

**MINUTES OF THE PLANNING BOARD MEETING OF JUNE 5, 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, Leo Felice, Jeffrey Partington, Michael Lupis, Jim Libby, Christopher Desjardins and Jeff Presbrey.

Members Absent: Bruce Ferreira and Rick Lemek.

Others Present: Ray Cloutier, Zoning Board Chairman, Joseph Raymond, Building Official, Tom Kravitz, Town Planner, and Christine Langlois, Recording Secretary.

II. ATTENDANCE REVIEW:

The Chairman acknowledged that two members were absent and excused from the meeting.

III. ACCEPTANCE OF MINUTES:

The **minutes of the Planning Board meeting of May 1, 2006** were read. *A motion to accept the minutes as presented was made by Mr. Presbrey, seconded by Mr. Desjardins and carried unanimously by the Board.*

IV. CORRESPONDENCE:

- Three Notices of Insignificant Alterations to Wetlands from RIDEM
- Planning Commissioner's Journal
- Common Ground Newsletter

V. OLD BUSINESS:

Minor Subdivision:

Edmund & Annette Delmonico, Nichols Road, Nasonville; Map 185, Lot 15: Submission of Information Required as Conditions of Preliminary Minor RRC Plan Approval: Mr. Levesque noted that Attorney Thomas Hefner's office had called to request another continuance on behalf of Mrs. Delmonico 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 July, 2006 Planning Board meeting was made by Mr. Partington, seconded by Mr. Felice and carried unanimously by the Board.*

VI. NEW BUSINESS:

Hill Top Acres, Round Top Road, Harrisville; Map 21, Lot 5: Conceptual Minor Plan Review: Mr. Al Florentz and John Andrews, of Andrews Survey & Engineering, and Mr. Stuart Alles, applicant, were in attendance to represent the request. Mr. Florentz told the Board that the 61-acre parcel is located on Round Top Road, and the applicant is requesting permission to construct a five-lot Rural Residential Compound. He noted the

proposed parcel sizes range from 2.77 acres to 9 acres, and the remaining open space area is approximately 30.721 acres or 50.3% of the total lot area. The development has a 50-foot access from Round Top Road and would create a private roadway of approximately 1,000 feet in length, meeting the town's requirement for maximum length on dead-end streets. Mr. Florentz also told the Board that site suitability plans are being prepared to meet ISDS regulations and would be submitted to RIDEM shortly. Wetlands have been located and flagged by a wetlands biologist, but need to be verified by RIDEM. He asked the Board if it was necessary for all wetlands on the property to be located and verified or just the wetlands within the vicinity of the building areas. The Board told him that all wetlands on the property would have to be identified. Mr. Florentz then stated that drainage controls have not been developed for the roadway, adding that the steep slope is challenging, and that they would be working on the best method for controlling the drainage. He added that because the original entrance was too steep, additional cuts were needed. Noting that the Town's regulations for a rural residential compound require swales on both sides of the roadway, and noting the difficulties with steepness, he asked the Board if he could create a larger swale on one side and eliminate the swale on the other. The Board told him that was a question for the DPW Director/Engineer. Mr. Alles then added that an original stone wall on the property would have to be moved approximately 700 feet as it currently sits in the proposed roadway area.

The Chairman then asked for comments or questions from the Board members. The Board told the applicant that he must **consider some type of fire protection** and that he should contact the local fire department to find out their requirements. Several members were very concerned with the **steepness of the roadway and the potential drainage issues**. Mr. Florentz told them that they would be contacting adjacent abutters to seek out drainage easements. If they were unsuccessful in obtaining easements, they would propose creating walls to control runoff. Mr. Andrews added that they could capture some of the drainage on the top of the hill, closer to the proposed lots. The Board asked if they have applied for a **physical alteration permit (PAP) from the State**. Mr. Florentz said they had not because of the drainage issues. Once the drainage issues have been resolved, they would apply to the State. It was suggested that the applicant consider **reconfiguring the open space to allow for contiguous open space access to an adjacent open space area** of the Crestwood Estates development on West Road. The Board questioned whether the developer would be proposing **underground utilities**. Mr. Alles stated that he was under the impression, from the site walk, that the Board members present wanted aboveground. The Board stated that the regulations call for underground utilities and that they should be in touch with the Pascoag Utility District to check out their requirements.

The Board voiced concern that although the applicant had provided a conventional subdivision along with the RRC proposal, as required by the Zoning Ordinance Section 30-208 (h) Approval Process, subsection (2), the conventional subdivision did not conform to the Town's Zoning Ordinance. The Board agreed that the best development for this property would be the rural residential compound.

Rezoning Request:

Review & Recommendation to Town Council on Rezoning Request by LDD Enterprises, LLC for Map 14, Lot 16: Mr. Kravitz informed the Board that the current owners of the former Pliant Corporation Mill, who had previously submitted to the Board for a review a concept development plan for its reuse, have formally approached the Town Council to request a zone change on the property. He noted that they are requesting a zone change from the current Limited Industrial zoning designation to Village Commercial, adding that they have met with him since the Board's review of the concept plan and have adopted the Board's suggestions into a new plan. He told the Board that they must now review this request and offer a recommendation to the Town Council on whether it should be rezoned.

The Board, noting that they thought the previously reviewed concept development plan was a good approach to the mill's redevelopment, felt the zone change was appropriate. *A motion to approve the rezoning request from LDD Enterprises, LLC for the property known as Map 14, Lot 16 and to forward a favorable recommendation on it request to rezone to Village Commercial was made by Mr. Partington, as per RIGL 45-24-52, the rezoning is consistent with the Town's Comprehensive Plan, specifically:*

- *Chapter II Natural & Cultural Resources, Goal II.6, Policy II.6.e, Implementation Action II.6.e.3 and II.6.e.4;*
- *Chapter V Housing & Affordable Housing Strategy, Goal V.1, Policy V.1.a, Implementation Action V.1.a.2, Goal V.2, Policy V.2.a., Implementation Action V.2.a.2;*
- *Chapter IX Land Use, Goal IX.2, Policy IX.2.a, Implementation Actions IX.2.b.1 and IX.2.b.3; and as per RIGL 45-24-30, the rezoning meets the following purposes:*
 - 1) *Promotes the public health, safety and general welfare;*
 - 2) *Provides for a range of uses and intensities of use appropriate to the character of the Town and reflects current and expected future needs;*
 - 3) *Provides for orderly growth and development which recognizes:*
 - *The goals and patterns of land use contained in the Town's Comprehensive Plan adopted pursuant to Chapter 22.2 of this title;*
 - *The natural characteristics of the land, including its suitability for use based on soil characteristics, topography and susceptibility to surface or groundwater pollution;*
 - *The values and dynamic nature of coastal and freshwater ponds, the shoreline, and freshwater and coastal wetlands;*
 - *The values of unique or valuable natural resources and features;*
 - *The availability and capacity of existing and planned public and/or private services and facilities;*
 - *The need to shape and balance urban and rural development; and*
 - *The use of innovative development regulations and techniques.*

- 4) *Provides for the control, protection, and/or abatement of air, water, groundwater, and noise pollution, and soil erosion and sedimentation.*
- 5) *Provides for the protection of the natural, historic, cultural, and scenic character of the Town or areas within the Town.*
- 6) *Provides for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, timber resources, and open space.*
- 7) *Provides for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements.*
- 8) *Promotes a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe, and sanitary housing.*
- 9) *Provides opportunities for the establishment of low and moderate income housing.*
- 10) *Promotes safety from fire, flood, and other natural or unnatural disasters.*
- 11) *Promotes a high level of quality in design in the development of private and public facilities.*
- 12) *Promotes implementation of the Town's Comprehensive Plan pursuant to Chapter 22.2 of this title.*
- 13) *Provides for coordination of land uses with contiguous municipalities, the state, and other agencies, as appropriate, especially with regard to resources and facilities that extend beyond municipal boundaries or have a direct impact on that municipality.*
- 14) *Provides for efficient review of development proposals, to clarify and expedite the zoning approval process.*
- 15) *Provides for procedures for the administration of the Zoning Ordinance, including, but not limited to, variances, special-use permits, and, where adopted, procedures for modifications.*
- 16) *Provides opportunities for reasonable accommodations in order to comply with the Rhode Island Fair Housing Practices Act, Chapter 37 of Title 34, the United States Fair Housing Amendments Act of 1988 (FHAA), the Rhode Island Civil Rights of Persons with Disabilities Act, Chapter 87 of Title 42, and the Americans with Disabilities of 1990 (ADA), 42 U.S.C. § 12101 et seq.*

The motion received a second from Mr. Felice and carried unanimously by the Board.

VII. OTHER BUSINESS:

Report from Administrative Officer:

Mr. Kravitz noted that during the month of May, Certificates of Completeness were issued for: **Brian Langford, Buck Hill Road, Pascoag** (Final Minor – two lots 2nd submission); **Hill Top Acres, Round Top Road, Harrisville** (Conceptual Minor RRC – five lots); and **Virginia Sindelar & Dart Development, Jackson Schoolhouse Road, Pascoag** (Administrative – two lots). There was one plan rejected as incomplete: **Brian**

Langford, Buck Hill Road, Pascoag (Final Minor – two lots 1st submission). The Administrative Officer endorsed the **Brian Langford, Buck Hill Road, Pascoag** (Final Minor – two lots 2nd submission).

Planning Board Discussions: The Board, noting that the July meeting would be held before the 4th of July holiday and most of the members would be on vacation, discussed changing the meeting date to the following Monday. *A motion to change the July Planning Board meeting date from Monday, July 3, to Monday, July 10, 2006 was made by Mr. Presbrey, seconded by Mr. Partington and carried unanimously by the Board.*

At this time, a motion to adjourn was then made at 7:45 p.m. by Mr. Partington. The motion received a second from Mr. Felice and carried unanimously by the Board.