

TOWN OF WESTFORD
DEVELOPMENT REVIEW BOARD MINUTES
Minutes for Wednesday, September 14, 2016
Approved on September 26, 2016

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

Board Members Absent: Tony Kitsos, Lisa Fargo

Also Present: Sue Adams (Interim Planning Coordinator), Richard Hamlin (engineer), David Gauthier, Lynn Gauthier, Sandra Ashley, Pat Haller, Amber Haller, Finn Haller, Penny Haller.

The meeting began at 7:15 p.m.

Final Plat Hearing for a 3-Lot, 2-Unit Subdivision– David & Lynn Gauthier Property

Matt opened the meeting and invited Richard to give an overview of the proposed subdivision. Richard pointed out that the abandonment of spring rights and easement to the shallow well on Lot 3 serving Lot 1 has specific contingencies (see draft of legal deed in project folder). The DRB and Richard went through the staff report. All 15 issues from sketch review were addressed. These include: WRO buffer to be depicted and labeled on site plans as well as final surveys for Lots 1 & 2; DRB approval to waive the depth-to-width and lot shape dimensional standards for Lots 1 & 2 given existing site features; acknowledgment of sufficient space between Brookside Rd and the stonewall along all 3 lots for a pedestrian path; the access and angle of Lot 1's existing driveway to be brought into conformance with the road standards and shown on site plans as such; acknowledgement that Lot 1's driveway is longer than 150 feet and that there is sufficient turn around space for emergency vehicles; 2 parking spaces for each lot will be depicted and labeled on site plans; acknowledgment that no new development is being proposed on Lot 1 at this time and that future development on Lots 1 & 2 shall conform to erosion and stormwater management standards.

Many of the specific conditions recommended in the staff report were deemed redundant by virtue of the one blanket condition that states any future development must conform to the all applicable standards in the regulations. The DRB asked Sue to seek counsel on the deferred development language for Lot 3.

Richard explained the discrepancy of the front boundary lines on the site plans and preliminary surveys. The site plans show the front boundary lines as including the stonewall. The preliminary surveys show the stonewall as the front boundary. At the time the site plans were drawn, it was thought Brookside Rd was a 3 rod road. When the surveyor drew up the preliminary plats, it was determined that Brookside Rd was in fact 4 rods wide, based on a highway survey recorded in 1798.

Matt asked if this means the entire stonewall is in the public ROW, and if so, there will be ramifications to the town for its protection and maintenance.

Richard answered that the boundary line is considered to be the middle line of the stonewall; that protection and maintenance of any portion of the existing wall should stay with the future owners of Lots 1 & 2; and that language to this effect is included in the draft legal deeds.

Richard discussed at length the semantics of the DRB condition of approval that all state permits must be received prior to the recording of a mylar. He contends that town should not be the gatekeeper of state permits; that we are inadvertently referring to every single state permit out there; and that local regulations/rules should be separate from state permitting. He suggested amending the condition to "All permits required *for subdivision* by the State of VT..." Sara pointed out that this condition of approval comes under the Site Design and Engineering Standards in Section 328 which specifically deals with water and wastewater systems. Furthermore, Sara and Jason reminded the DRB that the language of this condition was reviewed by our town attorney and therefore cautioned changing it.

There was lengthy discussion about Lot 1's existing driveway conformance issues and whether they could be resolved by a waiver.

David pointed out that the old driveway access used to be angled both to the left and right. Years ago he blocked part of the access to prevent people from making U-turns. Overtime, grass has grown over the graveled driveway portion that was once there.

Jason reiterated that the DRB is bound by the regulations as written.

Sara pointed out that under the regulations as written, waivers for existing driveway standards were prohibited. In the end, it was decided the existing driveway for Lot 1 must be brought to conformance with the road standards.

After review of the staff report and discussions, Matt opened the floor for public comment.

Pat Haller had 2 questions: 1.) Would removing 2 feet of stonewall on either side of existing openings for the purpose of future agricultural access trigger red flags? 2.) If any portion of the stonewall needed rebuilding, would that portion be considered a new wall or part of the pre-existing stonewall?

The DRB agreed that opening the stonewall to the minimum extent possible in order to meet access and road standards would be okay. Additionally, any future work on the stonewall would be considered maintenance of it, not the creation of a new wall needing to meet requirements in Section 323.G.

Wayne MOVED to close the public hearing.

Bill SECONDED.

Motion passed 5-0.

Other Business, Citizens to be Heard & Announcements

Sue informed the DRB that if the Halls change their proposal from 1 development lot to 3 development lots, it would constitute a new application.

Minutes of the August 24 Meeting

Sara MOVED to approve the minutes

Matt SECONDED the motion

The motion PASSED: 3 – 0.

The meeting adjourned at approximately 9:40 p.m.

Submitted by,

Sue Adams, Interim Planning Coordinator