

**MINUTES OF THE PLANNING BOARD MEETING OF DECEMBER 3, 2012
AT THE JESSE SMITH LIBRARY COMMUNITY ROOM
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: Jeffery Partington, Marc Tremblay, Leo Felice, Bruce Ferreira, Michael Lupis, Dov Pick, Christopher Desjardins, and Jeffrey Presbrey.

Members Absent: Rick Lemek.

Others Present: Steve Rawson, Town Council Liaison, Ray Cloutier, Zoning Board Chairman, Thomas Kravitz, Planning Director and Christine Langlois, Deputy Planner.

II. ATTENDANCE REVIEW:

Mr. Partington acknowledged that Mr. Lemek was excused from the meeting as he was recovering from a recent surgery.

III. ACCEPTANCE OF MINUTES:

The **minutes of the Planning Board meeting of November 5, 2012** were read. A *motion to approve the minutes, as presented, was made by Mr. Ferreira, seconded by Mr. Desjardins and carried unanimously by the Board.*

IV. CORRESPONDENCE:

- December 11, 2012 Zoning Board Agenda

At this point, Mr. Lupis recused himself from the discussion as he is currently an abutter to the project.

V. OLD BUSINESS:

Benoit J. Dube, Wallum Lake Road, Burrillville; Map 17, Lot 43: *Conceptual Plan Review for a Rural Residential Compound (cont'd from November 5, 2012):* Attorney Scott Partington, Mr. Joseph Casali, of Joe Casali Engineering, and Mr. Benoit Dube, applicant, were in attendance to represent the request. Attorney Partington began the discussion by stating that it was Mr. Dube's intent to present a five-lot rural residential compound proposal for the 55 acres that he owns, which fronts on two streets – Wallum Lake Road and South Shore Road. He noted that the proposed open space would be approximately 71% which far exceeds the ordinance's requirement of 50%. The request also includes the requirements for minimum frontage, lot size, reduction on building envelopes, dimensional setbacks, in exchange for the open space. He noted issues with access to the open space which will be discussed later. He then turned the presentation over to Joe Casali.

Mr. Casali said that the minor subdivision plan, referred to as Pine Harbor Estates, is a pre-application or concept, review to obtain input from the Board. He explained that the plan comprises of two lots - the first is Assessor's plat 43, Lot 17 having 55.8 acres, with

frontage on both Wallum Lake and South Shore Roads, which contain four existing buildings and a Verizon cell tower, in close proximity to the Massachusetts border; the second is Assessor's plat 17, Lot 41 having approximately 5 – 6,000 sq/ft, with frontage on Walnut Hill Road on an unimproved section of the road. He noted that a majority of the wetlands bi-sect the property. He said that the submission included a conventional subdivision concept as well as two rural residential compound concepts, which he proceeded to describe.

The convention residential subdivision proposes to yield seven lots, requiring the creation of three cul-de-sacs – two from Wallum Lake Road and one from South Shore Road. Three lots would front on the South Shore Road cul-de-sac; three lots would front on the first cul-de-sac one off Wallum Lake Road; and the four existing buildings would be serviced by the second Wallum Lake Road cul-de-sac. He noted that with the conventional subdivision concept, no open space is being offered, and when the proposed roadway lengths are added together, the Town will be getting approximately 1,700-1,800 linear feet of new roadway.

Referring to rural residential compound concept #1, he told the Board that the intent was to join 5 acres to the existing, non-conforming lot on Walnut Hill Road to construct a single family dwelling for Mr. Dube. A new lot would then be formed fronting on Wallum Lake Road to house the four existing buildings and a cul-de-sac, creating four additional lots, would be constructed also on Wallum Lake Road. The proposal then allows for 36 acres remaining as open space, and walking trails would be created running from Wallum Lake Road to South Shore Road - open to town residents. The existing stonewalls will be maintain and access for the cul-de-sac will be placed through an existing break in the wall, as well as the proposed lot for the existing buildings. He noted that the proposal creates 500 feet of additional town roadway.

Referring to the rural residential compound concept #2 (the preferred plan), he said that the proposal creates five house lots, with the proposed estate lot from Walnut Hill Road, but instead of a cul-de-sac with four lots from Wallum Lake Road, the proposal creates three frontage lots along with a lot for the existing buildings. There will be 39.3 acres of open space, with the walking trails and access easement from Wallum Lake Road to South Shore Road. This also would allow pedestrians access to any of the town-owned properties along South Shore Road that front on Wallum Lake. Proposed lots 3 and 4 will have a shared driveway, still utilizing the existing opening in the stone wall along Wallum Lake Road. Lot 3 would contain the existing cell tower. With this proposal, no new roadways would be created, which is beneficial to the Town. In regards to the four existing buildings, a small portion of an existing barn would be demolished; an additional barn structure would be vacated, as well as an existing one-bedroom apartment. The existing three-bedroom single family dwelling would remain. He then asked if there were any questions from the Board.

Mr. Presbrey noted that the cell tower has setback requirements that must be met when they propose to construct the dwelling. For the record, Mr. Kravitz stated that the zoning

ordinance section on cell tower setbacks could be found in Section 30-207 (h) (1) of the Town's Zoning Ordinance.

He noted that the groundwater tables were at two feet, which would require very expensive, raised septic systems. Mr. Casali stated that 15-20 test holes were conducted and the water table is high indicative of Wallum Lake and the wetlands. He added that the system would probably be pre-treatment, Advantex innovative alternative systems.

Mr. Partington questioned the access for the "estate lot" – South Shore Road or Walnut Hill Road. Mr. Casali stated that the soils would govern where the access goes and the system will govern where the house goes. He noted that preliminarily, the access will be from Walnut Hill Road; economics may dictate South Shore Road. If the access turns out to be from South Shore Road, the driveway would be about 20-25 feet wide with a row of arborvitae along the driveway to screen and separate the pedestrian walkway, which will be about 10-12 feet in width. Mr. Partington also suggested that the shared driveway off Wallum Lake Road should have a wider access area.

Mr. Ferreira noted that rural residential compounds contain lots that have access to a common roadway, not along an existing town roadway. He suggested creating a "U-shaped" gravel, private roadway running along the backside of the proposed lots, creating two means of access from Wallum Lake Road. He further suggested conducting more research on any easements as there may be more on the property.

Mr. Felice agreed with Mr. Ferreira's suggestion of a common roadway running parallel with the proposed lots. He further suggested making the entry road to one side of the wall in order to stay away from the cart path.

Mr. Tremblay also agreed with the common roadway suggestion and stated that he wanted to view this option before moving forward with this proposal. He questioned what impact this configuration would have on the walking path.

As this review was conceptual, no votes were taken.

Mr. Lupis returned to the meeting.

VI. NEW BUSINESS:

The Narragansett Electric Company, d/b/a National Grid Interstate Reliability Project: *Planning Board Advisory Opinion to the Rhode Island Energy Siting Board on an application from National Grid for a license to construct & alter transmission lines and substations in Burrillville:* Attorney Peter Lacouture, of Robinson & Cole, Mr. Dave Beron, National Grid project manager, Mr. Dave Prairie, of National Grid Community Relations, Mr. Jamie Durand, environmental consultant from Power Engineers Consulting, and various other National Grid representatives, were in attendance for the discussion. Attorney Lacouture told the Board that the Interstate

Reliability project is a three state project that involves National Grid (Massachusetts and Rhode Island) and Northeast Utilities (Connecticut). The project involves 75 miles of new 345,000-volt transmission lines over existing rights-of-way, which includes 22.5 miles within the towns of Burrillville and North Smithfield in Rhode Island. There will be reconstruction and reconditioning of 9.2 miles of kV lines between two substations in Burrillville and North Smithfield and the construction of a new switching station, adjacent to the existing station, on Sherman Farm Road in Burrillville, which will eventually be retired and dismantled. He noted that the project required submission to the Rhode Island Energy Siting Board, who in turn solicits advisory opinions from various state and local agencies. Once the opinions have been provided, the Siting Board will render a final decision on the project. He noted that they are here before the Board tonight to obtain an advisory opinion as to the project's consistency with the Town's Comprehensive Plan. He also noted that the project would require a dimensional variance in regards to the height of the new towers and a special use permit in regards to working hours. He turned the presentation over to Dave Beron, project manager.

Mr. Beron proceeded to conduct a short PowerPoint presentation on the project. He noted that the project had been borne out of a bulk power network study on reliability needs, which pointed out problems with East-West New England constraints. The proposed project is a solution for this issue. He stated that construction within Rhode Island is scheduled to begin in 2014, after the permitting stage, with a completion date of December 2015. He then asked if the Board had any questions, or comments.

Mr. Kravitz questioned the current height of the existing towers. Mr. Beron stated approximately 85 feet and that the new line would have the same height. Mr. Kravitz then asked why they were seeking zoning relief from maximum height requirements when the height wasn't changing. Attorney Lacouture stated that they felt they needed relief as it will be a new transmission line. In regards to the special use permit request for work hours, Mr. Beron noted that they are seeking the right to work seven days a week, from 7 a.m. to 7 p.m. The intent is for construction activities to normally take place Monday-Friday, 7 a.m. to 7 p.m. and Saturday, 7 a.m. to 5 p.m. If the need arises, they would be able to work on Sunday, and longer hours, with zoning relief.

Mr. Felice inquired as to the biggest obstacles with a project of this size. Mr. Beron stated the environmental permitting process as it is multi-layered and very vigorous.

Mr. Ferreira asked if cranes would be used to set up the new towers. Mr. Beron said that cranes would be used as there is an existing gravel roadway along the power easement. In some areas, it may need to be improved. Where a wetland or archeological area is located, timber mats will be placed over those areas. Mr. Ferreira questioned the use of the H-frame vs. the single post tower. Mr. Beron noted that the H-frame tower use is preferred as the single post towers are more expensive because they require a large, cement base. The H-frame is much higher and can handle more lines.

Mr. Lupis questioned the effect of these new lines, health wise, on the abutting properties – are there any objections? Mr. Beron stated that the Rhode Island Energy Siting Board views this issue quite closely requiring National Grid to study the electric and magnetic fields and model results from the project, with different ways of mitigation and different arrangement of structures and lines. He noted that there is no prudent link between magnetic fields and adverse health effects. Mr. Prairie noted that several magnetic readings have already been conducted on several abutting properties already along the current transmission lines.

Mr. Pick questioned whether it has been determined by National Grid that this upgrade will last for a number of years before another upgrade is required. Mr. Beron noted that when their planners conduct studies, they review in a ten-year horizon, adding the project should be good for the next ten years. Mr. Pick pointed out that the project is not proposed to be completed until 2015. Mr. Beron corrected himself to say the project would be completed by 2022 and should meet sufficiently the needs.

Mr. Presbrey questioned the amount of clear-cutting that would take place with this project. Mr. Beron stated that the proposal was to clear 85 more feet of the easement. Mr. Presbrey then asked if there was any type of maintenance program. Mr. Beron explained that National Grid has a five-year vegetative maintenance program that includes mowing as well as side-trimming of trees and conducting floor treatment of specific species that dominate. He noted that a vigorous part of the Siting Board application is a vegetation maintenance plan (Appendix H). Mr. Presbrey voiced concerns with the fact that a good portion of the expansion project will occur over the Town's major aquifer and the vegetative plan includes the use of herbicides. He then questioned whether the Grid had to fully mitigation any wetlands as it is a public utility. Mr. Beron said they did and referred the question to Jamie Durand, the environmental consultant on the project.

Mr. Durand said that the ratio for mitigation is approximately two-to-one for direct impacts to the wetlands as required by Army Corp of Engineers. They are required to mitigate the permanent fills as well as the temporary fills. They are also responsible for the secondary effects, such as removing trees from a forested wetland. So it would be a combination of land preservation, wetlands restoration, and wetlands enhancement opportunities. Mr. Presbrey then asked if the expansion would require any taking of properties. Mr. Beron said that all activity will take place within the existing easement and there would be no taking of properties.

Mr. Presbrey reiterated his concern with what effect this project and the proposed five-year vegetation plan might have on the aquifer. He made a motion, under Section 10-5.7 of the Subdivision & Land Development Regulations, that the project be reviewed by an independent environmental professional as far as environmental impacts. The motion received a second from Mr. Ferreira. Under discussions, Mr. Presbrey noted that the fees for this study would have to be provided by the applicant. Mr. Pick suggested that Mr. Presbrey be more specific in what information he was looking for as a result of this

study. Mr. Presbrey stated that he would like to see a review of the effects to the watershed, the clear-cutting of trees allowing drainage to flow directly into river, lakes and streams - filtering directly into the Town's aquifer, and an environmental assessment based on the future stability of the Town of Burrillville's aquifer. Mr. Tremblay noted that perhaps some of the issues Mr. Presbrey cited may already be contained in the environmental reviews that have already been done and are heavily scrutinized by federal and state agencies.

Mr. Tremblay then asked Mr. Kravitz if the project would fall under the purview of the Town's Soil Erosion & Sediment Control Ordinance, and is there a review process under this ordinance separate from the Planning Board review. This review might pinpoint areas of concerns such as steep slopes, and receiving waters that should be looked at to be sure the proposal is adequate and able to address some of Mr. Presbrey's concerns.

Mr. Kravitz suggested asking for field reports as they get into parts of the project where soil erosion is important. Mr. Tremblay then asked if an independent consultant would be hired for construction oversight, and who would they answer to, the state agencies? Mr. Beron said that an independent consultant would be hired by National Grid and that they would answer first to National Grid who would, in turn, submit weekly and monthly reports to RIDEM and the Army Corp of Engineers. Mr. Durand added that a Soil Erosion & Sediment Control plan was developed as part of the RIPDES application to RIDEM and that they have spoken with the Building Official and would be submitting a copy of this application to the Town.

Mr. Presbrey stressed the fact that all of the project information is put together for National Grid by people being employed by National Grid. It would be a nice option to have someone else review the information, as the Board has done in the past.

To reiterate, a motion was made by Mr. Presbrey to have the project reviewed by independent professionals for groundwater impacts and the application of future maintenance that may be detrimental to the Town of Burrillville, as required by Planning Board Regulations, Section 10-5.7. The motion received a second from Mr. Ferreira and with five in favor (Mr. Presbrey, Mr. Desjardins, Mr. Pick, Mr. Lupis, Mr. Ferreira) and two opposed (Mr. Felice, Mr. Tremblay), the motion was approved.

A motion was made by Mr. Presbrey to authorize the Town Planner to render a favorable opinion to the Zoning Board on the granting of the necessary relief for the Narragansett Electric Company d.b.a. National Grid Interstate Reliability Project, subject to the hiring of an independent contractor to do an environmental assessment with respect to groundwater. The motion received a second from Mr. Ferreira, and carried unanimously.

Evergreen Estates Phase I, Log Road, Nasonville; Map 237, Lot 5; Map 14, Lot 41: Combines Preliminary-Final Plan Review/Public Hearing: Mr. Partington noted that the Planning Department had received a request from the applicant to continue this review to the next meeting due to the fact that the abutters had not been properly notified of the public hearing. *A motion to continue the review of Evergreen Estates Phase I to*

the January 7, 2013 Planning Board meeting was made by Mr. Ferreira, seconded by Mr. Desjardins and carried unanimously by the Board.

VII. OTHER BUSINESS:

Report from Administrative Officer: The Board noted that during the month of November, Certificates of Completeness were issued for: **Evergreen Estates Phase I, Log Road, Nasonville** (Combined Preliminary-Final plan - two lots); and **Thomas Kryzan & Joyce Realini, Fortier & Mount Pleasant Roads, Nasonville** (Administrative – Boundary Survey). There were no plans rejected as incomplete. The following plan was endorsed: **Thomas Kryzan & Joyce Realini, Fortier & Mount Pleasant Roads, Nasonville** (Administrative – Boundary Survey).

Planning Board Discussions: Mr. Presbrey passed out a recent Woonsocket Call newspaper article about the work that has begun on the Daniele Proscuito building expansion project.

Councilman Rawson informed the Board that he was recently designated the new council liaison to the Planning Board. He also handed out volunteer pins to the Board members in appreciation for their service to the Town.

As there was nothing further for discussion, *a motion to adjourn was then made by Mr. Ferreira at 8:45 p.m. The motion received a second from Mr. Desjardins and carried unanimously.*

Recorded by: _____
M. Christine Langlois, Deputy Planner