

**TOWN OF WESTFORD**  
**DEVELOPMENT REVIEW BOARD MINUTES**  
**Minutes for October 22, 2008 Meeting**  
Approved on December 10, 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 and Maurice Rathbun.

The meeting began at approximately 7:20 p.m.

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

Steve Bergman was present.

Tony stated that the Town Attorney informed the DRB that a subdivision permit is required for all lands located in Westford since the sole access to the Applicant's proposed subdivision in Essex is located in Westford. He added that the Board is willing to review the Applicant's Sketch Plan and Final Plat on the same evening.

Steve submitted a revised site plan to the Board. He stated that the revisions corrected misprints and misspellings.

Ray asked Steve where he was in the subdivision process in Essex.

Steve replied that he still needs to submit his sketch plan application.

Don stated that he was worried about the amount of open water the Applicant is proposing to fill. He added that he's concerned with the fact that the Applicant has not received any State permits yet and Board has not seen any correspondence between the Applicant and the State.

Steve stated that the area being filled is approximately 8" deep while the center of the pond is as deep as 10'. He also stated that he is required to receive a State CUD permit and Army Corp of Engineer permit. He informed the Board that he has been working with numerous State agencies for a number of years to come up the plans currently before the Board.

Ray added that the Applicant still needs to receive a town subdivision permit. Therefore, further local review is necessary. Ray explained that the Board could approve the conditional use on the condition that the Applicant receive all State permits prior to receiving a certificate of occupancy for the dwelling in Westford.

Steve stated that he hopes to build the homes in Essex first and possibly save the Westford land for his future home.

The Board agreed that a condition should state that the Applicant must receive all State permits prior to construction of the proposed road.

Tony explained that the Applicant would need to apply for an amendment if the State were to request revisions to the DRB approved plans.

Don stated that he would like to see a letter from the State regarding this project to determine the impact of the project.

Steve submitted a 2007 letter from Agency of Natural Resources.

The Board further discussed whether State participation was warranted prior to the town issuing a conditional use permit. The Board agreed to close the hearing since further local review is required and State permits will be required prior to construction of the road.

Ray MOVED to close the public hearing.  
Jason SECONDED the motion.  
The motion PASSED: 6 – 0.

#### **Other Business:**

##### **FY 2009-2010 DRB Budget:**

The DRB discussed the draft DRB budget for FY 2009-2010. Melissa explained that she increased the DRB legal budget by \$1,000 due to the expense of defending environmental court appeals and in return the Planning Commission legal budget was decreased by \$1,000. Furthermore, she stated that she decreased the legal notice budget by \$300 due to decreasing development applications and increased the Planning Commission legal notice budget by \$300 due to the expense of warning regulation and town plan amendments in the Burlington Free Press. The DRB asked Melissa to look into alternative, less expensive newspapers (i.e. Seven Days, Essex Reporter, and Green Mountain Gazette) for posting public hearing warnings. The DRB discussed a few additional items with regard to the budget.

Gene MOVED to approve the FY 2009 – 2010 DRB budget.  
Eric SECONDED the motion.  
The motion PASSED: 6 – 0.

##### **Environmental Court/Superior Court Decisions:**

Melissa submitted a number of environmental court and superior court decisions to the DRB that dealt with the courts' opinion that zoning and subdivision standards must include specific criteria to guide the DRB in decision making if DRB decisions are to be upheld by the courts. The DRB discussed the decisions and asked that the Planning Commission review them and make the necessary revisions to ensure the regulations are enforceable in a court of law.

##### **Minutes of the October 8, 2008 Meeting.**

Jason MOVED to approve the minutes as amended.  
Don SECONDED the motion.  
The motion PASSED: 6 – 0.

##### **Decision Deliberation – Steve Bergman Property:**

Ray MOVED to close public deliberations.  
Jason SECONDED the motion.  
The motion PASSED: 6 – 0.

Gene MOVED to adjourn. Eric SECONDED the motion.  
The motion PASSED: 6 - 0.

The meeting adjourned at approximately 8:54 p.m.

Submitted by,  
Melissa Manka, Planning Coordinator