

TOWN OF WESTFORD
DEVELOPMENTAL REVIEW BOARD MINUTES
Minutes for Monday March 22, 2021.
Approved on April 12, 2021

Board Members Present: David Baczewski, William Cleary (Vice-Chair), Jesse Labrecque, Matt Wamsganz (Chair), Dennis Angiono, Francois Ross.

Board Members Absent: Andrew Collier.

Also Present: Melissa Manka (Town Planner), Callie Hamdy (Minute Clerk), Colen Johnson, Scott Rogers, Chapin Kaynor, Jonathan Czapski, Sally Czapski, Frank Hassler, Neil Hackbar.

The meeting began at 7:15 pm.

DISCLOSURES

B. Cleary disclosed he was on the Selectboard when the Town approved access and upgrades to the Class 4 portion of Rogers Road in order to access the Czapski's property.

AMENDMENTS TO THE AGENDA

There were not amendments offered.

SKETCH PLAN REVIEW & CONDITIONAL USE FOR 3 LOT SUBDIVISION w/WRO CROSSING

JONATHAN & CELESTINE PROPERTY- Approx. 49.4 acres located on Rogers Road in the Rural 10 & Water Resource Overlay Zoning Districts. The applicant proposes to re-subdivide/reconfigure two lots into three single family dwelling with accessory dwelling building lots.

Jonathon Czapski, Sally Czapski and Colen Johnson, project engineer, were present. Colen explained that the lot is currently undeveloped. The purpose of this subdivision is to re-subdivide the current property and then subdivide into one larger lot and two smaller lots, each with a single-family house and accessory dwelling.

Slopes, wetlands, and the location of Rogers Brook are all reasons for the lots to be where they are proposed. It is thought that Lots 2 and 3 will share a driveway which will be partially part of the logging road and a stream crossing to get to Lot 2. The road agreement and design with improvements for this number of lots has already been agreed upon. Staff had recommend that the DRB do a site visit of the property. Matt asked how the board felt about that, they were for it.

Should Lot 2's building envelope be moved to prevent fragmentation of resources? This was a question posed often in the staff report. Colen shared a view of the building envelope and explained why they had put the lots where they had put them, flat land was a major factor.

Section 273 (WRO – Uses) –Driveways, stormwater infrastructure, utilities and removal of vegetation associated with said infrastructure are conditional uses in the WRO.

A small portion of the existing forestry access will be used to access Lots 2 and 3 . Otherwise, new driveways are proposed. Approximately 160 ft of the shared driveway serving Lot 2 and 3 is proposed to pass through the WRO. Approximately 380 ft of Lot 2's private driveway is proposed to pass through the WRO. Note the majority of the shared drive is located on the existing forestry road and the majority of the private drive serving Lot 2 was relocated off the forestry road in order to avoid impacts to the State's 50 ft wetland buffer.

The site plans show two alternatives for Lot 1's driveway - one with 130 ft of WRO impact and one with no WRO impact. Please see "Lot 1 Driveway Alternatives" on pages 3 and 4 of the project engineer's project narrative, dated 1.29.21, for further information.

The site plan should be updated to include and calculate the WRO impacts of the shared portion of driveway.

Colen explained that there is an existing trail that runs the property, the reasons that they've pulled the drive to where it was proposed to go was the WRO and wetlands. Colen had proposed several variations of access to allow for less fill. Melissa read the regulations. Bill thinks it would be better visualized in a site visit. Colen presented photos of the road in low areas and WRO in comparison to the access.

Francois asked if the pictures are the existing class 4 town road? That was correct.

Section 311.D (1-3) (*Basic Subdivision Design – Lot Shape*) –The DRB should discuss the shape of Lot 1. While staff understands the reasoning behind the proposed shape (keeping the private driveway on-site), the dogleg between Lots 1 and 3 should be omitted and ultimately the rear boundaries of Lots 1 and 3 should match up.

Melissa explained that it would be cleaner if the access went straight across so every lot was either a rectangle or a square vs what it is now which is Lot 2 is quite jagged. Francois wondered if Lot 3 were made smaller where the mound would system go? Colen explained it was just drawn and had not yet been finalized. He asked if there was no problem with no frontage if the right of way is followed?

Melissa further explained that the lots could be made rectangles and forego frontage. Bill asked if an easement would be required for the long driveway of Lot 2? Colen explained yes.

Section 313.C (2) (*Rural Subdivision Design – Prime Forest, Forest Management & Building Envelopes*) –The property is currently enrolled in the Current Use Program and governed by a forest management plan. The DRB should discuss reducing Lot 2's building envelope in order to preserve working lands.

Colen can't speak to that, but there is a forest management plan in place now, with a logging road and can't speak to the current amount that has been done.

Section 313.C (8) (*Rural Subdivision Design – Ridgelines & Hilltops*) – The applicant should explain whether development will be visible from existing roads or abutting properties.

Colen explained that Lot 1 would be slightly visible from the road, but it would be minimal. Lot 3 possibly would be seen from the road and potentially from areas of Chapin Kaynor's property. Lot 2 would not be visible from current set up.

Section 321.D (6) (*Site Design & Engineering Standards – Roads & Protection of Natural Resources*) – The DRB and applicant should discuss driveway construction to ensure water resources, steep slopes and highly erodible soils are avoided to the maximum extent feasible and

disturbance is the least amount necessary to allow proper construction, infrastructure, drainage, and cut and fill.

Colen noted that there is going to be more than 10,000 sq feet of impervious which is less than an acre so would be considered a major project. The intent is during construction that all erosion control measures are in place. There are provisions for water supply and wastewater systems allowed with the WRO, but not stormwater. Melissa explained that stormwater and erosion control are allowed in the WRO in conditional uses. Keeping in mind minimal impact. Matt said if there are no major objections to the conditional use that's the direction they should go

Section 321.D (7) (*Site Design & Engineering Standards – Length*) – The proposed driveway serving Lot 2 is slightly more than 1000 ft in length (approx. 1,060 ft). The DRB should discuss reducing the length of the driveway with the applicant.

Melissa explained she would bring the building envelope south so it doesn't extend as far into the woodland on the back of the property.

Section 321.D (12) (*Site Design & Engineering Standards – Emergency Vehicle Turnouts*) – Emergency vehicle turns out conforming to standard will be required for Lot 2's driveway. The DRB should discuss the location of these turns out and their impact on the WRO. WRO impacts should be minimized while ensuring adequate and safe emergency access.

Colen explained several locations where turnarounds for emergency vehicles could be placed.

Section 323.H (*Site Design & Engineering Standards – Existing Vegetation*) – In staff's opinion, there should not be any issues with visibility if natural vegetation is maintained outside of building envelope. The applicant should speak to this further to ensure this is accurate.

Bill asked if the big lot is remaining in current use? Colen confirmed that and explained that the trees in the smaller lots would be taken out of the forest management plan. Bill thinks that this 323.H might be an issue with the smaller lots depending on what remains on the Lot frontage.

Chapin Kaynor, abutting landowner, was present. He explained that Allen Rogers did manage silviculture three years ago on the property so the whole parcel has been logged recently in conformance with the forest management plan. He was confused that the road was serving six units, but the contract signed by the Selectboard was for a single-family home. Colen read the road agreement, and even though it was for the one single family lot this was always the intent, but they are only building the one house right now. When the other homes are built the agreement would need to be amended. Chapin thinks that this feels like a disingenuous reading of the agreement with the Selectboard because it was explicitly explained to be for one unit. Chapin does not think the Selectboard would have necessarily approved the agreement if it were stated what the actual intent was.

Chapin would prefer the longer driveway for Lot 1 because of the slopes and drainage. In his opinion the property is so ledge heavy and rocky that he cannot see how houses could be built with auxiliary units with all their septic discharge without major environmental impact. He's not against anything per say. On Lot 3 the septic is very close to the wetland buffer and he's concerned with that location and what would happen impact wise if it fails especially for his abutting property.

Chapin asked if gravel driveways counted as impervious surface. They do. Frank Hassler, another nearby landowner, was on the call and he and Chapin explained what happens to Rogers Brook when a beaver dam upstream is removed. The normally small river grows in size and at one point took out both the 4 foot town culvert and Chapin's culvert. The one that is there presently is 13 feet.

Matt explained to Chapin that the DRB has no jurisdiction over the wastewater, it is all state permit and he will get his chance to comment on that to the state, but the DRB cannot dictate where they go. Frank also had a great interest in where the septic systems go and are permitted because his water system is a shallow well right before the 13-foot culvert. They've gotten very used to Rogers Brook being a clean brook. He asked about an anticipated start time. Colen explained that the house on Lot 2 would be built ASAP. Frank asked if the road would be made wider than it is currently at the culvert? Standard is 12 feet across total which means only slightly wider than it is now.

Matt made a motion, Dennis 2nd. Motion passed 6-0.

CITIZENS TO BE HEARD, ANNOUNCEMENTS & OTHER BUSINESS

No citizens to be heard, announcements or other business.

REORGANIZATION

Bill nominated Francois as Clerk, Dave 2nd. Motion passed 6-0., Bill motioned Matt to remain Chair, Francois 2nd. Motion passed 6-0. Matt motioned Bill to be Vice Chair, 2nd, motion passed 6-0.

RULES OF PROCEEDURE

The board reviewed the rules of procedure. Matt commented on Page 6 near the top, #6 it says the Planning Coordinator shall take minutes of all meetings. The DRB now has a minute clerk. Bill had no edits. Melissa was going to change audio tape to recording to reflect modern technology being used. Francois suggested leaving the open meeting law language as is and addressing at later date if needed and work on the emergency order language in the meantime.

Dennis made a motion to made amotion to approve the rules of procedure policy as amended. Francois 2nd. Motion passed 6-0.

The meeting adjourned at 9:20 pm

Submitted by,

Callie Hamdy, Minute Clerk