

**MINUTES OF THE PLANNING BOARD MEETING OF MARCH 6, 2006
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, Bruce Ferreira, Leo Felice, Rick Lemek, Jeffrey Partington, Michael Lupis, Jim Libby, Christopher Desjardins, and Jeff Presbrey.

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

II. ATTENDANCE REVIEW:

The Chairman acknowledged that all members were present this evening.

III. ACCEPTANCE OF MINUTES:

The **minutes of the Planning Board meeting of February 6, 2006** were read. *A motion to accept the minutes as presented was made by Mr. Ferreira, seconded by Mr. Felice. Mr. Presbrey requested a correction on Page 4, 1st paragraph, to read "a six-foot diameter". The revised motion carried unanimously by the Board.*

IV. CORRESPONDENCE:

- Report from the Conservation District of South Rhode Island
- Booklet from the Seedling Program
- Notice of Town Council Workshop on adopting Conservation Development Language into the Comprehensive Plan and Zoning Ordinance for March 8, 2006

At this point, Mr. Presbrey recused from discussions of the next item.

V. NEW BUSINESS:

Minor Subdivision:

Richard Fontenault, Wallum Lake Road, Pascoag; Map 155, Lot 32 & 33: Preliminary Minor/Recommendation to Zoning Board: Mr. Norbert Therien, of National Surveyors-Developers, Inc., and Mr. Richard Fontenault were in attendance to represent the request. Mr. Therien presented a plan to the Board entitled, "Minor Subdivision for Richard Fontenault, 515 Wallum Lake Road, Burrillville, RI; AP 155, Lot 33, dated December 2005." He explained that the property lies on the corner of Wallum Lake Road and Crystal Terrace, directly fronting on Wilson's Reservoir, within the R-20 Zoning District and the A-80/A-100 Aquifer Overlay Districts and contains approximately 3.11 acres. He told the Board that Mr. Fontenault's property originally consisted of two parcels – Map 155, Lots 32 & 33 – which had been merged by the Town, and that Mr. Fontenault was looking to re-subdivide the property into two lots again, with a different configuration, as the original Lot 32 fronted on Crystal Terrace (a private roadway). The proposal would provide for the recreation of the second lot, as proposed Lot A, of approximately 1.15 acres and 125 feet of frontage on Wallum Lake

Road; and proposed Lot B, containing Mr. Fontenault's current home, having approximately 1.95 acres and 239 feet of frontage, also on Wallum Lake Road. He added that the property could be subdivided and meet the requirements of the R-20 Zoning District; however, it could not meet the requirements of the A-80/A-100 Aquifer Overlay Districts and would require variances from the Zoning Board. He noted that there is no public sewer or public water within the area, so the new lot would require an ISDS system with a private well, pointing out that several soil evaluations were conducted and found acceptable by RIDEM. The type of system would have to be an advanced treatment system in order to provide protection for the reservoir. He pointed out that many of the lots within the area do not conform to the Aquifer Overlay District. He then turned the meeting over to the applicant, Mr. Fontenault.

Mr. Fontenault told the Board that he was surprised when he found out the lots were merged, and that the previous owners had always thought the separate lot could be built upon. He noted that many of the lots along Crystal Terrace are small lots that don't conform to zoning and that he was trying to create a lot which was larger than the surrounding lots.

The Planning Board was concerned with being asked to approve a subdivision plan that would be creating a substandard lot. They noted that many of the undersize lots the applicant previously referenced are currently undeveloped. *A motion to deny the Minor Subdivision for Richard Fontenault was then made by Mr. Ferreira because the subdivision is not consistent with the Town's Comprehensive Plan, specifically, Implementation Action V.1.f.2 of the Housing & Affordable Housing Strategy and Implementation Action IX.1.a.1 of the Land Use Chapter; the subdivision is not in compliance with the Zoning Ordinance, particularly the Dimensional Table of Section 30-202 Aquifer Zoning; although there will be no significant negative environmental impacts, the subdivision would result in the creation of a substandard lot according to the Zoning Ordinance Section 30-202, which cannot be supported; the proposed lot, however, would have adequate and permanent physical access to a public street. The motion received a second from Mr. Libby and carried with seven in favor of the denial and one in opposition, Mr. Desjardins. (His reasons being that surrounding parcels are smaller in size than the proposed lot; applicant should have been made aware when merger was occurring.) The motion carried.*

Mr. Presbrey returned to the meeting.

Edmund & Annette Delmonico, Nichols Road, Nasonville; Map 185, Lot 15: Submission of Information Required as Conditions of Preliminary Minor RRC Plan Approval: Mr. Levesque read into the record correspondence received from Attorney Thomas Hefner, the Delmonico's lawyer, requesting a continuance to next month's Planning Board meeting. *A motion to continue the submission of information required as conditions of the Preliminary Minor RRC plan approval for Edmund & Annette Delmonico to the April Planning Board meeting was made by Mr. Partington, seconded by Mr. Felice and carried unanimously by the Board.*

Sheila Williams, Mowry Road, Nasonville; Map 166, Lot 11: Preliminary Minor: As there was no one in attendance to represent the request, Mr. Levesque informed the Board that he had requested additional information today from North Smithfield as to their zoning requirements in regards this plan. Noting that the plan would use the town boundary line as a property line, he said that he was concern with creating a non-conforming lot on the North Smithfield side. In response to his inquiry, he referenced a copy of a correspondence from the North Smithfield Building Official to the North Smithfield Planner stating that he considers Map 10, Lot 6, a legal non-conforming lot.

As it appears that the North Smithfield officials (Building & Planning) do not have a problem with this plan, *a motion to approve the Preliminary Minor subdivision plan for Sheila Williams, on Mowry Road in Nasonville, and to waive any interests in Map 10, Lot 6 located in the Town of North Smithfield given that it is a pre-existing, non-conforming lot already, was made by Mr. Partington, with no further building on the Burrillville side. The motion received a second from Mr. Ferreira and carried unanimously by the Board.*

Land Development:

Union Pond Village, Sheffield Builders LLC, High Street, Pascoag; Map 174, Lot 133: Continued Review of Conceptual Major Review: Mr. Norbert Therien, of National Surveyors-Developers, Inc., and Mr. Bruce Rylah were in attendance to represent the request. Mr. Therien told the Board that originally when the plan was prepared, it reflected 18 units. Based upon the last meeting before the Board, it was suggested the density be reduced to 10 units and the pedestrian walkway be realigned to link it with the High Street and potential access to a small peninsula area on the waterfront. The plan before the Board this evening reflects the changes: sidewalk eliminated along the main driveway access; two buildings maneuvered to take advantage of the water view as well as to isolate from the roadway; pedestrian access proposed from High Street along the eastern portion of the property to Union Pond. He noted that Mr. Rylah has had several discussions with the Sewer Commission, on a preliminary basis, in regards to the procedure for determining the capability of on-site septic systems, although the plan is for connection to public sewer. He hoped for the Board's endorsement of the plan, at 10 units, and asked if they had any additional concerns. The Board, noting the proposed sewer line appeared to cross the property, suggested investigating placing the sewer line access from the proposed driveway. They also suggested reviewing the parking scheme and garages to see if something more creative could be developed. They reminded Mr. Rylah that two of the units must be affordable, and told him to proceed to the next level. Mr. Kravitz noted that the plan must show the path and fence type as part of the RIDEM submission.

VII. OTHER BUSINESS:

Report from Administrative Officer:

Mr. Kravitz noted that during the month of February, Certificates of Completeness were issued for: **Leo C. & Anne Felice and John W. & Helen D. Young, Jr., Eagle Peak**

Road, Pascoag (Administrative – two lots); **Richard Fontenault, Wallum Lake Road, Pascoag** (Preliminary Minor – two lots); **Richard Fox & Ralph Hopkins, Jr., Granite Street & Chapel Street, Harrisville** (Administrative – two lots); **Town of Burrillville, Stillwater Clock Tower Project, Harrisville Main Street, Harrisville** (Administrative – two lots); **Edmund & Annette Delmonico, Nichols Road, Nasonville** (Preliminary Minor RRC – Submission of Materials required as conditions of approval on December 5, 2005); **Sheila Williams, Mowry Road, Nasonville** (Preliminary Minor – two lots); and **Union Pond Village, Sheffield Builders, LLC, High Street, Pascoag** (Conceptual Major Land Development – ten units).. There were no plans rejected as incomplete. The Administrative Officer endorsed the **Richard Fox & Ralph Hopkins, Jr., Granite Street & Chapel Street, Harrisville** (Administrative – two lots) plan.

Planning Board Discussions: Mr. Levesque reminded the members of the Town Council workshop on Wednesday, March 8, 2006, to discuss conservation development.

At this time, a motion to adjourn was then made at 7:50 p.m. by Mr. Ferreira. The motion received a second from Mr. Lupis and carried unanimously by the Board.