

TOWN OF WESTFORD
DEVELOPMENT REVIEW BOARD MINUTES
Minutes for Wednesday, June 22, 2016
Approved on July 27, 2016

Board Members Present: Wayne Brown, William Cleary, Sara DeVico, Matt Wamsganz (Chair)

Board Members Absent: Jason Hoover, Tony Kitsos

Also Present: Sue Adams, Joe Cahill, Warren Robenstien, Alice Giroux, James Hall, Lois Jerome, Beverly Hall, Raymond Hall

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

Continued: Final Plat for a 3-Lot Subdivision– Alice Giroux, Beverly Hall, Francis Hall, James Hall, Raymond Hall & Lois Jerome Property

Background: Several weeks ago, Joe (Hall family attorney) contacted the town to explain a change in scope of the original proposal. The change added a boundary line adjustment to the 3 lot subdivision. The staff report written for this June 22nd meeting pertained to the change in scope.

After Matt opened the meeting, Joe explained that the Hall family decided to nix the amended proposal with boundary line adjustment. The family is reverting back to the original 3 lot subdivision proposal (See January 20, 2016 staff report in DRB files). As such, the staff report written for this meeting became obsolete and the DRB had no report to follow. Sue asked if the hearing should be continued and the meeting adjourned. Joe did not want to end the meeting. He re-introduced the scope of the proposal, shared a letter from Tina Heath, District Wetland Ecologist, dated May 4, 2016, and asked several questions of the Board. Specifically:

- 1.) Is the Board comfortable with Warren (surveyor) doing the wetland delineation or does it have to be performed by a state wetland specialist? Joe referred to Tina Heath's letter stating a wetland determination would not be required for the subdivision of an agricultural property that is to be kept in current agricultural practices. In addition, having Warren conduct the wetland field data would save the Halls a considerable amount of money in the long run.
- 2.) Can a new building envelope outside the Water Resources Overlay district (WRO) be shown on Lot 2 if it does not include the existing house and barns (which are in the WRO)? Joe mentioned the Halls have no intention of developing the lot, plus, any future development would have to go before local review plus get state permits anyway. He also said he'd likely ask for waivers to get around some of the development requirements if need be.

Matt and the Board agreed further research needs to be done before they can answer #1. Bill wondered whether the Board could answer yes to #2 if there was a condition in the decision

stating the existing house would be abandoned and/or torn down before final approval. Matt added that anything outside a building envelope is considered a non-conforming structure and that while this may be okay for agricultural structures, he wasn't sure about dwellings. Sara reiterated that one of the lots must be a developable lot based on our town regulations and that such lot must comply with all zoning and subdivision regulations; there is no way around this.

Sue affirmed Sara's remarks and added that the Board cannot make decisions based on an applicant's intention.

Alice proposed making Lot 1 the developable lot since it is not impacted by the WRO to the extent Lot 2 is.

Joe answered that making Lot 1 the developable lot will not be pursued at this time.

Matt asked Sue to contact the town attorney for legal opinion of Joe's 2 questions and to research Bill's suggestion of approving the decision with said condition.

Wayne MOVED to continue the public hearing until August 24, 2016 at 7:15 p.m.

Matt SECONDED the motion

The motion PASSED: 4 – 0.

Other Business, Citizens to be Heard & Announcements

No citizens to hear or other business.

Minutes of the June 8, 2016 Meeting

Wayne MOVED to approve the minutes as amended.

Sara SECONDED the motion

The motion PASSED: 4 – 0.

The meeting adjourned at approximately 8:40 p.m.

Submitted by,

Sue Adams, Interim Planning Coordinator