

## MAY MINUTES

BPB 5-5-10 Meeting began at 6:35 pm

6:30 p.m.: Mr. Doug Powers: 112-118 Fiskdale Road. Showed sketch of proposed driveways on assessor's map to board. Wetland in frontage of 148 (Fiskdale) from beaver activity.

Clarke: How far before driveway splits?

Powers: 350 feet.

Each lot will have 45 feet of frontage.

Clarke: Can't do a rear lot unless preexisting.

Doesn't matter where you put the driveway as long as you have the frontage.

Kris: Is there a reg for how wide each lot can be?

(11:25) Kris: You can't build on an easement.

Bruce: "Lot width at no point can be narrower than 40 feet." Quoted Sec. 7, b(3) dimensional regs.

Should run by ConCom since they are here. Under 4.a.b talks about wetlands. Pg 31. Leading us to a common drive since thees conditions do exist.

Leahy: Will houses be given new addresses?

Kris: Will driveway drop down? Powers: Yes

Bruce: Could be interpreted to allow common driveways from upland so that it won't cross wetlands multiple times.

Leahy: but by same token, could interpret bylaw as "upland doesn't have wetland so statute doesn't apply to it."

Bruce to ConCom: Area on 148 with sufficient frontage driveways would cross wetlands. Back of property without suff. frontage would not. Common driveway off Molasses Hill for two lots and possibly

Powers: About 1000-foot crossing over wetlands if I go that way.

Ken Cleveland: Sounds reasonable.



ConCom post job and do interview for dual road. Ken: only has clerk for 5 hours a month. Putting in town Meeting for 10.

ConCom: 7 p.m. Tim Simon and Ken Cleveland on Bannish proposal. Last Tuesday had phil Nadeau of DEP to look at Ryback property. It's a camp, been in family since 193

Need from BPB

Not enough room on sideline for septic. Richard Gobi on BOH approved septic for underwater site back in 19\_\_\_. Plans have to go to ZBA. Want to put septic in flood plain. Need 50 ft from high water mark from other side of road. Will need spec. permit from the BPB to put it in a flood plain. will need plans showing the house in its final spot.

Bruce: You're asking us for ruling on the relocation of a house that would allow this building to happen, not to approve the septic system itself. Under the DEP ruling we decide on the application to move the house back 10 feet only. If we approve that, then they have to go before the BOH for the septic system plan itself.

They could site the Septic system UNDER The house but repairing it would be impossible.

Leahy: Trigger is either moving or expanding footprint of house. Not septic.

Cleveland: Re: Clear Creek estates, old ConCom order of conditions expired last fall. Engineer trying to redo. Now we can put in a bond on these people.

Correspondence: Warren Casino hearing next Thursday

LedyHammond hearing: opened at 7:32 pm

Sharon read Letters from Brookfield Police Department, Acting Chief Welsh dated 5/4/10; and Highway department, Herb Chaffee dated 4/7/10, expressing concerns about the proposed auto repo facility.

Mr. Teachout distributed copy of narrative to board along with annotated map showing businesses in vicinity and another showing public areas. North, town hall 3.8 miles with public safety and school buildings in immediate vicinity. Pike 1 1/2 miles away. Tantasque 6500ft to west, Pond quadumwuit 6700 feet away. Submitted revised site plan. New features; 3 fruit trees along stockade fence; 16' board gate for entrance/exit. additional stockade fence to shield

OUside hauler 7-8 trips/wk, total vehicular new traffic is 4 - 5 trips per day, normal traffic for regular house. Stated in narrative.

No request that Narrative be read to public. Mr. Teachout gave verbal synopsis of content.

Kris: Stock fence?

Teachout/Hammond: to complain animals. Stock along property line to look attractive up to area of stockade fence. Post and rail? Stack parking to be moved only during daylight hours.

Hammond asked people to sign notarized letters attesting to fact that his business has not adversely affected their property values. Not direct abutters but neighbors up and down the road. (Addresses and names to be added from documents.)

Bruce: we have no control over town clerk's office. You bought the property at auction without knowing what you were getting.

Hammond: I don't want to lose my house fighting this. Would cost me \$10K up front.

Teachout: As further note, don't thing 4 trips a day is going to be a safety hazard or hazard to welfare in any way. Cars are driveable, operational, not junk. Repossessed. Not a wrecking business. Virtually no oil or gas leaks.

Bruce: I wrote some issues to discuss.

Pg. 11 bylaws--"Environmental controls", section a.: Disturbance

Teachout: Noise complaints?

Bruce: First meeting. Mr. Loin was here. Also illumination. Addressed previously. Screening: Addressed. Loading areas: not addressed.

Use regulation tables: Couldn't come up with any true criteria. Falls under "All other uses."

Residential districts, pg 18, section 3 b, Home occupation, all operations, including incidental storage, etc." need to clarify what "all operations" means.

Teachout: In our minds, covers office. Special permit for other

Bruce: Outside operations will be determined by special permit.

Page 26: Site plan approval--other outdoor service areas, use of public way: addressed.

Section 9, pg 33: Parking/loading regs: Addressed.

Bruce: My major concerns: noise at night, and evidence in your own words that you've been confronted by less than nice people. How to ensure that they wont come to you?

Hammond: I'm third party subcontractor. Less than 4% of car owners have ever come to visit me. Police have never been out there once in eight years. No complaint from neighbors about it. Town has condoned it all these years. No issues at my place; most incidents take place at moment of pickup.

Bruce: how is this board going to address the noise issue?

Hammond: As far as neighbors go, no complaints.

Bruce: Dirt in driveway? I saw it myself.

Hammond: From my kids riding ATVs on my property. I keep an eye on them.

Bruce: What about the noise?

Hammond: April, did only 50 repos. In yard after midnight only three times. Can do an unload in 5 minutes. No complaints to the town. 80% of cars I have keys for. And I am

Tammy Dupre: Truck is quiet. No more noise than multicar family.

Hammond: No signs, no plans to put one up, no advertising. Every police dept. has my number. No phone listing in book. Use cellphone. Don't want to bring down my own property values.

Kris: Principal residence?

Hammond: Yes.

Bruce: Remaining so?

Hammond: 99.9% yes. Tammy and I have a son together. Having a separate location is too difficult.

Teachout: the answer is he's going to live there.

Bruce: It could be a condition of the permit. You have to understand that.

Hammond: Bought a few pieces of equipment, a bobcat, to help with upkeep. No one can say that I'm not a good neighbor. I'm old school.

I hour call notification before third party pickup arrives. 1 hour after. I need to be there to sign the papers for pickups.

Tammy and daughter perform services for business. Amanda Dupre, 17 years old.

Public comment:

Dave Olson: Operating hours? Leahy: Reads from narrative.

Kris: Also, south driveway will not be used after 8 pm/

Olson: No names on truck, but had to pull over to let him by. Didn't see if it came to Hammond's lot. Same size as Hammond's truck. At about 180 Rice Corner Road. Road is very narrow at that point.

Hammond: All commercial drivers. They have to act professionally. Any other commercial vehicle would cause the same problem, including town highway vehicles.

Teachout: We are only talking about 5 trips a day.

Melissa Palmer, 176 RCR: Who has access to vehicles?

Hammond: No public access. Just me, Tammy, daughter.

Palmer: Saw a red car circling from street to driveway and back.

Bruce: May be part of complaints and now neighbors are bringing it up.

Hammond: Teenager issue: if anyone says that they don't have similar problems they are lying. But not germane to business.

Melissa: who installing fence?

Hammond: Used to work for Miller Fence. Am going to install ourselves.

Bruce: Who will do inspection?

Leahy: Fence installation, containment area, marking out property lines.

Teachout: will mark property lines if project approved. Can't afford to do it before.

No additional paving.

Bruce: Encroachment on neighbor's property?

Hammond: Fence will be removed. Barn is an encapsulated trailer.

Leahy: May want to inspect site. Who will do it? Not a complicated site. couldn't we do it?

Bruce: If we grant permit, anything that happens on your property reflects on your business, simply because that's the way it is.

Kris: We need to know that you're going to understand all the terms within the decision.

Melissa: Can there be some plans about the dogs? They bark out there 24 - 7.

Bruce: If the dogs are a nuisance now, then they should be reported to the dog officer.

Leahy: Are the dogs for the business?

Hammond: I've had them for years. The only time they bark is if someone comes in, and they don't bark at me.

Bruce: As I said, everything that happens at their business, reflects on you.

Teachout: Home occupation--can I amend the narrative to include that?

Mahoney: Will add to application on your behalf? Teachout: Yes.

Clarke: Home occupation section: Page 18, Section 5(b)3(b). Add to any decision.  
Bruce moved, Sharon seconded, all in favor.

Leahy: What about Highway Dept.'s recommendation about paving? Hammond:

Hearing closed at 8:50 p.m. All in favor.

Bruce said he can't be sure that Mr. Hammond will follow through. Every comment about noise he has had an excuse for; kids, etc.

He runs a less-than-desirable operation in a rural area with close neighbors.

Kris: the business was there when they moved there. They didn't complain until the permitting process started. But the hours of nighttime delivery are an issue.

Mahoney: How much noise at midnight is too much?

Kris: Still, no complaints from neighbors or police. We can specify type of fencing, and require that a surveyor specify the location of any fencing.

Leahy: we can require a pipe.

Kris: An as-built plan could be required. Need to make it airtight.

Bruce: Noise. How can we control it and still allow him to work.

Kris: We can specify that no one is to drive the repossessed vehicles except him.

Bruce: No outside lights 20' in the air.

Kris: Removal of fencing--should we ask about the barn? Also need to be spelled out no more than four trips a day. Also, permit is void if the house is no longer his principal residence. Number of trucks in use in the operation, and number of employees; no expansion beyond current bounds of business. No individuals not in the employ of the business driving the business

Bruce: Can this be a 1-year decision after which we do a review of the business? Even though the decision is a legal document attached to the property? Could be a key proponent of future applications.

Kris: Can we require a bond for legal fees if we have to take him to court?

Sharon: What about the legal status of Tammy Dupre and her daughter?

Kris: Engineer has agreed to assist applicant in reviewing and implementation of all conditions.

Bruce: Our minutes need to state that Hammond stated several times can't read.

Minutes of March and April approved with amendments

Sharon will draft a letter to thank Diane for her service and email it out for comments, sign it and mail it.

Meeting adjourned at 9:45 pm