

**TOWN OF WESTFORD**  
**DEVELOPMENT REVIEW BOARD MINUTES**  
**Minutes for October 8, 2008 Meeting**  
Approved on October 22 2008

**Board Members Present:** Tony Kitsos (Chair), Ray Belair, Gene Hallman, Jason Hoover, Eric Jacobsen and Don Maddocks.

**Board Members Absent:** Dick Heaps.

**Also Present:** Melissa Manka (Planning Coordinator), Steve Bergman, Reid Wistort, Maurice Rathbun and Kerri Greenbaum.

The meeting began at approximately 7:17 p.m.

**Conditional Use Permit– Steve Bergman property:**

Steve Bergman was present.

Steve explained his proposal to cross the WRO with a road. Steve stated that he still needs to apply for a State CUD permit but State Wetlands Specialist, Amy Norris, has been to the site on numerous occasions and has stated that the project is possible.

Jason asked if the turning radius of the curves in the road have been determined because the road could have further impact on the WRO once radii are determined.

Steve said no.

The DRB went through the staff report.

The Applicant agreed to conditions #1 and 2 of the staff report.

The DRB asked whether the Applicant's engineer has determined whether check dams will be required.

The Applicant said no.

Jason asked how erosion during construction was going to be handled.

Steve said his engineer is proposing to use silt fencing and hay bales during construction.

Jason asked how stormwater was to be dealt with.

Melissa said grass lined swales on either side of the proposed roadway are planned.

Jason calculated that it was approximately 300' from Chapin Road to the pond on the Applicant's property. Therefore, he is OK with the use of grass lined swales since the water will be traveling a short distance from Chapin Road to the pond.

Steve explained that he has a small stone-lined stream on his property which catches stormwater draining from a culvert on Chapin Road and carries it to the pond. He said that the stream will not be impacted by the proposed road.

Don asked whether the Applicant is proposing to fill open water.

Steve said that he is proposing to fill open water with rip-rap and boulders to prevent movement in the case of a 100 year storm.

Don asked whether it was possible to access the property from Essex.

Steve said he could not due to Essex's 25' side yard setback in that district. Furthermore, the 60' ROW would interfere with the pond's outflow pipes. Steve explained that the pond was man-made and he believes it was constructed in 1971.

Don asked if the pond has two outflows.

Steve said it only has one and that the water flows south.

Don asked if the water flowed year round.

Steve said no.

The DRB stated that the Applicant would need to meet the Town's erosion control standards and the Applicant would need to receive a Westford access permit.

Steve said that he has already received an access permit.

Ray asked if the Applicant was proposing to plant maple trees on either side of the roadway.

Steve said yes.

Ray asked if the Applicant was proposing to cross slopes 25% or greater.

Steve said he did not think so.

Tony asked if the grade of the slope has been determined.

Steve said no.

Ray asked if blasting or the disturbance of ledge was proposed.

Steve said no.

Ray stated that the DRB may need to review the subdivision in Essex since the sole access to the subdivision is located in Westford and Westford will be impacted by the development. Ray stated that the DRB should ask the Town Attorney whether the DRB needs to review this project as a subdivision and if Westford has jurisdiction over the subdivision, how much do we have.

Ray explained that if the DRB were to review the project as a subdivision they would review things such as the disturbance of slopes 25% or greater, ledges, etc.

Ray stated that he would like the Applicant to receive a State CUD permit prior to issuing the Town permit or the Town could create a condition which states the Applicant may not receive a CO for the lot in Westford prior to receiving a State permit for the road.

Don asked the Applicant about his time line.

Steve said he would like all his approvals as soon as possible because folks want to purchase lots already. He added that he was at the sketch phase with the Town of Essex.

Ray said that the DRB could make a decision on the CU and then request subdivision approval after CU approval, if the Town Attorney states that the DRB should review this project as a subdivision.

Jason asked whether the Applicant could skip sketch.

Ray said that the DRB could combine the sketch, preliminary and final plat hearing. He added that the DRB should tailor to Essex's regulations since the subdivision is actually occurring in Essex.

The hearing was opened to the public.

Maurice Rathbun stated that the DRB could reduce impact on the WRO by reducing the width of the road to the shared driveway standard, in which case the Applicant may need to drop a house. Steve stated that if he is required to drop a house the project would become unfeasible due to the cost of the road.

Ray asked which town would service the proposed development in case of an emergency.

Melissa stated that Essex and Westford work together to serve Westford.

Kerri Greenbaun stated that she attended the hearing to see how her property will be affected.

Ray MOVED to continue the public hearing until October 22, 2008 at 7:15 pm.

Jason SECONDED the motion.

The motion PASSED: 6 – 0.

### **Sketch Plan Review for a 4-Lot Subdivision– Reid Wistort property:**

Reid Wistort was present. Reid began by explaining his proposal to the DRB.

Reid asked how hard it will be to get a permit to cross the WRO to access Lot 4 in the future.

Jason said it should not be an issue if he proposes to cross the stream with a road lined up perpendicularly to the stream. He also stated that a local and state conditional use permit would likely be required.

Tony stated that an engineer would design the crossing.

Reid stated that he may merge Lots 2 and 4 if the wetlands on the property become an issue.

The DRB stated that many of the issues outlined in the staff report deal with preliminary plat requirements. Therefore, the DRB asked Melissa to note the issues the DRB needs to comment on prior to preliminary plat submission.

Melissa mentioned that the DRB may want to require a reduced building envelope on Lots 2 and 3 due to the presence of prime agricultural and forest soils.

Reid explained that the presence of a utility easement on Lots 2 and 3 almost forces development to occur at the back of Lot 2 and the front of Lot 3.

The DRB agreed to review the need for reduced building envelopes at the preliminary plat hearing when more information has been submitted.

Tony asked about the unfragmented habitat on the property.

Melissa said that there was a small amount at the rear of Lot 4.

The DRB told the Applicant that a letter would be sent to him outlining everything that needs to be submitted with the preliminary plat application.

### **Draft Rules of Procedure**

The DRB discussed the draft rules of procedure and decided to omit the word “immediately” from the statement that the DRB must conduct site visits immediately prior to a public hearing. Don stated that the ZBA took testimony at site visits but the draft rules of procedure prohibit that. He stated that neighbor’s usually pointed out issues at the site visit and made comments. Ray replied that a site visit is supposed to be strictly visual and any testimony heard would need to be restated for the record at a hearing.

Tony added that if testimony was given at the site visit and not all board members were present they would not have heard all evidence.

Ray reiterated that that the board can only discuss visual aspects at a site visit.

Gene asked if he could drive by a site prior to a meeting without it being warned. The board said yes, so long as he does not go with a majority of the Board.

Ray MOVED to approve the draft rules of procedure as amended.

Gene SECONDED the motion.

The motion PASSED: 6 – 0.

**Minutes of the September 10, 2008 Meeting.**

Ray MOVED to approve the minutes as amended.

Don SECONDED the motion.

The motion PASSED: 5 – 0.

Tony abstained.

Jason MOVED to adjourn. Eric SECONDED the motion.

The motion PASSED: 6 - 0.

The meeting adjourned at approximately 8:45 p.m.

Submitted by,

Melissa Manka, Planning Coordinator