

**MINUTES OF THE PLANNING BOARD MEETING OF MAY 7, 2007
SUBJECT TO APPROVAL AT THE NEXT REGULAR MEETING**

I. CALL TO ORDER:

Meeting was called to order at 7:00 p.m., Jeffrey Partington, Chairman, presiding.

Members Present: Jeffrey Partington, Rick Lemek, Leo Felice, Bruce Ferreira, Michael Lupis, Jim Libby, Christopher Desjardins, Jeff Presbrey and Marc Tremblay.

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

II. ATTENDANCE REVIEW:

The Chairman acknowledged that all of the members were present.

III. ACCEPTANCE OF MINUTES:

The minutes of the Planning Board meeting of April 2, 2007 were read. A motion to accept the minutes as presented was made by Mr. Ferreira, seconded by Mr. Desjardins and carried unanimously by the Board.

IV. CORRESPONDENCE:

- Northern RI Chamber of Commerce Resource Guide
- Planning Commissioners Journal

V. NEW BUSINESS:

Minor Subdivision:

Highland Estates, RKM Investments, LLC, Snake Hill Road, Burrillville; Map 198, Lot 1 & Map 197, Lot 15: Final Plan Review: Attorney Peter Ruggiero, John Mulhearn, developer, and Kevin Moran, of DiPrete Engineering, were in attendance to represent the request. Attorney Ruggiero told the Board that he previously received a copy of the Planner's report and that he believed that all items are in order as to the changes to the plan recommended at the Preliminary approval review and other materials submitted. He noted that the only item outstanding, the inspection fee of \$4,500, would be submitted this evening. He stated that the applicant would like to request the final plan approval be granted, and construct the roadway before recording the plan, to forego having to post a bond. He noted that the issues of access for abutting land owners has been addressed by deeding property to each owner, instead of providing easements. In regards to the abutter whose driveway currently crossing the proposed access, the entranceway will be realigned, and the homeowner granted a permanent easement to pass over the access once the roadway is complete. Mr. Mulhearn added that he has recently spoken with all three property owners and everyone is in agreement with the proposal.

Mr. Partington then asked if there were any questions from the Board. Mr. Ferreira voiced concern with two areas of disturbance with the proposed two driveways accessing off of the cul-de-sac and suggested combining the driveway entrances as a common

driveway and then branching off to the individual homes. Mr. Mulhearn told the Board that his experiences with common driveways was that it never works out and would be against the change.

Mr. Presbrey noted that in the proposed deed descriptions, there is a clause that prohibits clothes lines. In light of the current energy situation, he asked if the developer could change this clause to allow clothes lines, perhaps restricted to a certain square footage. Mr. Mulhearn added that the clause could state that clothes lines would be allowed but not visible from the road and be a certain size.

Mr. Presbrey added that he had several other concerns and outlined the following problems:

- label the roadway as a private roadway
- Sheet #10 – Technical Notes – Structural Measures - #10 “The contractor shall be responsible for maintaining the sedimentation basin during construction and the detention pond up to the ***acceptance by the Town***; should be changed to “***approval by the Town***”.
- Sheet #10 – Technical Notes – Maintenance: Short Term/Long Term - #10 “***The Town is responsible is for the long term maintenance of the detention pond***”, should be changed to “**The Association is responsible for the long term maintenance of the detention pond.**”
- Sheet #10 – Technical Notes – Maintenance: Short Term/Long Term - #12 “*The Pond shall be maintained by the Homeowners Association after acceptance by the Town.*” Should be “*The Pond shall be maintained by the Homeowners Association after approval by the Town.*”
- Sheet #10 – Technical Notes – Maintenance: Short Term/Long Term - #14 “***After acceptance by the Town, the Homeowners Association shall have overall responsibility for implementing the maintenance program***”, should be “***After approval by the Town, the Homeowners Association shall have overall responsibility for implementing the maintenance program.***”
- Sheet #10 – Catch Basin Detail – Table 1 should be corrected to state that six-foot (6’) catch basins are required within the roadway, as outlined during the Preliminary Plan review;
- Page #12 – General Notes - #8 – make corrections to the statement to reflect that this is the final plan;
- Sheet #4 – Certifications – it should be noted that the plan is in accordance with a Class I/Class IV survey.
- Sheet #3 - Certifications – it should be noted that the plan is in accordance with a Class I/Class IV survey.
- Sheet #3 – General Notes – removed #4 “Property boundary is from plans of record and preliminary survey and is to be considered approximate at this time”.
- Sheet #9 – Certification – it should be noted that the plan is in accordance with a Class I/Class IV survey.

Mr. Presbrey then questioned the first statement “Strip vegetation and organic soil from wall and geosynthetic alignment” on Sheet #11 under General Notes. Mr. Moran explained that any organic materials in the vicinity of the walls construction will be removed prior to constructing the walls, which are the standard notes taken directly from the manufacturer.

A motion to approve the Final Minor Rural Residential Compound plan for Highland Estates was made by Mr. Presbrey, in accordance with RIGL 45-23-60, the subdivision is consistent with the Comprehensive Plan Chapter V – Housing & Affordable Housing Strategy – Implementation Action V.I.a.1; the subdivision is consistent with the Burrillville Zoning Ordinance – specifically Section 30-208 Rural Residential Compounds; the subdivision has undergone State Environmental review and has been found, according to DEM Insignificant Alteration Permit #04-0222, that there will be no negative environmental impacts; additionally the project does have RIDEM ISDS approval; the subdivision will not result in the creation of unbuildable lots; and the subdivision has adequate and permanent physical access to Snake Hill Road – a town accepted and publicly maintained roadway; conditioned upon the abovementioned corrections to the final plan set, the roadway being constructed prior to the recording of the final plan or a bond being posted, and upon receipt of the previously mentioned inspection fees of \$4,500. The motion received a second from Mr. Ferreira and carried unanimously by the Board.

Kelly Maher, Gazza Road & Victory Highway, Mapleville; Map 232, Lot 8: Preliminary Minor Review/Zoning Board Recommendation: Erin Gallogly, engineer for Marc Nyberg Associates, and Kelly Maher, owner, were in attendance to represent the request. Ms. Gallogly explained that the property is located on Victory Highway, opposite Gazza Road, in Mapleville, also known as Map 232, Lot 8. She noted that the property is located within five zoning designations: A-80; A-100; A-120; R-20 and F-2. The proposal would create an additional lot off of Victory Highway but would require dimensional frontage relief (26.19 feet) from the Zoning Board and so a recommendation is being requested also. She stated that the proposal has received approvals from RIDEM in regards to wetlands, Sewer Commission approval for connection and a PAP (physical alteration permit) from the State is being prepared this week. Although the proposed lot contains more than 40% of wetlands, there is sufficient buildable area (34,902 sq/ft). A single-family dwelling is proposed for the new lot. She then asked if there were any questions from the Board.

Mr. Partington questioned whether the wetlands buffers were included in the calculations for buildable area. Ms. Gallogly said the calculations did include the 50’ foot perimeter. Some of the Board members were concern with setting precedence by approving lots and recommending Zoning Board relief from the aquifer overlay district. Mr. Libby asked if they had investigated the southern area of the property along Gazza Road for a potential second lot, which could be designed to conform to zoning. Ms. Gallogly told the Board that she had prepared the plan with another associate of the firm and that they had calculated the frontage by the setback, which was not sufficient for a lot. She also stated

that when considering the wetlands located in that area, the property line was not a clean cut. Mr. Libby noted that by simply adding a straight line, there would be more than enough square footage for an additional lot. Mr. Kravitz informed her that frontage is measured at the roadway. Mr. Libby stated that his preference would be to investigate this area for a lot vs. seeking a frontage variance to create the lot on Victory Highway – adding that Victory Highway has much more traffic than Gazza Road has. Ms. Gallogly stated that they have put a lot of effort into developing the lot on Victory Highway. Mr. Libby noted that the Board generally asks for two or three plan options to make sure that all possibilities have been explored. Ms. Gallogly stated that minor subdivision does not require a conceptual review. Mr. Kravitz noted, for the record, that it is the applicant's option to submit a concept during minor review. Mr. Libby added that it would not be unheard of to review the two options. Ms. Gallogly said that she would take the suggestion under consideration and check out the options. Mr. Tremblay voiced concerns with drainage issues for the proposed lot, the house being placed on the drainage swale and its close proximity to the wetlands. Ms. Gallogly stated that RIDEM reviewed the plan and had determined that the proposed development does not represent an alteration to the wetlands.

As there were no further questions from the Board, a motion to table the request for 30 days to allow the applicant to provide additional information as to other options for subdividing the property along Gazza Road was made by Mr. Ferreira. The motion received a second from Mr. Presbrey and carried unanimously by the Board.

Oak Valley Estates, Douglas Pike & Tarklin Road, Nasonville; Map 149, Lot 3: Request for Release of Maintenance Bond: The Board reviewed a letter from the developer of Oak Valley Estates, Mr. Anthony Sorrentino, requesting the release of the maintenance bond amount of \$1,870 as all the improvements for the roadway have been completed and a year has expired. Mr. Partington asked Mr. Kravitz if the DPW was satisfied with the roadway. Mr. Kravitz said they were and he had no further comments. Mr. Ferreira stated that he was concerned that the improvements to the portion of Tarklin Road, that had been abandoned years back by the Town as unsafe, had not been conducted. He noted that during the Oak Valley Estates review, the developer, he believed, had promised to remove the broken asphalt, as well as the pile of rubble, and landscape the area as natural as possible, with trees. He felt that this had not taken place. Mr. Kravitz told the Board that he would check back in the records to see what the discussions stated as to any improvements in that area.

A motion to not release the maintenance bond amount was made by Mr. Ferreira until the Board has been assured that all the necessary improvements, as stated by the developer, to the area of the Tarklin Road abandonment, has been verified as completed. The motion received a second from Mr. Desjardins and carried unanimously by the Board.

VI. OTHER BUSINESS:

Report from Administrative Officer:

Mr. Kravitz noted that during the month of April, Certificates of Completeness were issued for: **Herbert Hopkins, Jr., 180 West Ironstone Road, Burrillville** (Final Minor Subdivision – 2 lots); **Highland Estates, Snake Hill Road, Glendale** (Final Minor RRC Subdivision – 5 lots); **Kelly Maher, Gazza Road & Victory Highway, Mapleville** (Preliminary Minor Subdivision – 2 lots); and **Hill Farm Estates, West Road, Harrisville** (Final Minor RRC Subdivision – 5 lots). There were no plans rejected during April as incomplete. The following plans were endorsed: **Herbert Hopkins, Jr., 180 West Road, Burrillville** (Final Minor Subdivision – 2 lots); and **Hill Farm Estates, West Road, Harrisville** (Final Minor RRC Subdivision – 5 lots).

Planning Board Discussions: The Board reviewed correspondence from Chief Mark St. Pierre, of the Harrisville Fire Department, stating that he has no objection to Granite River Village using processed gravel on a temporary basis for the road construction. Mr. Kravitz told the Board that the developer of this project had requested a foundation permit, for the furthest building, while the roadway is under construction. The Board discussed whether it was appropriate to issue building permits when the roadway is still under construction. Mr. Kravitz stated that there shouldn't be a problem with issuing building permits as long as no certificates of occupancy are issued before the final plan approval or recording of the final plan. The Board did not have a problem with issuing building permits as long as there were no C/O's issued.

As there was no more business to address, *a motion to adjourn was then made at 8:05 p.m. by Mr. Ferreira, seconded by Mr. Lemek and carried unanimously by the Board.*