

**TOWN OF WESTFORD**  
**DEVELOPMENT REVIEW BOARD MINUTES**  
**Minutes for October 28, 2009 Meeting**  
Approved on November 11, 2009

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

**Board Members Absent:** Gene Hallman and Dick Heaps.

**Also Present:** Melissa Manka (Planning Coordinator), Timothy Blair, Michael Russell, Richard Mathieu and Linda Mathieu.

The meeting began at approximately 7:19 p.m.

**Final Plat Public Hearing for a 2 Lot Minor Subdivision - Timothy Blair property**

Timothy Blair was present.

The DRB went through the staff report and specified conditions to be placed in the final decision. The DRB discussed the possibility of requiring a 20 foot wide pedestrian path easement along Plains Road and the issue of the existing wastewater system being located within 20 feet of the Plains Road right of way. The DRB stated that the easement and offer of dedication could be recorded with a condition placed in the decision stating the town may construct the path if and when the existing wastewater system is replaced.

Timothy agreed to this arrangement.

Melissa said she would discuss the matter with the Town Attorney.

Ray said the signature block on the survey should reference the DRB as opposed to the Planning Commission. Furthermore, the survey and site plans should have the seals and signatures of the surveyor and engineer placed on them.

Jason MOVED to close the final plat public hearing.

Ray SECONDED the motion.

The motion PASSED: 5 - 0.

**Appeal of Decision of the Administrative Officer & Request for Stay of Enforcement –  
Property Owner: Linda Mathieu**

Linda Mathieu, Richard Mathieu and Michael Russell (attorney) were present.

Michael requested that the Mathieu's be allowed to keep the road and a stay of enforcement be set in place until the Mathieu's are able receive approval for the road. Michael briefly explained the case and went over the staff report timeline.

Ray said that the DRB was to take evidence regarding the stay of enforcement first and asked Michael if they had any further information regarding the stay.

Michael said no.

Ray explained that the DRB would then take evidence for the appeal.

Michael stated that he and the Mathieu's met with Melissa and Maurice and had an agreement that the Town would not issue any violations so long as the Mathieu's ceased construction of the

roadway. He added that the Mathieu's have not commenced further construction on Linda Mathieu's lot since that time because the road was completed on the property in question when the agreement was made.

Melissa explained that the Mathieu's continued to construct the roadway after the Mathieu's were informed that they could not construct the road without DRB approval and after the warning letter was sent out. Furthermore, she stated that the Town was never informed by the Mathieu's that the construction had continued.

Ray stated that the DRB was there to make a decision regarding whether the Administrative Officer was correct in issuing the notice of violation for construction of a road without DRB approval.

Michael said that the Town has given the Mathieu's until December to submit an application to cure the violations on their properties and the Mathieu's are working on those plans.

Maurice explained that Linda Mathieu's lot was subdivided in 2002 and the Planning Commission decision states that the plans can not be modified without approval. He went on to say that in 2008 the DRB extended the building envelope on the abutting lot to the north owned by Richard Mathieu. The 2008 decision states all structures located on Richard Mathieu's lot must be accessed by Mathieu Road. He also noted that the Mathieu's continued to construct the road after warned that they needed to receive approval and construction continued on the Mathieu properties after the agreement between the Town and the Mathieu's was made. Lastly, he stated that the Mathieu's will need to remove the road and access the barn by Mathieu Road to correct the violation.

Michael said that the Mathieu's thought that it was OK to build a road on their property.

Don asked where the new structure was located and Michael showed him.

Richard said that the current access to the barn is unsafe due to slopes and the Route 128 access.

Ray MOVED to close the notice of violations and stay of enforcement public hearing.

Don SECONDED the motion.

The motion PASSED: 5 - 0.

### **DRB Budget Workshop**

The DRB briefly discussed the proposed FY 11 DRB budget.

Jason MOVED to approve the proposed budget

Eric SECONDED the motion.

The motion PASSED: 5 - 0.

### **Draft Fee Schedule**

The DRB briefly discussed the proposed amendments to the development fee schedule and suggested that the Selectboard phase in rate increases and annually adjust fees to account for the rate of inflation.

### **Draft Steep Slope Regulations**

The DRB will discuss this at their next meeting.

**Minutes of the August 12, 2009 Meeting.**

Ray MOVED to approve the minutes

Jason SECONDED the motion.

The motion PASSED: 4 - 0.

Don abstained.

Eric MOVED to adjourn. Don SECONDED the motion.

The motion PASSED: 5 - 0.

The meeting adjourned at approximately 9:06 p.m.

Submitted by,

Melissa Manka, Planning Coordinator