

**MINUTES OF THE PLANNING BOARD MEETING OF SEPTEMBER 10, 2007  
SUBJECT TO APPROVAL AT THE NEXT REGULAR MEETING**

**I. CALL TO ORDER:**

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

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

**Others Present:** Ray Cloutier, Zoning Board Chairman, Joe Raymond, Building/Zoning Official, Tom Kravitz, Town Planner, and Christine Langlois, Deputy Planner/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 August 6, 2007** were read. *A motion to accept the minutes as presented was made by Mr. Ferreira, seconded by Mr. Presbrey and carried unanimously by the Board.*

**IV. CORRESPONDENCE:**

- Town Council memo to the Planning Board regarding the Pine Ridge development
- Two RIDEM notices of Insignificant Wetlands Alterations
- Zoning Board September agenda notice

**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 meeting):** Attorney Brad Steere and Kelly Maher, applicant, were in attendance to represent the request. Attorney Steere briefly noted that Board had previously reviewed this request in May, for the creation of one lot off of Victory Highway, requiring a frontage variance. At that time the Board felt that the applicant could pursue a different alternative to the plan without having to seek zoning relief from the Aquifer Overlay. In June a new plan was submitted, creating a lot on the Gazza Road side of the parcel, conforming to the zoning district requirements. However, he noted that Ms. Maher was not amenable to utilizing the land along Gazza Road as this area is part of the original homestead, as well as the fact that public sewer is not located on Gazza Road as it is on Victory Highway. The Board's vote resulted in a 4-to-4 tie, which did not carry. He also pointed out that the proposed Victory Highway lot has received an Insignificant Alteration permit from RIDEM. He added that the applicant would be willing to allow a stipulation be placed on the plan that would prohibit any further subdivision of the parcel. Several members were amenable with the Victory Highway lot proposal as it would be preserving open space along the Gazza Road side. Several members expressed concerns with creating a non-conforming lot.

As there were no further questions or comments from the Board, Mr. Partington stated that a motion for approval would be put forth, with a condition that a restriction is placed on the property that no further subdivision would occur, and that the members were to answer either in favor or opposed. *A motion to approve the Kelly Maher Preliminary Minor subdivision plan on Victory Highway, as previously presented, was made by Mr. Presbrey, because the subdivision is consistent with the Comprehensive Plan; the subdivision, if approved by the Zoning Board, would be in compliance with the Zoning Ordinance; there will be no negative significant environmental impacts; the subdivision will not result in the creation of an unbuildable lot; 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. Ferreira. The vote resulted in four in favor (Felice, Ferreira, Lupis, Presbrey) and five opposed (Rick, Partington, Libby, Desjardins, Tremblay). The plan is not approved.*

**Phil-Anna Estates, Lee Lapierre Private Family Compound, Benedict Road, Nasonville; Map 46, Lot 11 & Map 64, Lot 5: Preliminary Plan Review/Public Hearing (cont'd from June 4, 2007 meeting):** Mr. Norbert Therien, of National Surveyors-Developers, Inc., and Mr. Lee Lapierre, applicant, were in attendance to represent the request. Mr. Therien began by addressing several outstanding issues from the previous June 11, 2007 meeting:

- Rural Residential Compounds require 50% of the total area as open space. Plan should be modified to show that 50% of the total area is open space. *Mr. Therien noted that the subdivision entails two individual lots (Map 46, Lots 5 & 11). The open space comprises of the perimeter of both lots and a majority of Lot 5 totaling 22.9 acres or 50.01%.*
- As requested by the DPW Director, required bridge inspection at 5-year intervals and the establishment of a bridge maintenance plan. *Mr. Therien stated that a notation on the final plan will state that there will be a bridge inspection at every 5-year interval and will be conducted by a professional, structural engineer, who will inspect and prepare a report, in accordance with the Department of Public Works and/or the Building Inspector.*
- Revisit the house layouts, proposed length of driveways and amounts of disturbance; rural residential compounds should limit the amount of disturbance, maintaining as much of the natural land characteristics as possible. *Mr. Therien noted that Mr. Casali's office had reviewed and reduced the limits of disturbance. Because the property is approximately 22-23 acres, the houses are being placed with some distance between them and not on top of one another, noting some restrictions due to the terrain, and the site suitability to sustain on-site septic systems.*
- Submission of RIDEM approval of Subdivision Soil Suitability. *He pointed out that RIDEM has reviewed the site and issued an insignificant alteration permit in regards to wetlands and has also provided a site suitability approval. He noted that this proposal is truly a family compound, having visited the site with Mr. Lapierre and his*

*family to determine the location of the each family member's house site. He added that they have minimized the regrading immediately around the cul-de-sac to minimize the overall disturbance.*

- Correction to statement #13 of the Declaration of Covenants, Conditions & Restrictions. *Mr. Therien noted that the legal documents were revised and submitted to Planning for review by the Town Solicitor.*
- Correction to plan that illustrates all of the proposed lots have at least 2 acres of buildable area in accordance with RRC regulations. *Mr. Therien stated that each site has 2 acres of buildable upland area that meets the rural residential compound requirements.*
- Provide either open space access or an easement for access to proposed Lot #4. *Mr. Therien stated that this issue has been addressed by the open space being wrapped around the entire property, which now provides access to Lot #4.*
- Confirmation that the engineer for York Bridge, Inc. has been licensed in the State of Rhode Island as a certified Structural Engineer. *Mr. Therien noted that York Bridge, as well as the engineer who reviewed and stamped the plans, has a Certificate of Authority from the State of Rhode Island.*
- Submission of the Certified Return Receipts from abutters, as well as a check in the amount of \$273.20 to cover the public hearing advertisement. *Mr. Therien stated that both the return receipts and the public hearing advertisement costs were submitted to the Planning Department.*

He noted that outside of the adjustments previously covered, there are no additional changes to the original plan. He added that the proposed fire protection for the development is in the form of a 20,000 gallon dry hydrant hookup placed in the center of the cul-de-sac – located there because of the ability for quick access to the residences and because of the amenable soil types to accommodate this large tank.

Mr. Partington noted that one of his initial questions was in regards to the roadway grade and whether it could be reworked. Mr. Therien stated that it was 8.3% but would be too much to reconfigure regrading, as well as the drainage swales along each side, as well as with the location of the bridge. But it was strongly recommended by the DPW that that portion of the roadway be paved.

Mr. Lemek pointed out that Mr. Bernardo has not had a chance to review the bridge plans and asked if this was a problem. Mr. Kravitz told them that the Certificate of Authorization had not been received by the date of the memo and that Mr. Bernardo would not conduct his review until such COA was received. Although the COA has been received, Mr. Bernardo has not done his review. Mr. Therien added that the plan is exactly the same as before, only containing the certification stamp.

Mr. Kravitz told the Board that during an informal conversation with Mr. Bernardo, he had suggested the applicant hire the engineering services of a company, certified by the State, to inspect the bridge installation. The Board could take action on the plan tonight subject to Mr. Bernardo's review.

At this point, the Public Hearing was opened at 7:30 p.m. to allow for comments or questions from the public

Richard Dionne, of Benedict Road, stated that he had first been skeptical in regards to the rural residential compound when it was first discussed by the Town Council approximately 10 years ago, but now thinks it's a great idea.

Gary Russo, of Benedict Road, who is adjacent to the proposed access, stated that he & his wife had been skeptical at first, but had walked the property with Mr. Lapierre and now fully supports the proposal.

As there were no further questions or comments from the public, the Public Hearing was closed at 7:48 p.m.

*A motion to approve the Preliminary Minor Rural Residential Compound for the Lee Lapierre Family on Benedict Road was made by Mr. Felice per RIGL Section 45-23-60 that the subdivision is consistent with the Comprehensive Plan, Chapter V Housing, Implementation Action V.I.a.1; the application is consistent with the Burrillville Zoning Ordinance, specifically Section 30-208 Rural Residential Compounds; the application has undergone State Environmental review and it has been found according to RIDEM Consent Agreement dated 11/06/2006 that there will be no negative environmental impacts; the subdivision will not result in the creation of unbuildable lots; and the subdivision has adequate and permanent physical access to Benedict Road – a town-accepted and publicly maintained roadway; subject to the review, approval and subsequent recommendations by the DPW Director. The motion received a second from Mr. Ferreira and carried unanimously by the Board.*

**Continued Review of Amendments to the Burrillville Subdivision & Land Development Regulations:** *A motion to move this item to the end of New Business was made by Mr. Ferreira, seconded by Mr. Presbrey and carried unanimously by the Board.*

## **VI. NEW BUSINESS:**

### **Minor Land Development:**

**Boistown Estates, James & Debra Crombie, Knibb Road, Pascoag; Map 208, Lot 24: Request for an Extension of the Preliminary Plan Review for a Rural Residential Compound:** Mr. Crombie told the Board that he had resubmitted to RIDEM the changes to his plan that they had requested with their last review and that he was awaiting any further comments. He asked that the Board consider a three-month extension. *A motion to grant a one-year extension was made by Mr. Ferreira, seconded by Mr. Desjardins and carried unanimously by the Board.*

**George Sparrow, Victory Highway, Burrillville; Map 214, Lot 93: Preliminary Plan Review:** Mr. Norbert Therien, of National Surveyors-Developers, and Mr. George Sparrow, applicant, were in attendance to represent the request. Mr. Therien told the Board that he had prepared a site plan of Mr. Sparrow's property, located on Victory Highway in Mapleville, which has been a family-owned automotive/body repair business for the past 40 years. He offered a current aerial photo of the site, displaying the location and size of the proposed building. He stated the applicant was looking to construct a building in an area that is predominately gravel and used as on-site storage for the

business. This building would allow the applicant to store, and work on, the vehicles within the building. He noted that the proposed building would be 15 feet off the side property line, 3.98 feet off of Victory Highway and approximately 30-40 feet off of Mapleville Main Street. He added that the Planning Department had requested several trees, located on site, remain on the property.

Mr. Partington then asked if the drainage had been addressed, as was outlined in a memo from the DPW Director. Mr. Therien stated that soil evaluations were conducted but located nothing but sand, very gravelly, Hinckley-type soils. The final design of the roof leader drainage system has not been completed, but should be by the end of this week. He added that he had no doubt there would be one or two 4x4 galleys, taking from the roof leader, and any contaminated runoff would be placed toward the rear of the building as shown on the site plans, so that there would be zero-net increase. Mr. Partington then asked if a Physical Alteration Permit has been obtained. Mr. Sparrow stated that he had spoken with Mr. Bernardo and told him that the current driveway has been used for over 40 years. His response was that if has been used for that long, a PAP is not necessary.

Mr. Sparrow told the Board that this building would allow him to store the cars to be worked on within the building and not be cluttering the corner of his property as they have in the past.

Mr. Tremblay questioned the use and location of the well on the property. Mr. Sparrow said the well is a drilled well (480 feet) being used by the current residence and for the business. He noted it would be located within the new building, out of the weather, and protected with a sealed steel cover. Mr. Tremblay then asked if Mr. Sparrow would be utilizing oil-water separators within the proposed building. Mr. Sparrow said he would not as he is not using any type of floor drains; he uses Safety Clean maps to contain any spills or contamination.

Mr. Presbrey asked if there would be any gravel or pavement used. Mr. Sparrow stated that he would like to pave the front of the building, not around the back of the building, in the future. Mr. Presbrey questioned whether any soil erosion and sediment control plan has been established, as was requested by the DPW Director. Mr. Therien told the Board that he had not but essentially they would be encapsulating any of the proposed limits of disturbance and literally wrapping around the building and will remain until all of the disturbed areas are stabilized. He made note to place a notation on the plan.

Mr. Libby was not comfortable with the proposed metal building being placed in a residential area, noting that this type of building is fine within an industrial park. Mr. Sparrow told the Board that he could investigate construction of a design block-type building for the same amount of money, noting that he would prefer the block-type building. Mr. Libby said that he had brought along to the meeting examples of poor metal building design and good metal building design, which he offered to Mr. Sparrow.

Mr. Ferreira was concerned with possible contaminants leaving the property. Mr. Sparrow said he would put up a retaining wall to make sure that if there was a problem, it would be contained.

Mr. Lemek voiced concern with the cars that park on the property in the vicinity of the intersection of Victory Highway and Sand Hill Road, cutting the visibility of approaching

vehicles. Mr. Sparrow said that in the past he wanted to put something up to help the situation, but with the new building, there will not be the congestion of the parked cars in this area – the cars will be stored within the building.

As there were no further questions from the Board, *a motion to approve the Preliminary Minor Land Development plan for George Sparrow was made by Mr. Ferreira, in fulfillment of RIGL 45-23-60, and the following Findings of Facts were established:*

- *The land development is consistent with the Town’s Comprehensive Plan, specifically Chapter VII 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 characteristic, 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”; Chapter IX 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 an unbuildable lot;*
- *The proposed lot has adequate and permanent physical access to a public street;*

*conditioned upon Mr. Libby working with Mr. Kravitz to review the proposed building architectural renderings from the applicant and conditioned upon Mr. Therien providing a Soil Erosion and Sediment Control plan. The motion received a second from Mr. Lupis and carried unanimously by the Board.*

**Administrative Subdivision:**

**Kyle Ferreira, Black Star Road, Burrillville; Map 232, Lot 7: Extension of Black Star Road/Setting of Performance Bond & Inspection Fees:** Referencing Mr. Kravitz’s Staff Report, Mr. Partington told the Board that the applicant wishes to extend Black Star Road, and that the Board was directed to establish the bond amount and inspection fees. *A motion to set the bond amount for the cul-de-sac extension of Black Star Road at \$5,000 and the inspection fees at \$100 was made by Mr. Partington, seconded by Mr. Ferreira and carried unanimously by the Board.*

**Continued Review of Amendments to the Burrillville Subdivision & Land Development Regulations:** Mr. Kravitz told the Board that he had incorporated all of their suggested changes from last month into the regulations. He noted that the LID (Low Density Development) references would appear in the Appendix section. *A motion to approve the amendments to the Burrillville Subdivision & Land Development*

*Regulations was made by Mr. Ferreira, seconded by Mr. Felice and carried unanimously by the Board.*

**VII. OTHER BUSINESS:**

**Review/Recommendation to Town Council of Amendments to Zoning Ordinance:**  
Mr. Kravitz told the Board that the purpose of these zoning amendments is to update the Land Development and Cluster sections of the Zoning Ordinance. Because the Town does not have a technical review committee to preview the land development projects, the Planning Board gets to review every such project. The zoning ordinance provides the authority for the Planner and the Zoning Official to place the land development projects before the Planning Board for review. The Development Plan Review section is the set of standards by which the Board bases their review. The Subdivision & Land Development Regulations differentiates between a minor land development project and a major land development project; what does and doesn't require a public hearing. *A motion to approve the proposed amendments to Section 30-201 Development Plan Review, of the Zoning Ordinance, in accordance with RIGL Section 45-24-52 and Section 45-24-30; and to forward a favorable advisory to the Town Council on its acceptance was made by Mr. Presbrey. The motion received a second from Mr. Ferreira and carried unanimously by the Board.*

Continuing Mr. Kravitz reviewed the proposed changes to the Cluster Development section of the Zoning Ordinance. He further suggested reducing the lot frontages by 25 feet each to: F-5 (100 feet); R-40 (75 feet); R-20 (50 feet); R-12 (50 feet). Mr. Kravitz noted an error in the table and said that "Minimum Lot Width. . ." should be changed to "Minimum Lot Frontage. . ." The Board questioned the wording "old growth forests" under subsection (b)(1) and suggested removing it as there are other means of addressing these features. Mr. Raymond suggested removing "per single-family unit" from the first line of the table.

*A motion to approve the proposed amendments to Section 30-203 Cluster Development, of the Zoning Ordinance, in accordance with RIGL Section 45-24-52 and Section 45-24-30; and to forward a favorable advisory to the Town Council on its acceptance was made by Mr. Presbrey. The motion received a second from Mr. Ferreira and carried unanimously by the Board.*

**Report from Administrative Officer:**

Mr. Kravitz noted that during the month of August, a Certificates of Completeness were issued for: **George Sparrow, Victory Highway, Mapleville** (Preliminary Minor Land Development); **Kyle Ferreira, Black Star Road, Mapleville** (Administrative – Cul-de-sac Detail); **Nicholas Horne, Sherman Farm Road, Harrisville** (Administrative – two lots); and **Robert & Joyce Buckley, Lapham Farm Road, Pascoag** (Final Minor – two lots). There were no plans rejected as incomplete. The following plans were endorsed: **Kyle Ferreira, Black Star Road, Mapleville** (Administrative – Cul-de-sac Detail); and **Nicholas Horne, Sherman Farm Road, Harrisville** (Administrative – two lots).

**Planning Board Discussions:** Mr. Kravitz informed the Board that he had allowed the developer of Highland Estates to change his utility layout. He noted that the developer has encountered an extremely large amount of ledge on the property which would require a great deal of blasting. The change allows for underground utilities in from Snake Hill Road to approximately Station 50 and then above-ground to the end of the cul-de-sac. The Board did not express any concerns with this change.

*A motion to adjourn was then made at 9:05 p.m. by Mr. Ferreira, seconded by Mr. Lupis and carried unanimously by the Board.*