



THE COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF THE ATTORNEY GENERAL

JOHN W. Mc CORMACK STATE OFFICE BUILDING
ONE ASHBURTON PLACE, BOSTON 02108-1698

FRANCIS X. BELLOTTI
ATTORNEY GENERAL

November 13, 1986

Leamana Terry
Town Clerk
Town of Brookfield
Brookfield, MA 01506

Dear Ms. Terry:

I enclose the amendments to zoning by-laws adopted under articles 1, 2, 3 and 5 of the warrant for the Brookfield Special Town Meeting held September 17, 1986, with the approval of the Attorney General endorsed thereon.

Very truly yours,

Henry F. O'Connell
Assistant Attorney General

HFO/emb
Enclosure

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FRANCIS X. BELLOTTI
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November 13, 1986

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Town Clerk
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Brookfield, MA 01506

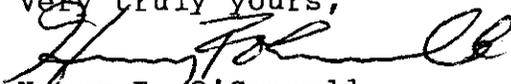
Dear Ms. Terry:

I regret that I must enclose the amendments to zoning by-laws adopted under articles 4 and 6 of the warrant for the Brookfield Special Town Meeting held September 17, 1986, with the disapproval of the Attorney General endorsed thereon.

Article 4 would limit the number of building permits for new dwelling units to forty per year until the May 1988 Annual Town Meeting. An individual lot owner would be deprived of the use of his property if he were the forty-first applicant in a year and he would be prevented from acquiring a place of permanent residence. See Sturges v. Chilmark, 380 Mass. 246 (1980).

Article 6 would limit the authority of the Planning Board to approve subdivision plans to one plan per individual developer or builder per year and with a maximum of two plans to be approved per year. Article 6 is inconsistent with the duties imposed on the Planning Board by law. (G.L. c. 41, ss 81A-81Z).

Very truly yours,

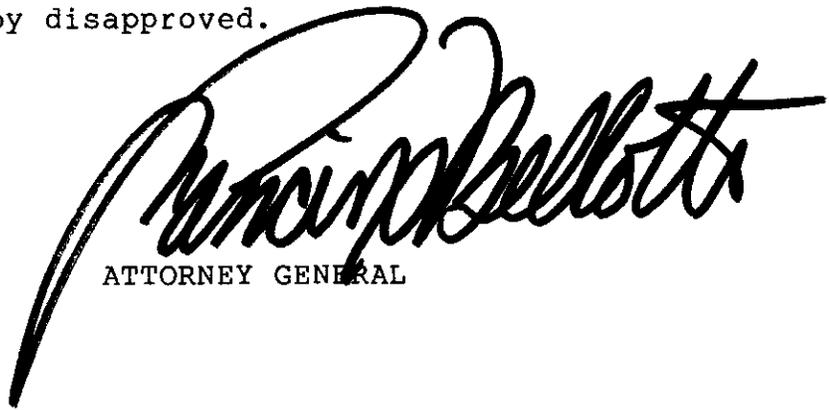

Henry F. O'Connell
Assistant Attorney General

HFO/emb
Enclosure

November 13, 1986

Boston, Massachusetts

The foregoing amendments to the zoning by-laws adopted under articles 4 and 6 of the warrant for the Brookfield Special Town Meeting held September 17, 1986, are hereby disapproved.

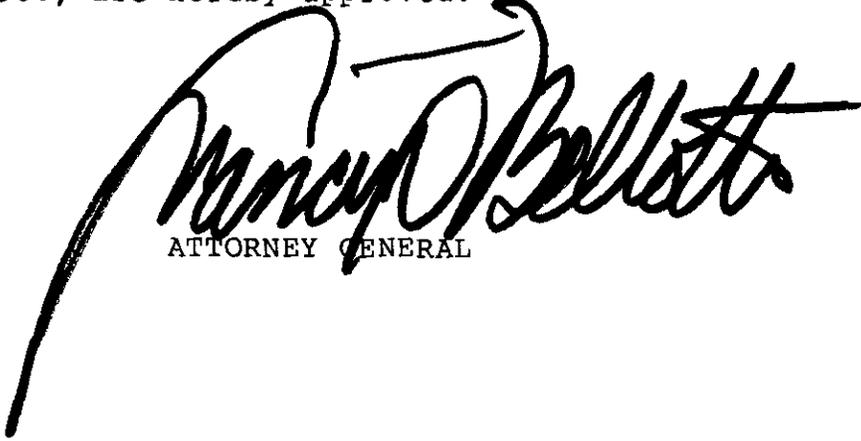


ANTHONY J. BELLOTTI
ATTORNEY GENERAL

November 13, 1986

Boston, Massachusetts

The foregoing amendments to the zoning by-laws adopted under articles 1, 2, 3 and 5 of the warrant for the Brookfield Special Town Meeting held September 17, 1986, are hereby approved.



ATTORNEY GENERAL



OFFICE OF THE

TOWN CLERK

BROOKFIELD, MASSACHUSETTS 01506

September 29, 1986

The Honorable Francis X. Bellotti
Attorney General of Massachusetts
Boston, Ma. 02108

Dear Attorney General,

This is to certify that the following Zoning By-Laws were voted at the Special Town Meeting held September 17, 1986.

ARTICLE 1. It was voted to amend Section 1 of Chapter 13 of the By-Laws of the Town of Brookfield by adding the following definition: "Dwelling Unit: a building or portion thereof providing complete housekeeping facilities for one family". Vote was 35 In Favor 4 Opposed

ARTICLE 2. It was voted to impose a moratorium on the construction of new residential multi-dwelling unit buildings in the Town of Brookfield for a period of two years to allow the Planning Board to study population growth of the community and to develop a comprehensive zoning by-law plan to be presented at the May, 1988 Annual Town Meeting, said by-law not to be applicable to the expansion or conversion of an existing building or to any federal or state assisted housing developed by the Town of Brookfield Housing Authority. Vote was 53 In Favor 16 Opposed

ARTICLE 3. It was voted to amend Section 4 of Chapter 13 of the By-Laws of the Town of Brookfield to read: "The following restrictions pertain to the building of dwelling units in the Town of Brookfield: Section 4a- Lot area: 35,000 square feet of land required per single dwelling unit and 15,000 sq. feet required per additional attached dwelling unit on a single lot. Lot width: 150 feet frontage". Vote was 53 In Favor 9 Opposed

ARTICLE 4. It was voted to amend Chapter 13 of the By-Laws of the Town of Brookfield by adding Section 4b which will read: "The number of building permits for any new dwelling unit will be limited to 40 permits issued per year until the May, 1988 Annual Town Meeting, this limit not to be applicable to any federal or state assisted housing developed by the Town of Brookfield Housing Authority". Vote was 45 In Favor 14 Opposed

*Disapproved
Art. 4
11-13-86*

ARTICLE 5. It was voted to amend Chapter 13 of the By-Laws of the Town of Brookfield by adding 4d which will read: "There will be a limit for each subdivision requiring a 'definitive plan' as defined by MGL Chapter 41 of five building permits per year issued per individual/developer or builder. Vote was 46 In Favor 8 Opposed

ARTICLE 6. It was voted to amend Chapter 13 of the By-Laws of the Town of Brookfield by adding Section 4c which will read: "No more than one subdivision requiring a 'definitive plan' as defined by MGL Chapter 41 per individual/developer or builder will be approved by the Planning Board to a maximum of two such subdivisions in total per year". Vote was 46 In Favor 3 Opposed

*Disapproved
Art. 6
11-13-86*

A true copy Attest

Leamana Terry
Leamana Terry
Town Clerk