

MINUTES OF THE PLANNING BOARD MEETING OF JANUARY 7, 2008
SUBJECT TO APPROVAL AT THE NEXT REGULAR MEETING

I. CALL TO ORDER:

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

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

Others Present: Thomas Kravitz, Town Planner, and Christine Langlois, Deputy Planner.

II. ATTENDANCE REVIEW:

The Chairman acknowledged that all members were present.

III. ACCEPTANCE OF MINUTES:

The minutes of the Planning Board meeting of December 3 2007 were read. *A motion to accept the minutes as presented was made by Mr. Tremblay, seconded by Mr. Desjardins and carried unanimously by the Board.*

IV. CORRESPONDENCE:

- RIDEM Notices of Insignificant Alteration Permits
- Letter from the Burrillville Land Trust
- Two Workshop Notices from Grow Smart Rhode Island

At this point, Mr. Lemek recused himself from discussions of the Wolf Hill Estates Preliminary Plan review.

V. NEW BUSINESS:

Minor Subdivision:

Wolf Hill Estates for Michael & Joyce Scurka, Knibb Road, Pascoag; Map 207, Lot 1: Preliminary Rural Residential Compound Plan Review/Public Hearing: Mr. Norbert Therien, of National Surveyors-Developers, Inc., and Mr. & Mrs. Scurka were in attendance to represent the request. Mr. Therien began the presentation by referring to a Preliminary Plan for a proposed Rural Residential Compound subdivision for their property, known as AP 207 Lot 1, which is located on Knibb Road in Pascoag. He explained that the property comprises of 149 acres on the northerly side of Knibb Road, and that the applicant is looking to develop the property into five lots, varying in size from 2.25 acres to 57.8 acres. Development will occur in the front portion of the property near its access to Knibb Road with the remainder of the property consisting of open space – the open space further surrounding the developed lots. In accordance with the RRC regulations, the open space represents 50% or 74.5 acres of the total acreage. He explained that access to the property would be through a common, gravel roadway that ends in a cul-de-sac, which essentially follows an existing cart path that has existed on the property for a number of years – probably an access to an existing cemetery on the

property. Each of the proposed dwellings would have direct access to the roadway. He noted the location of several wetland areas on the property as well as an existing pond and added that RIDEM has verified wetland edges under Application #05-0196. The development, with the more detailed regrading and the positioning of the proposed septic systems as well as the structures and limits of disturbances received approval under Insignificant Alterations Permit #07-0090. Each lot will be serviced by individual on-site septic systems and was reviewed and found acceptable by RIDEM under Subdivision Site Suitability #S03-63. He noted that the applicants are aware that no further development of the property will occur, with the open space remaining in perpetuity under the control of an association of homeowners, who will be created for the maintenance of the roadway. He noted that the Town's DPW Director/Engineer, Richard Bernardo, has reviewed the plan and offered comments:

1. *It appears that lot 5 does not have access to the open space provided.* Mr. Therien noted that it does – as the open space surrounds all of the lots.
2. *Property bounds must be installed at all new property corners.* Mr. Therien stated that all monumentation will be put in place on the various lots, which will be shown on the final plan.
3. *Only Gravel road detail 1 meets the Town subdivision requirements.* Mr. Therien stated that detail 2 does not meet the requirements but detail 1 does and will be utilized in regards to the development of the roadway.
6. *Are any of the existing utility poles planned to be relocated? It appears that several will fall with the 20-ft gravel roadway.* Mr. Therien stated that the utility poles would not be within the travel lane – there is a clear 20-foot travel lane – utilities poles are just outside the travel lane.

He stated that notification had been sent out to all abutters within 200 feet, actually twice as Mr. Scurka had notified them as well as Mr. Therien's office. He then asked if there were any questions from the Board.

Mr. Partington questioned the length of the proposed roadway. Mr. Therien said that it was 1,150 feet. Mr. Partington reminded him that they would require a waiver and asked for it in writing. Mr. Therien requested the **waiver from the length requirements for a cul-de-sac roadway, as well as from the pavement requirement** – promising to forward the written correspondence to the Board. Mr. Partington questions whether a paved apron would be provided. Mr. Therien said a paved 10-foot apron would be provided.

Mr. Tremblay pointed out that proposed Lot 5 did not have access to the open space, adding that the strip of land adjacent to Lot 5 was part of Lot 1. Mr. Therien apologized for the error and said that some type of easement would have to be created for Lot 5, through Lot 1, to gain access to the open space. Mr. Kravitz noted that the RRC regulations do not require that every lot in the subdivision has to touch the open space, but the Board has usually required it in the past. Mr. Tremblay then questioned why the proposed dwelling for Lot 5 is “tucked” into a corner when the lot contains 2.25 acres.

Mr. Therien stated that it had been placed in accordance with the RRC requirement to provide isolation from the development and the road entrance for a certain distance of the roadway. Mr. Libby also agreed that the house was very close to the property and asked for it to be shifted to a better location. Mr. Therien added that if the Board preferred, it could be moved more into the center of the lot. Mr. Tremblay then asked if the open space ownership would be in the hands of the association, with an easement granted to the Burrillville Land Trust. Mr. Therien said it would be. In regards to Lot 4, Mr. Tremblay asked if there was any type of protection that the lot would not be further subdivided. Mr. Partington stated that if an applicant pursues an RRC, the ordinance prohibits any further development of the parcel, which is the purpose behind the RRC ordinance. Mr. Kravitz pointed out that Section 30-208 Rural Residential Compounds, (d) Density calculation and dimensional regulations, (5) General Requirements (3) "No lot or parcel which has been developed as a residential compound shall be further subdivided . ." He suggested, in addition to this requirement, a note be placed on the record plan stating the same, along with reference to the conservation easement which would be recorded along with the plan.

Mr. Presbrey questioned whether the only easement access to the cemetery would be for the residents. Mr. Therien said that the easement is granted for any of the heirs or caretakers of the relatives within the cemetery and would run from Knibb Road, along the proposed roadway, to the cemetery. Mr. Presbrey pointed out that there is access to the open space from Knibb Road in the western area of the property so there shouldn't be an issue with access to the open space. Mr. Therien added that he would prefer to meet the applicant on the property to find an existing cart path to designate as access to the open space. Mr. Presbrey added that an additional waiver would be required from the **underground utilities requirement**. Mr. Therien then asked if he could request that waiver now. Mr. Partington reminded him that all waivers need to be in writing.

Mr. Ferreira, noting Mr. Scurka's concerns about the pond's protection during the Board's site walk of the property, suggested that any easement for the access to the open space specify just open space and not the pond area. Mr. Scurka questioned where the Board wanted this access to be provided. The Board felt it was his decision. Mr. Therien said it would be discussed later and finalized. Mr. Ferreira questioned the proposed lighting for the roadway. Mr. Therien stated that he would utilize the same lighting plan as that of a previously approved RRC, which included lighting at the Knibb Road access as well as lighting at the end of each of the proposed driveways for postal and emergency services.

Mr. Kravitz noted, for the record, that Mr. Scurka had previously submitted written waivers from underground utilities and a landscaping plan, as it really isn't necessary to require a landscaping plan in this case. Mr. Partington outlined the waivers: landscaping plan, underground utilities, gravel roadway and roadway length.

Mr. Felice stated that he agreed with the previously mentioned request to move the location of the house on lot 5. He asked if there has been any current communication

between the applicant and the Burrillville Land Trust. Mr. Scurka stated there has been communication. Mr. Felice then asked if there was some sort of an agreement. Mr. Paul Roselli, representing the Burrillville Land Trust (BLT), stated that they have been talking. Mr. Ferreira asked if the open space was being maintained for the homeowners vs. maintaining open space for the BLT. Mr. Scurka said that the last time there was communication with the BLT, they stated that they were not looking for anything – their objective is to buy land; they're not looking for recreational purposes. The conclusion was there was nothing for the BLT to give as an easement or anything like that because that's not their objective. The plan stands as is – there will be a conservation easement just for the residents of the RRC. Mr. Felice asked if any type of a greenway for the BLT was being proposed. Mr. Roselli said that he would respond to that question and Mr. Scurka's comment under the Public Hearing portion. Mr. Felice reiterated the importance of the lighting at the end of each driveway.

Mr. Partington questioned the proposed drainage. Mr. Therien explained that because it was an existing condition, the State permitted and the Town agreed that the cart path could be used as long as there was minimal disturbance. The crown of the cart path will be enhanced in accordance with the Town's Subdivision Regulations in regards to road construction, and drainage will consist of water-shedding.

Mr. Ferreira questioned whether the pond was naturally fed. Mr. Scurka said that there is an existing old pump but it is spring fed. Mr. Ferreira then asked if the pond would be included for the fire protection. Mr. Kravitz told the Board that the Pascoag Fire Chief requested the installation of a dry hydrant at the one-acre pond, as well as a turnaround for fire apparatus. So the pump would have to be maintained. Mr. Therien said that he would correct the plan to reflect the dry hydrant location and the turnaround.

As there were no further questions from the Board members, Mr. Partington opened the Public Hearing at 7:40 p.m.

Mr. Paul Roselli, representing the BLT, commented on the importance of the rural residential compound. He then proceeded to explain each element of the memo that he had prepared for the Board in regards to his review of the Wolf Hill Estates RRC, also offering recommendations for improvements to the Town's RRC ordinance. Some of the items he suggested the Board could request for the Wolf Hill Estates, included the following: provide layered ownership of the open space areas of the compound; provide a conservation easement to the BLT; provide a 50-foot wide access easement path to the BLT along the top portion of the property for access to and from existing open space to establish an open space corridor; creation of an environmentally sensitive forest management plan and residential housing association property use plan to minimize any impacts to be prepared by the homeowners association; protection of any vernal pools on the property during construction; preservation of any existing stone walls and cemeteries; preparation of a zero impact policy by the homeowners association; preparation of an invasive species list of plans by the homeowners association; protection of open space

areas from future development; placement of a sign at entrance designating the area as part of the BLT; the placement of perimeter boundary markers along the open space area.

Beverly Blood, of 451 Eagle Peak Road, questioned whether existing stone walls within rural residential compounds are protected. Mr. Felice noted that there is language within the RRC ordinance that addresses the protection of existing stone walls, which is why site walks are conducted prior to review these proposals. Mr. Kravitz added that the Planning Board has the right to place any restrictions on these proposals in order to uphold the intent and purpose of the rural residential compound as well as the Comprehensive Plan. Ms. Blood added that she felt it was a good idea to layer the owners of the open space areas by three entities, without placing restrictions, through a conservation easement.

Deborah Yablonski, of 63 Moroney Road, asked Mr. Scurka if he would be constructing the homes or selling the lots. Mr. Scurka said he would be selling the lots. She voiced concerns with the house for lot 5 being so close to the property line, as her property abuts this lot, although she noted that the Board had previously requested the house location being moved.

As there were no further questions from the audience, the Public Hearing was closed at 8:20 p.m.

Mr. Kravitz pointed out that the Board can receive any agreements between the applicant and the BLT at the final plan submission stage.

*A motion to approve the Wolf Hill Estates Rural Residential Compound plan for Michael & Joyce Scurka was made by Mr. Libby in that the application is consistent with the Comprehensive Plan Chapter V Housing, Implementation Action V.1.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 has been found according to DEM Insignificant Alteration Permit #07-0090 that there will be no negative environmental impacts. Additionally, the project does have RIDEM ISDS approval reference S03-63; the subdivision will not result in the creation of unbuildable lots; the subdivision has adequate and permanent physical access to Knibb Road – a town accepted and publicly maintained roadway; conditioned upon the owner submitting their compliance with **Comprehensive Plan Chapter VIII, Policy VIII.1.c** to the satisfaction of the Planning Board in which they will demonstrate how they will create open space systems and corridors, which protect ecological units that provide structure and character to the built environmental and provide recreational and open space opportunities to developed areas (**Comprehensive Plan Chapter VIII, Policy VIII.2.b**); they will indicate how they will explore additional means for obtaining and preserving recreation, conservation and open space besides out-right purchase (**Comprehensive Plan Chapter VIII, Policy VIII.1.c**); and methods to be considered include easements, zoning and other land use and development regulations (**Comprehensive Plan Chapter VIII, Implementation VIII.1.c.1**); and conditioned upon the use of residential-scaled lighting at the entranceway and at the end of each of the*

driveways. The motion received a second from Mr. Ferreira and carried unanimously by the Board.

A motion was made by Mr. Libby to grant Planning Board support of the following waivers: the length of the proposed roadway; the use of gravel for the roadway construction, with the exception of a 10-foot apron; a waiver for the use of overhead utilities; a waiver from providing a landscaping plan because of the rural nature of the plan location. The motion received a second from Ferreira and carried unanimously by the Board.

Mr. Lemek returned to the meeting.

Major Land Development:

Granite River Village, Callahan School Street, Harrisville; Map 142, Lot 21: Reduction in Bond Amount: Mr. Partington made note of correspondence provided to the Board from Richard Bernardo, DPW Director, in regards to a reduction of the bond amount for the Granite River Village Land Development. He reminded the members that the developer for Granite River Village had opted to construct a portion of the project prior to recording the final plan. It appears that the developer would like to record his plan so that he can sell a couple units and bond the remainder of the project. *A motion to reduce the previous bond amount of \$170,000 to a new amount of \$71,500 as recommended by the DPW Director was made by Mr. Felice. The motion received a second from Mr. Presbrey and carried unanimous by the Board.*

Discuss Amendments to Section 30-208 Rural Residential Compounds: Mr. Partington noted a Planning Board discussion, from last month's meeting, on a conceptual rural residential compound proposal, where questions arose as to the RRC ordinance language and the perception of more flexibility than the ordinance's original intent. The language before the Board this evening should eliminate anymore confusion.

The Board reviewed the proposed minor changes to Section 30-208 Rural Residential Compounds, (d) Density calculation and dimensional regulations, adding the following language: (3) *"The requirements of this ordinance cannot be utilized contemporaneously with any other subdivision such as a minor or major subdivision for the purpose of increasing the density allowed un section d, 1 above"*; and (5) General requirements, (1) . . . *"This provision is intended to accommodate legal non-conforming lots, with substantial backland but only minimum frontage and shall not be construed as a means of increasing the density allowed un section d, 1 above"*.

A motion to approve the language changes to Section 30-208 Rural Residential Compounds was made by Mr. Ferreira subject to the Town Solicitor's review/changes. The motion received a second from Mr. Desjardins and carried unanimously by the Board.

VI. OTHER BUSINESS:

Report from Administrative Officer:

Mr. Kravitz noted that during the month of December, Certificates of Completeness were issued for: **Town of Burrillville, Stillwater Mill Complex, Harrisville Main Street, Harrisville** (Boundary Survey of Map 160 Lot 65); **Town of Burrillville, Stillwater Clock Tower Project, Harrisville Main Street, Harrisville** (Boundary Survey of Map 160 Lot 69) and **Wolf Hill Estates for Michael & Joyce Scurka, Knibb Road, Pascoag** (Preliminary Minor RRC – 5 lots). There were no plans rejected as incomplete. The following plans were endorsed: **Town of Burrillville, Stillwater Mill Complex, Harrisville Main Street, Harrisville** (Boundary Survey of Map 160 Lot 65); and **Town of Burrillville, Stillwater Clock Tower Project, Harrisville Main Street, Harrisville** (Boundary Survey of Map 160 Lot 69).

Planning Board Discussions:

Discuss Evaluation of Senior Center with Respect to the Comprehensive Plan: Mr. Kravitz told the Board that he had reviewed the Comprehensive Plan and had extracted citations that speak to the siting of a Senior Center. He also noted that he had prepared several GIS maps which identify possible locations within the village centers as well as 1,800-foot radius maps from each location depicting the number of property records within walking distance that can benefit from each proposed site.

The Board directed Mr. Kravitz to draft a memo and a resolution to the Town Council, on their behalf, requesting the Council include the Planning Board in the process of siting the Senior Center. They also asked Mr. Kravitz to attach the Comp Plan citations and GIS maps that they have reviewed this evening. This memo/resolution will be presented to the Council by the Planning Board Chairman at the next Town Council meeting.

As there were no further items to discuss, *a motion to adjourn was then made at 8:55 p.m. by Mr. Ferreira, seconded by Mr. Desjardins and carried unanimously by the Board.*