

TOWN OF BROOKFIELD
SPECIAL TOWN MEETING, FRIDAY, OCTOBER 14, 1977

THE COMMONWEALTH OF MASSACHUSETTS

Worcester SS

To either of the Constables of the Town of Brookfield in the
County of Worcester GREETING.

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and in Town affairs, to meet at the Brookfield Town Hall Auditorium in said Town on Friday, the fourteenth day of October next, at 7:30 o'clock in the afternoon, then and there to act on the following articles:

Meeting opened at 7:40 P.M. Donald D. Faugno, moderator presiding. 68 voters present.

ARTICLE 1. To see if the Town will vote to accept the provisions of Chapter 808 of the acts of 1975 or take any action relative thereto.

It was voted to accept the provisions of Chapter 808 of the Acts of 1975.

ARTICLE 2. To see if the Town will vote to repeal or otherwise strike out Sections 3, 4 and 5 of Chapter XII of the Town By-Laws and add the following as Chapter XIII of the Town By-Laws to be entitled "Zoning" or take any action relative thereto:

SECTION 1 Definitions:

The following shall be applicable definitions for Chapter XIII:

Dwelling: A dwelling is any building used in whole or part for human habitation.

Front Yard: A front yard is the space across the full width of the lot and extending from the street line of such lot to that point on the building nearest to such street line.

Lot: A lot is a single tract of land held in identical ownership throughout and which is bounded by streets, ponds, waterways or by land of other owner. A corner lot is a lot at the junction of and fronting on two or more intersecting streets.

Rear Yard: A rear yard is a space across the full width of the lot and extending from the rear lot line to that point of the building nearest to such rear lot line. In the case of a triangular lot with only one side fronting on a street, the rear yard shall be the open unoccupied space between the rear wall of the building and a line half way between such rear wall and the point of intersection of the side lines of the lot.

Side Yard: A side yard is a space extending from the front yard to the rear yard between a building and the adjacent side line of the lot on which the building is located.

Street Line: The street line is the dividing line between a street and a lot, and is herein referred to also as the frontage of a lot.

Structure: Anything constructed or erected of a fixed location on the parcel, or attached to something having a fixed location on the ground.

SECTION 2:

No dwelling, structure, or addition to an existing dwelling or structure, shall be constructed, removed or materially altered until the Building Inspector shall have determined that no Town By-Law effecting the land or said dwelling has or will be violated and has issued a permit to the owner of the land.

SECTION 3:

No building permit shall be issued for a dwelling or other structure to be constructed, removed or materially altered on a lot unless the following minimum requirements can be met:

- (a) lot area 35,000 square feet
- (b) Lot width 175 feet
- (c) front yard of lot 40 feet
- (d) side yard of lot 30 feet
- (e) rear yard of lot 30 feet

SECTION 4:

No permit shall be issued for a dwelling or other structure to be constructed, removed or materially altered with a maximum height greater than 2½ stories or 35 feet.

SECTION 5:

There is hereby established a Board of Appeals of five members to be appointed by the Selectmen for a term of three years, except that the original appointments shall be two for three years, two for two years and one for one year, as provided in Chapter 40A of the General Laws, which shall act on all matters within its jurisdiction under this By-law in the manner prescribed in Chapter 40A of the General Laws.

Every decision of the Board of Appeals shall be in writing and assented to by at least four members.

Any applicant for a permit or Certificate of Occupancy whose application has been refused by the Building Inspector, or any person dissatisfied with the decision of the Building Inspector on any matter left by this By-law to his approval or discretion may appeal therefrom to the Board of Appeals within ten days from the date of said refusal or decision. If the refusal or decision of the Building Inspector is affirmed, the ruling shall be final.

If the action of the Building Inspector is modified or annulled, the Building Inspector shall issue a permit or decision in accordance with the decision of the Board of Appeals. Upon petition filed by any person whose application for a permit or Certificate of Occupancy has been refused by the Building Inspector, the Board of Appeals may suspend or vary the application of provisions of this By-law in specific cases which appear to them not to have been contemplated by the By-law or in cases where manifest injustice is done, or where a literal enforcement of the provisions of this By-law would involve substantial hardship to the applicant and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this By-law, but not otherwise.

The Board of Appeals shall grant a hearing on each appeal of which all persons interested shall have notice.

SECTION 6:

Where a building permit is required by Section 2 of this Chapter, the Building Inspector may require plans and specifications before such permit is issued. The fee for such permit shall be \$1.00.

SECTION 7:

This By-law shall not apply to any building or other structure which is owned or occupied by the United States or the Commonwealth of Massachusetts, nor to any bridge within the Town.

A revised copy of this By-law was made available to each voter at the town meeting.

A motion was made, seconded and voted unanimously to amend Section 7 of the revised By-law to include preexisting mobile home parks.

It was then voted to repeal or otherwise strike out Sections 3, 4 and 5 of Chapter XII of the Town By-laws and add the following as Chapter XIII of the Town By-laws to be entitled "Zoning".

SECTION 1 Definitions:

The following shall be applicable definitions for Chapter XIII:

DEFINITIONS

Dwelling: A dwelling is any building used in whole or in part for human habitation.

Lot: A "lot" is a single tract of land held in identical ownership throughout and which is bounded by streets, ponds, waterways or by land of other owner. A "corner lot" is a lot at the junction of and fronting on two or more intersecting streets.

Street Line: The "street line" is the dividing line between a street and a lot, and is herein referred to also as the "frontage" of a lot.

Structure: Anything constructed or erected of a fixed location on the parcel, or attached to something having a fixed location on the ground.

DIMENSIONAL REQUIREMENTS

No building or structure shall be built, located or enlarged which does not conform to the dimensional requirement as set forth in this by-law.

Min. lot size (in sq. ft.)	35,000
Min. lot width (in feet)	150 (Frontage)

SECTION 2:

No dwelling, structure, or addition to an existing dwelling or structure, shall be constructed, removed or materially altered until the Building Inspector shall have determined that no Town By-law effecting the land or said dwelling has or will be violated and has issued a permit to the owner of the land.

SECTION 3:

Any structure or the use of any building or land which does not conform to the requirements of Section 4, included herein, and which was existing at the time of enactment of this by-law, or applicable subsequent amendment thereto, may be continued subject to the provisions of this Section. Such structure or use may be changed to conform with the provisions of this by-law. However, once changed to conform with such provisions, in whole or in part, it shall not subsequently revert to nonconformity. A nonconforming structure shall be defined as a structure which does not conform to Section 4 of this by-law. The following regulations shall apply to non-conforming structures:

- a. A nonconforming structure may be altered or enlarged provided that such alteration or enlargement does not increase the extent of the nonconformity of such structure.
- b. A nonconforming structure which has been damaged or destroyed by fire or other catastrophe may be repaired or rebuilt until and within three years from the time following such catastrophe, provided that the reconstruction in no way increases the extent of nonconformity of such structure.

SECTION 4:

No building permit shall be issued for a dwelling or other structure to be constructed or materially altered on a lot unless the following minimum requirements can be met:

- (a) lot area 35,000 square feet required
- (b) lot width 150 feet frontage required

SECTION 5:

There is hereby established a Board of Appeals of five members to be appointed by the Selectmen for a term of three years, except that the original appointments shall be two for three years, two for two years and one for one year, as provided in Chapter 40A of the General Laws, which shall act on all matters within its jurisdiction under this By-law in the manner prescribed in Chapter 40A of the General Laws.

Every decision of the Board of Appeals shall be in writing and assented to by at least four members.

Any applicant for a permit or Certificate of Occupancy whose application has been refused by the Building Inspector, or any person dissatisfied with the decision of the Building Inspector on any matter left by this By-law to his approval or discretion may appeal therefrom to the Board of Appeals within ten days from the date of said refusal or decision. If the refusal or decision of the Building Inspector is affirmed, the ruling shall be final.

If the action of the Building Inspector is modified or annulled, the Building Inspector shall issue a permit or decision in accordance with the decision of the Board of Appeals.

Upon petition filed by any person whose application for a permit or a Certificate of Occupancy has been refused by the Building Inspector, the Board of Appeals may suspend or vary the application of provisions of this By-law in specific cases which appear to them not to have been contemplated by the By-law, or in cases where manifest injustice is done, or where a literal enforcement of the provisions of this By-law would involve substantial hardship to the

applicant and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this By-law, but not otherwise.

The Board of Appeals shall grant a hearing on each appeal of which all persons interested shall have notice.

SECTION 6:

Where a building permit is required by Section 2 of this Chapter, the Building Inspector may require plans and specifications before such permit is issued. The fee for such permit shall be \$1.00.

SECTION 7:

This By-law shall not apply to any building or other structure which is owned or occupied by the United States or the Commonwealth of Massachusetts, nor to any bridge within the town, nor to preexisting mobile home parks.

Vote was Yes 57
No 6

ARTICLE 3. To see if the Town will vote to raise and appropriate, transfer or borrow the sum of \$519.49 due Stuart DeBard for legal services rendered in Tantasqua law suit or take any action relative thereto.

It was voted to pay the sum of \$519.49, such sum to be transferred from Overlay Reserve, to Stuart DeBard for legal services rendered in the Tantasqua law suit.

ARTICLE 4. To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money to purchase a truck for the Water Department or take any action relative thereto.

A motion was made, seconded and voted to authorize the selectmen to dispose of the present Water Department vehicle and the old Highway Department pickup. It was then voted to transfer the sum of \$4,000.00 from the Overlay Reserve Fund to purchase and equip a pickup truck for the Water Department and authorize the selectmen to dispose of the present Water Department vehicle and the old Highway Department pickup.

ARTICLE 5. To see if the Town will vote to raise and appropriate, transfer or borrow from available funds a sum not to exceed \$1,000.00 for the purchase of a radar unit, such sum to be 100% reimbursed by the state highway safety bureau, or take any action relative thereto.

It was voted to pass over this article.

ARTICLE 6. To see if the Town will vote to transfer the sum of \$4,732.00 received from Title II Anti-Recession Funds to the General Highway Snow and Ice Account or take any action relative thereto.

It was voted to transfer the sum of \$4,732.00 received from Title II Anti-Recession Funds to the General Highway Snow and Ice Account.

Meeting adjourned at 8:30 P.M.

And you are directed to serve this Warrant, by posting up attested copies thereof at Town Hall, Post Office and Fraziers News in said Town, fourteen days at least before the time of holding said meeting.

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid.

Given under our hands this 27th day of September in the year of our Lord one thousand nine hundred and seventy-seven

S/ James W. Allen
Cedric G. Lindley, Jr.
Donald D. Faugno

SELECTMEN OF BROOKFIELD

A true copy Attest:

S/ Douglas D. Gadaire

Constable.

Worcester SS.

PURSUANT TO THE WITHIN WARRANT, I have notified and warned the inhabitants of the Town of BROOKFIELD by posting up attested copies of the same at

Town Hall	9/30/77	9:50 A.M.
Post Office	9/30/77	9:55 A.M.
Fraziers News	9/30/77	10:00 A.M.

14 days before the date of the meeting, as within directed

S/Douglas D. Gadaire
Constable of Brookfield

A true copy Attest

Leamana Terry
Leamana Terry
Town Clerk
Town of Brookfield



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF THE ATTORNEY GENERAL
JOHN W. Mc CORMACK STATE OFFICE BUILDING
ONE ASHBURTON PLACE, BOSTON 02108

FRANCIS X. BELLOTTI
ATTORNEY GENERAL

December 19, 1977

Leamana Terry
Town Clerk
Town of Brookfield
Brookfield, MA 01506

Dear Ms. Terry:

I enclose the amendments to zoning by-laws adopted under Article 2 of the warrant for the Brookfield Special Town Meeting held October 14, 1977, with the approval of the Attorney General endorsed thereon.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Henry F. O'Connell".

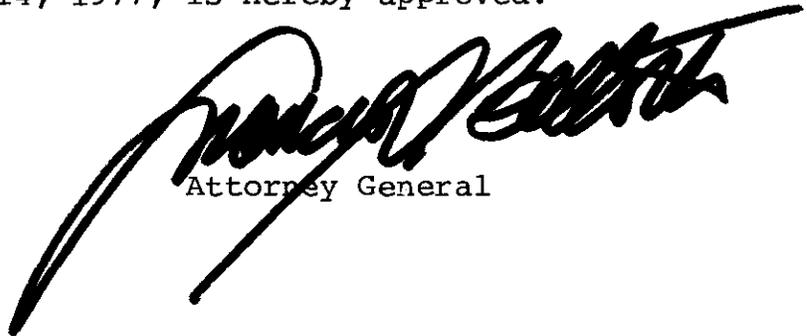
Henry F. O'Connell
Assistant Attorney General

HFO'C/jmc

December 19, 1977

Boston, Massachusetts

The foregoing amendment to zoning by-laws adopted under Article 2 of the warrant for the Brookfield Special Town Meeting held October 14, 1977, is hereby approved.



Attorney General



OFFICE OF THE
TOWN CLERK

BROOKFIELD, MASSACHUSETTS 01506

October 28, 1977

The Honorable Francis X. Bellotti
Attorney General of Massachusetts
One Ashburton Place
Boston, Massachusetts 02108

Dear Attorney General,

At the Special Town Meeting held on October 14, 1977, the following by-law was voted subject to your approval:

ARTICLE 2: It was voted to repeal or otherwise strike out Sections 3, 4, and 5 of Chapter XII of the Town By-laws and add the following as Chapter XIII of the Town By-laws to be entitled "Zoning"

SECTION 1 Definitions:

The following shall be applicable definitions for Chapter XIII:

Dwelling: A dwelling is any building used in whole or in part for human habitation

Lot: A "lot" is a single tract of land held in identical ownership throughout and which is bounded by streets, ponds, waterways or by land of other owner. A "corner lot" is a lot at the junction of and fronting on two or more intersecting streets.

Street Line: The "street line" is the dividing line between a street and a lot, and is herein referred to also as the "frontage" of a lot.

Structure: Anything constructed or erected of a fixed location on the parcel, or attached to something having a fixed location on the ground.

SECTION 2:

No dwelling, structure, or addition to an existing dwelling or structure, shall be constructed, removed or materially altered until the Building Inspector shall have determined that no Town By-law effecting the land or said dwelling has or will be violated and has issued a permit to the owner of the land.

SECTION 3:

Any structure or the use of any building or land which does not conform to the requirements of Section 4, included herein, and which was existing at the time of enactment of this by-law, or applicable subsequent amendment thereto, may be continued



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TOWN CLERK

BROOKFIELD, MASSACHUSETTS 01506

subject to the provisions of this Section. Such structure or use may be changed to conform with the provisions of this by-law. However, once changed to conform with such provisions, in whole or in part, it shall not subsequently revert to nonconformity. A nonconforming structure shall be defined as a structure which does not conform to Section 4 of this by-law. The following regulations shall apply to nonconforming structures:

- a. A nonconforming structure may be altered or enlarged provided that such alteration or enlargement does not increase the extent of the nonconformity of such structure.
- b. A nonconforming structure which has been damaged or destroyed by fire or other catastrophe may be repaired or rebuilt until and within three years from the time following such catastrophe, provided that the reconstruction in no way increases the extent of nonconformity of such structure.

SECTION 4:

No building permit shall be issued for a dwelling or other structure to be constructed or materially altered on a lot unless the following minimum requirements can be met:

- (a) Lot area, 35,000 square feet required
- (b) Lot width, 150 feet frontage required

SECTION 5:

There is hereby established a Board of Appeals of five members to be appointed by the Selectmen for a term of three years, except that the original appointments shall be two for three years, two for two years and one for one year, as provided in Chapter 40A of the General Laws, which shall act on all matters within its jurisdiction under this By-law in the manner prescribed in Chapter 40A of the General Laws.

Every decision of the Board of Appeals shall be in writing and assented to by at least four members.

Any applicant for a permit or Certificate of Occupancy whose application has been refused by the Building Inspector, or any person dissatisfied with the decision of the Building Inspector, on any matter left by this By-law to his approval or discretion may appeal therefrom to the Board of Appeals within ten days from the date of said refusal or decision. If the refusal or decision of the Building Inspector is affirmed, the ruling shall be final.

If the action of the Building Inspector is modified or annulled, the Building Inspector shall issue a permit or decision in accordance with the decision of the Board of Appeals.

Upon petition filed by any person whose application for a permit or a Certificate of Occupancy has been refused by the Building Inspector, the Board of Appeals may suspend or vary the application of provisions of this By-law in specific cases which appear to them not to have been contemplated by the By-law, or in cases where manifest injustice is done, or where a literal enforcement of the provisions of this By-law would involve



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substantial hardship to the applicant and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this By-law, but not otherwise.

The Board of Appeals shall grant a hearing on each appeal of which all persons interested shall have notice.

SECTION 6:

Where a building permit is required by Section 2 of this Chapter, the Building Inspector may require plans and specifications before such permit is issued. The fee for such permit shall be \$1.00.

SECTION 7:

This By-law shall not apply to any building or other structure which is owned or occupied by the United States or the Commonwealth of Massachusetts, nor to any bridge within the Town, nor to preexisting mobile home parks.

Vote was Yes 57
No 6

A true copy Attest

Leamana Terry
Leamana Terry
Town Clerk



OFFICE OF THE
TOWN CLERK

BROOKFIELD, MASSACHUSETTS 01506

October 24, 1977

The Honorable Francis X. Bellotti
Attorney General of Massachusetts
One Ashburton Place
Boston, Massachusetts 02108

Dear Attorney General:

I submit herewith and request approval of the amendments to zoning by-laws adopted under Article 2 of the warrant for the special town meeting held October 14, 1977.

The following documents are enclosed to prove that all procedural requirements for the adoption of such zoning by-laws have been complied with:

1. One certified copy of the opening of the warrant showing the date and place the meeting was called for; one certified copy of the closing of the warrant showing the manner in which service of the warrant was ordered, the date of the warrant and the person or persons who issued same and one certified copy of the officer's return of service showing date of service and posting. (Copy of Warrant enclosed).
2. Service of the warrant was in accordance with town by-law.
3. Quorum was present. Quorum is 30 voters. 71 voters present at meeting.
4. One certified copy of the Article being acted upon as it appeared in the warrant.
5. One certified copy of the record of the amendment on the town meeting floor before the final vote.
6. Two certified copies of the final vote taken with all amendments incorporated, with the date of the town meeting action noted thereon, and the vote certified thereon with the actual count shown. Vote was yes 57 no 6
7. A copy of the previous by-law being amended.
8. Zoning map--not applicable as the town has not been divided into zoning districts.
9. One certified copy of the notice of the public hearing held by the Planning Board on the proposed changes showing the dates of publication and the name of the newspaper.



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10. A certificate from the Planning Board that notice of its hearing was sent by mail, postage prepaid, to the Department of Community Affairs, the Regional Planning Agency and to the planning boards of all abutting cities and towns.

11. One certified copy of any material referred to by reference in the published notice of the public hearing held on the proposed changes by the Planning Board.

12. One certified copy of the Planning Board's written report on the Article. This report was made available to every voter at the town meeting.

13. I hereby certify that the following are Planning Board Members:

Eugene LaFrance, Chairman
Lyle Plante
David Wessell
Clifford Luce
Michael J. O'Keefe

14. Supplementary report of the Planning Board explaining changes and amendment.

Very truly yours

Leamana Terry
Town Clerk

A true copy Attest

ARTICLE 2: To see if the Town will vote to repeal or otherwise strike out Sections 3, 4, and 5 of Chapter XII of the Town By-laws and add the following as Chapter XIII of the Town By-laws to be entitled "Zoning", or any action relative thereto:

SECTION 1 Definitions:

The following shall be applicable definitions for Chapter XIII:

(see other page -- DEFINITIONS)

SECTION 2:

No dwelling, structure, or addition to an existing dwelling or structure, shall be constructed, removed or materially altered until the Building Inspector shall have determined that no Town By-law effecting the land or said dwelling has or will be violated and has issued a permit to the owner of the land.

SECTION 3:

Any structure or the use of any building or land which does not conform to the requirements of Section 4, included herein, and which was existing at the time of enactment of this by-law, or applicable subsequent amendment thereto, may be continued subject to the provisions of this Section. Such structure or use may be changed to conform with the provisions of this by-law. However, once changed to conform with such provisions, in whole or in part, it shall not subsequently revert to nonconformity. A nonconforming structure shall be defined as a structure which does not conform to Section 4 of this by-law. The following regulations shall apply to nonconforming structures:

- a. A nonconforming structure may be altered or enlarged provided that such alteration or enlargement does not increase the extent of the nonconformity of such structure.
- b. A nonconforming structure which has been damaged or destroyed by fire or other catastrophe may be repaired or rebuilt up to and within three years from the time following such catastrophe, provided that the reconstruction in no way increases the extent of nonconformity of such structure.

SECTION 4:

No building permit shall be issued for a dwelling or other structure to be constructed or materially altered on a lot unless the following minimum requirements can be met:

- (a) lot area 35,000 square feet required
- (b) lot width 150 feet frontage required

SECTION 5:

There is hereby established a Board of Appeals of five members to be appointed by the Selectmen for a term of three years, except as follows:

(see page 10 of Town By-law book. This Section 5, consists of sub-Section B which is on pages 19 + 20 of By-law book except that "Building Inspector" will substitute for "Selectmen".)

SECTION 6:

Where a building permit is required by Section 2 of this Chapter, the

Building Inspector may require plans and specifications before such permit is issued. The fee for such permit shall be \$1.00.

SECTION 7:

This By-law shall not apply to any building or other structure which is owned or occupied by the United States or the Commonwealth of Massachusetts, nor to any bridge within the Town.

DEFINITIONS

Dwelling: A dwelling is any building used in whole or in part for human habitation.

Lot: A "lot" is a single tract of land held in identical ownership throughout and which is bounded by streets, ponds, waterways or by land of other owner. A "corner lot" is a lot at the junction of and fronting on two or more intersecting streets.

Street Line: The "street line" is the dividing line between a street and a lot, and is herein referred to also as the "frontage" of a lot.

Structure: Anything constructed or erected of a fixed location on the parcel, or attached to something having a fixed location on the ground.

DIMENSIONAL REQUIREMENTS

No building or structure shall be built, located or enlarged which does not conform to the dimensional requirement as set forth in this by-law.

Min. lot
size
(in sq.ft.)

Min. lot
width
(in feet)

35,000

150

