

**MINUTES OF THE PLANNING BOARD MEETING OF OCTOBER 1, 2007
SUBJECT TO APPROVAL AT THE NEXT REGULAR MEETING**

I. CALL TO ORDER:

Meeting was called to order at 7:01 p.m., Jeff Partington, Chairman, presiding.

Members Present: Jeff Partington, Leo Felice, Bruce Ferreira, Michael Lupis, Jim Libby, Christopher Desjardins and Jeff Presbrey.

Members Absent: Rick Lemek and Marc Tremblay.

Others Present: Tom Kravitz, Town Planner, and Christine Langlois, Deputy Planner/Recording Secretary.

II. ATTENDANCE REVIEW:

The Chairman acknowledged that two members were absent due to family obligations.

III. ACCEPTANCE OF MINUTES:

The **minutes of the Planning Board meeting of September 10, 2007** were read. *A motion to accept the minutes as presented was made by Mr. Ferreira, seconded by Mr. Lupis and carried unanimously by the Board.*

IV. CORRESPONDENCE:

- Two RIDEM notices of Insignificant Wetlands Alterations
- APA Zoning Practices Cluster Development Newsletter

V. NEW BUSINESS:

Minor Subdivision:

Phil-Anna Estates, Lee Lapierre Private Family Compound, Benedict Road, Nasonville; Map 46, Lot 11 & Map 64, Lot 5: *Setting of Bond Amount & Inspection Fees:* Mr. Partington acknowledged a correspondence that had been received by the Planning Department from an abutter to the Phil-Anna Estates subdivision, notifying the Board that he had not received notification of the public hearing, for Phil-Anna Estates, that had been held on September 10, 2007. Coincidentally, he noted that the Board has been asked this evening to set a bond amount and inspection fees for this project. Mr. Kravitz told the Board that he had reviewed the return receipts cards for the public hearing notification and did not find a notice for this abutter. He had recommended to the developer that the preliminary plan/public hearing be heard again to allow the abutter time to offer comments or questions.

In light of this letter, Mr. Partington felt that the Board should refrain from setting any amounts until it has been determined that the public hearing held on September 10, 2007 was valid. Mr. Ferreira had an issue with the proposed bond amount, specifically the bridge construction and asked if that should also be bonded. Mr. Kravitz told him that Mr. Bernardo did not want to include the bridge construction in his proposed amount because it was something that was going to be outsourced to a private RI registered firm. Also because the bridge oversight was not going to be conducted by Mr. Bernardo, he did

not include it in the proposed inspection fees. Mr. Partington suggested that Mr. Bernardo considered including the bridge construction costs in the bond amount but remove it when estimating the inspection fees.

A motion to table the setting of the bond amount and inspections fees for the Phil-Anna Estates rural residential compound was made by Mr. Ferreira for the next three months or until the developer contacts the Board to reschedule the public hearing, with all abutters receiving notification. The motion received a second from Mr. Presbrey and carried unanimously by the Board.

VI. OTHER BUSINESS:

Review/Recommendation to Town Council of Amendment to Zoning Ordinance:

Mr. Kravitz told the Board that they had reviewed and acted upon the Cluster Ordinance last month; however, in further reviewing the ordinance, he discovered a slight problem. He noted that prior to his being hired, a determination had been made by Walter Kane that clustering was not allowed in the aquifer overlay zones. He stated that he has changed the ordinance to allow for clustering in the aquifer overlay zones with the caveat that the yield number is determined in accordance with the aquifer overlay requirements (Section 30-203. Cluster Development, (C) (1) b).

A motion was made by Mr. Ferreira to forward a positive recommendation to the Town Council based on the memo dated October 1, 2007 regarding Section 30-203 Cluster Development and Section 30-201 Development Plan Review. The motion received a second from Mr. Desjardins and carried unanimously by the Board.

Report from Administrative Officer:

Mr. Kravitz noted that during the month of September, Certificates of Completeness were issued for: **Doris Bourget and Johnathan & Jennifer Heon, Mowry Street, Harrisville** (Final Minor Subdivision – two lots) and **Gerald L. Lapierre, Victory Highway, Nasonville** (Administrative – two lots); The following plan was rejected as incomplete: **Mike Cabral, Mount Pleasant Road, Nasonville** (RRC – 6 lots). The following plan was endorsed: **Doris Bourget and Johnathan & Jennifer Heon, Mowry Street, Harrisville** (Final Minor Subdivision – two lots).

Planning Board Discussions: The Board proceeded to discuss the letter received from Mr. Gerald Savoie, an abutter to the Phil-Anna Estates subdivision which states that he has not received any notices regarding this development, requesting the chance to offer comments on the development. The Board directed Mr. Kravitz to notify the developer, as well as his surveyor, that the public hearing for Phil-Anna Estates would be held again, that they must properly notify all abutters, and further to obtain a ruling from the Town Solicitor as to whether the vote taken on this development by the Planning Board is null and void.

As there was nothing further to discuss, a motion to adjourn was then made at 7:25 p.m. by Mr. Ferreira, seconded by Mr. Presbrey and carried unanimously by the Board.