

THE COMMONWEALTH OF MASSACHUSETTS  
SPECIAL TOWN MEETING WARRANT  
NOVEMBER 10<sup>TH</sup>, 2008

WORCESTER, SS:

TO EITHER OF THE CONSTABLES OF THE TOWN OF BROOKFIELD IN THE  
COUNTY OF WORCESTER

GREETINGS:

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 TO MEET AT THE BROOKFIELD TOWN HALL, 6 CENTRAL  
STREET, BROOKFIELD, MA ON MONDAY, NOVEMBER 10, 2008 AT 7:00 P.M.  
TO ACT ON THE FOLLOWING ARTICLES:

ARTICLE 1: To see if the Town will vote to raise and appropriate, borrow or transfer  
from available funds a sum of money for the General Insurance account to pay an  
overdue bill, or take any action relative thereto. (Sponsored by the Board of Selectmen)

**The Town voted unanimously to raise and appropriate the sum of \$2,500 to the  
General Insurance Account.**

ARTICLE 2: To see if the Town will vote to raise and appropriate, borrow or transfer  
from available funds a sum of money to pay a late bill from fiscal year 2008 for  
Selectmen's file cabinets, or take any action relative thereto. (9/10<sup>ths</sup> vote needed)  
(Sponsored by the Board of Selectmen)

**The Town voted unanimously to transfer from the Selectmen's Expense Account the  
sum of \$279.98 to pay a late bill from fiscal year 2008 for Selectmen's file cabinets.  
(9/10<sup>ths</sup> vote needed).**

ARTICLE 3: To see if the Town will vote to become a member of the newly-formed  
Eastern Hampden County Regional Emergency Planning Committee, or take any action  
relative thereto. (Sponsored by the Brookfield Emergency Management Director)

**The Town voted unanimously to become a member of the newly-formed Eastern  
Hampden County Regional Emergency Planning Committee.**

ARTICLE 4: To see if the Town will vote to transfer a sum of money from available  
funds to the Reserve Fund Account, or take any action relative thereto. (Sponsored by the  
Advisory Committee)

**The Town voted unanimously to transfer the sum of \$2,942.90 from Insurance  
Reimbursement to the Reserve Fund Account.**

ARTICLE 5: To see if the Town will vote to transfer or borrow \$2500 from available  
funds to the Highway Department Overtime and Other Account or take any action  
relative thereto. (Sponsored by the Highway Department)

**The Town voted by a majority vote to raise and appropriate the sum of \$2500 for  
the Highway Department Overtime and Other Account.**

ARTICLE 6: To see if the Town will vote to amend the Brookfield Zoning Bylaws by inserting, after the first paragraph in Section 7.A., a new paragraph to read as follows: No building permit or certificate of occupancy shall be issued for any new construction on a lot which has a regularity factor of less than .40. The regularity factor shall be determined by the formula:

$$R = \frac{16A}{P^2 \text{ (P squared)}}$$

Where R = Regularity Factor

A = Land Area in Square Feet

P = Perimeter in Feet

That part of the lot area in excess of the required lot area may be excluded from the Regularity Formula in determining the regularity factor. The perimeter containing the excess area shall not include the required frontage. The regularity formula shall not apply to lots of record as of the date of adoption of this section. The Planning Board may, by Special Permit, authorize new construction on a lot with a Regularity Factor of less than 0.4 if it finds that the proposed lot will not have a detrimental impact on abutters or on the character of the district, cause a traffic or safety hazard, or have a negative impact on the environment. (2/3rds vote needed) (Sponsored by the Planning Board)

The Town voted 38 yes and 5 no (2/3) to amend the Brookfield Zoning Bylaws by inserting, after the first paragraph in Section 7.A., a new paragraph to read as follows:

No building permit or certificate of occupancy shall be issued for any new construction on a lot which has a regularity factor of less than .40. The regularity factor shall be determined by the formula:

$$R = \frac{16A}{P^2 \text{ (P squared)}}$$

Where R = Regularity Factor

A = Land Area in Square Feet

P = Perimeter in Feet

That part of the lot area in excess of the required lot area may be excluded from the Regularity Formula in determining the regularity factor. The perimeter containing the excess area shall not include the required frontage. The regularity formula shall not apply to lots of record as of the date of adoption of this section. The Planning Board may, by Special Permit, authorize new construction on a lot with a Regularity Factor of less than 0.4 if it finds that the proposed lot will not have a detrimental impact on abutters or on the character of the district, cause a traffic or safety hazard, or have a negative impact on the environment.

ARTICLE 7: To see if the Town will vote to amend the Town of Brookfield Zoning Bylaws by revising from Section 4.C.2.b. by inserting in the first sentence the words "of any structure requiring a septic system" between the words "Development within the Flood Plain District" and "shall be allowed only if authorized by a special permit granted by the Planning Board" so that the sentence reads:

"Development within the Flood Plain District of any structure requiring a septic system shall be allowed only if authorized by a special permit granted by the Planning Board."

The Town voted 38 yes and 5 no (2/3 vote) to amend the Town of Brookfield Zoning Bylaws by revising from Section 4.C.2.b. by inserting in the first sentence the words "of any structure requiring a septic system" between the words "Development within the Flood Plain District" and "shall be allowed only if authorized by a special permit granted by the Planning Board" so that the sentence reads:

"Development within the Flood Plain District of any structure requiring a septic system shall be allowed only if authorized by a special permit granted by the Planning Board."

ARTICLE 8: To see if the Town will vote to repeal the existing text of Chapter X, Section 16 of the General Bylaws and insert the following new text:

**The Town voted 39 yes and 5 no to repeal the existing text of Chapter X, Section 16 of the General Bylaws and insert the following new text:**

**“A permit from the Highway Superintendent is required to construct a curb cut or a driveway (Curb cuts onto state highways require a written permit from Mass Highways). As part of the application for the permit, the applicant must pay an application fee in an amount set forth in a fee schedule established by the Highway Superintendent. As a condition for issuance of a permit, the applicant shall place funds in an escrow account held by an escrow agent approved by the Highway Superintendent and in an amount to be determined by the Highway Superintendent as being reasonable to cover the cost of constructing and completing the curb cut or driveway. Upon written notice by the Highway Superintendent to the escrow agent and the applicant that the construction is completed in accordance with the permit, the escrow agent shall release to the applicant any funds being held. If the construction of the curb cut or driveway is not completed by the applicant in accordance with the permit, the escrow agent, upon written notice from the Highway Superintendent and written notice to the applicant, shall deposit with the Town Treasurer the funds or the portion of the funds determined by the Highway Superintendent to be necessary to complete construction. The funds would then be available for appropriation to complete the construction in order to protect the public health and safety”.**

**Or take any action relative thereto. (2/3rds vote needed)**

ARTICLE 9: To see if the Town will vote to transfer a sum of money from Overlay Reserve to the Allowance for Abatements FY 2007 and FY 2008, or take any action relative thereto. (Sponsored by the Assessors)

**The Town voted unanimously to transfer the sum of \$20,050.86 from Overlay Reserve to the Allowance for Abatements FY 2007 and FY 2008.**

ARTICLE 10: To see if the Town will vote to amend the vote of Article 16 of the Annual Town Meeting on May 11, 2007 by adding “by accepting the provisions of General Laws Chapter 59, Section 5 clause 54” after “To see if the Town will vote to define Personal Property, for purposes of assessing it for taxation,” so that the vote reads: “To see if the Town will vote to define Personal Property, for purposes of assessing it for taxation, by accepting the provisions of General Laws Chapter 49, Section 5, clause 54, as any property eligible according to MGL Chapter 59, Section 29, whose value therein exceeds \$5,000.00 to become effective in FY 2009 when passed,”. (Sponsored by the Assessors)

**The Town voted unanimously to amend the vote of Article 16 of the Annual Town Meeting on May 11, 2007 by adding “by accepting the provisions of General Laws Chapter 59, Section 5 clause 54” after “To see if the Town will vote to define Personal Property, for purposes of assessing it for taxation,” so that the vote reads: “To see if the Town will vote to define Personal Property, for purposes of assessing it for taxation, by accepting the provisions of General Laws Chapter 49, Section 5, clause 54, as any property eligible according to MGL Chapter 59, Section 29, whose value therein exceeds \$5,000.00 to become effective in FY 2009 when passed,”.**

ARTICLE 11: To see if the Town will vote to ratify the vote of the Tantasqua Regional School Committee to appropriate \$100,000 from its School Choice Revolving fund for the purpose of paying for Engineering and Design Services on the proposed artificial turf project and for the school district to incur debt of up to \$2,000,000, in accordance with Chapter 71, Section 16(d) of General Laws, for the purpose of paying costs of designing and constructing artificial turf fields, or take any action relative thereto.(Sponsored by the Selectmen)

**The Town voted 19 yes and 21 no to defeat the vote that would ratify the vote of the Tantasqua Regional School Committee to appropriate \$100,000 from its School Choice Revolving fund for the purpose of paying for Engineering and Design Services on the proposed artificial turf project and for the school district to incur debt of up to \$2,000,000, in accordance with Chapter 71, Section 16(d) of General Laws, for the purpose of paying costs of designing and constructing artificial turf fields.(Sponsored by the Selectmen)**

ARTICLE 12: To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money to be used to pay a clerk for the Conservation Commission for the remainder of the current fiscal year, or take any action relative thereto. (Sponsored by the Conservation Commission)

**The Town voted by a majority vote to raise and appropriate the sum of \$750 money to be used to pay a clerk for the Conservation Commission for the remainder of the current fiscal year.**

ARTICLE 13: To see if the Town will vote to transfer a sum of money from available funds for the purchase of a new police cruiser, or take any action relative thereto. (Sponsored by the Police Chief)

**The Town voted to pass over Article 13.**

ARTICLE 14: To see if the Town will vote to transfer a sum of money from the Election and Registration Expense Account to the Assistant Town Clerk Salary Account. (Sponsored by the Town Clerk)

**The Town voted by a majority vote to transfer the sum of \$1,000 from the Election and Registration Expense Account to the Assistant Town Clerk Salary Account.**

And you are directed to serve this warrant, by posting up attested copies thereof, at the Town Hall and Post Office in said Town, fourteen days at least before the time of the holding of 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 the meeting, as aforesaid. Given under our hands this twenty-seventy (27th) day of October, in the year of our Lord, Two Thousand and Eight.

Respectfully Submitted,

SELECTMEN OF BROOKFIELD

James W. Allen, Chairman

Ronald J. Dackson, Vice Chairman

A True Copy, Attest:  
Constable of Brookfield  
Joseph F. Murray

Worcester, SS:  
Brookfield, Massachusetts

Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Brookfield by posting up attested copies of same at the U.S. Post Office on October 27, 2008 at 3:30 p.m. and at the Brookfield Town Hall at 3:30 p.m. on the same day.

Fourteen days before the date of the meeting, as within directed.

**Joseph F. Murray**  
Constable of Brookfield

The meeting adjourned at 8:30 PM. There were sixty-two (62) registered voters in attendance.

A TRUE COPY ATTEST:  
LINDA M. LINCOLN CMMC  
TOWN CLERK