

TOWN OF WESTFORD
PLANNING COMMISSION MINUTES
Minutes for February 4, 2019 Meeting
Approved on February 18, 2019

Commission/Board Members Present: Wendy Doane, Gordon Gebauer, Seth Jensen and Mark Letorney.

Commission/Board Members Absent: Koi Boynton.

Also present: Melissa Manka (Planning Coordinator), Barb Peck and Grant Thomas.

The meeting began at: 6:31 p.m.

Amendments to Agenda

M. Letorney and S. Jensen asked for a moment to speak at the end of the agenda. G. Gordon said they could do so under Other Business.

Citizens to be Heard

B. Peck said she submitted a regulatory amendment request one year ago. She asked who the chair of the Commission was and who set priorities. She said waiting a year for requested revisions was unacceptable. G. Gebauer explained priorities are set by time constraints. He added that there have been two rounds of amendments to the unified regulations and the Commission must now focus on the Town Plan, which is set to expire May of 2020. He said the Town will not be able to amend regulations if the Town Plan expires. M. Letorney explained that the Planning Commission accomplishes a great deal and many priorities are dictated by state statute. B. Peck asked if her request was low priority and if the Commission needed more members. She explained there are physical and environmental constraints on her property that she believes prohibit subdivision and development per the R5 Standards. She said she does not currently have plans to subdivide or develop the property at this time. S. Jensen said her request was a priority and it should be taken seriously and given the time it deserves rather than be rushed to hearing. He added that increasing the number of Commissioners wouldn't help the situation, but rather to address all projects and requests immediately would require weekly meetings which is not a possibility for volunteer boards. M. Letorney said the town is experiencing a volunteer shortage. B. Peck requested a timeline for addressing her request. S. Jensen said the Town Plan should at least be ready for adoption prior to taking on a third round of amendments. He also noted that the new regulations include language that would allow her to transfer development rights from constrained areas (such as floodplains, wind prone areas and ledges) to property more well-suited for subdivision and development. M. Manka noted the Commission was beginning review of Chapter 1 of the Town Plan and adoption requires a noticing and public hearing process that needs to be completed by May of 2020. She said Town Counsel also suggested regulatory amendments and stated those changes should occur after the Superior Court issues their decision on a recent appeal case. M. Letorney reiterated the Town Plan was their top priority and he hopes the regulations can be addressed before the Town Plan is adopted, but it is difficult to give an exact date at this time. G. Gordon said the Planning Commission would discuss timing when they review their work plan.

G. Thomas asked the Planning Commission to review the sign and public art regulations. He said he understands the need to preserve an individual's first amendment rights but would like the Commission to find a balance between freedom and an individual's ability to erase net equity and devalue property. S. Jensen suggested revising the public art regulations so they would mirror the sign regulations. The Commission also discussed the possibility of regulating through an ordinance versus the land use regulations. The Commission said they would investigate this matter when revising the regulations. M. Letorney asked G. Thomas to provide examples of how other towns have handled public art, if he could.

M. Manka explained that Travis Lavalley, who owns property in the village, recently applied for a brewery permit. However, it was later determined that most of the property is classified as a class 2 wetland. She said the 100 ft local buffer appears to encompass the tree line which may be the only potentially developable area, but the extent of the wetland will officially be delineated in the spring. M. Manka suggested considering a wetland buffer reduction in the village, if the Town wants to promote dense and diverse development in the village and preserve surrounding natural resources. M. Letorney said everything concerning water resources is headed in the opposite direction due to increases in the intensity and frequency of storm events. S. Jensen suggested reducing the village wetland buffer to 50 ft if wetlands are professionally restored to increase stormwater attenuation and ecological function. The Commission will investigate this request when they begin the third round of amendments.

2020 Town Plan –Chapters 1, 2 & 3

The Planning Commission reviewed, discussed and revised Chapters 1 and 2 of the 2015 Town Plan. M. Manka suggested reviewing and revising these chapters once the community survey responses are analyzed. M. Manka then asked when the Commission would like to close the survey. The Commission agreed that paper copies should be made available at Town Meeting and the survey should be closed thereafter. The Commission will re-review Chapters 1 and 2 at their March 18th meeting. The Commission asked M. Manka to contact the CCRPC to request assistance in updating Chapter 3's census data.

Aquatic Permitting Criteria Compliance – Preliminary Report, ANR Conceptual Wastewater Approval & ACCD Neighborhood Development Area Application

M. Manka explained that the preliminary report was the final piece necessary for ANR conceptual wastewater approval. She noted that the request was made a couple of weeks ago and in an email received that day Mary Clark said she didn't see any red flags and hopes to have an approval letter prepared by next week. Seth suggested the Commission begin preparing the T5 NDA application and T4 legal opinion request. M. Manka said review of the NDA application was on the February 18th agenda and offered to prepare an outline for the T4 legal argument.

Phased Community WW System Scenario Analysis Cost Estimate – Final Report & Next Steps

M. Manka gave the Commission a brief final report, engineer and existing systems update. The Commission briefly discussed the next steps in community wastewater planning. The Commission asked M. Manka to contact Mary Clark at ANR to set up a meeting with the Planning Commission and Marlboro College to find out more about the technical services their graduate students provide.

Town Common Crosswalk Update from Kate Lalley

The Planning Commission will discuss this agenda item at their next meeting.

2019 Work Plan & Project Updates (See Last Page of Work Plan),

The Planning Commission reviewed, discussed and revised the draft 2019 work plan.

The Planning Commission recognized the importance of B. Peck's amendment request and said they would address it. However, they agreed amending the Town Plan was their top priority right now and R5 revisions will be bundled with other necessary amendments. They will discuss this again at their next meeting.

The Planning Commission reviewed and discussed on-going projects.

Minutes of October 15, 2018 Meeting

Wendy MOVED to approve the minutes.

Mark SECONDED the motion.

The motion PASSED: 4 – 0.

Minutes of November 19, 2018 Meeting

The Planning Commission will review these minutes at their next meeting.

Announcements & Other Business

Village Development

The Planning Commission discussed recent development, permits and events in the village. M. Letorney offered to invite George Pigeon to a meeting to discuss the Route 128 property.

Mark Letorney - Resignation

M. Letorney notified the Planning Commission that he will be resigning due to other obligations. He offered to stay on until a suitable replacement could be found. The Commission thanked M. Letorney for his many years of service and asked Melissa to advertise the vacancy.

Seth Jensen – NDA & Legislature

S. Jensen said its unlikely any statutory changes to the Neighborhood Development Area Designation requirements will be made this legislative session. However, he suggested submitting the T4 legal argument to Rep. Bob Bancroft as he is now on the House Committee on Commerce and Economic Development and House Commerce and Natural Resources Liaison.

The meeting adjourned at approximately 9:51 p.m.

Submitted by,

Melissa Manka, Westford Planning Coordinator