

**MINUTES OF THE PLANNING BOARD MEETING OF JUNE 4, 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, Marc Tremblay, Leo Felice, Bruce Ferreira, Michael Lupis, Jim Libby, Christopher Desjardins, and Jeff Presbrey.

Members Absent: Rick Lemek.

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 one member was unavailable this evening.

III. ACCEPTANCE OF MINUTES:

The **minutes of the Planning Board meeting of May 7, 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:

- Common Ground Newsletter
- CMRC Coastal Features Newsletter

V. OLD BUSINESS:

Minor Subdivision:

Kelly Maher, Gazza Road & Victory Highway, Mapleville; Map 232, Lot 8: Preliminary Minor Review/Zoning Board Recommendation (cont'd from May 7, 2007): Attorney Bradley Steere, representing Ms. Maher, noted that the representatives from their surveyor's office had not yet arrived at the meeting and requested consideration later in the agenda. *A motion to move the Maher Preliminary Minor plan review to the end of "Old Business" was made by Mr. Ferreira and seconded by Mr. Desjardins. The motion carried unanimously by the Board.*

Oak Valley Estates, Douglas Pike & Tarklin Road, Nasonville; Map 149, Lot 3: Request for Release of Maintenance Bond (cont'd from May 7, 2007): Mr. Kravitz informed the Board that he had contacted the developer, in Florida, to let him know that the screening along the Route 7 area of the project was not satisfactory to the Board, that the plan had called for more pine tree plantings. The developer told him that he would not be doing anything to correct the situation. Mr. Kravitz then contacted the Town Solicitor to ask for his opinion. Mr. Kane, noting that the timeframe had passed on the one-year maintenance bond, told him that there was nothing the Board could do to force him to plant the trees so the maintenance bond monies should be returned. Mr. Kravitz

noted that one of the private owners is conducting site work in the area and that he could contact him and/or the association to ask for the improvements. Mr. Ferreira reiterated his concern with the area not being properly closed off and cleaned up and agreed with contacting the association to rectify the situation. Mr. Partington suggested the Board vote to release the maintenance bond funds, as the deadline has elapsed, subject to the improvements that should have been conducted to the stub road off Route 7. *A motion to approve the request for the release of the maintenance bond for Oak Valley Estates was made by Mr. Ferreira, subject to the developer completing the project as they specified on the plans and at the Planning Board meetings as reflected in the minutes, where the stub road that used to connect Tarklin Road to Route 7 be removed; that all plantings be completed as specified. The motion received a second from Mr. Tremblay and carried unanimously by the Board.*

The Anna L. Money Plat, 181 Round Top Road, Harrisville; Map 125, Lot 14: Preliminary Plan Review (cont'd from March 5, 2007): Attorney Aram Jarrett, Eric Colburn, of Foster Survey Company, Scott Rabideau, of Natural Resource Services, Inc., and Anna Money, applicant, were in attendance to represent the request. Attorney Jarrett told the Board that the plan before them this evening has been modified to reflect the suggestion made at the March 5th Planning Board meeting. He then turned the floor over to their land surveyor, Eric Colburn.

Mr. Colburn told the Board that the plan has been changed by the movement of the property line so that both of the proposed lots conform to the F-2 zoning district, as was requested by the Board. He noted that the original plan had requested two lots, the existing parcel with 250 feet of frontage and 3.71 acres and the proposed parcel with 350 feet of frontage and 10.21 acres. Based upon the Board's request, and his meeting with Attorney Jarrett and Mr. Kravitz, he revised the plan so that each parcel would have 300 feet of frontage, with Parcel 1 now containing 10.05 acres and Parcel 2 containing 3.88 acres. He noted that he has further illustrated on the plan, the location of each of the aquifer overlay districts – the A-120 falling in the center of the parcel; the A-100 immediately surrounding the A-120 and the A-80 on two of the property corners. Mr. Jarrett noted, however, that according to the Aquifer Overlay District regulations, the property would be short 25 feet for the A-100 district and 50 feet for the A-120 district, and would require dimensional relief from the Zoning Board. Attorney Jarrett then asked Scott Rabideau to address the Board.

For the record, Mr. Rabideau stated that he is a wetlands biologist/soil scientist and is very familiar with the Town of Burrillville's aquifer overlay district and its purpose. He noted that another important aspect of the aquifer is to prevent the development of land in these areas where the development may have an adverse impact on the groundwater resources. Attorney Jarrett then asked Mr. Rabideau for his opinion as to the impact of this proposed development on the aquifer. Mr. Rabideau, noting the size of each proposed lot (10 acres/4 acres), the location of the dwellings (closed to the roadway as is reflected in the neighborhood), a proposed I.S.D.S. system (which serves to replenish the aquifer and public water connect, stated that this proposal will protect the groundwater

resources. He also noted that the dimensional relief that would be necessary for this subdivision would not have any affect on the aquifer.

Mr. Tremblay questioned the type of I.S.D.S system being proposed. Mr. Colburn stated that is was the standard type of I.S.D.S system. He then questioned access to the barn in the rear as it appears there is no means of access with Parcel 1 because of the wetlands. Mr. Rabideau told the Board that RIDEM has not stopped the maintenance of the field, so mowing has continued over the years. However, vehicular access to the barn is not possible and would require a permit from RIDEM Freshwater Wetlands. Mr. Tremblay pointed out that by approving this plan, the Board is creating the “hardship” for the applicant to go to RIDEM and obtain a permit. Mr. Rabideau stated that a permit would probably be given to them as this site is considered an historic farm site. He added that the applicant has worked with the Department of Agriculture in the past for manure storage. Being a legitimate farm operation, they would be exempt from the buffer zones and could go forward with a small, gravel wetland crossing – through the Division of Agriculture – and not have to go through Freshwater Wetlands.

Mr. Felice asked Mr. Rabideau to give an example of an adverse situation for the aquifer. Mr. Rabideau stated that density would be the issue, where several houses within 50-feet of the potential recharge area. Mr. Felice asked if there was any concern in regards to the I.S.D.S. location and the sloping of the land. Mr. Rabideau said there could be a concern for break-out, which might be an issue, but there are approximately 85 feet of separation before the wetland. A failure would have time to percolate back into the soil before reaching the wetland. Mr. Ferreira asked how deep are the I.S.D.S. system and leach field? Mr. Colburn said there was about a 5-6 foot separation between the water table and the bottom of the system. Mr. Ferreira then asked if there was enough area between the proposed lot line and the wetlands edge to allow for a small cart path for access to the barn. Mr. Rabideau said that it was his opinion that there was enough room.

Mr. Partington asked Attorney Jarrett if it was still the intent of his client to put language in place to prevent further development of this property. Mr. Colburn stated that it was Mrs. Money’s intent to create a minimal lot size for her house lot and maintain the remaining area as a farm. Mr. Rabideau said they would be seeking a deed restriction on the property at the Zoning Board level to ensure the balance of the property is maintained in a conservation-type or a farm-type atmosphere.

Mr. Libby stated that he felt this proposal is not in conformance with the Town’s Comprehensive Plan, specifically Section II.3 “Ensure that current & future development does not adversely affect natural or cultural resources of the existing rural qualities of Burrillville, and that environmentally sensitive areas are protected, especially water supply and water quality.” He noted that although 25 or 50 feet might not affect the aquifer, the regulations are in place to prevent development from happening where it’s not wanted. Development should not happen here. Mr. Presbrey expressed the same opinions as Mr. Libby, especially Section II.3 of the Comprehensive Plan.

Because at the March 2007 meeting the vote of the Board had been extremely close, Mr. Partington stated that he would ask each member individually for their vote.

As there were no further questions, a motion to approve the Preliminary Minor subdivision plan for Anna Money was made by Mr. Felice because the subdivision is consistent with the Town's Comprehensive Plan; the subdivision is not in compliance with the Zoning Ordinance, which would require a dimensional variance from the Zoning Board; there will be no significant negative environmental impacts; the subdivision will not result in the creation of unbuildable lots; all lots in the subdivision have adequate and permanent physical access to a public street; with the condition that the applicant's attorney prepare language that would prohibit any further development of the property, said language to be reviewed by the Board; and to forward a favorable recommendation to the Zoning Board on the granting of the necessary variances. The motion received a second by Mr. Ferreira and carried with five votes in favor (Mr. Desjardins, Mr. Lupis, Mr. Partington, Mr. Ferreira, Mr. Felice) and 3 votes against (Mr. Presbrey, Mr. Libby, Mr. Tremblay).

Kelly Maher, Gazza Road & Victory Highway, Mapleville; Map 232, Lot 8: Preliminary Minor Review/Zoning Board Recommendation (cont'd from May 7, 2007): Attorney Bradley Steere, Erin Gallogly, engineer for Marc Nyberg Associates, and Kelly Maher, owner, were in attendance to represent the request. Attorney Steere noted that the plan had been before the Planning Board last month and that the Board had suggested an alternate plan be prepared to determine whether a buildable lot could be created along Gazza Road, which is the plan before the Board this evening. He then asked Ms. Maher for the history of the property. Ms. Maher stated that the property had been in her family since the 1800's, that she has lived there all her life and is the last of the Maher family. Attorney Steere asked Ms. Maher if she had taken the opportunity to review the revised plan. She stated that she had and that she had never intended to subdivide the land along Gazza Road – it's her yard, her parents ashes are buried under a tree in that area, lots of old oak trees, hiking trails, river and pond, and that portion of the property is used by her a lot. She also noted that the sewer line does not extend to her house on Gazza Road; it stops approximately 3 houses before hers after the bridge. The area of the property on Victory Highway is further away from her home; there are more houses there and it's an area that she never uses. Attorney Steere asked if she would ever sell the property along Gazza Road. Ms. Maher said she would never sell it – it was to remain with the home. Attorney Steere then outlined the various approvals that Ms. Maher had obtained for the proposed lot of Victory Highway.

Mr. Libby asked if Ms. Maher would agree to a deed restriction stating that the area for Parcel A would never be develop? Ms. Maher said she would. Comparing the two plans, Mr. Libby pointed out the steep slopes on the Victory Highway side, as well as the limited amount of buildable area, its close proximity to the wetlands and the fact that Victory Highway does not conform to the regulations whereas the Gazza Road side would. Although sympathetic to Ms. Maher's situation, he reiterated his concerns from last month in regards to protection of the aquifer.

Mr. Lupis, Mr. Presbrey, Mr. Ferreira, and Mr. Felice all felt that the Victory Highway proposal was more acceptable, while Mr. Desjardins and Mr. Tremblay felt the Gazza Road lot would be in conformance with the regulations.

As there were no further questions, a motion was made by Mr. Ferreira to approve the Preliminary Minor subdivision plan on Victory Highway for Kelly Maher because the subdivision is consistent with the Comprehensive Plan; the subdivision, if approved by the Zoning Board, will be in compliance with the Zoning Ordinance; there will be no significant negative environmental impacts; the subdivision will not result in the creation of unbuildable lots; and all lots in the subdivision have adequate and permanent physical access to a public street; and to forward a recommendation to the Zoning Board, with the stipulation that a deed restriction be placed on the plan stating that no further subdivision of this property will occur. The motion received a second from Mr. Presbrey. The motion received four votes in favor (Mr. Presbrey, Mr. Lupis, Mr. Ferreira and Mr. Felice) and four votes against (Mr. Desjardins, Mr. Libby, Mr. Partington and Mr. Tremblay). The motion does not carry.

VI. NEW BUSINESS:

Phil-Anna Estates, Lee Lapierre Private Family Compound, Benedict Road, Nasonville; Map 46, Lot 11 & Map 64, Lot 5: Preliminary Plan Review/Public Hearing: Joe Casali, of Joe Casali Engineering, Robert Schultz, of National Land Surveyors-Developers, Inc. and Mr. Lee Lapierre, applicant, were in attendance to represent the request. Mr. Casali began the presentation by offering a history of the project from its inception in 1999 to the present. He then stated that the project is located on Benedict Road in Burrillville and is approximately 45 acres in size. The proposal is for a four-lot family compound, serviced by a 930 foot, 20-foot wide private cul-de-sac roadway, having some areas that are paved and some areas that are graveled, per an RIDEM Consent Agreement. Each single-family home will be serviced by a well and an I.S.D.S. system. Soil evaluations have been completed by National Land Surveyor-Developers in March of 2000, with water tables of four feet to seven feet, with percolation rates averaging 10 minutes per inch. He added that subdivision suitability has been filed with RIDEM and is awaiting approval.

He noted that from the beginning the RIDEM deemed the wetlands applicant as a formal review, which was originally denied. The owners followed up with an appeal to the decision and were able to enter into a Consent Agreement with RIDEM in October 2006. This allowed for a Freshwater Wetlands approval to be issued, which required the construction of a bridge over the wetlands area. Wetlands flagging was delineated by Natural Resource Services in August 2000 and verified by RIDEM of an intermittent stream, less than 10 feet in width that flows across the area of the first crossing. The bridge will be a 75-foot timber-span bridge – not only to serve as access but also to be aesthetically pleasing. He noted that the roadway grade is at 8.93% in order to minimize the limit of disturbance. Page 5-14 reflects the areas of gravel and the areas of pavement

In regards to the drainage, Mr. Casali stated that a detailed hydrologic analysis was submitted to the state. There is approximately 67 surrounding acres that lead to the intermittent stream, and the applicant's limit of disturbance is approximately 3 acres \pm . He noted that they have proven to RIDEM that this project will not increase the flood waters for the 100-year, or any storm, for the intermittent stream; that there will not be any increase in runoff from the proposed site improvements; and water quality will improve by the drainage measures for this project. He stated that the drainage is not a conventional detention pond because the volume of water is not that great. Roadside swales are proposed that slow the velocity down and clean the water and eventually discharge it into the stream. He added that there will not be any increase in runoff to Benedict Road. He then turned the presentation over to Robert Schultz to discuss the soil evaluations.

Mr. Schultz stated that Mr. Therien has conducted most of the soil testing on the site. The testing dates back to 2000 where it was originally done according to the old water table style. During the subdivision suitability process, additional ledge probes and soil evaluations were done for this site. There was extensive testing around all of the proposed I.S.D.S. systems. He noted that the soil evaluation testings were updated in the middle of last month and submitted to RIDEM. Because the percolation rates are 10 minutes per inch, and the water tables are all two foot or greater, the I.S.D.S. systems will be non-variant, conventional systems.

Mr. Felice noted that the regulations for a rural residential compound require that 50% of the total area should be set aside as open space. It appears that the plan shows only 11 acres as open space. Mr. Casali asked if there was a fee in lieu of the open space. Mr. Partington explained that there is no fee involved in this particular situation – there is a dedicated of open space, delineated on the plan, normally lot by lot. Mr. Casali said he would provide information to show the additional open space.

Mr. Ferreira noted concerns with the slope of the roadway. He suggested checking with the local fire marshal. Mr. Casali said they have had conversations with the fire marshal and have modeled the roadway and driveways to meet the horizontal and vertical radii for the trucks. Mr. Schultz added that the fire marshal had also requested the placement of a 20,000 gallon cistern for fire protection at the center of the cul-de-sac.

Mr. Partington voiced his concerns with the bridge, slopes, grading of the road, amount of disturbance. He noted the DPW comments state that, "the bridge should be inspected every five years" and a maintenance plan should be put forth. He added that he still did not feel comfortable with the situation. He then asked for an explanation of the Consent Agreement, for the benefit of the public. Mr. Casali said that basically the agreement requires not increasing the runoff to the river, not increasing the flood plain, water quality improved, not accepting the bottomless box culverts, concern with the bridge materials, erosion on steep slopes, construction staging plan for when and how, and a type of diversion plan should a flash flood occur during construction.

Mr. Lupis voiced concerns with the layout of the house, the length of the driveways, and the amount of disturbance. Mr. Schultz noted that the house sites were chosen on site by Mr. Lapierre by walking the area – the views and the aesthetics, natural habitat in the area. Additionally, toward the top of the hill there are areas of ledge that make it difficult, in certain sections, to test and permit for I.S.D.S.

Mr. Libby asked for the location of any ledge and its proximity to the houses. Mr. Schultz stated that it is located on the eastern portion of the first lot on the north side when at the cul-de-sac. There are other areas where there was not four feet of the original material and never submitted to DEM, mainly on the next lot over from the first. Mr. Libby questioned the length of the two longest driveways. Mr. Casali stated 400' on Lot 4 and 300'-350' on Lot 3. Mr. Libby suggested moving the houses up a bit to cut down on the length. Mr. Lapierre expressed concern with the members referring to disturbance of the site. He stated that it has always been his intent to limit the amount of disturbance on this property and to keep the surrounding area as rural as possible.

Mr. Presbrey pointed out an error in the Declaration of Covenants, Conditions & Restrictions, that statement 13 should be corrected to read “. . .and future owners of lots number 1 and 4 shall grant an easement . . .” He further noted the plan should corrected to illustrate that all of the lots have at least 2 acres of buildable area in accordance with the RRC requirements. He questioned why Lot 4 doesn't abut the open space. Mr. Lapierre said that when he originally heard of the open space, he thought it was to be an area that was open to the general public. Now he understands that this is not the case and that it can be corrected to delineate open space for Lot 4 and also to provide an easement in the deed for access to the surrounding open space area. Mr. Presbrey then referenced Mr. Bernardo's comments during his review:

- Any roadway section with a grade approaching 8% (station 2+75 to 3+50) should be considered for pavement to avoid erosion of the road surface
- The bridge design plans provided were not reviewed as they do not comply with Rhode Island state law. Only firms with a Certificate of Authorization (COA) from the RI Board of Registration for Professional Engineers are approved to provide engineering services.

Mr. Lapierre stated that the engineer who stamped the plans according to York Bridge is licensed in the state as a civil engineer and that he is in the process of applying for the structural engineer stamp that he needs. Mr. Casali added that the company, York Bridge, does not have a COA to practice in this state nor does the structural engineer for the company. Until these individuals are properly licensed, he stated that assumed that this would not go forward.

- . . . the Department of Public Works would recommend that the property owner be required to provide an inspection report on the condition of the bridge every five (5) years. The report should be prepared by a Professional Engineer registered in Rhode Island. Any repairs identified in the report should be the

responsibility of the property owner and be addressed with six (6) months to maintain public safety.

Mr. Casali, testifying from the materials received from York Bridge, stated that the bridge's approximate life is 65 years. He told the Board that the owner agrees to the requirement of the five (5) year inspections and reports.

Mr. Partington then asked for the return receipt certificates of mailing to the abutters as notification of the Public Hearing. Mr. Schultz stated that he did not have them in his possession, but that he did not have the entire project folder. Mr. Kravitz stated that it was necessary to have them before opening the public hearing. He also pointed out several other items missing so perhaps the Board could table the review/public hearing until those items have been submitted. Mr. Partington told the audience that although he could not open the public hear, he would accept general questions from the audience.

One of the abutters questioned whether there would be any more runoff from this property as there is an amount in late winter. Mr. Partington told him that the project must be designed to not increase the amount of runoff from the property and, in some cases it will cause a decrease in the amount as there is control.

One of the abutters voiced concern that the plan did not accurately reflect the full amount of ledge and wetlands.

As there were no further questions, a motion to table the Preliminary Plan review/Public Hearing for Phil-Anna Estates to a future meeting, when the rest of the plans can be brought in that are needed, was made by Mr. Tremblay. The motion received a second from Mr. Felice and carried unanimously by the Board.

At this time, a 5-minutes recess was called at 9:20 p.m.

The meeting resumed at 9:25 p.m.

Robert & Joyce Buckley, Lapham Farm Road, Pascoag: Map 231, Lot 1: Preliminary Plan Review: Mr. Robert Schultz, of National Surveyors-Developers, Inc., and Mr. Robert Buckley, applicant, were in attendance to represent the request. Mr. Schultz noted that the plan had been submitted to the Board before for their view; however, a small portion of the lot was within the Aquifer Overlay District. Since then, an administrative plan was submitted deeding the area within the aquifer to the abutting property. The plan before the Board this evening now conforms to the R-40 zoning district. He noted the proposed lot has an approved I.S.D.S. water table and a wetlands permit. Mr. Presbrey noted a problem with the closure of the existing house lot that has been reduced to 40,000 sq/ft and asked that the lot be increase by several square feet so that the closure will exceed 40,000 sq/ft. Mr. Schultz said that they would take care of the correction. Mr. Partington questioned the area that extends over Lapham Farm Road

and into the neighbor's property on the opposite side of the road. Mr. Buckley said he was not aware that he owned that property.

A motion to approve the Preliminary Minor Subdivision Plan for Robert & Joyce Buckley was made by Mr. Presbrey per R.I.G.L. 45-23-60: the subdivision is consistent with the Comprehensive Plan Chapter V-Housing, Implementation Action V.1.a.1; due to the fact that the proposed lots conform to all zoning dimensional requirements, the development conforms to the intent and purpose of the Zoning Ordinance; there will be no negative environmental impacts as indicated by the RIDEM non-jurisdictional notice dated 9-01-2006; the subdivision will not result in the creation of unbuildable lots; the subdivision has adequate and permanent physical access to Lapham Farm Road, which is a town road; with the condition that the proposed 40,000 sq/ft lot be properly closed to increase in size to exceed 40,000 sq/ft. The motion was second by Mr. Ferreira. Under discussions, the motion was amended to request that the applicant administratively rectify the 8,056 sq/ft area that encompasses Lapham Farm Road and a portion of Map 212, Lot 28 by the Final Plan submission. The motion carried unanimously by the Board.

Minor Land Development:

Adler Properties, LLC, Aspen Way, Burrillville; Map 179, Lot 118: Preliminary Plan Review: Mr. Brian Thalmann told the Board that he was present to represent the Aspen Way Preliminary Plan review, as well as the Oakland Village, Preliminary Major Plan review. He asked the Board if they would entertain a request to move the Oakland Village review ahead on the agenda to accommodate the members of the public who were in attendance for the Oakland Village plan. *A motion to move the Adler Properties, Aspen Way Preliminary Plan review to the end of "New Business" was made by Mr. Ferreira, seconded by Mr. Lupis and carried unanimously by the Board.*

Major Land Development:

Oakland Village, Adler Properties, LLC, Oakland School Street & Victory Highway, Oakland; Map 179, Lot 56: Preliminary Plan Review/Public Hearing: Mr. Brian Thalmann, of Thalmann Engineering, and Mr. Scott Adler, of Adler Properties, LLC, were in attendance to represent the request. Mr. Thalmann stated that the property is a 15.6 acres parcel located on the corner of Oakland School Street and Victory Highway. He noted the project has received approvals from the Harrisville Water Department for public water service, Burrillville Sewer Commission for public sewer connection, RIDEM Freshwater Wetlands, RIDEM UIC and RIDOT for the curb cuts.

Mr. Partington questioned whether the issues, particularly parking, for the commercial/residential mixed-use building from the Master Plan review had been resolved? Mr. Thalmann said that proposed mixed-use building would have 1,500 sq/ft, with commercial space on the first floor and a residential apartment on the second floor. This building will be located on proposed Lot 12, a 37,734 sq/ft lot, with parking in the rear of the building that meets the requirements for parking for both the retail center and the apartment. The access point to the parking area will be off the interior roadway.

Mr. Tremblay, being a new member to the Board, felt that he did not have a sufficient background to comment on the project. He stated that he agreed with the whole village development concept. Mr. Partington informed him that one of the major issues with this project was to keep the curb cuts at a minimum. Most of the curb cuts come in off of the interior streets and any driveways come in off of the interior streets.

Mr. Libby noted a conflict between the civil drawings and the landscape drawings as far as the plantings, sidewalks, and ramps in and around the mixed-use building. He voiced concerns with the handicapped ramp because it becomes a significant feature on the building. It appears as an "added on" feature, but looks like there is enough room to change the slope and landscape so that the ramp fits in better.

Mr. Presbrey asked Mr. Thalmann if he was familiar with Richard Bernardo's comment regarding the overlay of Oakland School Street because of the construction that will be happening. Mr. Thalmann stated that they had attended the staff review committee meeting and conveyed those concerns to Mr. Adler who does not take any exception to it. Mr. Presbrey asked Mr. Kravitz how many units would be affordable. Mr. Kravitz said four units would be affordable.

At this point, Mr. Partington opened the Public Hearing at 9:40 p.m.

Charles Newell, of 1290 Victory Highway, voiced concerns with the building of the mixed-use building as there currently is a mixed-use building a short distance from this area that has remained unoccupied for at least a year now. He asked if Mr. Adler had a commercial establishment lined up for this building. Mr. Adler said that he did not at this time. Mr. Newell asked if there has been any talk about putting up a traffic light at the intersection of Victory Highway and Oakland School Street for the fire department. Mr. Kravitz replied there was not.

Gary Delgizzi, of 7 Mill Street, also voiced concerns with the mixed-use building. He questioned the use of the corner lot? Mr. Partington told him that the Town would retain this parcel for the annual firemen's muster. Mr. Delgizzi said he was also concerned with increased traffic currently in the area, with the potential for more from this project. He asked if there were any plans for constructing sidewalks outside the development. Mr. Partington told him that the Comprehensive Plan dictates development within the village centers, where the roads are design to take care of foot traffic. Mr. Kravitz added that the RIDOT has in their Transportation Improvements program a design and feasibility study for improvements to Victory Highway from Route 107 south to Tuffy's Tavern, and then from Tuffy's Tavern to Mapleville – tackling the improvements in two phases. Unfortunately it is only in the study phase, which would be a few years out. But they will improve sidewalks along this entire corridor – further complimenting this development. Mr. Delgizzi, noting a fair amount of ledge on the property, asked Mr. Adler if there would be drilling and blasting going on. Mr. Adler replied that there would be some. Mr. Delgizzi questioned how much time would be required for the drilling and blasting. Mr. Adler stated that he believed the blasting would be limited to

approximately four months. Mr. Felice added that with current blasting techniques, sometime the blasting occurs and no one knows it. Mr. Delgizzi questioned the drainage patterns. Mr. Thalmann explained that they propose to mitigate the stormwater runoff through a combination of four drainage structures, three of them being detention ponds and one underground infiltration system for the mixed-use building. It was done in this manner to reflect the existing drainage patterns and permitted through RIDEM as part of a preliminary determination application. Mr. Delgizzi added that he felt this was a good project.

Anne Jacquart, of 16 Remington Avenue, questioned the location of the entrance and exits to this project. Mr. Adler pointed out the entrance on Oakland School Street in relation to the location of her property (approximately 200 feet) on Remington Avenue. She questioned the location of the wetlands. Mr. Adler pointed out the location.

As there were no further questions from the audience, Mr. Partington closed the Public Hearing at 9:55 p.m.

Mr. Thalmann then requested that the Board consider allowing the applicant to submit the Final Plan set to the Administrative Officer for his review.

*A motion to approve the Preliminary Major Land Development plan for Oakland Village was made by Mr. Ferreira; in fulfillment of R.I.G.L. Section 45-23-60, the following Findings of Fact shall serve as the decision of record: the land development is consistent with the Comprehensive Plan, specifically **Housing & Affordable Housing Chapter V, Implementation Action V.1.a.3, V.1.f.1; Circulation Chapter, Policies VI.1.g and VI.2.i; Economic Development Chapter Implementation Actions VII.1.a.10, VII.1.a.11; Policies VII.2.a and VII.2.c.6; Land Use Goal IX.2; Policy IX.2.a; Implementation Actions IX.2.a.1 and IX.2.b.2; Recreation & Open Space Chapter – the act of acquiring the Oakland Triangle is consistent with the same need identified in the Recreation, Conservation & Open Space Plan; the development is in compliance with the Zoning Ordinance; there will be no significant negative environmental impacts as indicated by the RIDEM Insignificant Alteration Permit; the development will not result in the creation of any unbuildable lots; the proposed lot has adequate and permanent physical access to Victory Highway and Oakland School Street; with the condition that the elevations and architectural drawings of the proposed mixed-use building are reviewed by the Town Planner and Mr. Libby; and further granting the applicant's request for the Final Plan submission to be reviewed by the Administrative Officer. The motion received a second from Mr. Lupis and carried unanimously by the Board.***

Adler Properties, LLC, Aspen Way, Burrillville; Map 179, Lot 118: Preliminary Plan Review: Mr. Brian Thalmann, of Thalmann Engineering, and Mr. Scott Adler, of Adler Properties, LLC, were in attendance to represent the request. Mr. Partington reminded the Board members that each proposed building for the Aspen Way/Locust Lane industrial park must be reviewed by the Board for its architectural and landscaping designs. Mr. Thalmann told the Board that the proposal was for Map 179, Lot 188,

which is a 69,064 sq/ft lot. The proposal is for the construction of an 8,400 sq/ft building with paved parking in the front, drainage for the front parking lot handled by the UIC and the rear area will handle commercial traffic, with stormwater controlled through the detention pond, eventually discharging into the existing forested wetlands.

Mr. Partington questioned the center height of the proposed building. Mr. Thalmann said it was approximately 22 feet. Mr. Partington questioned the proposed uses and the nature of the businesses. Mr. Adler said the proposed uses would be small offices and storage, for potentially HVAC contractors, light contracting, etc.

Mr. Presbrey requested changing the 4' catch basin #1 for the UIC to a 6' catch basin, which allows the underground storage a longer timeframe between cleanings. Mr. Thalmann said he could amend the detail to reflect the request. He noted that one thing done in the past was maintain a 4' catch basin but increase the depth of the sump to obtain the 850 gallon capacity. Mr. Presbrey pointed out that on Sheet 2, the Storm Tech detail #3 states that minimal cover is 18" not including pavement but the detail to the right shows the 18" to the top of the pavement. Mr. Thalmann pointed out another area of this detail which showed to the bottom of the pavement but said that he would correct the detail to the right of the Storm Tech details.

Mr. Libby noted that he did not have any problems with the building elevations as they are consistent with the existing buildings on site, but that the landscaping looks a little light. He suggested shifting the building back approximately three feet to obtain a little bit of landscape area in the front of the building in order to "soften" the building front.

As there were no further questions or comments from the Board, *a motion to approve the Preliminary Minor Land Development plan for Adler Properties was made by Mr. Libby in fulfillment of R.I.G.L. Section 45-23-60, the following Findings of Fact shall serve as the decision of record: the land development is consistent with the Town Comprehensive Plan, specifically sections **Economic Development – Goal VII.1** "To broaden the sources of Town revenue through development in the industrial and commercial sectors in order to ensure a sound financial future and assist in funding the achievement of Town goals"; **Policy VII.1.a** "Maintain industrial and commercial sector growth at a rate adequate to support the Town's population in a manner consistent with the Town's labor characteristics, land capabilities and environmental objectives"; **Implementation Action VII.1.a.4** "Conserve and enhance desirable existing industrial areas to maximize the investment and utilization of existing infrastructure"; **Land Use – Implementation Action IX.1.a.2** "Reserve sites and buildings suitable for commercial and industrial development which are served by public sewer and water and have adequate access to major arterial roadways, and will not intrude upon less intensive land uses"; the land development is in compliance with the Zoning Ordinance; there will be no significant negative environmental impacts; the land development will not result in the creation of a unbuildable lot; and the proposed lot has adequate and permanent physical access to a public street; conditioned upon the building being moved back a minimum of three (3)*

feet to allow for additional landscaping to enhance the front of the building. The motion received a second from Mr. Desjardins 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: **Northwest Community Nursing & Health Services, Sayles Avenue & The Bridgeway, Pascoag** (Administrative – two lots); **Robert & Joyce Buckley and Bliss Golf Investors, LLC, Lapham Farm Road, Pascoag** (Administrative – 2 lots); **Town of Burrillville, South Shore Road, Pascoag** (Administrative – 19 lots merged); **Phil-Anna Estates, Lee Lapierre Private Family Compound, Benedict Road, Nasonville** (Preliminary Minor RRC – 4 lots); **Adler Properties, LLC, Aspen Way, Burrillville** (Preliminary Minor Land Development); and **Oakland Village, Adler Properties, LLC, Oakland School Street & Victory Highway, Oakland** (Preliminary Major Land Development). The following plan was rejected as incomplete: **Doris Bourget and Jonathan & Jennifer Heon, Mowry Street, Harrisville** (Preliminary Minor – 2 lots). The following plans were endorsed: **Robert & Joyce Buckley and Bliss Golf Investors, LLC, Lapham Farm Road, Pascoag** (Administrative – 2 lots); and **Northwest Community Nursing & Health Services, Sayles Avenue & The Bridgeway, Pascoag** (Administrative – two lots).

Planning Board Discussions: The Board had nothing further for discussion.

A motion to adjourn was then made at 10:10 p.m. by Mr. Presbrey, seconded by Mr. Desjardins and carried unanimously by the Board.