

TOWN OF WESTFORD
DEVELOPMENT REVIEW BOARD MINUTES
Minutes for April 22, 2024.
Approved on ***, 2024.**

Board Members Present: Matthew Wamsganz (Chair), Dennis Angiono, Bill Cleary, Francois Ross (Vice Chair), Peter Armata, Jesse Labreque

Board Members Absent: Andrew Collier

Also Present: Harmony Cism (DRB Assistant, Zoning Administrator), Callie Hamdy (Minute Clerk), Jacques Larose, Michael Blair, Mark Letorney, Andrea Letorney, Calef Letorney, John Wagner, Joe Wagner, Donovan Ward

The meeting began at 7:20 pm

Preliminary Plat Public Hearing for 9 Lot, 8 Unit Subdivision & Planned Unit Development – Swansong Take Two, LLC Property Applicant: Lee Hendler (approx. 83.2 acres) located on Route 128 in the Rural 5, Rural 10, Water Resource Overlay, and Flood Hazard Overlay Zoning Districts. This is a proposal to subdivide the subject parcel into 8 single-unit dwelling lots and a 60.3-acre open space lot.

Jesse disclosed he has worked for Lee in the past and is recusing himself.

Jacques described the proposal and presented a visual, explaining changes that had occurred since Sketch Plan Review. The bulk of the property will remain an open space managed by the association. Matt went through the staff report.

The DRB discussed the project’s conformance with their point system. Prior to going into deliberative session Jacques mentioned they are seeking to maintain 60% of the ag land on the property. They are also looking to demonstrate the project is utilizing existing access/curb cut. VTRANS told the applicant they will only allow them to put a new curb cut where the curb cut is on the plan and will consider it a reallocated access. The applicant had also provided landscaping to address the loading door condition as it does not seem like regulations differed between garage door and commercial doors. Regarding the screening of the garage doors, Matt asked how do we prevent each house permit coming in from a different location than presented. Harmony thought this would be a condition of the decision. There were 3 houses Jacques predicted could apply to that condition.

Jacques pointed out the private road and stormwater erosion control items on the map. The existing farm road would be converted and improved to private road standards. It will impact the WRO area. Any other alternative would cut into the preservation of agricultural land. The fire truck turnaround has a small portion of grading where it would fall into the WRO. The challenge of the site is there are restrictions for the dry hydrant, they want to be as close as possible to the fire pond, and with as little elevation as possible. The water outlet for the storm pond comes into a drainage-way. They are trying to protect the slope it comes down to prevent erosion of the wetland buffer. Bill asked if the stormwater collection pond could be moved anywhere. It could, but doing so would break up the clustering of the development.

Jacques asked about section 275.8 3: A condition shall be placed in the decision about placing vegetation in the WRO is prohibited except as indicated in the DRB process. They would like to retain the exceptions that are allowed for agricultural use of lots 1-3. Harmony thought that made sense and will make note of it.

Regarding the clustering of the lots Jacques feels the new version is an improvement over sketch plan. The current plan clusters them further than sketch plan. Bill doesn't see people clamoring to found a new farm on the property. We are trying to protect agricultural soils, but there's not people fighting over agricultural land at the moment.

The applicants should address the open space and agreement for the association. Jacques had provided a draft agreement. They will be adding a section on how Lot 9 is managed as part of the development. The homeowners association is managing any common features in the development and will also manage the open space through committee. Matt asked if there was any requirements on how its maintained. There was not, the Homeowners association agreement just has to state the intent to manage the open space as ag land.

The proposal is similar to open field PUD design. Vegetation should be used to screen this from the state road. They had talked about putting a screen hedge along 128 but that conflicted with the preservation of the open space and the viewshed. Matt thought it did not need landscaping from the road because of the drop off. Harmony clarified this was mostly about screening the garages. They had planned to create several layers of landscaped screening using various trees.

Michael Blair, neighbor, was present. His only concern was the easement on the east side on the river that was put in place two owners ago. The Blair's did not know it was going to be there until it was proposed to them. The previous owner was trying to save her access to the river and told them she was going to give the land to her daughter. After it was sold to the farmer, Michael took no issue with it, but he wants to know now if he can renegotiate that and release the easement or else he will deal with 9 owners with access. Would it change anything on the DRB's end to get that done? Matt does not think it would affect anything since it is not being used for any of the calculations. Michael is worried about the liability of more people having access to this part of his property since it is not the safest area.

Francois motioned to close the public hearing for Swansong Take 2. Dennis 2nd. Motion passed 6-0.

Site Plan & Conditional Use Amendment Public Hearing – Mark J & Andrea N Letorney Revocable Trust Property. Applicant Mark & Andrea Letorney (approx. 10.1 acres) located off Route 128 in the Rural 10, Rural 5, and Water Resource Overlay Zoning Districts. This proposal to construct an accessory structure greater than 1000sf and additional parking to allow for commercial expansion.

They had adjusted the parking area. Previously it had accommodated 65 employees, but now Rovers has reduced that to 50 employees. They've relocated the parking due to concern from the Wagner's over trespassing on their property. It will be heavily screened. The parking adjustment will be sited behind the existing buildings and shielding with existing screening. John Doane, architect is still designing the building, but it will be a barn-like structure in accordance with the character of the area. There will only be one shipping and receiving bay and the building has been reduced in size. With the building proposed there will be no outside storage or sales associated in the building. A wastewater permit has been

provided from the state for the mound system, they are still waiting on community water. Project will also go through Act 250.

Matt went through the Staff Report:

DRB may want to discuss parking areas and potential growth & impacts from that potential growth. Bill thought to him it's clear there will be increased activity with more employees but he's okay with that, businesses are allowed to grow and it's a reduction of what was previously proposed.

Does spruce screening provide sufficient buffer between Rover's and other properties? Matt sees there has clearly been an effort to make changes to the screening. In the new proposal there will be no cars facing out towards the Wagner's. Matt asked if there is any berm of any sort? There was.

Conformance with Rural 5 planning development scoring system was to be done in deliberative session and a dry run had been done in the last meeting. Previously it was awarded 23-26 points floating. They had since made adjustments and Donovan highlighted those changes. There will be no outdoor storage or sales associated with this property. Calef highlighted that one truck picks up their outgoing packages so more employees does not mean more trips for shipping and receiving. Francois asked for a growth timeline for employees. There was not one, the biggest issue needed for this project was storage. There were currently 35 employees. The calculation of max employees was based on water supply and wastewater.

The board invited the Letorneys to speak on the project. Mark spoke to the Wagner's concern about the parking. After speaking with the Wagners they made adjustments to the parking screening by enhancing the tree line between the properties. Matt asked if they had a landscaping plan? There was not a specific number of trees because things were in flux, but Mark clarified it would be an evergreen of some sort, like spruce. In the berm he would push up more as well. Matt clarified that the board can only approve specifics. That could be a condition of the approval. Mark's main concern was that the Wagner's liked the proposed screening. Calef mentioned that the new building will provide significantly more screening to the neighbors than what currently exists because the building will be a sound and light barrier.

Matt opened the floor to public comment. John Wagner commented that he's super happy for the Letorneys' success. He appreciates all the changes they have made since last meeting. His big concern is the hours of operation. He heard 7am-7pm, is that something that is expanded? Rover's clarified that was not expanded from their current hours. They also had issue with the outdoor movement of some of their equipment, specifically the JCB machine which has a beeper on it. Andrea clarified it is a safety thing and they cannot disarm it. Peter Armata asked if right now they are moving stuff outside and unloading tractor trailers correct? The whole point of the new building is to have that indoors. Would this adjust the noise issue? Mark clarified they have an issue with the reverser and the trucks that come into the yard have them as well. They muffle them down as much as they can with Styrofoam but plowing in the morning and the little snowstorms have affected it in Mark's opinion. He wishes he could disconnect them, but that would put Rover's in safety violation. Harmony pointed out performance standards, sound limits and maximum permitted decibels. Matt clarified what the Wagners are asking cannot be regulation by the DRB. The board cannot control their hours of operation. Calef noted the new building will provide a further screen from all this. Overall, the Wagner's were very satisfied with the changes, but still wanted further shielding from the berm. Mark invited Joe to come and make sure

it is to his satisfaction. Joe and John thanked the Letorneys for listening to their concerns and making changes.

Francois motioned to close the site plan and conditional use hearing. Jesse seconded. Motion passed 6-0.

Citizens to Be Heard, Announcements & Other Business

Harmony mentioned that if anybody knows anybody that would be a good alternative for the DRB that would be ideal. She has also put feelers out on FPF and in the Newsletter.

Reorganization of Board & Re-adoption of Rules of Procedure

Bill nominated Matt to be the chair. Peter seconded. Motion passed 6-0.

Bill motioned Francois to be vice chair. Jesse seconded. Motion passed 6-0.

Jesse nominated peter to be the clerk. Francois seconded. Motion passed 6-0.

Jesse motioned to approve the Rules of Procedure. Dennis seconded. Motion passed 6-0. The board signed the Rules of Procedure.

Minutes

Bill motioned to accept the March 11th minutes as presented. Jesse seconded. Motion passed 4-0.

Deliberative Session

The board went into deliberative session for Swansong LLC.

The board went into deliberative session for Rover's North.

Adjourned 9:22 pm

Submitted by,
Harmony Cism, DRB Coordinator

Callie Hamdy, Minute Clerk