

**MINUTES OF THE PLANNING BOARD MEETING OF AUGUST 2, 2004
SUBJECT TO APPROVAL AT THE NEXT REGULAR MEETING**

I. CALL TO ORDER:

Meeting was called to order at 7:05 p.m., Ray Levesque, Chairman, presiding.

Members Present: Ray Levesque, Leo Felice, Christopher Desjardins, Bruce Ferreira, Jeffrey Presbrey, Mike Lupis, Jim Libby, and Jeff Presbrey.

Members Absent: Brian Lanoie

Others Present: Ron Faford, Town Council Liaison, Joseph Raymond, Building Official, Cheri Hall, Recreation Director, Tom Kravitz, Town Planner and Christine Langlois, Recording Secretary.

II. ATTENDANCE REVIEW:

The Chairman acknowledged that Mr. Lanoie was excused from the meeting.

III. ACCEPTANCE OF MINUTES:

The **minutes of the Planning Board meeting of July 12, 2004** were read. *A motion to accept the minutes as presented was made by Mr. Partington, with the correction to add Walter Kane's name as being present at the meeting. The motion received a seconded from Mr. Ferreira and carried unanimously by the Board.*

IV. CORRESPONDENCE:

- An RIDEM Notice of Insignificant Alterations to Wetlands

V. NEW BUSINESS:

Subdivision:

Nydam Estates, Spring Lake Road, Glendale; Map 129, Lot 20: *Preliminary Minor Plan Review/Recommendation to Zoning:* Attorney Wyatt Brochu, Scott Rabideau, of Natural Resource Services, Inc., Cindy Baumann, of Crossman Engineering, and Clarence & Barbara Nydam were in attendance to represent the request. Mr. Wyatt stated that the property currently contains four separate duplex units, each serviced by an individual sewer disposal system and leach fields approved by RIDEM. Each of the dwellings is also serviced by individual wells. The proposal is to subdivide the property into four parcels to correspondence to each of the duplexes, with no further changes to the structures or property. He explained that Mr. & Mrs. Nydam's goal is to promote owner-occupied ownership of each of the duplex dwellings and would create an affordable housing community in a manner that is less costly to subsequent purchases, than if the property was broken into individual condominium units. He noted that the proposal would require considerable relief from zoning; however, because there would not be any additional buildings added to the property, it would have a positive effect on the community by enhancing the "village" atmosphere in the Glendale area. He then turned the floor over to Scott Rabideau.

Mr. Rabideau told the Board that he has been involved with this project from its first inception in 1989. Providing a brief history of the property, he explained that he had been hired by RI Hospital Trust in 1989 to create properties that were not in violation of ISDS and wetlands standards. He presented an approved ISDS plan, pointing out that prior to 1989 the property contained five cesspool systems which discharged directly into the adjacent river to the rear of the property. The five cesspools handled each of the 4 bedroom duplex units as well as two two-bedroom duplex units on the opposite side of Spring Lake Road. Mr. Nydam purchased the property from RI Hospital in 1991, with the RIDEM approved septic design for the property. He noted the installation of the septic systems include the construction of a wall with an impervious liner to protect the river. He noted that RIDEM also approved the installation of four individual wells in 1992. All with the intent to create standalone units.

Mr. Rabideau then displayed for the Board an aerial photograph of the immediate area, noting that although the proposal would still be creating non-conforming lots, most of the parcels, within approximately 200 feet of the subject property, are legal, non-forming - all within the village of Glendale. He added that this proposal had been before the Planning Board in 1995 and then again in 2002. In both cases, there was a positive response from the Board. He noted that in 1995 the Board established a condition for parking on property, owned by the Nydams, on the opposite side of Spring Lake Road. Since that time, the property has been sold, and the Nydams have created paved parking areas on each on each of the four proposed lots to handle the parking needs. The Board asked whether the parking was adequate for visitors as well as tenants. Mr. Rabideau stated that there about four parking spaces for each dwelling unit. The Board questioned whether the wells were required to be 100 feet from the ISDS. Mr. Rabideau stated that a variance from the regulation had been granted by RIDEM Groundwater section. Mr. Raymond questioned RIDEM recommendation of individual systems vs. a community system. Mr. Rabideau replied that RIDEM recognized that a community system could have been installed but approved the four individual systems. Mr. Wyatt then requested testimony from Ms. Baumann.

Cindy Baumann, a registered engineer of Crossman Engineering, told the Board that Crossman had conducted the surveys and lot configurations. She explained that the property is approximately 2.29 acres with each of the four units in close proximity to Spring Lake Road. The proposal would create four non-conforming lots, ranging from .44 acres to .69 acres and frontages ranging from 74.95 to 103.09 feet. She noted that the plan would require an extensive amount of relief from Zoning, but all is due to the existing situation. She outlined the following variances: Section 11-6.1 Dimensional Regulations in regards to lot size, lot frontage, front yard setback, and side yard setback; Section 11-7.3 Lots Containing Wetlands in regards to single family house restriction, minimum buildable area of 12,000 square feet and ISDS within 200 feet of a river.

Mr. Levesque then asked if there were any questions from the Board. The Board voiced concern with a proposed leaching easement from Parcel B onto Parcel C. Mr. Wyatt

stated that there would be an easement agreement tied into this easement which would be written to specifically address any problems. This response did not appease the Board and it was suggested to realign the property line in a way that would eliminate the need for an easement. The Board expressed concern with setting precedence by approving the proposed non-conforming lots. Mr. Levesque assured the members that the Board reviews all applications on their own uniqueness and no precedence would be set if the Board chose to approve the application. The Board voiced concern with the amount of relief the applicant would have to seek in order to subdivide the property, but noted that it made good sense from the planning aspect of the proposal. Mr. Kravitz noted that a portion of the property falls within the aquifer overlay district and would require an additional variance (Section 11-8.2.4). He also informed the Board that they have the ability to set conditions, such as no fences, no decks, no additions, no garages, etc.; anything to prevent disputes.

As there were no further questions from the Board a motion to approve the Preliminary Minor Subdivision for Nydam Estates, with a revision to the property line between Parcel B & Parcel C to eliminate the proposed septic easement and to offer a favorable recommendation to the Zoning Board on this plan was made by Mr. Partington, as the Plan would be in conformance with the Comprehensive Plan and be conducive to the neighborhood; the plan would require variances from the Zoning Board as outlined by Ms. Bauman and further noted by Mr. Kravitz; the plan will not have any negative environmental impacts; the subdivision will not result in any unbuildable lots and the subdivision will have adequate and permanent physical access to a public street. The motion received a second from Mr. Ferreira and carried with seven votes in favor (Desjardins, Ferreira, Partington, Levesque, Lupis, Libby, Presbrey) and one opposed (Felice).

Land Development:

Clear River Industrial Park, Aspen & Locust Ways, Oakland: *Request for the Release of Performance Bond; Setting of Maintenance Bond:* As there was no one in attendance to represent the request, Mr. Kravitz explained to the Board that the Town had recently received the attached notice from Citizens Bank stating that the Letter of Credit for the Clear River Industrial Park subdivision would not be renewed on its anniversary date of August 16, 2004. He stated that he had contacted Scott Adler, the developer, who said that he would not need to have the Letter of Credit renewed. Several site inspections were conducted by the Public Works Department and the roadway met to the satisfaction of Mr. Bernardo, the DPW Director/Engineer. He noted that the Board had previously established a maintenance guarantee in the amount of \$17,500 as a protection for the roadway for its first year. He added that several of the lots have not been constructed on, to date, and suggested the Board require the developer to provide the Town with the maintenance guarantee as a condition of the Board's granting the release of the surety bond and begin the maintenance guarantee period as of the release of the Letter of Credit. The Board suggested that the Enforcement Officer for the Town send correspondence to the developer to cease and desist any activity in the subdivision until a maintenance guarantee is submitted to the Town. Based upon the fact that the Letter of Credit will be

expiring shortly and not all of the lots in the subdivision have been built upon, Mr. Kravitz suggested the Board require the maintenance guarantee period be for one year from today.

A motion to allow for the release of the Letter of Credit that the Town currently holds for the Clear River Industrial Park subdivision was made by Mr. Partington subject to the developer providing the Town with a Maintenance Guarantee of \$17,500 (as previously set by the Planning Board at their meeting of September 8, 2002) and receipt of correspondence from the local fire chief accepting the fire hydrants construction; with notification to the surety company in regards to the Maintenance Guarantee to further protect the Town and that the Maintenance Guarantee is good for one year from today, August 2, 2005. The motion received a second from Mr. Ferreira and carried unanimously by the Board.

Pine Ridge Village Planned Development (Age-Restricted), Steere Farm Road & Mowry Street, Harrisville; Map 176, Lots 3 & 5; Map 177, Lot 30: *Conceptual Major Plan Review:* Attorney William Connelly, Adam Gaudette, of Heritage Design Group, and applicants, Dr. Lucien Benoit & Mr. Joseph Houle, of C & L Investments, were in attendance to represent the request. Mr. Connelly explained that the proposal was for an age-restricted (55+) 72-unit planned village development off of Steere Farm Road. The property contains approximately 29 acres with 90 feet of frontage on Steere Farm Road and 50 feet of frontage on Mowry Street and is zoned R-40 with a portion of the land lying within the A-80 and A-100 Aquifer Overlay Districts. He stated that it is proposed to be a private community with an association who will be responsible for the maintenance of the private roads and utilities. The proposed units would be clustered together, consisting of 2- to 4-unit groupings, with an open space buffer, containing a trail system, surrounding the entire development. He noted that this development should have a positive fiscal impact on the Town. He then proceeded to turn the floor over to Mr. Gaudette, but first requested the Board consider allowing for a combined Master-Preliminary Plan review at the next submission.

Mr. Gaudette informed the Board that Heritage Design Group was well ahead of the requirements for conceptual review, having completed a full perimeter survey, topography and full wetlands evaluation. In establishing the property location, he stated that the property is located south of Downtown Harrisville, the next property over from the Harrisville Village proposed development that the Board reviewed last month and frontage both on Steere Farm Road and Mowry Street. He noted the property is mostly wooded, with a power company easement in the northern portion, with an abutter property that is not part of this development but retains an access easement through the property from Mowry Street. He reiterated the fact that a full wetlands evaluation had been performed by the firm of Echo Tec from Worcester, Massachusetts, and that they were beginning the process of filing with RIDEM for wetlands verification. He pointed out that the plan would require one wetlands crossing from the Mowry Street entrance.

Referring to the proposed units, Mr. Gaudette told the Board that the proposal would allow for 2-, 3- and 4-unit mixed townhouse-style buildings, in a clustered design to allow for as much open space as possible. This includes a 50-foot buffer and accompanying trail system around the perimeter. The trail system would be designed to connect with the proposed trail system in the adjacent Harrisville Village proposal and to the adjacent town-owner property. He explained that the access from Steere Farm Road would be a boulevard-type entrance, with a single-width access to Mowry Street. The plan includes several rotaries within the development in order to funnel individuals to the several clusters on the property. A clubhouse is proposed for within the center of the development. He noted that the proposal will have a full stormwater management system and exercise best management practices as far as detention (catch basins and piping). The proposal would require public sewer and public water – preliminary discussions have begun with the associated departments.

Mr. Levesque then asked if there were any questions from the Board. The Board questioned the preliminary traffic reports note that the development would be able to accommodate by the existing roadways, but the traffic engineer who had conducted the study was not registered in Rhode Island. Mr. Gaudette stated that the engineer who conducted the traffic study was very qualified and later in the review process he could provide his credentials. The Board was concerned with his statement, as there is another development in the review process. Mr. Gaudette said that when the next traffic report was completed, he would make sure that the engineer reviews the added impact of the adjacent development. The Board, noting that the roadway would be privately maintained, questioned whether it would require the services of the Town's trash pickup. Mr. Gaudette stated that the association would be responsible for weekly trash removal, noting that each of the units would have a trash receptacle area near each garage. The Board suggested the developer review the amount of buildable area as compared to the open space. The Board pointed out a serious grading problem in the vicinity of the clustered containing the clubhouse and suggested the elimination of the roadway to the north of this cluster, thus providing a buffer to the dwellings within the clubhouse cluster, thus eliminating almost 300 feet of pavement. They also suggested eliminating at least one of the rotaries, question the purpose of rotaries within this development. They pointed out that it appeared the buildings were very similar and suggested a variation in the housing design. They noted the opportunity for a "theme" based upon the type of development and suggested the creation of a "town common" in the vicinity of the clubhouse by removing or relocating several of the proposed units. They pointed out that the roadway width was incorrect and further questioned whether the proposal included sidewalks in order to make the development "walking friendly". Mr. Gaudette said that the proposal did include sidewalks and made note to correct the roadway width. The Board further suggested reducing the number of parking areas, from four per unit to two per unit and requested the access from Mowry Street be worked on, possibly creating a "T" intersection. The Board questioned the driveway easement to the abutter on Mowry Street. Mr. Benoit stated that he had recently had conversations with the owner of the abutting property, who had requested whether he should resurface his driveway. Mr. Benoit said he told the abutter to pave the driveway up the access and that they would

connect the driveway to the roadway system. Mr. Kravitz added that he believed the Board members were requesting the movement of units, to move the open space to reflect Section 11-8.9.5 (2) of the Zoning Ordinance, in trying to achieve a block and grid style to the development. He noted that the plan may require a variance from Section 11-8.9.3 (1) in regards to the proposed 4-unit structures.

The consensus of the Board was for the development to continue to the next level, with the suggestions this evening, but to not combine the Master & Preliminary Plan as it is a very large development and felt each level would be required to offer a thorough review of the proposal.

At this point, Mr. Levesque closed the regular Planning Board Meeting and opened the Public Hearing on the Town of Burrillville's Comprehensive Plan 5-year updated at 8:50 p.m.

Public Hearing on the Town's Comprehensive Plan 5-year Update: Mr. Levesque commended Mr. Kravitz on his work in preparing the changes to the Comprehensive Plan. Mr. Kravitz stated that he felt the Plan was a lot better than it was before the updating. He referenced some additional material that had been handed out to the Board in regards to Chapter V – Housing; in particular, the Affordable Housing element. As Cheri Hall was in attendance to discuss changes requested by the Recreation Commission to the Recreation, Conservation & Open Space chapter, Mr. Levesque suggested the Board receive her comments so that she didn't have to remain through the entire review.

Ms. Hall offered the comments and changes offered by the Recreation Commission for Chapter VIII – Recreation, Conservation & Open Space as well as the SCORP plan to be incorporated into the Comprehensive Plan.

As there were no further questions or changes, a motion to approve the Town of Burrillville's Comprehensive 5-year Update and to forward the approved Comprehensive 5-year Update to the Town Council with a positive recommendation for its adoption, subject to the changes requested this evening by the Recreation Director, in her review with the Recreation Commission; changes outlined by Mr. Kravitz in his staff review to the Board dated July 21, 2004; and changes outlined by Mr. Kravitz in his memo (and attachment) to RIHMFC; was made by Mr. Ferreira. The motion received a second from Mr. Lupis and carried unanimously by the Board.

The Public Hearing was closed at 9:15 p.m. and the regular Planning Board meeting was reopened.

VI. OTHER BUSINESS:

Report from Administrative Officer:

Mr. Kravitz noted that during the month of July the following Certificates of Completeness were issued: **Pine Ridge VPS, Steere Farm Road & Mowry Street, Harrisville** (Conceptual Major Land Development – 72 units); **Nydham Estates, Spring**

Lake Road, Glendale (Preliminary Minor Subdivision – 4 lots). The following plans were rejected as incomplete: **Coutu Mixed Use Project, Michael Coutu, School Street, Harrisville** (Conceptual Major Land Development – 12 units); **Union Pond Village, High Street, Harrisville** (Conceptual Major Land Development); **Oak Valley Estates RRC, Tarklin road & Douglas Pike, Nasonville** (Final Minor – 5 lots). There were no plans endorsed during the month of July.

Planning Board Discussions:

Recommendation to Town Council on Route 102 Study Committee's Review of Phase II Split-Zoned Lots along Route 102 Corridor: The Board reviewed the materials provided by Maguire Group, the engineering consultant who has been working with the Route 102 Study Committee in their efforts to address economic development along Route 102. Mr. Kravitz noted that both he and Mr. Raymond had reviewed the list of split-zoned lots provided by the Maguire Group and had made several recommendations and changes. He stated that if the Board felt comfortable with these changes, they would be forwarded to the Town Council for their review and approval.

A motion to approve the suggestions for the rezoning of split-zoned lots along the Route 102 corridor and to forward same with a favorable recommendation to the Town Council for their adoption was made by Mr. Ferreira. The motion received a second from Mr. Lupis and carried unanimously by the Board.

A motion to adjourn was then made at 9:20 p.m. by Mr. Partington. The motion received a second from Mr. Lupis and carried unanimously by the Board.