

**TOWN OF WESTFORD**  
**DEVELOPMENT REVIEW BOARD MINUTES**  
**Minutes for February 10, 2010 Meeting**  
Approved on February 24, 2010

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

**Board Members Absent:** Jason Hoover.

**Also Present:** Melissa Manka (Planning Coordinator), Maurice Rathbun, David Burke, Richard Mathieu and Linda Mathieu.

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

**Final Plat Amendment – Linda Mathieu Property**

Linda Mathieu, Richard Mathieu and David Burke (project engineer) were present.

David began by explaining that his client was requesting approval for a roadway over Linda Mathieu's property to access property to the north owned by Richard Mathieu.

David stated that Linda received a State of Vermont Wastewater Permit for the wastewater system serving the dwelling on her property. He said there was a concern regarding the setback of the system to the roadway. He said the State is requiring that a guardrail be placed at the toe of the mound.

Ray suggested that the site plan and survey depict all previous subdivision lots.

David said he could submit a revised plan showing all previously approved lots.

The DRB went through the staff report.

David stated they were not proposing a through road connecting Westford-Milton Road to Mathieu Road.

David said there were no road grades of 12% or greater and only a short distance with a slope of 10.5%. He added that the average slope was 9.5%. He offered to depict more spot grades but he would rather not conduct a centerline road profile of grades.

David said the water easement serving the lot to the east will be added to the survey.

David asked if the submission of deeds which convey the proposed right of way could be made a condition of approval.

David asked if road name approval could be made a condition of approval.

Melissa asked if Lot 1A would also need subdivision amendment approval due to the fact that the decision for Lot 1A states all structures shall be accessed by Mathieu Road.

David told the DRB that the ditching along the roadway they're requesting approval for exists and shows no sign of ever overtopping. He said he does not believe additional stormwater information is needed.

David said he felt the shared access on Linda's lot was in keeping with Section 6.1.6 of the Subdivision Regulations and was a safer access point.

David said that the additional utility poles on Linda's property were installed to serve the barn on Lot 1A. He added that they are not visible from Route 128.

Ray informed them that the Subdivision Regulations require underground utilities.

David said the roadway extension was built to town standards and he will certify the road meets

standards in the spring once he can take borings of the road.

Ray asked what the barn, located on Richard's lot and accessed by the proposed roadway, will be used for.

David replied that the barn is approximately 90% complete, does not have a certificate of occupancy at this time and will be used to store the Mathieu's personal belongings and equipment.

Ray asked if Lots 1 and 1A were subject to Act 250.

David said they were not because they were residential.

Don asked why the barn was located so far away from the existing dwelling on Lot 1A.

Richard explained that the barn was separate from the dwelling in the fact that he rents the dwelling to his brother and the barn will be for his own use.

Ray questioned whether the barn was an accessory structure since the dwelling was rented and the barn was for Mr. Mathieu's personal use.

David said the dwelling was rented to Richard's brother and the barn was placed in that location due to topography.

Ray said Lot 1A should also be amended since the decision states all structures will be accessed by Mathieu Road.

Don asked whether Mathieu Road was located within an easement since the road appears to cross property lines.

Richard said the road was located within an easement.

David said the proposed roadway is a better access due to grades, road length and safety. He said extending Mathieu Road would mean 500 feet as opposed to 270 feet of disturbance and the construction of a road with an average grade of 8.5 -9%.

Maurice urged the DRB to conduct a site visit.

David said he would like to submit a plan depicting all previously approved lots.

The DRB decided not to conduct a site visit and close the hearing.

Eric MOVED to close the final plat amendment public hearing

Gene SECONDED the motion.

The motion PASSED: 6 - 0.

### **Site Plan Amendment – Mathieu Properties Inc Property**

Linda Mathieu, Richard Mathieu and David Burke (project engineer) were present.

David began by reviewing previous approvals for the bus property and what exists on site that has not received approval.

David said the building calculations in the staff report were incorrect. He said the main building is larger than what was approved because the building was built 2 feet longer than the approved site plans. However, the salt shed was built smaller than the approved plans. Therefore, the actual building square footage is 5532 feet and the approved building square footage is 5536 feet. David said there were two signs on the property that were probably 20 square feet each, but he didn't have exact measurements.

Melissa said commercial properties are allowed one sign up to 20 square feet in size.

Richard said the trailers on-site are used for storage of bus company supplies and they have been registered so as not to require a building permit. Richard submitted six trailer registrations to the Board.

David agreed the storage containers located near the northern property lines would need to be

removed from the property. He said they will be moved onto Richard's lot in the spring and Richard will need to apply for zoning permits at that time. He said the containers are used to store wood for Lionel's fire wood business.

David said he didn't feel the Town should be requiring State permits.

David said on-site stormwater flows overland in a northeasterly direction to a swale located along Route 128.

Tony asked what on-site stormwater control would look like.

David said they would need to cut some trees and do earth work in the northeast corner of the lot along Route 128. He said the lot is mostly flat and there does not appear to be a stormwater issue at this time.

David informed the Board that the Water Resource Overlay District was not depicted on the plans and asked that it be made a condition of approval. The DRB discussed this and felt it should be depicted and reviewed prior to closing the public hearing.

David stated that all the lighting was down casted. He offered to depict all exterior lighting on the site plan and submit pictures of lighting. He said there were three lights located on the building in addition to the two pole mounted lights.

Don asked if there were two businesses operating in the same building.

Richard said yes.

Don asked whether there were any businesses other than bussing.

Richard said no.

Eric asked whether the storage containers in the bus parking lot were road ready.

Richard said yes.

Eric asked if the stormwater on-site flowed towards Route 128.

David said stormwater flowed to a roadside ditch which runs parallel to Route 128. Stormwater flows north along the highway. David does not believe the ditch is a part of the WRO until it flows through the Mathieu Road culvert. He believes the area after the Mathieu Road culvert is a wetland.

Don asked the height of the building.

Richard said approximately 22' at the peak and 18' at the eaves.

Eric asked the total numbers of buses on site.

Richard said there were as many as 15 to 20 buses on-site. This includes the busses for both businesses.

Eric asked why the Mathieu's needed the extra gravel.

David said that his surveyor mapped anything that wasn't grass as gravel on the site plan.

Richard said that the State dumped fill in that area quite some time ago and he spread the fill.

David said they were asking for approval of approximately 1/3 acres of impervious service.

Don asked how many buses the plan would accommodate.

David said he wasn't sure, but propoably 15 – 20 buses. He added that there was no limit to the number of buses that could be on lot in previous decisions.

The DRB discussed whether town stormwater requirements must be met.

Melissa realized that the Applicant had over 1 acre of disturbance and therefore a state stormwater permit may be required.

David said they could shrink the area of impervious service, if need be. He also stated that stormwater has never been an issue on the site. He said stormwater is dealt with by sheet flow over a densely vegetated area.

Ray thought this amendment would not trigger town stormwater review because the new area of

impact is not over 0.5 acres.

David thought the amendment did not trigger town stormwater review because the Mathieu's have not created 0.5 acres of impervious area since the adoption of the new stormwater regulations.

Don said he did not believe the regulations were intended to allow piece meal development without stormwater oversight and he stated any project over 0.5 acres should be required to meet either town or state stormwater requirements.

David said they may need a state stormwater permit.

The DRB agreed the issue of whether a State stormwater permit will be required should be addressed prior to the close of the hearing.

Eric asked how the applicants disposed of used oil.

Richard said it was burned on-site in an oil furnace.

Maurice suggested the DRB conduct a site visit.

Dick said he would like to take a look at the existing screening.

The DRB asked Melissa to write a letter outlining what should be submitted for the next hearing.

The DRB said they may conduct individual site visits of the property prior to the next meeting.

Dick MOVED to continue the public hearing to March 24, 2010.

Don SECONDED the motion.

The motion PASSED: 5 - 1.

#### **Minutes of the January 13, 2009 Meeting**

Dick MOVED to approve the minutes as amended.

Tony SECONDED the motion.

The motion PASSED: 5 - 0.

Eric abstained.

#### **Decision Deliberation - Charles & Gail Merlo**

Ray MOVED to approve the subdivision decision as amended.

Gene SECONDED the motion.

The motion PASSED: 5 - 0.

Eric abstained.

#### **Decision Deliberation - Lance & Brenda Pitcher**

Dick MOVED to approve the variance.

Ray SECONDED the motion.

The motion FAILED: 0 - 5.

Eric abstained.

**Decision Deliberation -Reid Wistort**

Gene MOVED to approve the subdivision decision as amended.

Don SECONDED the motion.

The motion PASSED: 5 - 0.

Eric abstained.

Dick MOVED to adjourn. Don SECONDED the motion.

The motion PASSED: 6 - 0.

The meeting adjourned at approximately 10:07 p.m.

Submitted by,

Melissa Manka, Planning Coordinator