

D R A F T

**TIVERTON PLANNING BOARD
MINUTES OF MEETING
January 6, 2015**

Chairman Stephen Hughes called the regular meeting of the Tiverton Planning Board to order at 7:00 P.M. at the Town Hall, 343 Highland Road. Members present were: Vice Chairman Stuart Hardy, Patricia Cote, Rosemary Eva, Susan Gill, Carol Guimond, Edward Campbell and Peter Corr. Member David Saurette was absent.

Also in attendance were: the Planning Board's Clerk and Administrative Officer Kate Michaud, Planning Board's Solicitor, David Petrarca, consulting engineer Deirdre Paiva of Commonwealth Engineers and Consultants and Director of Public Works Stephen Berlucchi.

1. Michael and Alice Wilkie – 608 Crandall Road – Tiverton, RI 02878 – Preliminary Plan Review – Two-Lot Minor Subdivision – No Road Required – Existing House (608 Crandall Road) and Cabin – Plat 516 / Lot 101 – E/S Crandall Road, W/S Massachusetts State Line – North of East King Road – R-80 Zoning District – Time Clock = January 30, 2015 (65 Days) – Continued from December 2, 2014 Michael and Alice Wilkie and engineer and surveyor Donald Medeiros of Able Engineering were present on behalf of the petition. The Chairman noted that revised plans were submitted that day, which were not stamped or signed. Mr. Medeiros displayed a plan copy with both his Massachusetts and Rhode Island stamps, since property on both sides of the State line was depicted.

Mr. Medeiros stated that the subdivision would require Zoning Board variances. He stated that 608 Crandall Road was a single-family dwelling serviced by a well and septic system. The property also contained a one bedroom rental cabin serviced by a well and cesspool. 6.6 acres of land was in Tiverton and 1.4 acres of land was in Fall River. Mr. Medeiros stated that the exterior wall of the cabin extended 1.5 feet over the State line and into Fall River.

Mr. Medeiros stated that the wetlands were depicted and were fed by an 18 inch RIDOT (RI Department of Transportation) drainage pipe that was installed approximately 60 years ago on the abutting property to the north. He stated that RIDEM (RI Department of Environmental Management) had approved the soil tests and that there were 5 to 6 foot water tables. He added that the intention was to take the cesspool out of service and tie the cabin into a new septic system.

Mr. Medeiros stated that frontage and lot area was conforming to the Zoning requirements and that the subdivision would be very low impact with little land disturbance. The proposed new dwelling would be located approximately 180 feet from the road. He opined that the subdivision was in consistent with the Comprehensive Community Plan.

Mr. Medeiros reviewed the Zoning Board relieve required, including

- Front yard setback for the existing dwelling,
- Rear yard setback for the existing cabin,
- Lot width for both lots, and
- A variance to allow for two dwellings on one lot for Lot 2 (the cabin and the new proposed dwelling).

Mr. Medeiros stated that he had met with the Fall River Conservation Commission and Building Official, who had requested recording of an existing conditions plan in Fall River. The Chairman asked if an address had been requested for the cabin. Mr. Medeiros replied in the negative. Mr. Hardy asked if an additional curb cut would be required. Mr. Medeiros replied in the negative. Ms. Eva stated that she could not support the application as it was presented with two dwellings on one lot. Mr. Hardy asked if the cabin was winterized. Mrs. Wilkie replied in the affirmative. Mr. Hardy asked if the Wilkies would reside in the new dwelling. Mrs. Wilkie replied in the affirmative, noting that it would be a single level to accommodate her husband's needs. Ms. Eva stated that she could support the plan without the cabin and that she was concerned about precedent. Ms. Eva asked if the Tiverton Conservation Commission had reviewed the plan. Mr. Medeiros replied in the negative.

The Chairman asked if a letter had been obtained from the Building Official regarding the minimum housing requirements of the cabin. Mr. Medeiros replied in the negative, opining that this would be an issue for the Zoning Board. He stated that if the Zoning Board granted relief, the petition would return to the Planning Board for Final Plan and all requirements would be met. The Chairman noted that a recommendation from the Planning Board would be required. The Chairman noted that a portion of the cabin appeared to be within the perimeter wetland. He asked if there were RIDEM approvals. Mr. Medeiros replied that none were needed since this was an existing condition. He added that RIDEM approvals would be required at the next stage of review and that there were environmental benefits to removing the cesspool and taking sewage disposal out of the wetland buffer. Mr. Berlucchi noted that State law would require the removal of the cesspool.

Mr. Hardy asked if the applicant had considered an application for a 3-lot subdivision. Mr. Medeiros replied that there was not enough frontage or suitable land area. He added that there might have been enough land area were it not for the RIDOT pipe to the north. Mr. Hardy inquired about the size of the cabin. Mr. Medeiros estimated it at 40 feet by 15 feet. Mrs. Wilkie circulated photographs of the cabin, noting that it contained one bedroom, 1 bathroom and a kitchenette.

The Chairman expressed concern that the revised plans were received late and with no stamp and signature. Mr. Medeiros stated that he could provide stamped and signed plans in the morning. The Chairman stated that the cabin appeared to be the main issue of concern, and that he too was concerned with precedent. Ms. Cote agreed. Ms. Gill asked if the relief could be limited to the current owners. Mr. Petrarca replied in the negative. Ms. Guimond stated that she did not have a problem with the application, but that the rules of Zoning must be followed. Mr. Campbell agreed. The Chairman asked if the Board members took issue with any of the other items of relief. There were no objections.

Mr. Medeiros requested a letter to the Zoning Board with a positive recommendation for front yard setback and lot width and a negative recommendation with regard to the cabin. Mrs. Wilkie stated that she would have the Building Official look at the cabin.

The required findings as stated in Land Development and Subdivision Regulations Section 23-45 a. (1-5) were reviewed aloud. Discussion ensued regarding consistency with the Comprehensive Community Plan and consistency with Zoning. Mr. Petrarca noted that the two items worked in tandem, but were not the same. The standards for a use variance as stated in Zoning Ordinance Article XVII, Section 2.b. (1) were reviewed aloud.

The Chairman suggested that the Board could send a positive recommendation for two of the items of relief and a negative recommendation for the other two. Mr. Hardy noted that the applicant would still need to return to the Planning Board for Final Plan review. The Chairman asked if the property corners had been marked. Mr. Medeiros replied in the affirmative, noting that existing and proposed bounds were depicted. The Chairman requested clarification on the plans. Mr. Medeiros stated that drill holes or pins were used where there were stone walls. Elsewhere concrete bounds were depicted. The Chairman asked the Board if it would be acceptable for him to stamp the plan that would be received tomorrow with the stamp and signature. Ms. Eva stated that in the future she would not vote on a plan that was received the day before a meeting.

Mr. Hardy made a motion to make positive findings, conditional upon receipt of Zoning Board approval. Ms. Guimond seconded the motion. The motion passed 7-1. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Corr voted in favor of the motion. Ms. Eva was opposed.

Mr. Hardy made a motion to grant Conditional Preliminary Plan approval, conditional upon receipt of Zoning Board approval, submission of letters from the Tax Assessor and Building Official regarding the cabin and corrections to the plans as noted. As part of his motion, Mr. Hardy stated that a letter would be sent to the Zoning Board with a positive recommendation for front yard setback and lot width and a negative recommendation for items related to the cabin (rear yard setback and two dwellings on one lot). Ms. Gill

seconded the motion. The motion passed 7-1. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Corr voted in favor of the motion. Ms. Eva was opposed.

2. Eloise Kent (Owner) Sue Kent (Applicant) – PO Box 361 – Tiverton, RI 02878 – Preliminary Plan Review – Public Hearing – Two-lot Minor Subdivision – Road Required – Existing Dwelling to Remain (765 Stafford Road) – Plat 210 / Lot 101 – W/S Stafford Road, North of Forand Lane – R-60 Zoning District – Portion within Stafford Pond Watershed Protection Overlay District (No Construction Proposed within Watershed District) – Time Clock = 95 Days Attorney Ken Tremblay, engineer Todd Chaplin of Mt. Hope Engineering and applicants Sue Kent and Gary Farias were present on behalf of the petition. Mr. Tremblay stated that there is no cesspool for the existing dwelling, and that the septic system had been inspected in 2009. Mr. Chaplin stated that the existing driveway was paved and gravel. Wetlands were flagged by Natural Resource Services. He reviewed the suitable and unsuitable land area calculations noting that the smaller lot was all suitable. A “Y” shaped turnaround would be created for a fire truck turnaround area. Soil testing had been approved and a 3 bedroom septic system had been designed for the new proposed dwelling (located outside of the Watershed Protection Overlay District). Mr. Tremblay noted that a 2 bedroom dwelling was proposed.

Mr. Tremblay stated that the required 40 feet of frontage on a public road could not be provided. He stated that the application was in conformance with the Comprehensive Community Plan, noting that a Rural Residential layout was utilized.

Ms. Paiva asked if a cul de sac would be constructed. Mr. Chaplin replied in the negative, noting that the existing driveway would be relocated, a new driveway would be installed to the new dwelling and a “Y” shaped turnaround would be constructed. Ms. Eva asked if frontage could be obtained from an abutting parcel. Mr. Tremblay replied in the negative. Mr. Tremblay noted that approval of this subdivision would prevent further subdivision in the future.

The Chairman inquired about the new septic system proposed. Mr. Chaplin replied that it would be an Elgin conventional system located approximately 400 to 425 feet from the pond. He noted that there were 3 foot water tables. The Chairman asked Mr. Chaplin to use symbols in the legend instead of letters.

Ms. Eva asked why the Watershed Protection Overlay District boundary was labeled as “approximate”. Mr. Chaplin replied that the Town’s information was utilized. Ms. Eva asked who would own the road. Mr. Tremblay replied that it would be owned by both lot owners and that he would prepare the necessary legal documents. Mr. Hardy inquired about the road’s surface. Mr. Chaplin replied that it would be gravel.

The Chairman noted that this was a public hearing and invited questions or comments from the audience. None were heard. Ms. Eva inquired about the current width of the driveway. Mr. Chaplin replied that it was 10 to 12 feet wide. Ms. Eva requested a note on the plans regarding the private status of the road. Mr. Berlucchi suggested obtaining a letter from the Fire Chief regarding the road. Ms. Paiva noted that the traveled way would need to be relocated to within the right of way depicted. Ms. Michaud requested more detail on construction within the right of way on the Final Plan. Ms. Eva asked for the lots to be labeled as Lot A and Lot B. Ms. Eva noted that the road would need to be named, and the name must be approved by the Fire Department.

Ms. Eva made a motion to continue to the February 3, 2015 meeting. Mr. Hardy seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Corr voted in favor of the motion.

At this time, 8:40 PM, the Chairman called for a 5 minute recess.

3. Dennis Talbot & John Kinnane – PO Box 8 – Adamsville, RI 02801 – Bliss Homestead – Discussion on Paying Fee in Lieu of Building Affordable Housing in Bliss Homestead (1 Lot) – N/S East Road, S/S Four Rod Way – Old Farm Lane – R-80 Zoning District – Nonquit Pond Watershed Protection Overlay

District – Subdivision Approved 8/8/2006 Dennis Talbot and John Kinnane were present on behalf of the petition. Mr. Talbot stated that he had been in contact with Church Community Housing and had been made aware of new legislation allowing for a fee in lieu of construction of affordable housing. The fee per unit for the Town of Tiverton would be \$69,000. If approved, the developer would be allowed to convert the “affordable” lot to a market rate lot. Mr. Talbot stated that the other alternative would be to donate an offsite lot to the Town for construction of affordable housing. He noted that these alternatives were being proposed because the existing method of creating affordable housing was not working.

Ms. Eva asked how the applicant had marketed the affordable lot. Mr. Talbot stated that he had unsuccessfully attempted to develop a single family affordable home that would be compatible with the subdivision. Mr. Kinnane stated that they had spoken with Church Community Housing and Habitat for Humanity, and had provided a half a dozen different designs. No one qualified for the purchase. Mr. Talbot stated that he was willing to basically donate the lot, and the numbers still didn’t work. The Chairman stated that an ordinance would need to be written and approved. He suggested that a fund could be established to convert existing housing stock to affordable housing. The Chairman stated that he had discussed this issue with Solicitor Peter Ruggiero, specifically the two year window for expenditure of the funds. Ms. Michaud noted that Lincoln, RI already had an ordinance in place. She reviewed the language and provided a copy for the applicant. Mr. Hardy asked if there was a model ordinance from the State. Ms. Michaud replied in the negative.

The Chairman suggested that the applicant should approach the Town Council and ask them to refer the issue to the Planning Board. Mr. Kinnane noted that they had proactively included this lot as affordable housing, and that they did not receive a density bonus in return. Mr. Hardy suggested that the applicant should ask the RI Builders Association if they had a model ordinance.

4. Town Planner & Administrative Officer

A. Administrative Officer’s Report The report had been distributed.

1. Special Meeting Scheduled – January 20, 2015 @ High School There was no discussion of this item.

B. Miscellaneous There was no discussion of this item.

5. Tiverton Planning Board

A. Solicitor’s Report Mr. Petrarca noted that Mr. Ruggiero would be present at the January 20 Special Meeting.

B. Budget: 2015-2016 There was no new budget information available.

C. Miscellaneous

1. Request from Town Council for Joint Workshop The Board members indicated that the proposed date of February 17, 2015 was acceptable. Town Councilor David Perry was present in the audience and stated that the Town Council was hoping for suggestions on topics for discussion.

2. Schedule for Review of the Comprehensive Community Plan Update The Chairman stated that the CPAC was still working to complete the draft elements. He stated that a meeting of the CPAC would be called to prepare drafts for Planning Board review.

3. The Chairman noted that officer elections would be held next month (Chairman and Vice Chairman). He stated that the Administrative Officer recommendation to the Town Council would be due in March.

4. Ms. Eva inquired about the status of William Barton Estates. The Chairman stated that a letter had been sent to the Town Council, but that it had not appeared on an agenda yet.

D. Approval of Minutes: This item was not heard due to a privileged motion to adjourn. This item was continued to the next regular meeting of the Planning Board.

July 15, 2014; August 5, 2014; August 19, 2014; September 2, 2014; September 23, 2014 Ms. Michaud was asked to check the status of these minutes.

October 7, 2014 These minutes had already been approved.

October 21, 2014 These minutes had already been approved.

November 18, 2014 These minutes were not ready for review.

November 20, 2014 Mr. Hardy made a motion to approve the minutes. Ms. Gill seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Corr voted in favor of the motion.

December 2, 2014 These minutes were not ready for review.

December 18, 2014 These minutes were not ready for review.

E. Adjournment: Ms. Cote made a motion to adjourn. The motion was seconded by Mr. Hardy. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Corr voted in favor of the motion. The meeting adjourned at 9:30 P.M.

(Italicized words represent corrections made on the approved date.)

Submitted by: _____
Kate Michaud, Clerk

Approval Date: draft