

**MINUTES OF THE PLANNING BOARD MEETING OF DECEMBER 5, 2005
SUBJECT TO APPROVAL AT THE NEXT REGULAR MEETING**

I. CALL TO ORDER:

Meeting was called to order at 7:00 p.m., Ray Levesque, Chairman, presiding.

Members Present: Ray Levesque, Leo Felice, Rick Lemek, Jeffrey Partington, Christopher Desjardins, and Jeff Presbrey.

Members Absent: Bruce Ferreira, Mike Lupis, and Jim Libby.

Others Present: Tom Kravitz, Town Planner, and Christine Langlois, Recording Secretary.

II. ATTENDANCE REVIEW:

The Chairman acknowledged that three members were absent.

III. ACCEPTANCE OF MINUTES:

The **minutes of the Planning Board meeting of November 7, 2005** were read. *A motion to accept the minutes as presented was made by Mr. Partington, seconded by Mr. Presbrey, and carried unanimously by the Board.*

IV. CORRESPONDENCE:

- Three Notices of Insignificant Alterations to Wetlands from RIDEM

V. NEW BUSINESS:

Minor Subdivision:

Oak Valley Estates, Tarklin Road, Nasonville; Map 149, Lot 3: *Request for Bond Reduction for Road Improvements:* The Chairman made note of a letter from the developer requesting the release of the bond covering road improvements. He also noted a correspondence from the DPW Director noting a final inspection of the improvements, as well as a copy of the Planning Board minutes of February 7, 2005 when the Board voted to retain approximately \$1,870 (or 5% of the original bond amount) to act as a maintenance bond – to be in effect for one year from the road completion. The Board noted that the DPW Director stated that all outstanding construction issues (from a field meeting of October 6, 2005) had been addressed. *A motion to reduce the bond amount by \$8,000 to \$1,870 to be held as a maintenance bond for a one year period to November 9, 2006 was then made by Mr. Partington. The motion received a second from Mr. Presbrey and carried unanimously by the Board.*

Edmund & Annette Delmonico, Nichols Road, Nasonville; Map 183, Lot 15: *Preliminary Minor Rural Residential Compound Plan Review/Public Hearing:* Attorney Thomas Hefner, and Mrs. Annette Delmonico, were in attendance to represent the request. He presented three plans to the Board, labeled as Plan A, Plan B and Plan C. He stated that both Plan A (the original concept of two-lots with no improvements to the

present 50-foot access) and Plan B (similar to Concept Plan A with a 20-foot roadway proposal) had been previously reviewed by the Board, and that based upon the Board's request for open space as a lot by itself, Plan C was created. He noted that Plan C proposes to eliminate the present access from Nichols Road to the Delmonico residence and give the Delmonico residence access from the proposed new roadway. The roadway, comprising of approximately 4/10's of an acre, would service all three lots. Lot 1 would contain 4.2 acres, the second proposed lot would contain 4.02 acres and the open space lot would have 14.17 acres, which is the required 50% of the rural residential compound. He stated that the property is within the F-5 and A-80 aquifer overlay districts. He further added that the Delmonicos had not been able to view the plan before tonight's meeting and that there may be changes to the open space lot. He also noted that at the last meeting before the Planning Board his clients had discussed the roadway width with the Building Official and that he felt a reduction in the roadway width to 12 feet would not be a problem. He added that his clients felt, with the excessive length of the roadway, maintaining a 20-foot width for the entire roadway would be costly and not necessary. The Board pointed out that currently there is a father-son situation with the property – the future may hold a different scenario. The regulations for rural residential compounds require 20-foot roadways to allow for access for emergency vehicles.

For the record, Mr. Levesque read the memo from the DPW Director in regards to the roadway construction. A copy of the memo was provided to Mr. Hefner. The Board questioned the location of the three utility poles currently located on the property and asked if the Delmonicos' would be requesting a waiver from the underground utility requirement. Mr. Hefner said that they would be requesting a waiver. The Board did add that if the Delmonicos decided they did not like the plan and would be making a change, the Board would have to view the changes before a decision could be rendered.

As there were no further questions from the Board, the regular meeting was closed at 7:23 p.m. and the Public Hearing was opened at 7:24 p.m. Mr. Levesque asked if there were any questions from the audience.

Mrs. Annette Delmonico requested a reduction in the roadway width from the required 20 feet to 12 feet, making comparisons to several neighboring properties. The Board informed her that the 20-foot width is a requirement of the rural residential compound to allow for emergency vehicle access and that the proposal is not for a driveway, but a private roadway, and the roadway must conform to Town standards.

Mr. Bernard Nordin, of 85 Nichols Road, stated that he felt the plan would not affect the rural character of the area and that he was in favor of the Delmonicos' request.

David Delmonico asked if a waiver could be granted to reduce the roadway width to the smallest amount possible, possibly 16 feet. The Board reiterated that the roadway width for a rural residential compound is 20 feet.

As there were no further questions or comments, the Public Hearing was closed at 7:28 p.m. and the regular meeting resumed at 7:29 p.m.

Mr. Kravitz outlined the items that would be required for submission should the Board grant a conditional approval of the plan:

- a plan and profile of the proposed roadway;
- a soil erosion & sediment control plan outlining pre and post topography (as requested by the DPW Director). If such plan is provided, the DPW will have no problem with a waiver from the drainage plans submission.
- a cistern installed, in the vicinity of the proposed cul-de-sac, for fire protection (as requested by the Nasonville Fire Department Inspector) with an associated easement for filling purposes;
- a written waiver request from providing a licensed landscape drawing;
- a bond in the amount of \$23,000 if submitting a final application; the applicant may choose to construct the roadway prior to submitting a final plan without having to provide a bond; Applicant will, however, be responsible to provide a construction schedule in either case.
- inspection fees for road construction in the amount of \$460.

The Board asked whether the Delmonicos wished to make a change to the plan, as previously stated by their attorney, and noted that any changes would require review by the Planning Board at an additional meeting. Mr. Hefner stated that his clients would not be making any changes to Plan C before the Board.

At this point, a motion to approve the preliminary minor rural residential compound subdivision plan for Edmund & Annette Delmonico, as presented, with the submission of the previously mentioned items by the Planner, was made by Mr. Partington because the subdivision is in consistent with the Comprehensive Plan, specifically Chapter V, Goal V.2 – to promote a safe, sanitary and well constructed housing through new construction and renovation of existing structures; the subdivision as amended during this Preliminary Plan review stage is consistent with the Zoning Ordinance, Section 30-208 Rural Residential Compounds; there will be no negative environmental impacts as of this level of review; the subdivision will not result in the creation of unbuildable lots; and the subdivision has adequate and permanent physical access to Nichols Road, which is a public street. The motion received a second from Mr. Felice and carried unanimously by the Board.

Major Subdivision:

Oakland Village, Adler Bros. Development LLC, Oakland School Street & Victory Highway, Oakland; Map 179, Lot 56: Request for Extension of Master Plan approval: Attorney Thomas Hefner was in attendance to represent the request. Mr. Hefner briefly explained that the Master Plan approval was granted by the Board last

October 2004, based upon the development having public sewer & water, and conditioned upon approvals from the Zoning Board and the Town Council rezoning of the property. He stated that the applicant had not approached the Town Council for a rezoning because the Town was already in the process of reviewing this area, along Route 102, for possible rezoning. He noted that the Town did, in fact, rezone the property; however, recent changes to the Sewer Commission's regulations now require absolute proof that a parcel cannot support ISDS before sewer connections would be considered (Article XVI of the Town of Burrillville Sewer Commission Regulations). Based upon these new regulations and the Subdivision Regulations Section 10-9.5 Utilities Sub-section A. Sanitary Sewers, which require sanitary sewers "that are contiguous to older villages areas. .", Mr. Hefner stated that his client was in a "Catch-22" situation and first of all, would like to request an extension of the Master Plan approval; and two, request guidance from the Board as to how to proceed in regards to whether the development would be required to have public sewer, as the Board's approval was based upon the availability of public sewers; or whether the applicant should investigate the feasibility of individual ISDS systems for the proposed development. He added that it was his argument that the Planning Board had granted approval of the plan, based on public sewer availability, prior to any regulation changes by the Sewer Commission, and was, therefore, grandfathered.

Mr. Kravitz told the Board that the Board is able to support sewer connection within the VPD areas because of the density in such areas. This development, however, is not within a VPD area and each proposed lot is approximately 20,000 square/feet. Not knowing whether a 20,000 square/foot lot can support an ISDS system, but having the ability to connect to public water, eliminates any well setback requirements in regards to ISDS. However, he noted the fact that there appears to be a conflict with the Planning Board's Subdivision & Land Development Regulations and the Sewer Commission's revised regulations in regards to sewerage. He pointed out that the Planning Board has the ability to grant waivers from the regulations. He asked the Board if they had a preference to public sewer or ISDS and that if the developer conducted the exercise and could support ISDS, would the Board be willing to grant a waiver from providing public sewers. The Board stated that it was a possibility. Mr. Kravitz then asked Mr. Hefner if the Sewer Commission had, in fact, adopted these new regulations after the Master Plan approval was granted. Mr. Hefner said he was unsure, but was told that it was fairly recent.

As there were no further questions or comments, a motion to grant a one-year extension of the Master Plan approval of the Oakland Village Land Subdivision/Land Development Plan from October 2004 was made by Mr. Partington. The motion received a second from Mr. Presbrey and carried unanimously by the Board.

VII. OTHER BUSINESS:

Report from Administrative Officer:

Mr. Kravitz noted that during the month of November the following Certificates of Completeness were issued: **Edmund & Annette Delmonico, Nichols Road, Nasonville** (Preliminary Minor RRC – three lots); **Highland Estates, Snake Hill Road, Glendale** (Preliminary Minor RRC – four lots); **Boistown Estates, Knibb Road, Pascoag** (Preliminary Minor RRC – four lots); **Seminole Development, Oak Hill Road, Pascoag** (Administrative – boundary marker correction); and **Eugene Rochefort/Benoit Dube, Wallum Lake Road & South Shore Road, Pascoag** (Administrative – two lots). There were no plans rejected as incomplete. The following plans were endorsed: **Seminole Development, Oak Hill Road, Pascoag** (Administrative – boundary market corrections) and **Eugene Rochefort/Benoit Dube, Wallum Lake Road, Pascoag** (Administrative – two lots).

Planning Board Discussions:

Discussion of Possible Rezoning of Lots Surrounding the Town's Waterbodies: Mr. Kravitz told the Board that the time has come for the Board to review the large lots that surrounding the Town's waterbodies in order to consider a down-zoning to provide protection for this waterbodies. He noted that is was specifically outlined in the Town's Comprehensive Plan as an Implementation Action. Basically, the changes that are proposed would be:

- Rezone several lots along East Wallum Lake Road that abut Wilson's Reservoir, referred to as "Area I" from R-20 to F-2 and R-20/R-40 to F5;
- Rezone several lots along Camp Dixie Road and Courthouse Lane that abut the Pascoag Reservoir referred to as "Area II" from R-20 to F-2;
- Rezone several lots along Black Hut Road that abut Spring Lake referred to as "Area III" from R-20 to F-2/F-5.

He stated that when the zoning was originally established, it was setup to reflect existing conditions. If all of these small "camps" are converted to year-round homes, the impacts on the waterbodies would be great – not to mentioned an increase in traffic around these areas. The large vacant lots that have been highlighted for rezoning consideration would bring the zoning more in to conformance with the Comprehensive Plan, which directs the Town to provide protection of the waterbodies areas. He added that it may be contentious with the landowners and are not singling out any particular parcels – it is Town-wide effort to protect the waterbodies. If the Board chooses to endorse this rezoning, it would be forwarded to the Town Council for their considerations.

The Board expressed concern that some of the parcels are already built out and non-conforming. Why would the zoning need to be changed? Would the Board be making a non-conforming lot more non-conforming? Mr. Kravitz stated that in the future things might be different and an attempt could be made to further subdivide these lots. A rezoning would protect the lots from never being subdivided according to the higher density. To appease the Board of their concerns, he suggested talking to the Town

Solicitor to get his intake on the rezoning. He also told the Board that he could check with the Solicitor to see if the Board is considering a rezoning and a plan is submitted for review, would the Board be able to advise the developer that the lot is being considered for rezoning as protection to the adjacent water body?

The Board then went into a discussion in regards to detention/retention ponds and questioned whether the Town has an active maintenance schedule for pond cleaning. They instructed Mr. Kravitz to check with the DPW Director to see what type of schedule has been set for cleaning maintenance to all detention ponds under the Town's jurisdiction.

Mr. Levesque then introduced and welcomed the newest member of the Planning Board, Rick Lemek.

As there was no further business to discuss, a motion to adjourn was then made at 8:11 p.m. by Mr. Presbrey. The motion received a second from Mr. Desjardins and carried unanimously by the Board.