

TOWN OF WESTFORD
DEVELOPMENT REVIEW BOARD MINUTES
Minutes for July 13, 2011 Meeting
Approved on July 27, 2011 2011

Board Members Present: Tony Kitsos (Chair), Jason Hoover, Eric Jacobsen, Don Maddocks, Casey Mathieu and Matt Wamsganz.

Board Members Absent: n/a

Also Present: Melissa Manka (Planning Coordinator) Palmer Irish, Palmer Irish, Pat LaFrance, Roger Nimmons, Debra Richer, Andy Hoak and Mike Bechard.

The meeting began at approximately 7:16 p.m.

Conditional Use Review – Debra Richer (10.15+/- acres)

Debra Richer was present.

Debra began by explaining that the accessory apartment will be a little less than 30% of the primary structure's living space. She said she has already received a state wastewater permit for a replace system to serve the principal dwelling and apartment. Debra said the primary dwelling will have to be converted from a 3 bedroom home to a 2 bedroom home to allow for additional wastewater capacity to serve the accessory apartment.

Tony asked if the applicant planned to have any exterior storage associated with the apartment. Debra said no.

Eric asked to clarify whether she planned to build a three car garage with an accessory apartment located above the garage.

Debra said yes.

Eric asked if the apartment would be a rental.

Debra said yes.

Tony asked if she lived in the primary structure.

Debra said yes.

Jason asked if more parking was planned beyond the existing parking area and the three bay garage.

Debra said no additional parking was proposed.

The meeting was opened to the public.

Pat LaFrance said she was told many years ago that she couldn't have two dwellings on one property.

Tony said residents can't have two primary dwellings on a property, but there is a provision in the zoning regulations that allows for an accessory dwelling that is not more than 30% of the size of the primary structure.

Melissa explained that accessory apartments used to be restricted to use for family members only, but in 2005 the state legislature amended state statute to allow for rental accessory apartments.

Pat said residents should have been informed of the change.

Melissa said that the zoning amendments went through the public hearing process and the public was notified of said hearings.

Eric MOVED to close the public hearing.

Matt SECONDED the motion.

The motion PASSED: 7 – 0.

2 Lot Subdivision Final Plat Public Hearing –Michael Bechard Property (82.9 acres)

Michel Bechard and Andy Hoak, engineer, were present.

Andy gave a brief explanation of the project by stating his client is proposing a two lot subdivision comprised of a 50 acre and a 32 acre building lot both of which are to be accessed off Allen Irish Road. He said state wastewater permits for both lots have been acquired and construction began on proposed Lot 1 in the Fall of 2010.

The DRB went through the staff report.

Andy submitted a revised plat clarifying that the WRO delineates the edge of building envelopes. Andy also stated that the WRO was delineated using the town plan maps and aerial photography, but it was not field verified. He said he feels the WRO regulations clearly state no development is allowed within the WRO and therefore further mapping is not necessary.

Tony asked why there was a second building envelope north of the WRO on Lot 2 and whether the applicant could access that area of the property off Allen Irish Road.

Andy said he met with Gary who informed him that it would be possible to receive an access permit for the second building envelope. He added that while they plan to build south of the WRO on Lot 2 they would like to keep building options open for potential buyers. Andy said his client would need to amend the state wastewater permit and local permits if a buyer wanted to build north of the WRO.

Eric asked whether the applicant wanted to reserve the second building envelope to the north of the WRO as an alternative building site.

Andy said yes. He said they would like to reserve the area for possible future development and mentioned they have not received an access permit to access the second building envelope. He added that the applicant would have to receive DRB approval prior to building within the second building envelope.

Melissa said the building envelope shouldn't include undevelopable areas, but research into whether the entire building envelope is developable has yet to be done.

Andy said it may be possible that the entire building envelope is developable. He said it's an interesting situation because Lot 2 is bisected by the WRO, but they would like to leave building options open.

Andy said Michel began development of Lot 1 last fall. He said the utility lines were not depicted on the site plan because they were not required when the zoning permit was requested. He explained the utility line for the home comes off the Velco utility pole closest to the house and runs underground from said pole to the house.

Andy said there are also two C1 site plans because his client has two separate project numbers for each lot.

Andy said he only restricted the building envelopes based on the WRO.

Tony asked that darker lines be used to delineate the edge of building envelopes.

Jason asked whether the dwelling on Lot 1 could be seen from the road.

Mike said it cannot be seen due to thick trees and a slight hill near the edge of Allen Irish Road. Jason said he's okay with the large building envelope on Lot 1 since the principal structure has already been built, but he has concerns with the building envelope on Lot 2. Jason wanted to make it quite clear that building should not occur on the northern building envelope without an amendment approving Lot 2's northern building envelope. He said views should be evaluated,

the character of the neighborhood considered, and wetlands and steep slopes delineated during the amendment. Jason said he's not thinking about or approving a house location for the northern envelope at this time, because all infrastructure is permitted for the southern envelope. Tony agreed that all homes on Allen Irish Road are currently close to the road and any new home should be in keeping with the character of the existing neighborhood.

Andy said he would be willing to eliminate the northerly building envelope so long as they're assured they could come back to amend the building envelope in the future.

Andy said all town mapped steep slopes are located to the west of the significant wetland located on the west side of the parcel. Andy asked whether he could note on the site plans that slopes 25% or greater shall not be developed rather than mapping said slopes.

Andy said they aren't required to apply for a state stormwater permit and asked that a condition be placed in the decision requiring that the low risk state stormwater handbook be followed.

The DRB asked that the site plan and survey call out that the building envelope begins 100' from surface water.

Matt said the toe of the wastewater system on Lot 2 is approximately 40 feet from the WRO as mapped on the site plan.

Andy said he was not fully confident that the location of the stream was depicted correctly on the site plans.

Jason suggested a note be placed on the site plan that the 100 buffer shall be verified prior to construction and the building envelope may be reduced.

Andy said he didn't think the WRO would affect the proposed house location.

Melissa said the house could be placed anywhere within the building envelope, not just the location shown on the plans.

Tony asked whether the water could also be classified as a class 2 wetland, in which case the WRO boundary would definitely change due to the fact that the channel fans out as one gets farther away from the road.

Andy said it is likely that the waterways are class 2 if the wetland at the rear of the property is a class 2 wetland.

Melissa said the applicant should have a wetland specialist re-delineate the WRO in that case.

Jason asked if the wetland could possibly be encroaching on the southerly building envelope on Lot 2. Andy said he didn't think so, but the northerly building envelope would definitely need to be delineated.

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

Jason MOVED to close the hearing.

Matt SECONDED the motion.

The motion PASSED: 7 – 0.

Decision Deliberation: Site Plan & Conditional Use Amendment Review – Westford School District property

Don MOVED to approve.

Eric SECONDED the motion.

The motion PASSED: 4 – 0.

Casey and Wayne abstained.

Matt recused himself.

Minutes of the June 8, 2011 Meeting

Jason MOVED to approve the minutes.

Tony SECONDED the motion.

The motion PASSED 4 – 0.

Casey and Wayne abstained.

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

Submitted by,

Melissa Manka, Planning Coordinator