

**TOWN OF WESTFORD**  
**DEVELOPMENTAL REVIEW BOARD MINUTES**  
**Minutes for June 14, 2021.**  
**Approved on July 12, 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, Katherine Latimer, Jenn Desautels (TCE), Jeremy Hoff

The meeting began at 7:15 pm

**DISCLOSURES**

Andrew recused himself from the Final Plat Public Hearing (Upper 23 LLC) because he is an abutting property owner.

**AMENDMENTS TO THE AGENDA**

There were no amendments offered.

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

Applicant: Upper 23 LLC (approx. 21.85 acres) located 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.

The applicants submitted a request in writing for a continuance. Jenn from TCE would like to continue the hearing later after receiving some new information. TCE would prefer for the board to have the new information before proceeding.

Matt opened the floor for public comment. Jennifer Simpson, President of Hillside Homes, was present. Jennifer brought up the Private Roadway maintenance agreement for Lots 1-5. Lot 7 will not be black topped without the consent of the owners of Lots 1-5. Hillside homes had spoken with roadway experts and the plowing company will not plow the slope it is at and do not see the emergency turnaround as currently drawn as safe. As they are given legal permission to do, Hillside Homes is denying the request to put the emergency pull off in the requested location.

Hillside Homes believes it is unclear whether the proposed vegetative screening will be adequate and will meet precedent set in the development. They request that the same requirements be set for Upper 23 LLC, that a landscape architect is used to ensure the plants survive the ledge planting, grow the appropriate height, and ensure the town will step in and ensure that things are screened appropriately if this does not occur. Jenn from TCE confirmed that the landscaping will be done by a landscape architect and that information will be included in the updated plans. Melissa clarified that under the new

planning & zoning regulations that the applicants will have to ensure the trees survive for two years from installation. The town would also ensure that the landscaping continues as required. Jennifer Simpson is concerned because she knows how long it has taken to get appropriate landscaping up to where it needs to be with this building crew. Hillside Homes merely wants to ensure that things go as planned.

Francois asked for conformation that Hillside Homes has a history with the building company. Hillside Homes does not have a personal history but are aware of an abutting property owner that had to spend thousands of dollars of his own money remediating the problem when the building company would not do what was asked.

Jeremy Hoff, an attorney for abutting landowners Lee McClenny and Katherine Latimer, was present. He explained that in terms of the character of the area, the type of development that is proposed is vastly different to what has been done previously. His clients have questions about the density and open space calculations. From his perspective there are a lot of legal issues with the road expansion and roadway maintenance obligation. There is significant concern with how the road will be used and the documentation that underlines all of that. His clients were also concerned on the visual impacts and the landscaping, and they do question the extent the density of the development is making the landscape even possible to be effective.

Kara Collier explained that her house is elevated over where one of the new lots are as is Lee McClenny's and Jennifer Latimer's. She wanted to put emphasis on how tall that vegetation will have to be. There is no vegetation on the side of their property that abuts. Andrew explained the difference between the space between the existing houses and the new proposed division. The drawings barely show any vegetation being planted and it is a direct line of sight. One of the proposed driveways is also at a very steep slope. The Colliers do not see how they are ending up with four new houses in this subdivision as the density calculations do not make sense to them. Jenn from TCE explained the vegetation and landscaping will be part of the additional information they will provide in the continuance. Regarding the density calculations, that was done prior to her involvement but she will investigate that. Francois was thankful she was willing to investigate as he also questioned the calculations.

Regarding the landscaping timeline, it is up to the DRB to determine what is acceptable. The landscaping plan does state the install height and caliper and species and location. For example, Balsam Fir installed at 6-7 feet. Spruce at 7-8 feet in height. Jennifer was not impressed; a lot of those trees do not grow very quickly. Jenn Desautels confirmed that the projected max height is challenging but the landscape architect is specifying species and size of species knowing that the goal is screening. Jenn will ask her to attend the next meeting. Hillside Homes wanted to know the planting height and growing height as well as the projected screening time and height. Something put in at 6 feet tall may not screen for 10 years or longer. Current trees on lots put in recently will be around for years before they are an appropriate canopy. Jennifer thinks the intent of this kind of subdivision is to put your building lots appropriately so that what is already there screens the development not to put in small young plants that will take time to screen. Kara Collier continued that none of the houses that have built so far have had to build

vegetative buffer because of the natural buffer allowed in their development. We will be able to see these four new houses from Cambridge Road.

To Bill it is clear there are many people in the meeting against the development. He asked what everybody's concept about what is an acceptable amount of development would be to them. Kara explained that all their concerns are because they moved to Westford because they did not want to be living near a close development or being able to see neighbors. They did not anticipate that this building and the leniencies from the DRB that go against the regulations. The regulations are in place to protect residents and developments. Andrew explained that their engineer had said the lot fits one residence and now they are trying to put four in the same location.

Lee and Katherine share the concerns of the other residents. The developer himself has never been present from the get-go, even when the abutting neighbors reach out in a friendly way. He is not participating which is his right but part of the reason this hearing is legalistic in tone is because this is what it has been reduced to. They also moved up here for peace and quiet, for neighborly friendliness, not this. They have invited them to every association meeting amongst other concessions and have had zero contact whatsoever.

Additionally, everybody in the association must pay for wastewater/stormwater and they are not paying their dues. One of the developers made a statement recently that they are looking into whether they are really part of the association, so they do not have to follow the association rules. With the original subdivision there is lots of common land and open space between their smaller parcels for walking paths and public access. Their lots do not touch whatsoever, the four houses are not in the character of the development. It has come to their attention that the full septic for the lower part property does not follow the original plans with how it is laid out with how things were done. Common septic is concerning as well. Their subdivision was not put in as by the original plans and there are concerns about all aspects of this.

Jeremy Hoff explained that the out of sight PUD regulations, which is what this project is supposed to be, specify that existing vegetation should be used, not saplings put in. Andrew asked Matt if it would be fair to get back to TCE and Trudell the density calculations? Because that has been the same since the beginning. Jenn and TCE will investigate Jeremy's concerns.

Melissa pulled up the map of the density that had been provide at the preliminary sketch hearing showing four lots. Melissa would ask that the DRB take another look at this map and see if four conventional lots are even possible. Kara's concerns are that the four houses will enclose on their privacy, decrease the value of their homes and it goes against current regulations. They know that TCE is trying but they do not agree with the four lots. They hope they can come to some sort of agreement; they have been trying hard to talk to the developer and they just want to be heard.

Matt appreciates the civility of the meeting tonight; it is not an easy subject. Keith Simpson explained that it has been brought up that some things are out of regulation and if that is fact, he is failing to see how any of this project can go forward if any regulations are being broken or not adhered to. He respectfully says that should be taken into consideration by everybody present. If any regulation is

broken there is no way it should go forward in its present state. Bill explained that nothing has currently been determined to be against zoning regulations, Matt explained that digesting all the information and seeing if it meets regulations is part of their jobs. The next hearing will flesh this out more clearly.

There were no more public comments. Bill motioned to continue the meeting on July 12 at 7:15 via Zoom, Dennis 2<sup>nd</sup>. Motion passed 6-0.

#### **CITIZENS TO BE HEARD, ANNOUNCEMENTS & OTHER BUSINESS**

The Selectboard had met last Thursday and approved the Proposed Regulation updates. The Planning Commission had been planning to a larger round of amendments, but it was going to take a long time, so they decided to focus on citizen requested amendments and come back to the more tedious update. Ultimately, there are about 5 or 6 citizen requested amendments that were approved: updates to the point system, addition of regulations for campgrounds, form-based code historical replica exemptions, language regarding non-conforming use expansion for upgrades and reduction of WRO in town center to the State wetland buffer of 50 feet. Melissa will get a new set of regulation out to members.

#### **MINUTES OF MAY 10, 2021**

Bill motioned to approve the minutes as amended, Dennis 2<sup>nd</sup>. Motion passed 7-0.

The meeting adjourned at 8:35 pm

Submitted by,  
Melissa Manka, Town Planner

Callie Hamdy, Minute Clerk