MINUTES OF THE PLANNING BOARD MEETING OF FEBRUARY 7, 2005
SUBJECT TO APPROVAL AT THE NEXT REGULAR MEETING

I. CALL TO ORDER:

Meeting was called to order at 7:02 p.m., Ray Levesque, Chairman, presiding.

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

Others Present: Ron Faford, Town Council liaison, Ray Cloutier, Zoning Board Chairman, Tom Kravitz, Town Planner and Christine Langlois, Recording Secretary.

II. ATTENDANCE REVIEW:

The Chairman noted that all of the members were present.

III. ACCEPTANCE OF MINUTES:

The **minutes of the Planning Board meeting of January 10, 2005** were read. *A motion to accept the minutes as presented was made by Mr. Ferreira. The motion received a second from Mr. Felice and carried unanimously by the Board.*

The **minutes of the Planning Board workshop of January 31, 2005** were read. *A motion to accept the minutes as presented was made by Mr. Ferreira. The motion received a second from Mr. Partington and carried unanimously by the Board.*

IV. CORRESPONDENCE:

- Common Ground Newsletter
- Comments from R.G.B.
- Planning Commissioners Journal

V. NEW BUSINESS:

Minor Subdivision:

Oak Valley Estates, Tarklin Road, Nasonville; Map 149, Lot 3: ***Request for Release of Bonding for Road Improvements; Setting of Maintenance Guarantee:*** As there was no one in attendance to represent the request, Mr. Levesque told the Board that they could release a portion of the bond amount the Town is currently holding for the development, and keep enough to cover road completion and the maintenance fee for one year. He referenced a memo received from the Director of Public Works, who after an inspection of the subject property, was advising to retain $8,000 for road completion and 5% or $1,870 as a maintenance bond. *A motion to establish a maintenance bond amount of $1,870 (or 5% of the original bond fee) for one-year period from completion of the Oak Valley Estates roadway was made by Mr. Partington and seconded by Mr. Ferreira. Upon further discussions an amendment to the motion was made by Mr. Partington to retain $8,000 of the original bond for completion of the road, as well as the $1,870 as a maintenance bond. The amendment received a second from Mr. Ferreira. The amended motion carried unanimously by the Board.*

Edmund & Annette Delmonico, Nichols Road, Nasonville; Map 183, Lot 5: ***Conceptual Minor Plan for a Rural Residential Compound; Recommendation to Zoning:*** Attorney Thomas Hefner, Marc Nyberg, of Marc Nyberg Associates, and Edmund & Annette Delmonico were in attendance to represent the request. Attorney Hefner explained that the property consists of 22.8 acres in the F-5 zoning district and the A-80 aquifer overlay district. Presently there is a single family home on the property and the applicant wishes to subdivide the property, utilizing the rural residential compound process, to create an additional lot for their son. The proposed lots would be 12.31 ac. and 10.49 ac. in size and the new lot would have 50 feet of frontage on Nichols Road, with the existing home and its lot having 306 feet of frontage on Nichols Road. He noted the applicant had made several attempts in the past to subdivide the property for this purpose but had been unsuccessful. He stated that he felt the best approach for the property, because of its strange configuration and the presence of Nichols Pond and its associated wetlands, was to apply the rural residential compound ordinance. He added that approximately half of the property (or 10 acres) would be designated as open space. He then proceeded to query Mr. Nyberg for his profession testimony as to the property's ability to handle additional development. Mr. Nyberg's response was that the property was not conducive to development beyond one additional lot.

The Chairman made note that, in his opinion, the plan being presented did not meet the criteria of a rural residential compound. He read into the record a reference from within Section 11-8.8 Rural Residential Compounds of the Zoning Ordinance that the ability to utilize the rural residential compound process was at the discretion of the Planning Board. Most of the members agreed with his opinion. Attorney Hefner disagreed with the Board, stating that he felt the property and plan did meet the intent of the rural residential compound ordinance. Mrs. Delmonico voiced her frustration with her previous attempts at developing her property. She told the Board that they were attempting to subdivide their property to provide land for their son, who currently lives with them, to build a home, and that they are currently providing daily care for her parents and would like to move them into their home. The Board advised her that not every property can be subdivided and, based upon a recommendation from the Planner offered two alternative solutions to her dilemma – investigate the feasibility of an accessory family dwelling unit, or seek relief from Section 11-7.2 Multiple Structures on one Lot of the Zoning Ordinance in regards to allow two dwelling units on one lot.

Brian Langford, Buck Hill Road, Pascoag; Map 118, Lot 2: ***Preliminary Plan Review; Recommendation to Zoning:*** Attorney Aram Jarrett, Marc Nyberg, of Marc Nyberg Associates, and Brian & Jeanne Langford, principals, were in attendance to represent the request. The Preliminary Plan before the Board represented the applicants' request to create one additional lot from their existing 106-acre lot on Buck Hill Road. The Langford's existing lot has two means of access from Buck Hill Road, the first and primary frontage, for the existing lot has approximately 505 feet; the second access has approximately 50 feet, and contains a wetlands crossing. The proposed new lot would retain this 50-foot access as frontage and contain approximately 20 acres of area. It was noted that the plan would require relief from Zoning in regards to the reduced frontage.

The Chairman also noted that the plan had received a conditional approval from RIDEM in regards to the wetlands crossing.

As there were no further questions from the Board, *a motion to granted approval of the Preliminary Minor Subdivision for Brian Langford was made by Mr. Partington, because the plan is in compliance with the Comprehensive Plan; the plan is in conformance with the Zoning Ordinance upon receiving relief from the Zoning Board; the plan will not have any negative environmental impacts as evidenced by the Consent Agreement with RIDEM; the plan will not result in the creation of unbuildable lots and all lots on this plan will have adequate and permanent physical access to a public street; conditioned upon the plan receiving Zoning Relief from the frontage requirement of the F-5 zoning district. He further moved to offer a favorable advisory to the Zoning Board on this application. Both motions were seconded by Mr. Ferreira and carried unanimously by the Board.*

Major Land Development:
Granite River Village, Callahan School Street, River Street & Chapel Street, Harrisville; Map 142, Lot 21: ***Informational Meeting/Master Plan Review; Recommendation to Zoning:*** Mr. Levesque informed the audience that this was a public informational meeting and that audience members would be allowed to ask questions upon completion of the presentation. He then turned the meeting over to the development team.

Attorney Wyatt Brochu, Michael Coutu, applicant, Ed Wojcik, Architect, Diane Soule, Landscape Architect, and David Cabral, traffic engineer, were in attendance to represent the request. Attorney Brochu began by presenting a land development plan entitled, "Master Plan Submission [for] Granite River Village, School Street, Burrillville, RI Assessor's Plat 142, Lot 21" and stated that the property was bounded by Callahan School Street, River Street and the Clear River. He noted that property contained approximately 2.9 acres, within the Village Commercial (VC) zoning district and A-100/A-120 Aquifer Overlay Districts, with access from Callahan School Street, by a private roadway, ending in a cul-de-sac. He stated that the proposal was for the construction of twelve (12) condo units, which included eight (8) single-family, two-bedroom units, and four (4) mixed used – the first floor containing the commercial use and the second floor containing the residential use. Each of the eight single-family units will have two garages, and there will be parking for the commercial units in the rear. The proposed development will be serviced by public sewer and public water. He noted that the wetlands have been delineated by Natural Resource Services and verified by RIDEM and that the entire site falls within a flood plain, requiring approval of the project from RIDEM. The surrounding area consists of single-family and multi-family dwelling units, intermixed with retail businesses. He noted, however, that the proposal would require zoning relief. He then turned the presentation over to Ed Wojcik, Architect.

Mr. Wojcik began by distributing to the Board architectural renderings of the proposed units – both residential and commercial. He explained to the Board that initially he had walked the site and discovered, being a former mill building site, that the property

contained several existing stone foundations, sort of tucked into the natural bank of the site and drafted his design based upon this element – maintain some of the existing stone – use it for some of the retaining walls and some of the building elements. Turning to his renderings, he noted that the building structures facing Callahan School Street would consist of three stories – the first being the proposed commercial use (as this property is within the Village Commercial district); the other two containing the residential use. With a potential for the "live-work" situation, possible retail businesses could be a law office or an architect's office. Access to the residential area would be through the rear of the building. The single-family units would contain a two-car garage on the first floor with the second level containing the kitchen and living room, with the two bedrooms and bath on the upper level. He noted that placement of the buildings was in an attempt to limit the density of the site. The topography and natural flow of the terrain helped in the proper placement of the proposed buildings. Each building fits into its specific site and offers its own particular view of the property – commercial use on the street side vs. bringing it into the site – and the commercial use would require a higher parking requirement. He noted that the roof pitches are sympathetic to the character of developing Burrillville and the traditional double hung windows with wide trims, transom units to give height to the structure and the stone utilized at the base representing the mill site character. He added that the main objective was to minimize the impact on the site and produce separation and privacy between units by utilizing the terrain of the site to mask this separation. He then turned the presentation over to Diane Soule, Landscape Architect.

Ms. Soule began by stating that she had incorporated recommendations made by the Planning Board at the Conceptual review into the landscape design. She outlined the following changes:

- an additional dumpster has been added to the site
- public parking in the vicinity of the river overlook has been removed and reworked the sidewalk to end at the street.

For the benefit of the audience, she reviewed the general layout of the proposal. She stated that upon entering the site, there would be two granite columns, on either side of the site, with decorated steel and iron fencing, with the name of the development, using the onsite granite to honor the site's former use. The sidewalk will parallel a stone dust pathway, which meanders down along the river, looping through the site, with a connection to Chapel Street over the millrace. In order to separate public and private space, she added that a decorated iron fencing will be installed surrounding the development. The pathway will contain a gazebo – centrally located – and provides a nice focal point to the residential units in its vicinity, sitting on the hilly area of the site. She offered a photograph of the proposed gazebo. Retaining walls, utilizing granite from the site or something similar, will be built to retain the grades. She noted that plantings would include deciduous shade and ornamental trees to supplement the existing natural evergreen buffers surrounding the property. The existing buffer line will also be maintained along the Clear River's edge. River overlooks will be provided in several

areas that contain benches for resting along the river. She then turned the presentation over to David Cabral, a traffic engineer for Edwards & Kelsey.

Mr. Cabral told the Board that the traffic study reviewed two issues – operations and safety issues. The safety dealt with whether the site had adequate site distance on Callahan School Street and the number of accidents that have occurred in this vicinity over the past three years. The study proved that there were no issues in regards to site distance and that the minimum requirements were exceeded. There were no significant number of accidents in this area that would have an impact in regards to this development. Offering a brief summary, he stated that during the a.m./p.m. peaks, there was not a lot of traffic impacting this development. Both River Street and Callahan School Street have a rating of A/B (with and without the development). Therefore the level of service would not be affected by this development. He referred the Board to Page 14, Table 7, of his report that reflects his testimony. The Board commended him on his excellent traffic report. He then turned the presentation over to Joe McCue, a wetlands biologist for Natural Resource Services.

Mr. McCue stated that the wetlands on the property had been delineated in February 2004, applied for edge verifications from RIDEM and received wetlands edge verification approval on July 13, 2004, with no changes required. This approval will be good for four (4) years from the date of the approval notification. He noted very few wetlands features on the property and outlined each wetland area:

- the Pascoag River on the eastern border of the property is greater than 10 feet wide, which requires a 200-foot riverbank wetland, an area of jurisdiction.
- The old millrace is actually a perennial river, as well, but is less than 10 feet wide and would be subject to a 100-foot riverbank wetland.
- A drainage channel exists along the frontage on Callahan School Street, which is classified as an area subject to storm flowage and does not have any jurisdictional setback requirement. DEM noted a fringe swamp associated with the river which is subject to a 50-foot wetland buffer.

He added that the project will be submitted to RIDEM under a formal application, but given the site characteristics and based upon his experience, the project should receive approval. The Board asked if the formal application has been submitted. Mr. McCue said it has not. He then turned the presentation over to Brian Thalmann, an engineer and owner of Thalmann Engineering.

Mr. Thalmann told the Board that they are currently dealing with the site specific aspects related to the design of the development and have had a cursory meeting with the Burrillville Sewer Department last week, which was attended by Mr. Kravitz, the planner. The reason for this meeting, at this point in the process, was to determine how this project would be impacted by Article 16 of the Sewer Commission's rules & regulations. Mr. Thalmann stated that based upon his experience in dealing with the Sewer Commission and their requirements for review, he felt the meeting went well and may allow for leniency in the level of submission to the Commission – such as reviewing information

relating to test pits and the various areas of relief from the Sewer Commission, as well as from RIDEM, in regard to this project. Because the property is located within two Aquifer Overlay Districts, (A-100 in the northern part of the site and A-120 to the rear), and its close proximity to public wellhead areas, and the environmental hurdles the project will have to overcome, he said that he did not believe any of the alternatives systems would be beneficial and that connection to the public sewer system was necessary. Mr. Thalmann noted that Jack Martin, Superintendent of the Sewer Department, stated that there is a nearby pump station, which this development would discharge to, which may already be operating at capacity. He added that the developer is considering working with the Sewer Department in updating the current pumping station, either by replacement or retrofitting, in exchange for favorable consideration for connection to the system. He said that he had further informed Mr. Martin that this project has a combination of commercial associated with the residential. He noted that an application has recently been submitted to RIDEM for a soil evaluation on site, as Mr. Martin would like to know what soil characteristics are available. If sewers are not available, then they would be forced to investigate ISDS, which would significantly lengthen the duration of this project.

The Board noted that this project meets several objectives of the Town, especially removing retail operations from Route 102 and placing it within the Village Commercial district. Several other suggestions were made regarding this Master Plan submission, which included:

- shift the central building to the southwest to move it away from the commercial parking area;
- consider regrading the commercial parking area more towards the proposed catch basin to reduce the amount of sheet flow across the parking area;
- reduce the number of units from 12 to 10 to help in the overall placement of the buildings, especially with the units fronting on Callahan School Street and the proposed length of that building; reducing to 10 would bring the requirement to 2 for the affordable units;
- the proposed buildings height would require a variance from Section 11-6.1 Table of Dimensional Regulations (35' maximum height) of the Town's Zoning Ordinance;
- install a oil-water separator within the discharge area of the drainage system;
- reduce the width of each unit by moving the stairway in a different location.

Mr. Levesque also included the comments from the Richard Bernardo, the DPW Director:

1. Status of PAP? *The developer has not submitted an application to date*.
2. Site lighting of parking areas should be included and coordinated with the proper utility company officials. *There has been no contact to date with the utility company*.

3. Details of the walking path construction materials and the proposed pedestrian bridge must be included as part of the next submission. *The developer acknowledged that submission requirement.*
4. Street signs, stop sign and stop bar must be provided at the access to Callahan School Street. *The developer acknowledged that requirement.*
5. A detail for bituminous berm is on both Page 7 & 8 of the plan set. *The developer acknowledged this error.*

He then asked if there were any comments from the audience.

Richard Cadorette, of Round Top Road, asked if there was a written advisory of the development's possible impact on the aquifer overlay district or the basis for the Planning Board's justification of this project. Mr. Levesque stated that the property is a former mill site and that the property has been considered by the Burrillville Redevelopment Agency for rehabilitation. Mr. Kravitz added that the Planning Board, when considering action on the property, must provide Findings of Fact for either approval or denial.

Barton St. Armand, of Maple Street, questioned whether this developer has considered means of flood control, as the adjacent river in the past has nearly overflowed its banks. Will the developer restore the millrace and what function will the millrace have? The Board pointed out that the next stage of submission includes a public hearing, at which time that question may be asked. They noted, however, that the developer would have to provide 100-year storm documentation because of the close proximity to the river. Mr. Thalmann stated that flood plain information is required as part of the wetlands edge verification process, which has also been verified. The building placement is well outside of the floor plain area. In regards to the millrace, Mr. Thalmann said that it is currently functioning and that there is no current plan to dredge the millrace.

Mr. Kravitz further asked the developer to provide a formal submission to the Harrisville Water Department to determine whether there is an adequate volume of water for this development. Mr. Kravitz offered to obtain written comments from the Burrillville Redevelopment Agency, as this is an area that has been targeted by them for rehabilitation. Finally, he requested the developer consider providing a proforma for this development citing certain end costs and substantial potential utility upgrade costs as a means to substantiate reasons for requesting zoning relief for this project. Mr. Kravitz pointed out that the variances necessary for this development are diligently outlined in Appendix C of the narrative for this project.

As there were no further questions, and as there were still many unanswered issues, *a motion to continue the review of the Master Plan submission for Granite River Village was made by Mr. Ferreira until further additional information (Sewer Department approval for connection; Harrisville Water Department review; comments from Burrillville Redevelopment Agency; correspondence from RIDOT regarding PAP application) is supplied. The motion received a second from Mr. Partington and carried unanimously by the Board.*

VI OTHER BUSINESS:

Report from Administrative Officer:

Mr. Kravitz noted that during the month of January, the following Certificates of Completeness were issued: **Granite River Village for Michael Coutu, Callahan School Street, Harrisville** (Master Major Land Development – 12 units); **Edmund & Annette Delmonico, Nichols Road, Nasonville** (Conceptual Minor RRC – 2 lots); **Nydam Estates, Spring Lake Road, Glendale** (Final Minor – 4 lots); **Woonsocket Sportsman Club, Log Road, Nasonville** (Administrative – merger of 2 lots); **Seminole Development, Oak Hill Road, Pascoag** (Administrative – merger of 2 lots); **Donna Tansey & George Guertin, Louise & Shirley Guertin, Cherry Farm Road, Harrisville** (Administrative – land swap); and **Brian Langford, Buck Hill Road, Pascoag** (Preliminary Minor – 2 lots) 2nd submission. A first submission plan for **Brian Langford, Buck Hill Road, Pascoag** (Preliminary Minor – 2 lots) was rejected as incomplete and two plans endorsed, **Nydam Estates, Spring Lake Road, Glendale** (Final Minor – 4 lots) and **Seminole Development, Oak Hill Road, Pascoag** (Administrative – merger of 2 lots).

Planning Board Discussions:

Discussion of Amendment to Zoning Ordinance Section 11-8.9.3 Types of Village Planned Developments (1) Village Land Development Project (a) delete requirement allowing limit of two units per building: Mr. Kravitz told the Board that when the VPD ordinance was drafted, there was an oversight in regards to the number of units that could be allowed per building. The Zoning Ordinance currently allows for six units per building in the R-12 zoning district, and the VPD allows only two units per building. The Board discussed amending the number to no more than 6 units per building. *A motion to modify Section 11-8.9.3 types of Planned Developments, (1) Village Land Development Project, (a) to read,* ***". . and not exceed six (6) units per building"*** *and to forward to the Town Council a recommendation for this language revision adoption, was made by Mr. Ferreira. The motion received a second from Mr. Lupis and carried unanimously by the Board.*

Reappointments: The Chairman noted that both Mr. Libby and Mr. Felice were up for reappointment. Both members stated that they wished to remain on the Planning Board. The Chairman informed them that he would forward a letter to the Town Council requesting the reappointment of both individuals to the Planning Board.

A motion to adjourn was then made at 9:07.m. by Mr. Ferreira. The motion received a second from Mr. Lupis and carried unanimously by the Board.