

MINUTES OF THE PLANNING BOARD MEETING OF MARCH 3, 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, Bruce Ferreira, Michael Lupis, Jim Libby, Christopher Desjardins, Jeffrey Presbrey and Marc Tremblay.

Members Absent: Leo Felice.

Others Present: Thomas Kravitz, Town Planner.

II. ATTENDANCE REVIEW:

The Chairman acknowledged that Mr. Felice was absent this evening.

III. ACCEPTANCE OF MINUTES:

The **minutes of the Planning Board meeting of February 4, 2008** were read. *A motion to accept the minutes as presented was made by Mr. Ferreira, seconded by Mr. Desjardins and carried unanimously by the Board.*

IV. CORRESPONDENCE:

- Correspondence from the Town Clerk regarding the reappointments of Mr. Felice, Mr. Libby and Mr. Lemek
- Common Ground Newsletter
- RIDEM Insignificant Alteration Permit Notices
- Zoning Board Agenda for March 2008

V. OLD BUSINESS:

Major Land Development/Subdivision:

Michael Cabral, Mount Pleasant Road, Nasonville; Map 45, Lot 1 & Map 62, Lot 35: Conceptual Plan Review (cont'd): Attorney Eric Brainsky, Erin Gallogly, Project Manager, of Marc Nyberg Associates, Mr. Michael Cabral, applicant, were all in attendance to represent the request. Attorney Brainsky reminded the Board that the application had been presented previously at the December 3, 2007 meeting, at which time the plan proposed a rural residential compound of seven (7) lots on Map 45 Lot 1. He noted the Board had concerns then as to the proposed development of Map 62 Lot 35 and offered suggestions. The engineers, for the project, then reexamined the proposal and incorporated the Board's suggestions. The two additional concept plans, proposed in two phases, before the Board this evening would allow for ten lots – essentially two residential compounds – with the originally requested seven to eight lots on Map 45 Lot 1 and two to three lots on Map 62 Lot 35 – sharing a common roadway between the existing two lots due to an existing wetland system that severs both lots. A formal RIDEM application will be required for this project. The total acreage of both parcels is

116 acres, with a large dedication of approximately 70% as open space, with either of the concepts.

In keeping with the proposed phases, Concept 1 – Phase I would allow for a three-lot subdivision, incorporating an administrative subdivision to shift the existing lot line for the three lots; Phase II would create seven lots – both phases as rural residential compounds. Concept II, which is the preferred concept, would have a Phase I subdivision of two lots and Phase II would have eight lots. This concept was arrived at after a site walk with several Planning Board members and based on their request that the applicant be creative with the lot layout. Phase II of the proposal would require dimensional relief from the Zoning Board in order to exceed the minimum lot requirement of the rural residential compound ordinance. He then turned the presentation over to Ms. Gallogly.

Ms. Gallogly reiterated that Concept II was the preferred plan of the applicant, noting that a small amount of open space is being proposed near the entrance to the development but was not provided further along the roadway due to the necessity for roadway drainage. She noted that all of the test holes have been completed as well as the ISDS designs. She stated that the “flag shaped” lot, in Concept II, which contains approximately 9 acres, would be the most marketable lot because of its location.

Mr. Partington questioned the length of the proposed roadway and its surface. Ms. Gallogly stated the length is approximately 1,400 feet and would be entirely gravel – except for the required 10’ paved apron from Mount Pleasant Road. Mr. Partington asked if Mr. Kravitz had anything to add to the discussion.

Mr. Kravitz agreed that Attorney Brainsky had summarized the results of the site walk well. He noted that although the plan would require zoning relief, the overall density is not increased, as the end result is just ten lots (5 lots each), and could be supported by the Planning Board. He questioned whether the “flag lot” could be incorporated into the area of Phase I – towards the rear of the two proposed lots. Ms. Gallogly pointed out several constraints (wetland and grade) within that area. Attorney Brainsky noted that an existing path on the property will be utilized to access the proposed home on Lot 5. Mr. Presbrey agreed that the “flag lot” eliminates the access for the other homeowners to the beautiful open space lot. Mr. Tremblay suggested incorporating the “flag lot” area into the open space instead of ruining it with a house and repositioning the lots for that additional house. Mr. Lemek commented that during the site walk, he was the individual who had recommended placing the houses in this area for better marketability. The only other comment Mr. Kravitz offered was that the existing path and additional stone walls be displayed on the plan at the next submission level.

Mr. Presbrey questioned whether the agricultural use of the corn fields would remain the same. Mr. Cabral told the Board that Wright’s Dairy Farm plants corn in the field and is in communication with him every year to utilize the field. This relationship can continue with the homeowner’s association.

Mr. Libby complimented the applicant on the gravel roadway improvement as well as the amount of open space that will be maintained. Mr. Ferreira noted that the proposed length would require a waiver from the Planning Board and also suggested that the applicant consider a wider roadway. He pointed out that the open space ownership be based upon the language of the conservation easement. Mr. Kravitz pointed out that the Board should wait for the DPW Director's comments in regards to the roadway before making suggestions.

Summarizing the Board's suggestions:

- Consider eliminating the proposed flag shaped lot, Lot 5, and moving it to the area where proposed Lots 3 & 4 are currently proposed. Perhaps a smaller flag shaped lot with a shorter driveway can be situated in this area.
- In conjunction with the first suggestion, the existing gravel path could thereby be utilized as access to the open space for all future lot owners.
- Be sure to depict all stone walls and the existing gravel path on the Master Plan submission plans.
- The role of the productive agricultural partnership should be assumed by the homeowner's association, if such an association is formed.
- Include language regarding the "corn production" within the conservation easement.

Nason Mill Landings, Douglas Pike, Nasonville; Map 114, Lot 6: *Request for Planning Board Recommendation to Zoning Board of Review on Density Modification*
Request: Mr. Dennis Darveau and Mr. Rick Dearing, principals, were in attendance to represent the request. Mr. Darveau told the Board that they are scheduled to appear before the Zoning Board of Review to request an amendment to the density number (42 residential units, with a restaurant) that had been established at the Master Plan review stage of the Nason Mill Landings land development. Several moderate changes in the plan include the relocation of the community room to a more common area of the project, elimination of additional retail space due to parking requirements, and the additional of a second floor above the proposed pool/fitness area. These changes and the fact that the building will now be separated at the "T" shape into two separate buildings allows for the residential unit number to change to 45. He noted that they are also seeking relief from a second building on the property and the density within one building increased by three units. He requested a recommendation from the Planning Board to the Zoning Board in support of their request.

Mr. Lemek questioned whether there was an issue earlier in regards to adequate parking. Mr. Partington told him that the applicants had obtained a variance from the Zoning Board from the number of required parking spaces, but even with this change, the parking requirements will not be affected. Mr. Darveau stated that there are two extra parking spaces – even with the additional three units.

Mr. Tremblay asked how many **affordable units** are in the design at this time. Mr. Darveau stated that when the development is at the next submission stage, the percentage and details will be worked out. Mr. Kravitz stated that the **regulations require 20%, so the development would have to contain nine units** and the numbers will be included in the Planning Board's legal record. Of the 45 units, 9 will have to be available to families at 80% or less of the median income, which is \$68,300. He then asked the developers if they had thought **how they would set those units up within the development**. Mr. Darveau said they would be sporadic, that what they're looking to do, if and when the Town passes the **Affordable Housing Subsidy Ordinance, is to offset the affordable units in a different section of time**. Mr. Kravitz then said that this **project would then be brought down to 36 units**. He then proceeded to explain to the Board the Affordable Housing Subsidy Ordinance that is being worked on currently in order to strength the Affordable Housing Implementation requirements of the Comp Plan. One provision in the ordinance allows for an applicant to shift the affordable units from one property to another property of their ownership. **If the developers look to utilize this ordinance, once adopted, the number of units would be reduced**. Mr. Libby noted that the Town must be cautious with this ordinance because there is also a provision for payment of a fee in lieu of providing the affordable units. Some developers take advantage of the fee in lieu, because it is cheaper for them, but then the Town is stuck with the responsibility of providing affordable housing with the money collected over time, that doesn't have the value for the units. Mr. Kravitz said he would prefer to provide language that would require developers to turn over lots to the Town for affordable units, which the Town in turn can deed over to non-profits for the construction of the units.

Mr. Libby then questioned whether proposed Unit #36 would have any windows. Mr. Darveau said yes, within the bedrooms. Mr. Libby questioned whether there were any windows in the kitchen and living room. Mr. Darveau said there would be mostly skylights in that area. Mr. Libby responded that there may be a **code requirement for natural lighting** and suggested the architect check that out. He also noted that there is also a **building code requirement for a stairway** to individual units and not one stairway for three units at the end of the corridor.

Mr. Kravitz stated that he had attached a section of their Zoning Variance application for the Board's review and that they could authorize him to submit a positive finding based on the application and the relief being requested.

As there were no further questions from the Board, a motion was made by Partington to forward a favorable recommendation to the Zoning Board on Nason Mill's request for a density modification variance and to direct the Planner to prepare the recommendation based upon language contained in the applicants' request to the Zoning Board. The motion received a second from Mr. Tremblay and carried unanimously by the Board.

At this point, Mr. Libby recused from the discussions on the Community Development Block Grant Application 2008-09.

VI. NEW BUSINESS:

Community Development Block Grant Application 2008-2009: *Certification of Consistency with the Comprehensive Plan:* Mr. Partington asked if any of the Board members had questions. Mr. Tremblay asked if it was known what portion of any of the projects would be funded. Mr. Kravitz explained that it was unknown, that last year the Town only received \$69,000 of a possible \$400,000. He told the Board that they could prioritize the requests. The Council makes the final decision on priorities, but they take the Planning Board's recommendation under consideration.

The Board arrived at the following:

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| #1 | Harrisville Water District Permitting of Well #7 | \$ 60,000 |
| #2 | Mapleville Business Exchange Feasibility Study | \$ 50,000 |
| #3 | Maplehill Road Reconstruction Repairs | \$ 90,223 |
| #4 | Ladies Pascoag Library Addition | \$ 57,660 |
| #5 | Tri-Town Substance Abuse Programs | \$ 50,000 |
| #6 | Community Housing Affordability Programs | \$ 3,000 |
| #7 | Program Administration | \$ 6,000 |
| | Total: | \$316,883 |

A motion was made by Mr. Tremblay to prioritize the proposed projects for the CDBG 2008-09 Application, as previously discussed (Harrisville Water, Mapleville Business Exchange, Maplehill Roads, Pascoag Library, Tri-Town programs and Community Housing programs.) The motion received a second from Mr. Desjardins and carried with five in favor (Lemek, Tremblay, Partington, Desjardins, Presbrey) and two opposed (Ferreira, Lupis).

A motion was made by Mr. Tremblay that the proposed projects for the CDBG 2008-09 Application are consistent with the Town's Comprehensive Plan, as outlined in a memo from the Town Planner to the Planning Board dated 02/28/2008, and to forward the prioritized list to the Town Council for their consideration. The motion received a second from Mr. Ferreira and carried unanimously.

Minor Land Development:

Jack Gallagher, Victory Highway, Nasonville; Map 114, Lot 60: *Preliminary Plan Review:* Ms. Erin Gallogly, Project Manager, of Marc Nyberg Associates, and Mr. Jack Gallagher, principal, were in attendance to represent the request. Ms. Gallogly began by stating that the property comprises of approximately 4.2 acres in the Highway Commercial district located on Victory Highway in Nasonville. She stated that the property was part of a previous subdivision by Al Constantino, and the plan represents a site plan for the proposed use of the property. Offering a brief overview of the site, she noted that the proposal called for a bituminous driveway to the proposed building and the infiltration system, which collects roof and site runoff, will flow into an onsite detention basin, with no runoff entering the wetlands on site. However, during construction, a small area within the wetlands buffer will be disturbed but will be restored with wooden posts and permanent plantings once the project is completed, as a requirement of the

RIDEM permit. She noted that approvals have been received from RIDEM Wetlands, RIDOT and OWTS for ISDS.

Mr. Libby suggested that landscaping improvements be considered for around the metal prefab building to make the site more attractive and serve to screen parts of the building. He pointed out a notation on the plan that states, "area to be graded to elev. 277.9±" and questioned whether the area would be leveled off. Ms. Gallogly stated there is a knoll that travels up and down in that area and they were just looking to grade off a small area to eliminate this knoll, then grade down toward the swale, which flows to the infiltration system. Mr. Libby noted that this would actually clear out the whole front of the site, and he requested a landscaping plan. Ms. Gallogly said that Mr. Gallagher intends to plant bushes and shrubs but has requested a waiver from a landscaping plan. Mr. Libby added that this site is different than an industrial park because there are a few residential properties in the area so it is important to know what landscaping is proposed. He reiterated that he would like to see a **landscape plan for the property**. In regards to the building, he requested that the **proposed brick**, displayed on the side elevation page, be **continued around the rest of the front to eliminate the concrete**. Mr. Lupis, Mr. Desjardins and Mr. Ferreira all agreed with Mr. Libby's comments.

Mr. Presbrey questioned the location (and length) of the proposed driveway. Mr. Gallogly said that the driveway entrance is further away from the intersection, as per RIDOT's request, and it eliminates the need to cross the stream and its buffer, which is what RIDEM's request. She also noted that the infiltration system test holes were much better in their proposed location. Mr. Presbrey noted that in Mr. Davis' report, on Page 2, he states that, "**The 12" RCP under the driveway** is placed so as not to obstruct flow along existing contours shown on the plan," and said that he could not locate it on the plan. Ms. Gallogly pointed out its location, but Mr. Presbrey requested that it be **properly marked on the plan**. Ms. Gallogly said that she would update that information on the plan. Mr. Presbrey also noted from Mr. Davis' report, on Page 2, "Additional flows from impervious areas will be slowed and retained for sufficient time to prevent damage to abutting properties by the plan as shown." He stated that the proposed driveway, coming onto the site, is graded straight down, from 276' approximately 40 feet into the site, to 272' at the street – straight towards the existing roadway. The water will be running right down to Victory Highway. Ms. Gallogly said that there was some drainage from the site onto Victory Highway, which was approved by RIDOT, which could not be eliminated nor directed toward the infiltration system. Mr. Presbrey asked if the PAP had been issued. Ms. Gallogly responded yes. Mr. Presbrey also expressed concerns with the parking lot drainage and **requested some type of a berm, along the western portion of the parking lot**, to prevent runoff from flowing in the direction of the wetlands and associated buffers. Ms. Gallogly said that she would check this out with Mr. Davis and would provide a berm, if necessary. He further added that the **roofline of the building required sufficient downspouts** to control the runoff and voiced additional concern with **the depth of the proposed swale**. In regards to the proposed use, Mr. Presbrey asked if the property would be used for heavy equipment repair, and Ms. Gallogly said yes.

Mr. Kravitz pointed out that the plan did not reflect whether there would be fencing around the detention area and requested that the applicant consider some type of wooden fencing to fit into the landscape. If a fence is not necessary, then that is fine also. Ms. Gallogly said she would check into it.

As there were no further questions, a motion to table the application was made by Mr. Ferreira so that the plan can be modified with all the changes requested as well as providing answers to the drainage concerns and also providing a landscape plan prepared by a registered landscape architect. The motion received a second from Mr. Desjardins and carried unanimously by the Board.

Edward J. Pienkos, Jr., Camp Dixie Road, Pascoag; Map 190, Lot 7: Preliminary Plan Review: Mr. Edward Pienkos, was in attendance to represent the request. He told the Board that he was looking to subdivide his property, located on Camp Dixie Road in Pascoag, into two lots – one lot containing the existing house with approximately 9.2 acres and the remaining lot with approximately 43 acres. The wooded parcel would have frontage on Camp Dixie as well as Courthouse Lane, and the house lot would have frontage on Camp Dixie Road. He noted that he has no plans for the wooded parcel, at this time; the house lot would be put up for sale.

Mr. Tremblay questioned whether the terrain of the lot with the remaining land would render it unbuildable or create impossible access. Mr. Kravitz told him that there was physical access from Camp Dixie Road as well as plenty of dry, buildable upland towards the center of the property.

A motion to approve the Preliminary Minor Subdivision plan for Edward J. Pienkos, Jr., was made by Mr. Ferreira, in accordance with RIGL Sections 45-23-60: the subdivision is consistent with the Comprehensive Plan, Chapter V Housing, Implementation Action V.1.a.1; due to the fact that proposed Lot 2 conforms to all zoning dimensional requirements and AP 155 Lot 7 is already developed and not proposed for further development or subdivision, the application is in conformance with the Town's Zoning Ordinance regarding lot dimension and use; there will be no negative environmental impacts as evidenced by the RIDEM Onsite Waste Water Treatment System Approval; the subdivision will not result in the creation of unbuildable lots; and the subdivision has adequate and permanent physical access to Camp Dixie Road. The motion received a second from Mr. Lupis and carried unanimously by the Board.

VI. OTHER BUSINESS:

Report from Administrative Officer:

Mr. Kravitz noted that during the month of February, Certificates of Completeness were issued for: **Jack Gallagher, Pine Crest, Victory Highway, Nasonville** (Preliminary Minor Land Development); and **Edward J. Pienkos, Jr., Camp Dixie Road, Pascoag** (Preliminary Minor Subdivision – 2 lots). There were no plans rejected as incomplete and no plans that were endorsed.

Planning Board Discussions:

Update on Phase III Stillwater Mill Complex Redevelopment Plan: Mr. Joseph Garlick and Terri Barbosa, of Neighborworks of the Blackstone River Valley, were in attendance to offer an update on the progress of the Clocktower Building, which is Phase III of the Stillwater Mill Complex Redevelopment Plan. Mr. Kravitz told the Board that he had invited them to speak tonight to offer an update on the permits that are forthcoming for the project. He said that the building is already in place, there has been ample money granted to the project starting back since October 2003 (HUD Cleanup money of \$910,000; \$1.8 million in loan money through CDBG) and everyone is working together to get the funding and start working on the project. Because the HUD money is specific to demolition, which is part of the site remediation, there is an opportunity for the project to start soon. There are three main permits which should be issued shortly, which are the Section 106 Approval from Washington, DC, on the architecture of the building, State Approval of the revised plan Parts 1 & 2 (due to the federal changes to the architectural plan) and the Asbestos Abatement Approval. He told the Board that he's hopeful that selective demolition work can begin. Because the Board reviewed the Redevelopment plan as a whole through a combined Master/Preliminary for Phase II the Jesse Smith Library, when the Clocktower plan is submitted, it will be at the Preliminary application stage. He mentioned that the preliminary application plans are in the Planning Department and are awaiting the necessary permits before the Board receives the plan.

Mr. Garlick told the Board that the biggest stumbling block to the project has been the National Park Service, regarding the proposed windows in the building. The proposed configuration was acceptable to the State historic preservation people but they were overruled by the National Park Service. It has been over a year waiting for approval and on February 19, 2008 the Park Service signed off and their written response is expected shortly. He noted that the preferred windows were accepted as the architect on the project made a strong case for the design. The plans that should be presented next month will show the attractiveness of the building. There will be some green space (a small passive park) adjacent to the library as the existing building will be removed. He noted that the asbestos plan is close to be approved. The site investigate report from RIDEM is in its final stage of approval. Mr. Kravitz asked if RIDEM was close to issuing the Remedial Approval Letter. Mr. Garlick said yes. Mr. Ferreira asked if the receipt of the Remedial Approval Letter was holding up the demolition. Mr. Kravitz said no, that a representative from the RIDEM has stated that demolition could begin upon receipt of the asbestos approval.

Mr. Kravitz then asked the Board if they would like to review the building plans now or wait until all of the approvals have been received. The Board did not have any preference. Mr. Kravitz told them that he would give them the plans now and provide the other materials once they have all been submitted and place it on a Planning Board agenda.

Mr. Partington read a memo from the Town Council in which the Council approved the Board's request to have a Planning Board member serve as a liaison to the Senior Task Force currently working on a location for a new Senior Center. He pointed out, however, that the Task Force holds its meetings during the mid-day. He asked if any member would be willing, and able, to serve on this committee. Mr. Ferreira volunteered to be the liaison.

As there was nothing further to discuss, *a motion to adjourn was then made at 9:00 p.m. by Mr. Ferreira, seconded by Mr. Tremblay and carried unanimously by the Board.*