

**TOWN OF WESTFORD**  
**DEVELOPMENT REVIEW BOARD MINUTES**  
**Minutes for January 13, 2010 Meeting**  
Approved on February 10, 2010

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

**Board Members Absent:** Jason Hoover & Eric Jacobsen.

**Also Present:** Melissa Manka (Planning Coordinator), Jeff Hardy, Caroline Desocrcie, Brent Carpenter, David Whitney, Reid Wistort, Mary Goderivis, Lance Pitcher, Kelly Wasserbail, Rick DiMeglio, Tina Scanlon, Marty Scanlon, David Whitney, Craig McDonald and Valerie Young.

The meeting began at approximately 7:22 p.m.

**Preliminary Plat Public Hearing for a 15 - Lot, 14 – Unit Residential Planned Unit Development & Major Subdivision– Craig McDonald property**

Craig McDonald and David Whitney, project engineer, were present.

Tony read Jason's email discussing possible screening issues. The email suggested reduced building envelopes, cutting restrictions and tree plantings in thin areas.

Dick stated he also conducted a site visit and believes cutting restrictions will suffice due to the fact that the proposed homes are at least 30 ft below the homes located on Learned Drive.

Melissa said the DRB typically asks the Applicant to propose a landscape plan prior to the DRB making a determination as to what will be required.

Dave said they would like to propose cutting only within the building envelopes.

Tony stated they could also propose dbh based cutting restrictions outside of the building envelopes.

Ray suggested they propose strategic planting in thin areas.

Don asked what the DRB had decided with regard to the fire pond requirement.

Ray said the DRB had not made a final decision. However, the regulations state if a fire pond cannot be constructed sprinklers systems must be installed in each home.

Dave said there is a pond down the road that may make for a suitable fire pond.

Don said that the regulations don't seem to leave room for an off-site pond.

Gene suggested the Applicant discuss the matter with the Fire Chief.

The hearing was opened to the public.

Reid Wistort asked how emergency vehicles were going to turn around at the end of the proposed roadway.

Dave said they were proposing a hammerhead.

Don asked whether the road should be extended to allow access to the open space at the rear of the subdivision.

Dave said he didn't feel extending the road would make the common land more inviting.

Ray added it would increase the amount of impervious surface within the subdivision and stated that the home owner's would likely create their own path.

Rick DeMiglio said a fire pond would benefit more people than individual sprinkler systems and suggested the Applicant speak to the Learned Drive Homeowner's Association to help with the

costs and location.

Ray said if the Applicant were to propose an off-site fire pond the Applicant would need to submit a letter from the Fire Department supporting such a proposal.

Ray MOVED to close the preliminary plat hearing.

Dick SECONDED the motion.

The motion PASSED: 5 - 0.

### **Final Plat Public Hearing for a 2-Lot Subdivision– Charles & Gail Merlo Property**

Jeff Hardy, project engineer, was present.

The DRB went through the staff report and discussed the issues presented in the report.

The DRB asked that a larger note be placed on the survey and site plans stating “no development shall occur on slopes 25% or greater” and all site plans should depict slopes 25% or greater.

Jeff said the Fire Department was ok with the width of the bridge and the existing roadway will need to be upgraded with regard to gravel depth.

Ray stated that the signature block should be revised to reference the DRB as opposed to the Planning Commission and the date changed to 2010 as opposed to 2009.

Don MOVED to close the final plat hearing.

Gene SECONDED the motion.

The motion PASSED: 5 - 0.

### **Variance –Lance & Brenda Pitcher Property**

Lance Pitcher was present.

Lance began by explaining why he was requesting a variance. He stated that his property is surrounded on three sides by roads and the lot steeply slopes to the east. He went on to state that the pre-existing porch was a non-complying structure.

Tony asked if it was true that the pre-existing porch was 64 sq ft and the new porch is 420 sq ft.

Lance said yes.

Tony asked if Lance understood the five criteria outlined by state statute that must be met for the DRB to grant a variance.

Lance said he did and mentioned that he didn't receive any complaints from the neighbors during construction of the porch.

Don stated that the Board is bound by state statute.

Ray asked the size of the dwelling.

Lance said it was approximately 3000 sq ft.

Ray asked if he thought that was a reasonable use of the lot.

Lance said he supposed it was a reasonable use of the lot, when considering the size of surrounding homes.

The meeting was opened to the public.

Brent Carpenter asked whether granting the variance would set a precedent.

Tony answered that each application is reviewed as a unique case.

Brent said he was concerned approval of this variance would set a precedent. He also said that the Homeowner's Association was not notified of the public hearing and the Association owns road (i.e. abutting land).

Lance said that the Homeowner's Association was a private matter and he would rather not talk

about it at the hearing.

Melissa said it was her fault that the Homeowner's Association was not notified. She did not realize they owned the land under the road.

Tina Scanlon said the Homeowner's Association should be notified of all permits issued in the development. Furthermore, she said the porch in question improves the life of the family and does not impact the neighborhood. Therefore, she believes the permit should be granted.

Marty Scanlon said he supports the Association's rules and bylaws, but does not want the Association to take punitive action and would like the Town to help the Pitchers so they do not need to remove the porch.

Don MOVED to close the variance hearing.

Dick SECONDED the motion.

The motion PASSED: 5 - 0.

### **Final Plat Public Hearing for a 4 Lot, 3-Unit Major Subdivision - Reid Wistort property**

Reid Wistort was present.

The DRB went through the staff report and discussed the issues outlined in the report.

The DRB discussed the site plan note that states the right of way on Lot 3 serves Lot 4 when in actuality the right of way will serve Lots 2 through 4. The DRB agreed that the site plan note should state the right of way serves Lots 2 and 4 and the deeds for said lots can limit the length of right of way to be deeded to each lot.

Gene MOVED to close the final plat hearing.

Ray SECONDED the motion.

The motion PASSED: 5 - 0.

### **Minutes of the November 11, 2009 Meeting**

Tony MOVED to approve the minutes as amended.

Gene SECONDED the motion.

The motion PASSED: 5 - 0.

### **Decision Deliberation - Preliminary Plat Public Hearing for a 15 - Lot, 14 - Residential Planned Unit Development & Major Subdivision (Craig McDonald Property)**

Gene MOVED to approve the preliminary plat decision.

Ray SECONDED the motion.

The motion PASSED: 5 - 0.

Don MOVED to adjourn. Dick SECONDED the motion.

The motion PASSED: 5 - 0.

The meeting adjourned at approximately 9:55 p.m.

Submitted by,

Melissa Manka, Planning Coordinator