

The Chair called the meeting to order at 7:00.

I. Roll Call

Present: Joseph Cardello, Ed Magill, John O'Donnell, Bruce Santa Anna, Dr. Lucien Benoit, John Czyzewicz. Absent: John Flaherty. Also Present: Town Planner Michael Phillips, Assistant Solicitor Bob Rossi

II. Approval of Minutes—June 21 & July 5, 2007

Dr. Benoit made a motion to approve the minutes of June 21, 2007. Mr. O'Donnell seconded the motion, with all in favor.

Dr. Benoit made a motion to approve the minutes of the July 5, 2007 meeting as corrected. Mr. O'Donnell seconded the motion, with all in favor.

III. Slatersville Mill—Site Plan Modification (continued from June 21, 2007)

Request to Remove Pedestrian Access Bridge

Mr. Phillips informed the Board that he had received a letter from Elizabeth Noonan, attorney for the applicant, asking to be taken off the agenda pending further review of the matter. Mr. Phillips said he will continue to monitor what they do with the pedestrian bridge and

will try to get it on the agenda for an update in September.

IV. Recommendation on Special Use Permit

Expansion of a nonconforming Residential Structure, Section 4, subsection 4.1

Owner/Applicant: Glenn & Marjorie Andreoni

Location: 10 Cranberry Lane

Assessor's Plat 16, Lot 81

Zoning: RA-65 (Residential District)

Glenn Andreoni addressed the Board to present his request. He stated that he is requesting to expand a home on a large 52-acre lot. The lot currently has 2 homes; his in-laws live in one of the homes, the other one needs major rehabilitation. He would like to expand this home for his mother. He submitted the plans for the renovation of the existing house. He would like to convert the existing home into a 2-car garage and add an attached single-family dwelling. The plans included plans for removing the cesspool and installing a bottomless sand filter septic system. He stated that there are no setback issues involved with the plans.

Dr. Benoit asked Mr. Andreoni to clarify the amount of land on the lot, as the plans show 42 acres, not 52. Mr. Andreoni stated that lot 80, which is also owned by the applicant, has 9.16 acres, so he was including this area in the 52-acre total. He also stated that lot 81 might be merged with lot 80 in the future. Mr. Andreoni also pointed

out the location of the second home on the plans.

At 7:09 pm, the Chair had to leave due to an emergency phone call. At that time, Mr. Santa Anna stated that he needed to recuse from the hearing and Mr. O'Donnell became acting chair for this application.

Dr. Benoit asked if the driveway and pressure line was within the 50-ft. buffer for the ISDS. Mr. Andreoni stated that the dirt road will be paved, and that the plans meet DEM guidelines. He also stated that he has sent his plans in to DEM, but has not yet received a response.

Mr. Phillips advised the Board that although the zoning ordinance calls for the town to discourage the continuance of nonconforming structures, the cesspool removal is good for the environment. From this standpoint, Mr. Phillips stated that a positive recommendation to the Zoning Board is appropriate.

Dr. Benoit asked about the type of septic system on the other home. Mr. Andreoni stated that the other home was built in 1986 and he believes it has a leach field. Dr. Benoit stated he would like more information on this existing system because of the sensitive area. He would like to see a DEM-approved system on both houses.

Dr. Benoit made a motion to send a favorable recommendation to the Zoning Board, with the stipulation that the applicant submits documentation that the second home has a DEM-approved septic

system. Mr. Czyzewicz seconded the motion. Planning Board vote was as follows: AYE: Mr. Magill, Dr. Benoit, Mr. O'Donnell, Mr. Czyzewicz. Motion passed, with a vote of 4-0.

Dr. Benoit made a motion to recess until 7:55 pm. Mr. O'Donnell seconded the motion, with all in favor.

The Chair returned and called the meeting back to order at 7:58 pm.

V. Rankin Estate—Master Plan Informational Meeting

Owner/Applicant: Narragansett Improvement, Inc.

Location: Douglas Pike, Angela Way, Brookside Dr., Leonard Dr., & Rankin Path

Assessor's Plat 14, Lots 17, 19, 20, 29, 31-34, 36, 88, 93, 107, 123, 125, 128, 135, 139, 140, 141, 145, 147, 159, 202, & 242

Zoning: RA-65 (Rural Agriculture)

Dr. Benoit recused himself from the hearing because he is an abutter to the property. The Chair stated that this is a public informational meeting and all abutters have been notified.

Michael Kelly, attorney for the applicant, addressed the Board to provide a brief overview of the project. He stated that in November 2005, a moratorium was imposed on new subdivisions, so the plan was not accepted. Narragansett Improvement, Inc., entered into a consent agreement to use the 2003 regulations. The application was

refiled and a public hearing was held in December 2006. Issues raised at that meeting included location of the roads, topographical features, such as eskers, and the reduction of roadway width, number of catch basins and runoff from the site. Mr. Kelly stated that an associate from DiPrete Engineering is present at the meeting to answer any questions about these issues. Another meeting was held in January 2007. Issues raised at that meeting included the archaeological features and cemeteries on the site. Mr. Kelly stated that at the January 2007 meeting, the plans from 2000 were presented with an overlay to show how roadways had been moved away from eskers to reduce excavation into them. Mr. Kelly also stated that Judge Indeglia has ruled that the Planning Board has to follow the consent order and use the 2003 regulations in considering this application.

Mr. Phillips stated that he did not recall the submission of the overlay of the roads. The Chair stated that he has a copy of the overlay plans, dated January 18, 2007, and would like to have copies submitted to the Planner and the other members of the Board.

The Chair asked Mr. O'Donnell to read a letter, dated June 27, 2007, from the Rhode Island Advisory Commission on Historical Cemeteries, in to the record. The letter was from Evelyn Wheeler, chair of the commission. Ms. Wheeler addressed the Board after the letter was read and stated that the commission wants to preserve the burial sites on the property and asked the Board to restrict

construction to protect the burial sites. She stated that the commission is willing to work with the developer. The Chair asked when cemeteries NS 52 & NS 53 were identified and registered. Ms. Wheeler stated that it was at the beginning of June 2007. The Chair asked Ms. Wheeler to point out the cemeteries' locations on the plans. Mr. Kelly stated that he has not been able to locate them on the plans. Ms. Wheeler asked Dr. Fred Meli to point out the locations. Mr. Kelly asked the Board how Ms. Wheeler designated the sites as cemeteries. Ms. Wheeler stated that the designation was based on Dr. Meli's and Don Gagnon's (Chair of North Smithfield Conservation Commission) exploration of the site in March 2007. Mr. Kelly asked the Chair if he had received a copy of Dr. Meli's report. The Chair stated that he had not, and Mr. Kelly responded that the report does not use words such as "cemeteries" or "burial grounds". After Dr. Meli pointed out the locations of NS 52 and NS 53, the Chair asked if they were located within the subject property. Dr. Meli stated that they are.

Mr. O'Donnell read a letter, dated November 6, 2006, from the Rhode Island Historical Preservation & Heritage Commission. The letter recommended a Phase I intensive archaeological study be conducted on the property prior to any development.

The Chair asked Dr. Fred Meli to address the Board. Dr. Meli submitted his resume and spoke about his experience in the field of archaeology and anthropology. Dr. Meli stated that he has a Ph.D. in

Anthropology, a M.A. in American and World History, 15 years experience, with extensive work in North, South, and Central America, and Eastern and Central Europe. He also has several professional journal publications in the field of archaeology and anthropology. The Chair asked the Board to entertain a motion to accept Dr. Meli as an expert witness. Mr. Kelly stated that he felt the Board is overstepping its lines of authority in calling witnesses. He stated that it is very unusual for the Board to call a witness. Mr. Rossi stated that Dr. Meli is here to provide the Board with information regarding the alleged cemeteries on the site. Mr. Kelly stated that he has a problem with the Board calling Dr. Meli as their expert witness and asked if this had been staged in advance of the hearing. Mr. Kelly also questioned whether Dr. Meli could be considered an expert witness, since his resume states that the first time he had worked in the Rhode Island area was within the last year. Mr. Rossi stated that the Board needs to make a determination as to what the mounds are, and to make such a determination, they need to hear from people who have studied the mounds. Mr. Kelly stated that it would be appropriate for the Conservation Commission to call Dr. Meli, but the Planning Board is supposed to hear the evidence and apply regulations, not run the hearing and call witnesses.

Mr. O'Donnell read a letter, dated 11/28/06, from the North Smithfield Conservation Commission chair Don Gagnon. The letter asked the town to follow the recommendation of the Historical Preservation & Heritage Commission, recommending a Phase I intensive

archaeological study be conducted on the property prior to any development. The Chair asked Mr. Gagnon for comments from the Conservation Commission. Mr. Gagnon stated that he has asked a couple of people to attend this meeting to address the Board with the commission's concerns. He asked if Dr. Meli could speak to these concerns. Dr. Meli restated his qualifications. He stated that the reason he has only done investigations in Rhode Island within the last year is that he only recently started private investigations. Mr. Rossi stated that he thinks it is appropriate to have Dr. Meli considered an expert witness. Mr. Santa Anna made a motion to accept Dr. Meli as an expert witness. Mr. Magill seconded the motion. Mr. Czyzewicz asked if he was to be considered an expert in general or in Rhode Island. The Chair stated that Dr. Meli would be considered an expert in archaeology. Board vote was as follows: AYE: Mr. Magill, Mr. O'Donnell, Mr. Cardello, Mr. Santa Anna; motion passed with a vote of 4-0.

The Chair asked Dr. Meli if he was testifying on behalf of the Conservation Commission. Dr. Meli replied that he was, as he has been working with the commission for the past few months. Dr. Meli presented his report to the Board. The report was completed when he was working as a volunteer with Edna Kent and has been submitted to the Rhode Island Advisory Commission on Historical Cemeteries. Mr. Kelly asked for a copy of the report and all pictures and materials that accompany the report. The Chair asked that a copy also be submitted to the Town Planner. Dr. Meli said that he

would provide a copy of the report and pictures to Mr. Phillips. A brief summary of Dr. Meli's report is that through several site walks, 14 mound piles were found on the smaller esker at the junction of the cart path, 6 more mound piles were found above this area, and 2 colonial gravesites were also identified. During the site walks, Dr. Meli took several photographs and made notes regarding the composition of the mound piles. Dr. Meli stated that the composition of the mound piles indicates that these piles were not the result of stonewalls or land clearing for farming. He stated that the piles were built with larger stones at the bottom and smaller stones at the top. He also reported the presence of non-indigenous stones, such as beach cobble, which means that the stones were brought to the site as an offering.

The Chair questioned Dr. Meli about the location of the mound piles. Dr. Meli replied that the mound piles described above were found within the subject property. The Chair also asked if Dr. Meli had reviewed the PAL report conducted in 2000. Dr. Meli stated that he found the PAL report at best cursory. He stated that they did not dig deep enough, since they only excavated to a depth of 30 cm.

Mr. O'Donnell asked what is involved in a Phase I archaeological survey. Mr. Czyzewicz also asked how much time a Phase I survey would take. Dr. Meli replied that a complete survey, conducted according to Rhode Island standards is an intensive, long-term study, taking at least 2 months in the best-case scenario. The survey would

involve a pedestrian walk of the entire site, notation of anything found, photographs, mapping, archival searches of old maps, deeds, etc., and some kind of ground disturbance if it is determined that the site has objects of significance.

Mr. Czyzewicz asked Dr. Meli if the stone piles could have been placed on the site to discourage trespassing. Dr. Meli stated that he doesn't believe so because of their location—they are not easy to find.

Mr. Rossi asked Dr. Meli if he is currently involved in an archaeological excavation on an abutting property. Dr. Meli stated that a resident of an abutting property has hired him, but the results of the study are confidential until the survey has been completed. At that time, the final report will be submitted to the town and the developer. He did state that what he has found on that property leads him to be, at this time 95% certain that the mounds on the Rankin property are burial mounds, due to the composition, shape, and size of the mounds.

L. Robert Smith, an engineer hired as a consultant by the town, addressed the Board with the results of the peer review of the submitted plans. Mr. Smith stated that his findings had been submitted to DiPrete Engineering. Mr. Smith stated that his review of the plans made him question the grading of the site. The plans indicate that massive cuts may be necessary and that possibly large

amounts of materials will be taken off the site. Mr. Smith asked that DiPrete Engineering provide a preliminary profile. Mr. Smith also stated that the location of the detention ponds go against conventional engineering logic because they are located at the high points of the site, rather than the low points. In order to place the detention ponds where they are located on the plans, a very large amount of excavation would be necessary. Mr. Smith also suggested moving the location of one of the roads, because Cemetery NS 52 is located at the intersection of Road G/Road B. Mr. Smith also stated that the back-out development plan suggests lots of material will be removed from the site. He also stated that the grading of the roads should be changed to mirror the existing grounds as much as possible. Mr. Smith stated that he would be glad to meet with DiPrete to discuss where the cuts and fills would be and how to balance the site's grading.

Douglas Schwartz, from New London, Connecticut, stated that he is an expert in identifying native cairns. He stated that there is national interest in the stone piles located on the site and, in his opinion, they are definitely sacred cairns. He also stated that he prepared an 8-page report that will be submitted to the Board.

Doug Harris of the Narragansett Indian Tribe addressed the Board at the request of the North Smithfield Conservation Commission. He gave the Native American history of the site and stated that while he was not permitted by the tribal elders to state whether the mounds

are burial sites, the property is definitely a sacred place that was used for ceremony (prayer) by Native American tribes. Mr. Harris asked the Board to protect the area and stated it would be sacrilege to move the stones. Mr. Harris asked the Board to acknowledge that they are caretakers of a very significant place and to protect it. He also stated that the Board would have the support of the Narragansett Indian tribe, as well as the Wampanoag tribe in the acquisition of funds to be used to help to protect the area.

The Chair asked Mr. Kelly to have a conceptual profile of the site submitted. Mr. Kelly stated that they are submitting a letter which offers a proposal that once the location of the roadways and /or detention ponds are roughly determined and before a Master Plan vote, a Phase I archaeological survey would be completed of the areas containing roads and detention ponds. Since it is a phased development, which may take up to 10 years to complete, Mr. Kelly stated that the developer would then, if required, do a complete study of each phase before they submit for preliminary.

At 10:00 pm, Mr. Czyzewicz made a motion to extend the meeting by 5 minutes. Mr. Santa Anna seconded the motion, with all in favor.

The Chair asked Mr. Kelly if the cemeteries had been noted on the plans. Mr. Kelly stated that using the given coordinates, they were unable to locate the cemeteries (NS 52 & NS 53). Mr. Kelly suggested that they work with Dr. Meli before the next meeting to locate the

mounds and they will put the location of the cemeteries on the plans if necessary.

Mr. Phillips stated that they would take time to look over the applicant's proposal prior to the next meeting. He also suggested continuing the public hearing to August 16, 2007, at which he urged the public to limit their comments, as everything needs to be completed at that meeting.

Mr. Santa Anna made a motion to continue the hearing to August 16, 2007 at 7:00 pm. Mr. Magill seconded the motion, with all in favor.

Mr. Santa Anna made a motion to adjourn at 10:07 pm. Mr. Magill seconded the motion, with all in favor.

Respectfully submitted,

Angela Pugliese, Planning Board Secretary