audette responded, "I'm not threatening you. I'm just saying that I'll be looking for your answers."

Mr. Clarke said that he would be able to read our answers when we make a decision. Ms. Mahoney added that Mr. Audette was welcome to review the Board's minutes and issue a formal complaint if he felt that his views had not been accurately represented at the hearing, and thanked him for bringing up the safety issue with regard to neighborhood children.

Mr. Loin stated all the wells in the area of Mr. Hammond's property are of newer construction, and if there were any problems when the testing is done they would be able to tell if the problems were due to new gas or old gas, oil, or other kinds of substances. Mr. Hammond reiterated that when he bought the property it was a mess, and he cleaned it up himself. He added that he does not take the cars on his property apart.

Mr. Ken Cleveland asked the Board if he could present a letter from the Conservation Commission. Mr. Leahy accepted the letter and read it aloud to the participants.

Mr. Rudy Heller, Selectman, said the Selectboard would submit a letter to the Planning Board by next month's meeting stating their opposition to the granting of a permit to Mr. Hammond for his business.

Mr. Leahy asked if anyone had any further questions. Hearing none, a motion was made to continue the Public Hearing until Wednesday, April 7, 2010 at 7:30 pm by Ms. Mahoney; seconded by Mr. Fontaine. All in Favor.

The site visit by members of the Planning Board at 174 Rice Corner Road was scheduled for Saturday, March 6, 2010 at 3:00 pm. Since a quorum of the Board would be present on the site, Ms. Stawski was instructed to post a formal meeting notice.

Old Business:

Approval of minutes for Feb 3, 2010: Tabled until meeting of April 7, 2010.

Correia application; White's Landing, Fiskdale Rd.

The public hearing was closed February 3, 2010. Ms. Mahoney handed copies of the draft to the Board members for review. Discussion followed with items that need to be changed.

In the process of reviewing the special permit application stated the address of the property as 7 Fiskdale Road and owner of the property on the application says (SAA Same as Applicant). The deed presented with the application is an older deed with a different Owner of Record. The Planning Board will ask for a current deed and amended application form.

Ms. Stawski was asked to send a letter to Mr. Correia to ask for a copy of the current deed, and to request that he be present at the next meeting on April 7, 2010.

The meeting was adjourned at 8:30 pm.

Respectfully submitted,

~~Diane Stawski~~

Clerk for the Planning Board Minutes approved: _____