

**MINUTES OF THE PLANNING BOARD MEETING OF JULY 9, 2007
SUBJECT TO APPROVAL AT THE NEXT REGULAR MEETING**

I. CALL TO ORDER:

Meeting was called to order at 7:02 p.m., Jeffrey Partington, Chairman, presiding.

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

Members Absent: Jim Libby and Jeffrey Presbrey.

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

II. ATTENDANCE REVIEW:

The Chairman acknowledged that one member was on vacation and one member was feeling ill.

III. ACCEPTANCE OF MINUTES:

The **minutes of the Planning Board meeting of June 4, 2007** were read. *A motion to accept the minutes as presented was made by Mr. Ferreira, seconded by Mr. Felice and carried unanimously by the Board.*

IV. CORRESPONDENCE:

- Conservation Fund Newsletter
- Two RIDEM Notices of Insignificant Alterations

V. NEW BUSINESS:

Major Land Development:

Oakland Village, Oakland School Street & Victory Highway, Oakland; Map 162, Lot 40 & Map 179, Lot 56: *Setting of Bond Amount & Inspection Fees:* Mr. Partington noted that the Board was in receipt of correspondence from Richard Bernardo, DPW Director, recommending a bond amount of \$337,500 and inspection fees of \$6,750 for the Oakland Village subdivision. *A motion to set the bond amount for Oakland Village at \$337,500 and the inspection fees at \$6,750 was made by Mr. Ferreira. The motion received a second from Mr. Lupis and carried unanimously by the Board.*

Pine Ridge Village Planned Development (Age-Restricted), Steere Farm Road & Mowry Street, Harrisville; Map 176, Lots 3 & 5; Map 177, Lot 30: *Request for Extension of Master Plan Approval:* Mr. Partington read into the record a letter from the attorney representing the developers of the Pine Ridge VPD requesting a time extension of the Master Plan approval of this project for one-year. He then asked Mr. Kravitz if he could explain the request.

Noting that a preliminary plan has been submitted by the developers and is currently under review and that the time lime on the Master Plan approval is only for one-year until

a Preliminary Plan is submitted, Mr. Kravitz stated that he, too, was a bit confused as to why the attorney would present such a request seeing a preliminary application was submitted within one year of the master plan approval. He also noted in his review of previous Planning Board minutes, particularly July 2006, it was very clear that the applicants agreed to a waiver of the 120-day Planning Board decision period for the Preliminary Plan review. The Board asked if they could grant an extension request approval based upon the development receiving RIDEM approval, within one year. He told the Board that he could check with the Town Solicitor to see if the Master Plan approval extension is necessary as well as whether the Board could place the DEM approval stipulation on the approval. *A motion was then made by Mr. Ferreira and seconded by Mr. Tremblay to table the request until the Planner has discussed and received an opinion from the Town Solicitor. The motion carried unanimously by the Board.*

Several members of the audience, who are abutters to the Pine Ridge development, voiced concern with not having received notification from RIDEM regarding a Public Notice period. They were requesting that the Board forward correspondence to RIDEM in opposition of the proposed wetlands alteration. Mr. Partington told them that the Planning Board was not the board that we legally able to present opposition, in this case. Mr. Tremblay told them that the Conservation Commission is the board that they should present their concerns to, who would then forward a recommendation onto the Town Council to respond.

Evergreen Estates, Log Road, Burrillville; Map 218, Lot 4; Map 219, Lot 1 & Map 237, Lot 5: Conceptual Plan Review: Attorney Paul Ryan, Erin Gallogly, of Marc Nyberg Associates, and Mr. & Mrs. Piette were in attendance to represent the request. Attorney Ryan began by stating that the property lies between Colwell Road and Log Road, and was previously known as the former Material Sand & Gravel site that was owned by Mr. Pezza. He noted that the purpose of this application is to create a subdivision and to restore the former Pezza property. He handed out to the Board correspondence that provided information on three options for development. Option 1 was for an 11-lot subdivision on a cul-de-sac road that was approximately 2,535 feet in length. Attorney Ryan noted that the Subdivision & Land Development Regulations from 2003 limited the length of a dead end cul-de-sac to 1,000 feet. In the 2005 Regulations, the required length has been removed, which means that although the Board doesn't have to approve a cul-de-sac roadway greater than 1,000 feet, the applicant does not have to request a waiver from the Regulations, and added that it would be a low density development. He stated that "bump outs" could be provided along the roadway to accommodate fire apparatus because this is a single access roadway. He noted that Option 1 keeps activity out of the wetland areas and provides funding for the applicant to complete the subdivision project as well as restoration of the former Pezza parcel. He then referred to Option 2, which has been previously recommended by the Town, for the development of a thru-street. However, it would necessitate applying for a significant wetlands alteration permit from RIDEM. Option 3, the rural residential compound, would not generate any funding for the project or the Pezza restoration. It was only provided as is required by the submission regulations and it doesn't really work for this

parcel. He stated that the applicant wishes to proceed with the Option 1 proposal. He then turned the meeting over to Erin Gallogly for any engineering questions.

Ms. Gallogly reiterated that the proposed roadway for Option 1 was approximately 2,535 feet in length. The applicant is willing to provide turnarounds, or bump outs, to address safety issues. She noted that the property would have the required suppression-safety cisterns and access to these cisterns for the fire department. She pointed out that Lot 8 would be the only lot located within the tree line that surrounds the property. The rest will be out of the tree line in order to limit disturbance. The Board questioned the location of the former gravel site and Ms. Gallogly pointed out its location on the plan. The Board questioned the location of Lots 6 & 7. Ms. Gallogly stated that Lot 7 is located in North Smithfield and so that lot is meeting the requirements of North Smithfield's zoning. Lot 6 is located in Burrillville and will front on the proposed roadway.

The Board was very concerned with the proposed length of the cul-de-sac road. Mr. Ferreira asked how much fill would need to be brought in to rescue the property. Ms. Gallogly said that it would be more cut and fill than the bringing in of fill material. She added they would be pulling out more than they would be filling in. Mr. Ferreira asked if any consideration had been given to a "ring type" road. Ms. Gallogly stated that at the site walk, Mr. Presbrey had mentioned that type of roadway.

For the recorded, because Mr. Presbrey was unable to make tonight's meeting, Mr. Partington read a list of comments that Mr. Presbrey had prepared during his review:

- Noting numerous monitor wells throughout the property, the plan should reflect the location of each well and provide logs of the wells for review; *Ms. Gallogly stated that they are labeled as capped wells and was able to locate a few. If more are there, they would have to go out to the site and locate them.*
- Conduct a study to determine the cost of developing a thru road with wetlands and stream crossing; then allow road length waiver for less than 12 lots, based on decreased cost of road construction. The applicant receives fewer lots but also has reduced roadway construction costs.
- Noting a wetland and riverfront disturbance (tree cutting) north of the ridge on the very steep ridge which is creating a potential erosion problem into the wetlands, has RIDEM given approval? *Attorney Ryan stated that RIDEM was actually out at the site this spring supervising the cutting of some of the pine trees.*
- In the Northeast side of the gravel bank a water well has been drilled along the "C" series wetland flags. "C" series wetland flags are not present. The water well has encroached into the wetland buffer and possibly the wetland itself. Who drilled the well and is the permit and installation info on the well available? *Ms. Gallogly said that she would go out to the site and check the "C" series flags.*

Mr. Partington asked if the length of the cul-de-sac was planned in order to create frontage. Ms. Gallogly said that it was, but during the site walk Mr. Presbrey had suggested that proposed Lot 5's frontage could be brought back, as it has more than is

necessary, which would allow for the following lots being shifted and potentially shorten the length of the roadway.

Mr. Partington then referenced a memo from Richard Bernardo, the DPW Director/Engineer who offered the following comments:

- The Residential Compound plans are difficult to read due to the small scale and conflicting labeling. However it appears that there is no open space planned.
- The Alternate Conventional layout does not meet subdivision regulations for the length of the roadway with a cul-de-sac.

Mr. Desjardins suggested the applicant consider eliminating a few lots and adding the area to adjacent lots which would enable the roadway to be reduced. The larger lots could potentially generate additional income while the reduced roadway would have reduced costs. Ms. Gallogly stated that the roadway costs would be reduced but the funding need to remediate the former gravel site would not be there. She told the Board that one of the particular “mounds” is comprised of Title 5 gravel, which is an extremely sought after material for septic systems in Massachusetts. If the developer would be allowed to take this material out, it would help to generate funds for the cost of the roadway. Attorney Ryan added that any gravel leaving the site would create a cash bond to cover the roadway construction and the additional funds would help restore the gravel site. He noted that Mr. Piette has not made any money off of the Pezza property; that he was not part of Material Sand or Pezza. He would be restoring the site to make it work with the rest of this project. Mr. Kravitz then questioned whether the other gravel would also leave the site in order to underwrite the bond for the project. Attorney Ryan added that some would stay and some would leave. Mr. Kravitz then cautioned the Board that it can be shaky ground to use one of those factors as approval of the project – excavating material to underwrite the cost of the project. It’s not a typical finding of fact for approval. Attorney Ryan stated that the reason the sale of material was brought up was in reference to one of the Town Council member’s concern. The Board questioned whether the gravel pit is still operating. Attorney Ryan said it was not – Mr. Piette is using gravel for only small jobs.

Mr. Tremblay questioned their statement, under Option 3, that “it is questionable as to whether at this point in time there is any market for such a compound”. Attorney Piette stated that there would be too much of the gravel pit remaining by going with a rural residential compound and because of the peculiarity of the site.

Mr. Lupis noted that if the applicant came back with a landscape architect’s plan for remediation of the site, he wouldn’t care whether the gravel was used on the site, removed or sold to a neighbor, just as long as the site is restored. Mr. Felice echoed his comments.

In regards to the roadway length, for the record, Mr. Kravitz noted that RIDEM has hired a consultant back in 2006 to review towns’ regulations and incorporate conservation design. Changes were made to the Town’s regulations and the 1,000 foot length requirement was inadvertently removed as an editorial mistake. Subsequently, the Town

Council did not approve conservation development changes that were made to the Zoning Ordinance and the Comprehensive Plan, so the changes in the Subdivision Regulations never took effect. He is currently working on changing the Regulations back to the original prior to the consultant's changes.

Summarizing the Board's concerns, Mr. Partington noted that the length of the roadway would be an issue with the Board as well as any removal of gravel from the property at this time. He also suggested that the developers should be a little more creative with development of this property. He further noted his discomfort with the Council having an issue with the gravel operation as well as the fact that some legal action is underway at this time.

VI. OTHER BUSINESS:

Report from Administrative Officer:

Mr. Kravitz noted that during the month of June, a Certificate of Completeness was issued for: **Evergreen Estates, Log Road, Burrillville** (Conceptual Minor RRC – 5 lots). The following plan was rejected as incomplete: **Nicholas Horne, Sherman Farm Road, Harrisville** (Administrative – two lots). There were no plans endorsed.

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

A motion to adjourn was then made at 8:07 p.m. by Mr. Ferreira, seconded by Mr. Desjardins and carried unanimously by the Board.