

TOWN OF WESTFORD
DEVELOPMENT REVIEW BOARD MINUTES
Minutes for March 24, 2010 Meeting
Approved on April 14, 2010

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

Board Members Absent: N/A

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

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

CONTINUED: Site Plan Amendment – Mathieu Properties Inc Property

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

David submitted a revised site plan to the Board.

The DRB went through the staff report.

David stated the Mathieu Properties LLC and First Student signs were greater than 20 square feet and higher than 10 feet from grade, but they could be reduced and lowered.

Richard asked what the sign regulations were in 1995 since that was when the Mathieu Properties sign was placed on the building.

Melissa said she would review the sign regulations in effect at that time.

Tony asked how the signs would appear if were placed along Route 128.

David said there would be a visual impact for commuters going southbound on Route 128 due to the slope of the road.

David submitted pictures of the pole lighting on site. He stated the lighting was minimal and emitted low amount of glare.

The DRB stated the Applicant could either screen the east side of the dumpster with fencing or move the dumpster at least 15 feet west along the north side of the building.

David said he revised the site plan to exclude the gravel spill over areas on the far north side of the parking lot. Therefore, the size of the parking area has been reduced. He said the spillover area will be raked, tilled, mulched and seeded.

David said he spoke with the State stormwater people and they weren't sure whether this project would require a State Stormwater Permit. He said he reviewed the State's regulations and believes the project will need a permit. David asked the DRB to grant approval of the amendment with a condition stating further site plan amendments will be required if a stormwater permit and infrastructure are required by the State.

David explained that he placed the Water Resource Overlay District (WRO) on the site plans based on Maurice's delineation of the WRO. He said he does not believe the area to be a stream, but rather a stormwater ditch.

Maurice said he used the Water Resource Overlay map to delineate the WRO and conducted a site visit to confirm the location.

David said that placing a 50 feet buffer on the ditch could affect stormwater design if a State permit is required, because stormwater infrastructure isn't allowed in the WRO. He explained

that the parking area naturally drains into the ditch that runs parallel to Route 128. He said he would use the fact that the ditch has been classified as a part of the WRO as a reason not to install stormwater control infrastructure.

David said he has not talked to Act 250 because he is waiting for Michael Russell, the Mathieu's Attorney, to review whether the bus property is exempt because the business is a municipal service.

Tony asked whether the DRB felt there were two signs for one use, which is not permitted under the regulations.

Ray said he felt there were two businesses conducting the same use. Therefore, one 20 square foot sign may be placed on the property for the one use, but both business names could be placed on the sign.

Melissa said the conditional use permit for the property approved a trucking business.

David said there were site plan approvals which acknowledged the bus business.

Dick suggested the DRB add a condition which states the applicant must pursue a state stormwater permit and submit either a permit or letter stating a permit is not required with 180 days of the DRB decision. He added the applicant either needs to submit revised site plans or apply for an amendment if a permit is required.

Dick MOVED to close the site plan amendment public hearing.

Gene SECONDED the motion.

The motion PASSED: 7 – 0.

Appeal of Administrative Officer Decision – Linda Mathieu Property

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

David explained that the equipment on Linda's lot was for their personal use and his clients are aware that they will need a permit prior to running a business from the lot.

Richard said they did run a business out of the garage when Casey lived in the mobile home. He said Casey had an excavation business and the equipment on site now was a part of that business, but the LLC has been dissolved and the equipment is now personally own by Richard for personal use.

Don asked the size of the garage and Gene said it was 2,400 square feet.

The hearing was opened to the public.

Maurice said the zoning permit was issued for a car garage to be used for parking, not equipment storage.

David said it was unreasonable to grant a permit for a garage and prohibit personal equipment from being located on the property or in the garage.

Tony asked if any of the equipment stored on site could be found on a business asset sheet or associated with any business.

Richard said no.

Richard added that Corey currently lives in the mobile home. Therefore, it's a family used and maintained property.

Ray MOVED to close the public hearing.

Don SECONDED the motion.

The motion PASSED: 7 – 0.

Minutes of the March 10, 2010 Meeting.

Dick MOVED to approve the minutes.

Tony SECONDED the motion.

The motion PASSED: 6 – 0.

Jason abstained.

Decision Deliberation: Final Plat Amendment – Linda Mathieu Property:

Dick MOVED to reopen the final plat amendment public hearing to review the application under the Stowe Club Highland Criteria and hear the application on April 28, 2010.

Ray SECONDED the motion.

The motion PASSED: 6 – 0.

Jason abstained.

Eric MOVED to adjourn. Jason SECONDED the motion.

The motion PASSED: 7 - 0.

The meeting adjourned at approximately 9:00 p.m.

Submitted by,

Melissa Manka, Planning Coordinator