

**MINUTES OF THE PLANNING BOARD MEETING OF JUNE 6, 2005
SUBJECT TO APPROVAL AT THE NEXT REGULAR MEETING**

I. CALL TO ORDER:

Meeting was called to order at 7:03 p.m., Ray Levesque, Chairman, presiding.

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

Members Absent: Jim Libby

Others Present: Ray Cloutier, Zoning Board Chairman, Joe Raymond, Building Official, Tom Kravitz, Town Planner, Brandi Curtis, Planning Intern and Christine Langlois, Recording Secretary.

II. ATTENDANCE REVIEW:

The Chairman acknowledged that one member was absent.

III. ACCEPTANCE OF MINUTES:

The **minutes of the Planning Board meeting of May 2, 2005** were read. *A motion to accept the minutes as presented was made by Mr. Partington, seconded by Mr. Ferreira, and carried unanimously by the Board.*

IV. CORRESPONDENCE:

- Common Ground Newsletter
- Two RIDEM Notices of Wetlands Alterations-one approval; one denial

V. OLD BUSINESS:

Subdivision:

Wright Concepts, Inc., Colwell Road, Mapleville; Map 254, Lot 1: *Preliminary Minor Review (tabled from last month's meeting):* Noting that his attorney had not yet arrived for the meeting, Mr. Courtemanche, applicant, made a request that the Board entertain his proposal later in the meeting. *A motion to postpone discussion of Wright Concepts Preliminary Minor Subdivision Plan until the end of Old Business was made by Mr. Ferreira. The motion received a second from Mr. Partington and carried with six in favor and one against, that being Mr. Levesque.*

Pine Crest owned by Al Constantino & Domenic Pallini, Victory Highway, Nasonville; Map 114, Lot 44: *Preapplication Minor Plan Review (continued from last month's meeting):* Noting that his attorney had also not arrived yet for the meeting, Mr. Constantino, applicant, requested that the Board entertain his proposal later in the meeting. *A motion to postpone discussion of Pine Crest Preapplication Minor Subdivision plan until the end of Old Business was made by Mr. Ferreira. The motion received a second from Mr. Partington and carried with six in favor and one against, that being Mr. Levesque.*

Proposed Condo Development, DePetrillo & Gelfuszo, Mapleville Main Street, Mapleville; Map 214, Lot 29: *Conceptual Plan Review (additional concepts):* Mr. Norbert Therien, of National Land Surveyors-Developers, Inc. and Mr. Russell DePetrillo, applicant, were in attendance to represent the request. Mr. Therien began by stating that there have been several different discussions with the Planning Board in the past in reviewing several different concepts as to how this parcel could be developed in a condominium fashion. He noted the strange configuration of the property - at times rising quickly up to a high point, the result of land being portioned off to surrounding properties - and having frontage on both Gazza Road and Main Street. He stated that the Planning Board has reviewed Concepts A, B, C, D & E - each having a proposed roadway off of Gazza Road, a requirement of the DPW Director, with several buildings proposed, each with units ranging from 14 to 24. The last version reviewed by the Board, Concept E, contained three proposed buildings with four-four-five units for each building. Two buildings would be facing one another but there was a question of visibility as one building would be much lower than the second building.

Based upon comments from the Planning Board and a meeting with the Town Planner, he stated that he had prepared two additional concepts, Concept F containing two six-unit buildings, one fronting on Main Street, the other angled in the center of the property; and Concept G with three proposed buildings - two containing four units and one containing five, for a total of thirteen units. (A four-unit structure would be placed facing Main Street, with the other buildings being placed adjacent to one another.) The vast majority of the property would be left in open space for perpetuity and as a passive recreational use for the residents of this development. The roadway, having access off of Gazza Road, would be relatively short and have less runoff and contain a landscaped strip in the center where the roadway meets the two proposed structures. He noted a problem with the separation distance between the two buildings - the Town requiring 50 feet and the plan having only 18 feet. The Board was concerned with the ability to get a rescue/fire vehicle to the rear of the proposed buildings as the proposed separation figure was only 18 feet. The Board suggested removing a unit from the five-unit structure and placing it on the four-unit structure, thereby allowing more room for emergency vehicles between the buildings. Mr. Therien then asked if he was able to rework the buildings and provide space for emergency access, would this concept be acceptable to the Board. The Board agreed that Concept G was an acceptable concept. Mr. Kravitz reiterated the important of providing the Board with the development proforma (itemizing income vs. expenses) to justify the proposed number of units being requested.

Wright Concepts, Inc., Colwell Road, Mapleville; Map 254, Lot 1: *Preliminary Minor Review (tabled from last month's meeting):* Attorney Michael Kelly and John Courtemanche were in attendance to represent the request. Attorney Kelly began by stating that the property is located on Colwell Road, on the Burrillville-Glocester town line. He stated the proposal was to subdivide the 18.3-acre parcel into two lots, one 5-acre lot with 450 feet of frontage and one 13.3-acre lot, which would require a variance of 213 feet from the frontage requirement. He noted wetlands to the rear of the property

with water tables provided for the Board's review, stating that proposed Lot 2 has received approval for an ISDS system. He also noted an approval from RIDEM indicating no significant impact-no impacts if the second house is built in this area on proposed Lot 2. There will be no alterations to the wetlands so no permit would be required. He added that the applicant is seeking a Preliminary approval subject to a frontage variance. He then referenced material that had been submitted to the Board in a previous meeting that outlined instances (Planning Board & Zoning Board minutes) where the Board has looked favorably upon granting approval to similar requests based upon variances being issued. He also referenced a letter, dated June 3, 2005, that had been forwarded to the Planning Department in response to the Planner's Staff Report, dated April 14, 2005 offering rebuttal to the Planner's comments. Mr. Kelly also noted that at a previous Planning Board meeting a question arose as to ownership of the property. He offered as evidence a warranty deed, dated September 2004, transferring the property from the previous owner, John Drury, to Mr. Courtemanche. He then asked if the Board wish to hear from Mr. Courtemanche regarding the surrounding neighborhood.

Mr. Courtemanche told the Board that he had recently contacted the three closest abutting neighbors, (Drurys to the South; Jordans to the North; Bergemanns across the street) and that none of them had any objections to the proposal – offering written confirmation of no objections if necessary.

Mr. Levesque then asked for questions or comments from the Board. Mr. Presbrey voiced concerns with the layout of proposed Lot 2 and the possible elimination of access to the open field towards the rear of Lot 2 in proximity of the pond, associated wetland buffers and the proposed lot line. Mrs. Molly Harrington, of Long Entry Road, Chepachet, an abutter to this proposal, offered aerial photographs illustrating the location of the pond on the property, which reinforced Mr. Presbrey's concerns of limited access to the rear land. Mr. Courtemanche stated that the open field is not part of this property but actually an abutting neighbor on the Town of Glocester side, adding that the Burrillville town line cuts through the wooded area. Attorney Kelly added that there were no plans for the rear portion of Lot 2 other than open space conservation. Mr. Partington stated that he had a difficult time creating a substandard lot in the F-5 zoning district. He noted that he had been uncomfortable in deciding the previous similar cases that Attorney Kelly mentioned earlier in his presentation. He added that this was another uncomfortable situation, and because no other alternatives had been presented for the Board's review, he felt hard pressed to offer a favorable decision. Both Mr. Felice and Mr. Ferreira voiced the feelings of Mr. Presbrey and Mr. Partington. Mr. Ferreira asked if it was possible to move the proposed house further back on the lot. Mr. Courtemanche stated that if he moved the house back on the property, it would disturb the area and wetlands buffer and destroy the vista from the back of the property. He added that he takes pride in the houses he constructs and the way he situates the houses in taking advantage of the topography.

Mr. Levesque then asked if Mr. Kravitz had any comments of offer. Mr. Kravitz added, for the record, that Mrs. Harrington had attended the Planning Board's site walk of the property on May 12, 2005 and requested her aerial photos being submitted as evidence. He noted the presence of a home being constructed on the conforming lot, as it exists, absent of this proposal to create a substandard lot – which clearly affects the unique characteristics of the property. He also mentioned that during the site walk he noticed water within every inch of the basement perimeter of the new home, and asked how the water would be eliminated. Mr. Courtemanche stated that a French-drain system was being installed and had not been completed. Attorney Kelly added, for the record, that a Class I survey has been conducted – which is much more accurate than aerial photos. He stated that one house for 13.3 acres is more than twice the acreage requirement; this is a uniquely shaped property, with most of the acreage to the rear. He noted buildable area to the rear of the property and if the Board was inclined to review such a plan, they would certainly pursue that. Mr. Levesque questioned the flagging of the pond and verification by RIDEM. Attorney Kelly stated that RIDEM has determined that the placement of the house is outside the jurisdictional wetlands. Mr. Levesque agreed, but pointed out that Attorney Kelly had stated that this was a Class I survey and that the Board should follow the placement of the pond, yet there are no flags in the vicinity of the pond or a notice from RIDEM as to the verified flagging of the pond's edge. Attorney Kelly stated that if it was necessary, they could have the edge of the pond flagged and verified by RIDEM.

As there were no further questions, a motion to deny the Preliminary Minor Subdivision plan for Wright Concepts, Colwell Road, Nasonville as presented was made by Mr. Partington on the basis that it would create a substandard lot of record; that there were no alternative plans presented that may bring out a more favorable disposition of the land and use of the land; the density in the area does not make it so there should be substandard lots in that particular zone; in fulfillment of RIGL Section 45-23-60, the following findings are:

- the subdivision is not consistent with the *Town's Comprehensive Plan*, specifically sections:
 - **Natural & Cultural Resources – Implementation Action II.3.b.17**, “To preserve the Town's rural character, promote low-intensity land use and protect high quality surface and groundwater the F-5 zone should continue as currently mapped in the Town's zoning ordinance.”
 - **Housing & Affordable Housing Strategy – Implementation Action V.1.f.2**, “Continue to require two and five acre minimum lot requirements in outlying areas of the community, where services and amenities are not available and planned.”
 - **Land Use Chapter – Implementation Action IX.1.a.1**, “Promote low overall residential densities in those areas where public services are currently unavailable or not planned to be served.”
- the subdivision is not in compliance with the *Zoning Ordinance* as it does not meet the **Dimensional Table Requirements** as listed in **Section 11-6.1** and probably would not meet the test to obtain dimensional variances as the applicant appears to be creating his own hardship.

- there will be no significant environmental impacts.
- the subdivision would result in the creation of an unbuildable lot because it is dimensionally substandard, as proposed.
- the proposed lot does have adequate and permanent physical access to a public street.

The motion received a second from Mr. Ferreira and carried unanimously with 6 in favor and 0 opposes, Mr. Levesque recusing from the vote.

Pine Crest owned by Al Constantino & Domenic Pallini, Victory Highway, Nasonville; Map 114, Lot 44: *Preapplication Minor Plan Review (continued from last month's meeting):* Attorney Thomas Hefner, Al Constantino and Domenic Pallini, applicants, were in attendance to represent the request. Noting that at the last Planning Board meeting the Board had not looked favorably upon his client's request to rezone this parcel from General Commercial (GC) to Residential (R-40), Attorney Hefner stated that they were here this evening to request a minor subdivision of the parcel in accordance with its present zoning. He requested clarification from the Board that the property, although not fronting on Route 102, is considered part of the Route 102 Overlay District. The Board stated that it was. Attorney Hefner added that it was his clients' intention to proceed with the request to subdivide the property into five lots and to work with the Town in establishing whatever uses the Town would like to see in this area. He stated that when a buyer was attracted for each of the lots, then they would come before the Board for a review of the potential use. The Board recommended they continue with the five-lot minor subdivision.

VI. NEW BUSINESS:

Subdivision:

Sweets Farm Estates, East Avenue, Harrisville; Map 144, Lot 19: *Preliminary Minor Plan Review:* Attorney Thomas Romano, of Bush & Cavanaugh, was in attendance to represent the request. Attorney Romano explained that the engineer for the project was unable to attend this evening so he was hoping to answer any questions the Board may have. He began by explaining that the proposal was for a three-lot subdivision on a parcel of land which contains approximately 155 acres. He stated that they are seeking to create two 1-acre single-family house lots along East Avenue, within the R-40 zoning district, with the remaining land being in the F-5 zoning district. He added that the lots would meet the frontage requirements, will be serviced by public water and all state approvals (ISDS and PAP) have been received. He further added that no waivers or variances are required.

Mr. Levesque asked if there were any questions from the Board. The Board requested that the **abutters list be brought up to the current date**. They questioned the accuracy of the Impact Statement in regards to the number of occupants in each dwelling. They noted the concerns of the DPW Director/Engineer in regards to private property flooding in the area and his suggestion for "the developer [to] **consider an infiltration system for roof drains to reduce runoff impact toward adjacent properties.**" Attorney Romano

responded that he was not qualified nor prepared to address that question, and asked to defer it to their engineer. Mr. Levesque also noted an additional concern of the DPW Director/Engineer, "This area has a history of private property flooding. Overland flow is channeled to Clear River across private property owned and maintained, however it appears that no maintenance has been conducted." The Board also pointed out the following concerns:

- Notation of easement to cemetery;
- The zone line, between the F-5 and R-40 zoning districts, are in different locations, particularly on Sheet #6;
- The intersection of Whipple Road, in the vicinity of the proposed lots, is high-crested with limited sight distance; it was suggested that the driveway on Lot 2 be adjusted to allow for better sight distance;
- Mark mature trees for preservation;
- Show location of proposed water line.

As there were no further questions, and because the Board had requested additional information/clarifications this evening, *a motion to table the request for Sweets Farm Estates Preliminary Minor Subdivision to the next Planning Board meeting of July 11, 2005 by Mr. Partington. The motion received a second from Mr. Ferreira and carried unanimously by the Board.*

Boistown Estates, Knibb Road, Pascoag; Map 208, Lot 24: *Conceptual Minor Plan Review:* Mr. Louis Federici, of Louis Federici & Associates, and Mr. James Crombie, applicant, were in attendance to represent the request. Mr. Federici told the Board that the proposal was for the creation of a five-lot Rural Residential Compound, incorporating the Crombies' current homestead and RIDEM permitted tree farm. He noted the surrounding house lots range from 2- to 4-acres in size, with some larger parcels ranging from 20-acres to 100-acres. The proposal would create four new house lots, each with approximately 2+ acres, with the homestead retaining approximately 4+ acres and the remaining area maintained as open space for the tree farm. Wetlands have been flagged and are awaiting DEM approval. He added that the road was to remain gravel and contains one wetlands crossing, in the vicinity of an existing cart path. The Board questioned the length of the roadway. Mr. Federici stated approximately 1,050 feet. The Board requested that he submit a wavier request, in writing, from the maximum requirement of 1,000 feet. Concluding his presentation, Mr. Federici stated that the Crombies' preference was Concept Plan #2.

The Board questioned the applicant as to what type of tree farm was being operated. Mr. Crombie stated that the tree farm was established, and permitted by RIDEM, in 1995 and is mainly sustainable forestry – no trees are sold - and will remain in perpetuity. The intent is to clear the land and save the forest – keeping fire trails open. He said that he hoped to keep the open space for recreational walking and hiking for the residents of the RRC.

The Board stated concern with the tree farm being under a single ownership. Mr. Kravitz pointed out that in the Town's Zoning Ordinance for RRC under Section 11-8.8.6 Open Space (a), there is flexibility in regards to ownership of the open space land. Even a non-profit corporation could be set up which grants each of the owners, within the RRC, an undivided interest in the corporation, just as they would have an undivided interest in the land itself.

The Board agreed that the applicant should continue the planning process as a Rural Residential Compound under Concept Plan #2 and obtain comments from the forester as to whether Concept #2 is an appropriate lot layout with regards to the goals of the forest management plan.

Land Development:

Union Pond Village, High Street, Pascoag: Map 174, Lot 133: *Conceptual Major Plan Review:* Mr. Norbert Therien, of National Land Surveyors-Developers, Inc., and Mr. Bruce Rylah, applicant, were in attendance to represent the request. Mr. Therien began by stating that the 3.75-acre parcel of land is located south of High Street and opposite Church Street. It is a long rectangular piece which abuts the Union Pond portion of the Pascoag Reservoir, in the rear of the CVS plaza. The terrain is undulating with several wetland areas and rock outcrop areas. The parcel has frontage in two locations - approximately 100 feet on the western side and 27 feet on the eastern side. The property contains an historic cemetery in the far south end with an existing old r-o-w to it. Mr. Therien explained that the property sits within two zoning districts: Village Commercial (VC) and Residential (R-20) as well as the A-80 Aquifer Overlay district. There are existing utilities in High Street and it is proposed that the development will be serviced by public sewer and public water. Due to the unique configuration of the lot, Mr. Therien stated that the concept for potential development of this site included a single access from High Street, in an area that affords the best line of site visibility in both directions. The proposed roadway enters the site with the first structure, which is a series of eight two-bedroom units, approximately 250 feet in on the site, continuing another 200 feet to a second building and then another 200 feet to a final structure. A cul-de-sac would be created, approximately 3/4's of the way in, acting as a turnaround, and the access to the historic cemetery would be extended off of the cul-de-sac. He noted the proposed structures were sited on the property so to avoid any alterations to the existing wetlands. These wetlands have been properly flagged by Natural Resources Services and submitted to RIDEM for verification. A common walkway is proposed from the rearmost portion of the property out to the current sidewalk along High Street. He pointed out that under the existing zoning, the proposal exceeds the allowable number of units and it is hoped that upon receipt of documentation from the applicant indicating the proposed use and creation of affordable housing units meets the objectives of the Comprehensive Plan for this portion of town.

The Board questioned how Mr. Therien had arrived at the number of units for the proposal. Mr. Therien stated that based upon filling in several areas and profiling the roadway, and based upon the fact that the plan has been drawn to scale – done on site –

locating the various site characteristics, the number of units does fit on the site. This plan affords availability of Downtown Pascoag to the residents of the development for pedestrian traffic. He suggested a second site walk for the Board to visualize the development by pointing out specific physical features. The Board voiced concern with current congestion issues in the immediate vicinity of the proposed entrance. Mr. Therien stated that if the Board recommended proceeding with the current proposal, traffic engineers would be hired to address this concern. Mr. Therien asked the Board members if there were any plans being considered for along the water's edge of this property, such as an extension of the Downtown Pascoag Riverwalk. Mr. Kravitz stated that there was certainly an opportunity for its extension in this area, noting that the Riverwalk is in various planning stages and would require comments from the Recreation Department as to its public use. He added that an extension of the Riverwalk could serve as the project's open space exaction. The Board noted that they liked the project's location in proximity to the downtown area. They discussed the number of units the site could sustain. Mr. Kravitz noted that the legally permissible number of units for this lot is two, or two lots, because of the Aquifer Overlay Zone. He added that by extracting from various chapters of the Comprehensive Plan (Land Use Chapter, Housing) a compromise of a variance and default to the R-20 zoning district (the underlying district). Based upon that scenario and the square footage of the property, eight units would be allowed. Anything above and beyond eight units, legal precedence is being created. If perhaps ten units are proposed, then two of the ten units have to be affordable, complying with the affordable housing strategy and have justification. The Board directed the Chairman to meet with the Planner and to arrive at a legal number of units, and to forward a letter to the developer advising him of the number of units to pursue.

VII. OTHER BUSINESS:

Report from Administrative Officer:

Mr. Kravitz noted that during the month of May the following Certificates of Completeness were issued: **Mapleville Village, Proposed Condo Development, Mapleville Main Street, Mapleville** (additional concepts for Major Land Development); **Sweets Farm Estates, East Avenue, Harrisville** (Preliminary Minor – 3 lots); **Union Pond Village, High Street, Pascoag** (Conceptual Major Land Development); **James & Emily King, Black Starr Road, Mapleville** (Administrative – 2 lots); **Donna Tansey & George Guertin, Life Estate of Louis & Shirley Guertin, Cherry Farm Road, Harrisville** (Administrative – 2 lots); **Town of Burrillville/Asiago Foods, Commerce Park, Daniele Drive & Route 102, Mapleville** (Final Minor Subdivision/Land Development – five lots); **Northwest Community Nursing & Town of Burrillville, Pascoag Main Street, Pascoag** (Administrative – two lots); and **Boistown Estates Knibb Road, Pascoag** (Conceptual Minor RRC – five lots). The following plan were rejected as incomplete: **Edmund & Annette Delmonico, Nichols Road, Nasonville** (Preliminary Minor RRC – 2 lots); **Wolf Hill Lots for Michael & Joyce Scurka, Knibb Road, Pascoag** (Conceptual Minor RRC – 4 lots); and **Narragansett Improvement Co., on Gazza Road, Mapleville** (Preliminary Minor – four lots). The following plans were endorsed: **James & Emily King, Black Starr Road, Mapleville** (Administrative – 2 lots); **Donna Tansey & George Guertin, Life Estates of Louis & Shirley Guertin,**

Cherry Farm Road, Harrisville (Administrative – 2 lots); **Town of Burrillville/Asiago Foods, Commerce Park, Daniele Drive & Route 102, Mapleville** (Final Minor Subdivision/Land Development – 5 lots); and **Northwest Community Nursing & Town of Burrillville, Pascoag Main Street, Pascoag** (Administrative – 2 lots).

Planning Board Discussions:

Discussion/Recommendation to Town Council on Adoption of Section 11-8.11 Historic District Zoning: Mr. Kravitz explained that the Historic District Commission has drafted and put forth this ordinance to the Board, for recommendation to the Town Council, noting that the ordinance has been patented off of State Law. He pointed out that on Page 3, under Section 5 – Historic District Commission, Subsection C – Organization of the Commission, (2) The Commission shall: - (b), 1. . . . “alternative materials and procedures may be considered by the HDC on a case by case basis.” and noted that the HDC has made the decision to allow individuals within historic districts to utilize composite materials that look like wood or true materials, but are not the original materials. In discussions with the State’s Historic Preservation & Heritage Commission, it was mentioned that unless individuals within these districts use original materials, they are not eligible for the State’s 20% homeowner tax credit. The HDC will be upfront with applicants about this issue, but wishes/wants to allow applicants some latitude with the types of materials that can be used when rehabilitating their structures. He added that, by default, they have chosen to follow the National Historic Districts. Several members of the Board were uncomfortable with regulating properties within an historic district. *A motion to approve and forward a favorable recommendation to the Town Council on the adoption of Section 11-8.11 Historic District Zoning within the Town of Burrillville Zoning Ordinance was made by Mr. Levesque. The motion was seconded by Mr. Partington and carried with five members in favor and two opposed, those being Mr. Ferreira, as he felt this type of ordinance placed financial hardship on the property owners; and Mr. Presbrey, as he felt it serves as a hindrance to property owners who are trying to improve their property.*

A motion to adjourn was then made at 9:28 p.m. by Mr. Lupis. The motion received a second from Mr. Ferreira and carried unanimously by the Board.