

**TOWN OF WESTFORD**  
**DEVELOPMENT REVIEW BOARD MINUTES**  
**Minutes for June 23, 2010 Meeting**  
Approved on July 28, 2010

**Board Members Present:** Tony Kitsos (Chair), Dick Heaps (7:20 p.m.), Eric Jacobsen, Don Maddocks, Casey Mathieu and Matt Wamsganz.

**Board Members Absent:** Jason Hoover.

**Also Present:** Melissa Manka (Planning Coordinator), Lynne Mayo, Richard Bouffard, Shan Garcia, Pat Garcia, Betty Allen, Joan Farmer, Mary Cavanaugh, Brad Holden, David Ashley, Stuart Ashley, Frank Ammirato, Lynn Zinger and Brian Zinger.

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

**Final Plat Public Hearing for a 2-Lot Subdivision– David & Sandra Ashley property**

David Ashley and Stuart Ashley were present.

The DRB went through the staff report.

The DRB asked that the Water Resource Overlay District be placed on the survey.

The DRB agreed the survey does not need to depict the utility easement on Lot 1 since the easement is to be measured from the utility line as constructed.

The DRB asked the Applicant to contact the State of Vermont to determine whether state permits will be required.

The surveyor submitted a letter to the DRB stating Lot 2 meets frontage requirements for the Town Center District.

Dick said the area of Lot 2 located directly behind Lot 1 does not seem to meet lot shape requirements.

David explained that the area contains a stream, wetland, WRO, agricultural field and steep slopes. Therefore, it is not developable.

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

Don MOVED to close the final plat public hearing.

Dick SECONDED the motion.

The motion PASSED: 6– 0

**Final Plat Public Hearing for a 2-Lot, 1-Unit Subdivision-- Betty Lou Allen property**

**Applicant: Shan Garcia**

Betty Allen, Shan Garcia and Brad Holden (project surveyor) were present.

The DRB went through the staff report.

The DRB asked that the WRO be depicted in the survey or the Applicant receive a letter from the Administrative Officer excluding the pond from the WRO.

Brad stated that the utility line running across the property has no easement width associated with it because it was established in 1938.

Brad informed the DRB that there is an issue with the location of the town line. He said it does not affect Lot 2 or this subdivision, but it is a greater problem.

The DRB discussed the shape of Lot 2.

Brad said the angle of the southwest property line was approximately 28 degrees from perpendicular.

Matt suggested a way to correct the line lot so the property boundary would be 15 degrees or less from perpendicular. Brad said he would make that correction.

Eric asked why the driveway looked like a "J".

Shan said there was a large rock in the way of making the driveway a straight line from Allen Irish Road and the "J" also allows trees to be preserved in front of the house which grants more privacy.

The DRB asked that a statement regarding stormwater and erosion control be placed on the plans.

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

Casey MOVED to continue the final plat public hearing until July 14, 2010.

Matt SECONDED the motion.

The motion PASSED: 6- 0

**Request For Approval To Access Lot By Permanent Public Right of Way-  
Richard Bouffard.**

Richard Bouffard was present.

Richard began by explaining he would like to construct a dwelling on 31 acres located off Covey Trail. He said the trail was once a town road and was used to access the property prior to its discontinuance and then reclassification.

Tony said Section 5.11 of the Zoning Regulations governs road frontage requirements. He went on to say that the regulations state properties must be accessed by a right of way at least 30 feet in width if a lot does not have frontage on a public road.

Melissa said the public right of way is 49.5 feet wide.

Tony asked if the property had been subdivided in the past.

Melissa said she does not believe it has been subdivided since the adoption of subdivision regulations.

Tony said the driveway serving the property must meet Type B Emergency Vehicle Standards.

Richard said he has a draft agreement with the Selectboard which states the driveway must meet those standards.

Melissa said Richard must receive right of way approval from the DRB, a zoning permit from Maurice and then he will be able to receive a permit from the Selectboard granting access to the lot via the town right of way.

Casey asked if it would be easier to access the property from Covey Road.

Richard said the Stoney Ridge access was shorter and he would only be using approximately 400 feet of the trail to access his property.

Tony asked if Richard had a stormwater plan.

Richard said stormwater was addressed on the site plans submitted and explained he is trying to preserve the natural drainage patterns.

Don asked what about the current condition of the trail.

Richard said it was quite muddy and wet.

Eric asked about the proposed width of the driveway.

Richard said the driveway would be 15 feet wide and the path is currently 7-8 feet wide. He added that the trail is currently used by ATVs and Jeeps.

Casey said he has driven skidders up there and is concerned about the ledge outcropping. Richard said the turn off onto his property would occur before the ledge outcropping. Tony asked if the Applicant had plans to further subdivide the property and Richard said he did not have plans to do so at this time. Casey said there was too much ledge to further develop the property. Melissa said use of the right of way to access further development was under the Selectboard's jurisdiction. Matt asked whether the Selectboard or DRB should be concerned about which trees would be cut to construct the driveway. Richard said the Selectboard has dealt with that issue and all large trees will be preserved. He went on to say a few trees 2-3 inches in diameter will be removed. Don asked whether there was sufficient space for the public to travel on the right of way without having to be on the driveway. Richard said yes. He added that the Selectboard had discussed constructing a gravel path for pedestrians alongside the driveway but decided against it. The hearing was opened to the public. Joan Farmer said she feels like the DRB is allowing a private driveway to be placed on public land. Tony said the DRB is only dealing with the issue of whether the Applicant can use a right of way to access a property instead of having road frontage. He added that the DRB is not granting permission for the Applicant to use the right of way because that is under the Selectboard's jurisdiction. Joan said the driveway needs to be 18 feet wide for emergency vehicles. Melissa said private roads need to be 18 feet wide and driveways need to be 14 feet wide. Lynne asked the DRB whether they have reviewed the documents from previous Selectboard meetings. Melissa said that the DRB has reviewed the Town Attorney's opinion on the matter and agreements regarding the legality of granting use of the right of way to access the property should be brought before the Selectboard or Courts. Lynne said the right of way contains slopes 25% or greater and suggested the DRB conduct a site visit. Frank Ammirato asked if public trails count as road frontage. Melissa said no, but rights of way can be used in lieu of road frontage. Brian Zinger asked what will happen if the DRB approves this application but the zoning permit is denied. He asked if Mr. Bouffard would still be allowed to access the property. Melissa said a DRB approval does not grant the Applicant the ability to access the property. The Applicant has to receive the DRB approval and zoning permit before the Selectboard will grant permission to use the right of way for vehicular access. Lynne asked if access will be restricted to certain types of vehicles. Tony said that was a Selectboard issue. Lynne asked if Maurice would be enforcing permits and conditions issued in relation to this project. Tony said Lynne should discuss that with the Selectboard. Joan asked what criteria the DRB was using to make their decision. Matt read Section 5.1 of the Zoning Regulations.

Melissa said the criteria were 1) does the Applicant have another access or road frontage 2) is the right of way proposed for use at least 30 feet in width.

Mary Cavanaugh said permission to use the trail for access should be granted for the shortest distance possible.

Tony said that wasn't under the DRB's jurisdiction. He said the Selectboard determines the use and length of use.

Richard said the driveway extends an extra 150 feet beyond the property line to avoid blasting ledge and cutting trees.

Lynne said her well was near the property line so blasting in that area could not occur.

Tony said the DRB is only concerned with what is on the site plan as opposed to past discussion had by the Selectboard regarding the use of the right of way. He said the DRB will only be reviewing what is under their jurisdiction.

Dick MOVED to close the final plat public hearing.

Matt SECONDED the motion.

The motion PASSED: 6- 0

### **Minutes of the May 26, 2010 Meetings**

Dick MOVED to approve the minutes

Don SECONDED the motion.

The motion PASSED: - 0.

### **Other Business**

The DRB briefly discussed the informal meeting they had regarding Tina Shoup's and Cori Hill's proposal to begin an outdoor events business on Old #11 Road.

Don MOVED to adjourn.

Matt SECONDED the motion.

The motion PASSED: 6 - 0.

The meeting adjourned at approximately 9:22 p.m.

Submitted by,

Melissa Manka, Planning Coordinator