

TOWN OF WESTFORD
DEVELOPMENT REVIEW BOARD MINUTES
Minutes for April 14, 2010 Meeting
Approved on May 12, 2010

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

Board Members Absent: Dick Heaps.

Also Present: Melissa Manka (Planning Coordinator), Ray Belair and Leonora Belair.

The meeting began at approximately 7:15 p.m.

Site Plan & Conditional Use Review – Applicant: Telephone Operating Co. of VT (FairPoint) Owner: Donald & Dale Pouliot

Don MOVED to continue the public hearing until April 28, 2010.

Eric SECONDED the motion.

The motion PASSED: 5 – 0.

Variance –Ray Belair Property

Ray Belair and Leonora Belair were present.

Ray explained that his septic system recently failed and he had to have a “best fix” system designed due to site restrictions. He said they’ve received a State wastewater permit for the replacement system. Ray further explained that the entire replacement system is located out of the Flood Hazard Overlay (FHO) District with the exception of the toe of the mound, which encroaches a few feet horizontally and 1 foot vertically into the floodplain.

Tony asked whether the system could be relocated outside of the FHO. Ray said it could not be relocated due to the location of the state right of way, steep slope on the west side of the property, the swale located at the base of the slope, failed system, drilled well, existing buildings, and FHO. He reiterated that the system is a “best fix” and the location chosen is the only location the replacement system can be constructed. Ray said the system is designed to have the least effect on the FHO.

Ray went through the statutory requirements that must be met for the DRB to grant a variance.

Ray stated that for reasons mentioned earlier the unique physical circumstances of the lot warrant a variance. Ray said the replacement system is designed to take into account the unique physical circumstances while having minimum impact on the FHO. He reiterated that they did not create the non-conformity, but the problem was caused by topography, lot dimensions and existing features. Ray stated the project will not affect the character of the neighborhood beyond the removal of a few trees. Lastly, he said the wastewater design is the least possible deviation from conformity.

Tony asked whether it would be considered a “taking” if the Board denied the application.

Don said he believed it would be since the Belairs would no longer be able to occupy the dwelling and Ray agreed.

Don recused himself from the hearing because he is the Belairs real estate attorney.

The hearing was opened to the public and no comments were heard.

Jason MOVED to close the hearing.
Gene SECONDED the motion.
The motion PASSED: 4 – 0.
Don abstained.

Minutes of the March 24, 2010 Meeting

Tony MOVED to approve the minutes as amended.
Gene SECONDED the motion.
The motion PASSED: 5 – 0.
Jason abstained.

Deliberation: Site Plan Amendment – Mathieu Properties Inc Property

Don MOVED to approve site plan amendment with conditions.
Jason SECONDED the motion.
The motion PASSED: 5 – 0.

Deliberation: Appeal of Administrative Officer Decision – Linda Mathieu Property

Eric MOVED to uphold Linda Mathieu’s appeal.
Don SECONDED the motion.
The motion PASSED: 5 – 0.

Deliberation: Variance –Ray Belair Property

Jason MOVED to approve the variance with conditions.
Tony SECONDED the motion.
The motion PASSED: 4 – 0.
Don abstained.

Don MOVED to adjourn. Gene SECONDED the motion.
The motion PASSED: 5 - 0.

The meeting adjourned at approximately 8:04 p.m.

Submitted by,
Melissa Manka, Planning Coordinator