

**TOWN OF BROOKFIELD**  
**6 Central Street**  
**Brookfield, MA 01506**  
**PLANNING BOARD**  
**MINUTES**  
Wednesday, March 23, 2011

**MEMBERS PRESENT:** Daniel Leahy, Chair  
Kristen Casucci  
Bruce Clarke  
Sharon Mahoney  
Clifford Fontaine  
Carrie Worthington, Clerk

**GUESTS:** Richard Chaffee  
Yvonne Okerberg  
Devon Earnest  
Celeste Leger  
Doug Powers  
Jacob Paquette

Mr. Leahy opened the meeting at 6:30 p.m.

**CORRESPONDENCE:**

Mr. Leahy read a memorandum from the Board of Selectmen regarding **Town Regulatory Authority Related to Non-Profit Religious and Educational Uses Exempt from Zoning under G.L. c.40A, 3.** In previous months the Planning Board has had residents question R.R.I. at Elm Hill and the nature of their business. The answers R.R.I. has given are vague.

The Selectmen have asked for advice from Town Counsel Pat Cantor. Pat noted that the relevant section of Massachusetts General Laws is Chapter 40A, Section 3 – the so-called Dover Amendment.

***No zoning ordinance or by-law shall regulate or restrict the interior area of a single family residential building nor shall nay such ordinance or by-law prohibit, regulate or restrict the use of land or structures for religious purposes or for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.***

Thus, Pat notes although a Town board such as the Planning Board cannot deny the use of land or structures for religious or educational purposes, it **can** do a site plan review pursuant to approving a site plan-not to deny the non-profit organization the right to exist or perform the activities per se (as with a formal special permit), but to accomplish **reasonable** regulations related to parking, traffic control, etc. For example, the Planning Board could require a non-profit religious or educational organization to have off-street parking on its own property sufficient to handle cars attending its largest planned event. Such

a regulation would ensure that parking is not on the town right of way or a neighbor's property and would not interfere with the free flow of traffic.

The Selectmen will be the communicators with R.R.I. With this information in hand, one of the Selectmen will set up a meeting with the Director of the Elm Hill Center to discuss their planned activities for the coming year and to facilitate communication with relevant town boards and departments that ensure a productive partnership.

Mr. Bruce Clarke commented on the fact that R.R.I. built a parking lot without addressing the Planning Board with a site plan review. Also, R.R.I. should have considered the historical aspects of altering existing land.

#### **OLD BUSINESS:**

Mr. Bruce Clarke made a motion to accept Minutes from Wednesday, March 2, 2011 with revisions.

Sharon Mahoney 2<sup>nd</sup> the motion – Kristen Casucci voted in favor, Clifford Fontaine voted in favor, Daniel Leahy voted in favor. There were no nays.

#### **NEW BUSINESS:**

Mr. Leahy opened the Public Hearing for Mr. Richard Chaffee. This hearing is for a Special Permit for a 2<sup>nd</sup> rear lot at 74 Town Farm Road.

Section 7, B.4. – ***Not more than one (1) rear lot shall be created from a property or a set of contiguous properties in common ownership as of January 1, 1988, unless the Planning Board issues a special permit for such additional rear lot(s). No rear lot shall be created when adequate frontage, from a property or a set of contiguous properties in common ownership as of January 1, 1990, is available to create a conforming lot.***

Mr. Chaffee presented plans from Green Hill Engineering (Topographic Plan) and his completed application. Mr. Chaffee's plans outlined the area for a 2<sup>nd</sup> rear lot. It also included a 10' wide strip of land which was determined to be an ANR. This 10' wide strip of land was determined to be non-buildable. Mr. Chaffee said he would be transferring this 10' wide strip of land to another land owner named Farrell.

The Planning Board needs to grant a Special Permit for the purpose of a 2<sup>nd</sup> rear lot.

Mr. Leahy asked if anyone had any questions or concerns to please express them at this time.

Yvonne Okerberg expressed a couple of concerns.

- 1.) Wetlands issue. Would Mr. Chaffee's work interrupt wetlands in anyway?
- 2.) Did he have enough room to work as not to interrupt her land?

Mr. Chaffee replied he had 40' to work with on the driveway he would be constructing. While the construction would be on a slope it would not interfere with her driveway. The runoff from the slope would be concentrated in one area. The driveway would be approximately 12'-14' wide.

Mr. Leahy addressed the wetlands issue replying, "That the Conservation Commission would deal with any wetlands issues if any arise with Mr. Chaffee's construction project."

Mr. Leahy asked if there were any more questions or concerns from the public. There were none.

Mr. Bruce Clarke had no concerns with a 2<sup>nd</sup> rear lot.

The 10' wide strip of land being transferred is an ANR. The plans from Green Hill Engineering (Topographic Plan) state that 1.) The strip of land is being transferred to Farrell 2.) The land will have no building.

Mr. Bruce Clarke made a motion to accept a 2<sup>nd</sup> rear lot at 74 Town Farm Road, Map 4B, 52 Parcel Assessors Map. The lot is to be subdivided into a front lot & rear lot. Also, the transferring of a 10' wide non-buildable strip of land from Mr. Chaffee to Farrell.

Sharon Mahoney 2<sup>nd</sup> the motion – Kristen Casucci voted in favor, Clifford Fontaine voted in favor, Daniel Leahy voted in favor. There were no nays.

Mr. Leahy closed the Public Hearing at 6:58 p.m.

The Planning Board signed Mr. Chaffee's plans. The Plans will be distributed to the following: 1.) Assessor's Office 2.) Building Inspector 3.) Town Clerk 4.) Planning Board.

Jason Paquette addressed the Planning Board about time limits he has on his Special Permit regarding his apartment buildings on Quaboag Street.

The Planning Board referred to Section 12.C.14 from the Zoning By-Law for the Town of Brookfield. It states the following:

***14.) Expiration. A Special Permit granted under this article shall lapse within two (2) years of the date that it is filed with the Town Clerk by the Board unless it has been both recorded at the Registry of Deeds and substantial construction or use there under has commenced within this period.***

The board recognizes that this plan is at least 50% completed. This is substantial. Mr. Paquette requested we send a memo of this decision to the Building Inspector.

Mr. Bruce Clarke stated the board will send the Building Inspector something that the board decides on. It could be a memo or a copy of the minutes.

Mr. Paquette requested a copy of these minutes once they have been reviewed and accepted.

Mr. Powers requested a copy of the Zoning By-Laws for common driveway. He has an entrance to land on Molasses Hill Road and needs to review zoning by-law. Sharon Mahoney offered a Zoning By-Laws CD for \$30.00.

Mr. Powers also requested a copy of minutes from year 2010 regarding the meeting he attended discussing common driveways.

Mr. Bruce Clarke made a motion to change Brookfield Planning Board Rules & Regulations Appendix A – Fee Schedule, pg. 24. Reduce the cost of Zoning By-Laws CD from \$30.00 to \$10.00 (reduced) to make it more affordable for residents.

Sharon Mahoney 2<sup>nd</sup> the motion – Kristen Casucci voted in favor, Clifford Fontaine voted in favor, Daniel Leahy voted in favor. There were no nays.

7:15 p.m. – Mr. Leahy announced that he had attended an Advisory Board Meeting. Topics discussed included the following:

- Zoning maps – we need to get estimates on cost – research for next year.
- Creation for new maps would need to clarify all gray areas.
- Invite map companies to do a presentation.
- Board needs to identify level funded budget.
- Used 18% of expense account.

Mr. Leahy suggests requesting a revolving fund for public hearings and for any unforeseen expenses. Have an article written for Town Meeting. He is open to suggestions.

Mr. Leahy and board members signed Bill Schedule totaling - \$115.10.

Mr. Leahy and board members signed Carrie Worthington's time sheets & payment voucher.

Planning Board requested that Mr. Correia's sketch of plans be copied for Mike Seery, Town Clerk to accompany original proposal.

Sharon Mahoney made a motion to adjourn meeting at 7:53 p.m. Mr. Leahy 2<sup>nd</sup> the motion – Kristen Casucci voted in favor, Clifford Fontaine voted in favor, Daniel Leahy voted in favor.

Meeting ended at 7:53 p.m.

Next meeting will be Wednesday, April 6, 2011, at 6:30 p.m.

Respectfully submitted,

*Carrie Worthington*

Carrie Worthington - Clerk

