

TOWN OF WESTFORD
DEVELOPMENTAL REVIEW BOARD MINUTES
Minutes for July 12, 2021.
Approved on July 26, 2021

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

Board Members Absent:

Also Present: Melissa Manka (Town Planner), Callie Hamdy (Minute Clerk), Kara Collier, Jennifer Simpson, Keith Simpson (Hillside Homes), Lee McClenny, Jennifer Latimer, Jenn Desautels (TCE), Jeremy Hoff, Colen Johnson (TCE)

The meeting began at 7:22 pm

DISCLOSURES

Andrew recused himself from the Final Plat Public Hearing (Upper 23 LLC) because he is an abutting property owner. Matt disclosed that a family member was doing work for one of the interested parties but felt it did not warrant a recusal.

AMENDMENTS TO THE AGENDA

There were no amendments offered.

CONTINUED: FINAL PLAT PUBLIC HEARING FOR 5 LOT, 4 UNIT PLANNED UNIT DEVELOPMENT & SUBDIVISION

Owner: Upper 23 LLC (21.85 acres) on Sanctuary Road in the Rural 3, Rural 10 & Water Resource Overlay Zoning Districts. This is a proposal to re-subdivide a deferred development lot (Lot 1B) into 4 single-family dwelling lots and a designated open space lot.

Jenn Desautels from TCE was in attendance and gave a presentation about the project. The site plan revisions since initial approval were as follows: added wastewater treatment systems and adjusted their location to allow for more usable space on each lot, moved lots away from wetlands buffers, removed previously proposed vehicle pull off on Sanctuary Road and proposed a widening of a section of Sanctuary Road to 18 feet as previously approved. They revised the theoretical density plan to comply better with density requirements, adjusted driveway locations for more usable space, added landscaping and berms to reduce off site visibility. Updated linework to make the site restrictions clearer, prepared a separate landscape plan that depicts existing and proposed vegetation, prepare color rendering depicting proposed house sites and lawn areas. Prepared cross sections of the proposed house sites from Sanctuary Road. Ensured stormwater runoff.

Jenn began by explaining the thought behind the subdivision design with all the lots small and close together. Jenn pointed out that there is nothing in the regulations that requires homes be 100% screened from view, but that the out of site PUD design is the closest to their current design. Jenn showed an updated layout depicting updated driveways, septic areas, buffers, and tree lines.

Jenn addressed that TCE is now proposing widening Sanctuary Road instead of the previously proposed turnoff as there was concerns with the ability to plow. There are several small sections that are greater than the maximum grade of 12%. Previously the Westford Fire Chief had given a note of his satisfaction of the emergency pull off in that location.

There had been a lot of concerns about seeing the units from other locations. TCE has worked with their landscape architect to beef up the proposed screening which now includes more dense trees and shrubs and a berm in front of the houses. The applicant is required to ensure the trees survive for the first two years. They are clearing the existing vegetation as narrowly as they can and the benefit of clustering the development is that the rest of the site will be preserved. TCE provided illustrations looking at the proposed development to give a visual of how it will appear both in 5-10 years and in 20-30-year time frames. They also provided a cross section of looking down Sanctuary Road looking 5-10-year progression and 20-30-year progression.

The board then went over the staff review and discussed the highlighted items. Bill Cleary and Francois Ross thought the proposed building envelopes looked good while Melissa Manka and Jenn discussed the potential wastewater easement for Lot B1 which could be reconfigured to work better and give more yard space.

Steve Willard, Fire Chief had given a spoken opinion on the fire pond and will also provide a written opinion. He advised that he thought the grade of the road was concerning, especially with potential road ice. He also noted that they had inspected the existing fire pond and it did not meet standards. It is what it is, but ultimately for the subdivision in general it should have some water source. Jenn said that the applicant would be happy to work with the existing subdivision to make a new fire pond or improve the current pond, but they did have concerns about improving the grade of the road because of the disturbance that would cause. Matt Wamsganz thinks more guidance from the Fire Chief is needed. Jesse Labrecque expressed deep concern that regardless of if we are putting in this subdivision or not, the lack of usability of the current fire pond is a major concern.

Melissa thinks that requiring replacement of trees damaged by infrastructure installation unless specific trees are called out in the plans it makes the administrative officer unable to tell what has or has not been remediated. Jenn explained that documenting every tree would be very cumbersome. The front portion on Lot 2B and some infrastructure along the Lot B1 side yard were areas of concern.

Matt Wamsganz proposed that the applicant explain why the wells need to be in the north corner of Lot B1. Jenn explained this had already been the area determined for best wastewater capacity, but she thinks the concerns could easily be addressed by the landscape architect. Matt wanted confirmation that the building envelope for B1 could not move further away from the boundary line where the wastewater is currently proposed. Jenn explained that the wastewater is in its current area so that it did not take up a lot of yard space and so it was away from natural water resources. Jesse Labrecque explained that boring would be an added cost but would allow the wastewater to be moved. Bill Cleary asked if it would be appropriate to have it as an either/or condition? Matt and Francois had no issues with the either/or option.

A revised theoretical density plan was submitted that showed 4 lots is possible but not if they were developable. The DRB will go over the calculations and determine if it works out to four or not. The only question Matt had was this parcel is in two zoning districts, but calculations were done in the regulations of one district while the acreage accounted for the entire parcel. Melissa explained the directions for subdivisions in more than one zoning district. Dave Baczewski does not see how the applicant can have a lot the size they do with a portion in the rural 10 and put them all in Rural 3. He does not see anywhere in our regulations where it says we are allowed to combine R3 and R10. In his opinion when you are pulling all that acreage from R10 into your calculation it is not as correct as TCE's interpretation of the regulations. In his opinion it would be interesting if just the R3 section was calculated what the density would be.

Colen Johnson from TCE explained that regardless of whether it is in R10 or not there are 14.2 acres in the R3 district. Dave thinks it is important to decide when things are clear cut because they will be making a precedent here as there has been a lot of discussion on the density calculation. Dave wants to make sure that they base any decisions on the correct information and for things to be as clear as possible. There cannot be ambiguity. Additionally, Dave thinks if one puts four homes in an area and should only put three that changes the character of the area and that is why it is important that we clarify the density calculations. He knows how to look at it from an R10 and R3 separately but looking at it from as an R3/ R10 is still somewhat new to him. Matt wanted to seek the opinion of the town attorney.

Matt opened the floor up for public comment. Andrew Collier was present and stated that according to the regulations, the way land is subdivided must be suitable for health, public safety and for the environment. The residents in Hillside Homes are not opposed to development, but they feel the development as is does not fit the character of the area where everything is spread out and maintains privacy between neighbors. Andrew explained that himself, Lee McClenny, and Katherine Latimer had trucks go off the road during sanding of the road in the winter. The more traffic on Sanctuary Road the more packed down and the more ice it will have, this will be dangerous. Andrew also feels that the Lot B1 does not fit the requirements of being out of site and does not maintain privacy as it is replacing dense privacy with four trees. Jennifer Simpson from Hillside Homes explained that the density issue came up in the August 2018 meeting and the application was initially requesting 3 lots as 4 were not possible. Hillside Homes feels like additional land was added to this lot to make this four-lot development possible for the applicant.

The road is currently 14 feet wide in several places, adjusting the road width would require going in and revising all the stormwater on the side of the road. This is a steeply graded road and lots of maintenance is required every year to keep it in tip top shape. Adding additional square feet of water coming off that road will result in even more yearly damage. Enough of the road gets damaged at the approved grade that residents already spend a lot of money repairing it. When one of the houses at the top of the road was rented to a large group of adults, there was an \$11,000 bill to repair that issue. Even one or two more cars and a four-lot subdivision with adults and possible children will make a lot more impact and inevitable expensive damage. The road is currently holding up to the use that is on it but just barely, so the question is going back to stormwater if they must move all the ditches and revise their stormwater

pathways how does that affect their stormwater permit and stormwater system? An emergency responder has repeatedly said that more traffic on this road would not be safe. This is a state sanctioned entity, and Jennifer believes we should not trust the opinion of somebody that does not have these credentials nor drives this road regularly in the winter. The people that live on the proposed properties will need to know that this will cost a lot of their money every single year to maintain. This is not a one-time fix.

Hillside Homes' concern was that the DRB exists to approve new development but also protect those in the town already who are paying taxes. How will property values change for those that already get taxed for those lots that previously had nobody around? Jennifer Simpson would like the current residents concerns to be taken more seriously by the DRB and applicant. Kara Collier mentioned that under the compatibility regulations the privacy is her main concern. To have a landscape architect go in and say in 5-10 years they would still be able to see 75% of the houses built is not protecting the privacy of existing landowners and it may be legal part of the landowners, but it is certainly not in the spirit of the regulations. Four-foot trees now and calling it good enough in 30 years does not satisfy her. Bill Cleary explained the board was going to get the town attorney's opinion on the privacy and density.

Jeremy Hoff, lawyer for Lee McClenny and Jennifer Latimer, had a few areas of concern, one being that TCE had completely changed their density calculation in the past couple months. The applicant has also asked for a significant number of permit conditions to address concerns, it would be helpful to get those conditions presented to the public so they can be aware of them and keeping them from the other interested parties is biased towards the applicant. The applicant tried to make a point that the regulations do not require a certain type of PUD, but they have been promoting this as an out of sight PUD for several years so that is what they should be held to. It strikes him that we are talking about all these landscaping conditions, but under this type of PUD it talks about existing vegetation, and it is not sited properly for the type of PUD their proposing. The fire safety and personal safety concerns that have been raised are enormous concerns for existing residents, new homeowners, and the town. There were opinions on record tonight that the slope of the road exceeds what the regulations require, and the applicant admits that. Additionally, expecting homeowners to wait 30 years to get the proper screening that is required in the regulations is not fair and not what the requirements are intended to do. Bill Cleary attended the original site visit on the property, this has gone on a long time, and we would all like to see it conclude but what is discussed tonight will need to be continued.

Kara Collier was disappointed in the enforcement of regulations. She has heard "who are we to tell people what to do on their own property" in these meetings previously, but her and her husband moved to Westford because of Westford's Land Use regulations. They do not want to live in a development and want to continue living the lifestyle they moved here to live. To just move along to conditional items such as the fire pond is very disappointing to hear because to her it is important it is addressed clearly for the interested parties as well as the applicant.

Lee McClenny explained that Jenn Desautels from TCE made six references to berms etc. in the landscaping plan. Those are not berms; a berm is an artificial ridgeway. What Jenn proposes is already there on the land. He does not know if the plan is to build them higher, but the land rises away from Sanctuary Road and that is exactly what they have defined as the berms in their plan. TCE explains that

previous residents will not have to look at the new development forever, but you will have to look for 20-30 years before it is shielded and that is a long time and in Lee's opinion, not right. Everybody in Hillside Homes is opposed to this project as currently conceived because it does not make sense. It is just not buildable and the developer who had this property forced on him has chosen to try and squeeze as many houses as possible on one little corner as he can. It can be mathematically possible, but it does not seem like it should be done.

Bill brought up that the town had a zoom video conference with the Chittenden County Regional Planning Commission (CCRPC) recently and that were very surprised that we still had PUD required in our regulations because they feel it creates a lot of problem, but that is more for the Planning Commission to discuss.

Jennifer Simpson asked if the applicant is ever required to attend DRB meetings to see what people have to say? The applicant was not required to be present which Jennifer thought that was disappointing. In 2018 one of the points was that the applicant was required to work with Hillside Homes on roadside maintenance amongst other items and Hillside Homes to this date has never been contacted. That is concerning that they have not met a condition made back in 2018. The applicant had submitted a legal document addressing that concern. Bill explained that a lot of times you hire an engineer and legal staff to represent you and he is fine with that.

Jenn from TCE expressed that while many abutting landowners were concerned about being shielded from the new development, they had removed a lot of trees on their properties. Lee McClenny explained that the removal of the trees from his front yard was done prior to his ownership of the property and that he had spent significant cost on landscaping to mitigate the area which is no longer bare. Kara Collier explained that they have four children who sleep on the second floor of their home, and they live on the top of the hill with sandy soil. Thus, the trees were removed within the building envelope as a safety precaution to keep them from falling near the house. Jennifer Simpson explained that every storm takes down trees in the area. To have trees growing in sand and clay in shallow dirt over ledge and to remove those so property damage does not occur seems reasonable.

Bill Cleary motioned to continue the meeting on August 9th, 2021, at the Brick Meeting House at 7:15 pm. Francois Ross seconded; motion passed 6-0.

CITIZENS TO BE HEARD, ANNOUNCEMENTS & OTHER BUSINESS

There was no other business.

MINUTES OF MAY 10, 2021

Dave motioned to approve the minutes as amended, Dennis 2nd. Motion passed 7-0.

The meeting adjourned at 10:40 pm

Submitted by,
Melissa Manka, Town Planner

Callie Hamdy, Minute Clerk