

MINUTES OF THE PLANNING BOARD MEETING OF MAY 5, 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, Jeffrey Presbrey and Marc Tremblay.

Others Present: Timothy Kane, Town Solicitor, Ray Cloutier, Zoning Board Chairman, Joseph Raymond, Building Office, 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 April 7, 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:

- Memo to the developer of Oakland Village subdivision regarding the acceptance of open space by the Oakland-Mapleville Fire District
- Memo from Paul Roselli, President of the Burrillville Land Trust, regarding Wolfe Hill Estates proposed conservation easement

At this point, Mr. Lemek recused from discussions on the next item.

V. NEW BUSINESS:

Subdivision:

Wolfe Hill Estates for Michael & Joyce Scurka, Knibb Road, Pascoag; Map 207, Lot 1: *Establishment of Bond Amount/Setting of Inspection Fees; Discussion/Consideration/Action on Deed Restrictions, Covenants & Conservation Easements; Review & Discuss Preliminary Plan Changes:* Mr. Norbert Therien, of National Surveyors-Developers, Inc, Attorney Robert Mitson, and Mr. & Mrs. Scurka were in attendance to provide information regarding the approval conditions set by the Planning Board at their January 7, 2008 meeting. Mr. Therien began the discussion by addressing the revisions to the plan that were required by the Planning Board with their conditional approval of the Preliminary Plan on January 7, 2008:

- Relocation of the dwelling on Lot 5;
- Pedestrian walkway from Knibb Road to the Open Space lot to provide direct access for all of the lots;
- Stop sign installed at Knibb Road;
- Lighting provided at the end of each driveway;
- Pascoag Fire Department approval of the fire suppression system from the existing pond;

- Written waiver requests, (waiver from underground utilities; waiver from submission of a landscaping plan; waiver from the roadway length and paving) provided to the Planning Department;
- A 10' apron installed at the immediate beginning of the roadway;
- Various monumentation provided on plan such as lot line location and open space bounds.

He noted that the last request from the Board was to continue negotiations with the Burrillville Land Trust to reach an agreement as to the BLT's involvement with the open space lot. He added that the Scurkas have undertaken this task with their attorney, Robert Mitson, and he then proceeded to turn the presentation over to Mr. Mitson.

Attorney Mitson informed the Board that he had tried several times to contact Mr. Roselli, Chairman of the BLT, by letter and telephone, in order to reach an agreement in regards to the open space area, whether through layered ownership or a conservation agreement, with no response. He noted that discussions back in January showed a great interest in creating a greenway corridor, with this property connecting to parcels that are currently owned by the BLT, which both Mr. & Mrs. Scurka were very receptive to at the time. When contact was finally made, it appeared that the BLT no longer had any interest in this type of agreement, which would include a 50-foot wide easement connection. He then said that he proceeded to draft a conservation easement for the Scurkas and asked for input from several parties, which included Mr. Kravitz and a draft model from the BLT, which he incorporated into his draft copy. This was submitted to the Town as well as the Town Solicitor's office. He made note that previously approved RRCs did not address the open space areas as intensively as this proposal is looking to do – they were more passive as compared to the proposed conservation objectives, such as **having a forest steward, wildlife and forest management plans, selective harvesting of old growth timber (which would generate funding for paying taxes and for road maintenance), and stocking of wildlife**, for this development. He added that Mr. Scurka serves on the Burrillville Conservation Commission and has considerable knowledge of these very important management practices. Attorney Kane told the Board that he had received input from the BLT in the form of a draft conservation easement, reviewed it, and found it acceptable, but is geared toward the a land trust purchasing a large parcel of land. He added that it is a little more restrictive than a normal conservation easement for a rural residential compound. He stated that his recommendation is to name the Burrillville Conservation Commission as the grantee, through a conservation easement, subject to the approval of the Town Council. It is not necessary to have more than one party involved, but that there is still a role for the BLT. Projects of this type should involve the Conservation Commission. He suggested the Board request the applicant delegate the final easement language to the Town Planner and himself for final review.

Mr. Steve Rawson, Chairman of the Conservation Commission, told the Board that he had walked the property twice with the applicant and had conversations with the Town Planner and Town Manager regarding the Commission's role in an advisory capacity. Referring to the Zoning Ordinance language regarding a rural residential compound and the associated open space, he stated that he felt ownership of the open space was at the

discretion of the applicant. If it remains with the applicant and the homeowner association, the property continues to be taxed by the Town and liability is the responsibility of the homeowner's association. He noted that he has not spoken with the Conservation Commission as a whole, so that there is not consensus at this time, but he noted that the Commission could benefit from a joint workshop with the Planning Board on a few of the changes to the Town's regulations – as far as in their advisory capacity to the Board. He noted that if the Commission is involved with the open space, they would be responsible for yearly inspections of the rural residential compounds open space, as mandated by a conservation easement, although enforcement is not their responsibility. He added that he also felt that the deed restrictions are much too restrictive to the property owner. In light of Mr. Rawson's comments, Attorney Kane said that it was not necessary for the Conservation Commission to have a conservation easement for this development – it can remain solely in the homeowner's association possession with restrictions applied.

Summarizing the issues, Mr. Partington noted that the Board has been asked to set the bond amount and inspection fees this evening; Mr. Therien has addressed the Board's conditions from the January 7, 2008 conditional approval, and the only outstanding issue is the conservation easement. Mr. Kravitz added that the disposition of the open space is really not required until the Final Plan approval. Mr. Partington directed the Planner to work the parties involved to arrive at a reasonable solution to the open space and/or conservation easement issued.

In regards to the bond estimate and inspection fees, *a motion to set the bond amount for Wolfe Hill Estates at \$233,565 and the inspection fees at \$4,671.30 based upon Mr. Bernard's report of April 10, 2008 was made by Mr. Ferreira, seconded by Mr. Desjardins and carried unanimously by the Board.*

Mr. Lemek returned to the meeting.

Phil-Anna Estates, Lee Lapierre Private Family Compound, Benedict Road, Nasonville; Map 46, Lot 11 & Map 64, Lot 5: *Establishment of Bond Amount/Setting of Inspection Fees;* Mr. Lee Lapierre was in attendance for the setting of the bond amount and inspection fees for the Phil-Anna Estates development. The Board reviewed a memo from Mr. Bernardo dated September 17, 2007 in which he provides a bond amount and inspection fees for the Phil-Anna Estates rural residential compound proposal. *A motion to set a bond amount of \$300,600 and inspection fees of \$6,012 was made by Mr. Ferreira, seconded by Mr. Desjardins and carried unanimously by the Board.* Mr. Lapierre noted, for the record, that during a meeting with Mr. Bernardo and Mr. Kravitz, he had been told that if he was able to arrive at a proposed construction cost which was less than Mr. Bernardo's estimate, the bond amount could be reduced as well as the inspection fees accordingly.

Land Development:

Evergreen Estates, Log Road, Burrillville; Map 218, Lot 4; Map 219, Lot 1 & Map 237, Lot 5: *Major Conceptual Plan Review (cont'd):* Attorney Eric Brainsky, and Erin Gallogly, of Marc Nyberg Associates, were in attendance for the presentation of a revised plan for the proposed Evergreen Estates subdivision for Dennis Piette. Attorney

Brainsky began by explaining that the Board had reviewed this application back in July 2007 and had offered comments at that time. The additional conceptual plan before them this evening incorporates all of their comments and suggested. Reiterating from the previous meeting, Attorney Brainsky stated that the property is located off of Log Road, contains approximately 73 acres and was a former gravel pit operated by a previous owner. He noted that the current owner wishes to pursue a convention subdivision, of eight lots, to be constructed in two phases - Phase I developing the first three lots off of Log Road (Lots 1, 2 & 3) and Phase II developing the remaining lots (Lots 4). Access would be provided in the form of a P-looped road, which allows frontage for all of the lots in accordance with the F-5 zoning requirements, and each lot area would be at least f-acres or more. Open space would be provided within the P-loop area of the roadway, which is approximately 2-acres in size. It is proposed that the material from the various gravel stockpiles, created by the gravel operation, will be used to construct the roadway and subdivision. It is the intent of the applicant to preserve the existing treeline, which surrounds the parcel. Because of the single entrance roadway, a 20-foot wide emergency access easement is proposed along the northeast perimeter of the property for fire and rescue vehicles. RIDEM approval would be required for the project, along the lines of a Preliminary Determination resulting in an Insignificant Alteration. He then turned the presentation over Ms. Erin Gallogly for a description of the engineering.

Ms. Gallogly told the Board that the roadway for this project was design to follow an existing dirt driveway on the property up to a certain point in order to eliminate any further construction and having to fill/improve the entrance area. This is one of the changes suggested by the Board from the last plans reviewed. She agreed that a Preliminary Determination would be required from RIDEM with the resulting Insignificant Alteration Permit as the dirt driveway is an existing disturbance and no further disruption of the wetlands will take place. She pointed out that because the project consist of three existing lots (Plat 219, Lot 1; Plat 237, Lot 5; Plat 218, Lot 4), an administrative subdivision would be required for Plat 219, Lot 1 and Plat 218, Lot 4. All of the lots would be serviced by ISDS systems and private wells. She noted that they are attempting to keep the proposed houses out of the treeline in order to preserve it. She then asked if the Board had any questions.

Mr. Tremblay questioned the need for an emergency access and said he felt it was not necessary. The other Board members agreed. Attorney Brainsky said that they could provide a vegetative buffer for the abutting properties for this access roadway or they could eliminate it. Mr. Partington, noting that the proposal is for a conventional subdivision, pointed out that the roadway would be the required width of a town road and that there would not be a need for this emergency access. Mr. Tremblay expressed concern as to the extensive amount of cuts and fills that would be necessary to construct the emergency access road.

Mr. Presbrey questioned the length of the proposed roadway and was told by Ms. Gallogly that it is approximately 1,300 feet. Mr. Libby questioned the disadvantage with creating a 1,000-foot cul-de-sac roadway and a rural residential compound type development. Mr. Ferreira agreed with Mr. Libby, adding that Lot 6 appears to be the only lot being serviced by this looped road. Ms. Gallogly noted that each lot needs to have 450 feet of frontage to meet zoning. Mr. Tremblay pointed out that the property

currently is a “moonscape”; by not requiring the applicant to conduct a conventional subdivision, if a RRC is pursued, a good portion of the property would remain as it sits today. Attorney Brainsky said his client was concerned with the elimination of several lots when approaching the RRC concept. Although a conventional subdivision is more expensive because of the construction of a town roadway, much of the material on site will be used to construct the roadway, thereby reducing the cost. Mr. Presbrey then requested confirmation from Attorney Brainsky that the treeline would not be disturbed. Attorney Brainsky said that he stated they would do their absolute best, in the intention of the project, to preserve the treeline the way it is today, but can’t promise there would be no disturbance once a full design review has been developed. Mr. Presbrey then asked for any type of history on the existing water well on the property located in the northern area of the property. Ms. Gallogly said that any history is unknown at this time but could check with the developer to see what they can find.

Mr. Partington questioned the proposed cuts for the roadway in the area of Lot 6. Attorney Brainsky told him that the stockpiled material in that area would be used for the roadway construction. Mr. Partington asked how much area these stockpiles cover. **Ms. Gallogly stated that she could provide the calculations by the master plan submission but she believed they are approximately 30 feet in height. Attorney Brainsky added about 7,000 – 8,000 yards of gravel.**

Mr. Felice questioned the location of the proposed houses. Ms. Gallogly stated that once the test holes are completed, depending on the water table, the septic systems may change the location of the houses. The house locations and grading of the lots will be better known at the master plan stage. Mr. Felice noted that the reason for his question was based on the previous comments from the Board at their last review of the project. Attorney Brainsky added that once the subdivision is complete, the house location would be at the option of the potential buyer. He further added that with the previous design, the house locations were drawn in for conceptual purposes and that with this plan, the Board’s concerns were being addressed. Mr. Kravitz clarified that this should be done at the 40’ setback.

As there were no more further questions from Board members, Mr. Partington summarized the Board’s comments:

- illustrate the remaining area of Plat 218, Lot 4
- removal of the proposed 20-foot wide emergency access easement
- keep the proposed grading close to the frontage dimensions requirements of the Zoning Ordinance
- accurately display the proposed frontage for each lot
- adhere the 40-foot house setback requirement of the Zoning Ordinance
- obtain correspondence from the North Smithfield Planning Board/Planner as to their opinion regarding proposed Lot 1’s frontage

Jack Gallagher, Victory Highway, Nasonville; Map 114, Lot 60: *Minor Preliminary Plan Review (cont’d):* Ms. Erin Gallogly, of Marc Nyberg Associates, and Mr. Jack Gallagher, were both in attendance to present the requested changes for the land development plan for Mr. Gallagher. Ms. Gallogly noted that the application had been

reviewed by the Board at their March 3, 2008 meeting at which time they had requested additional information. The plan before the Board this evening represents the changes, which are:

- reduce the amount of exposed concrete; *An updated building footprint (11x17) has been submitted showing the improvement;*
- submit a landscape plan completed by a registered landscape architect; *A plan was submitted.*
- install a bit berm along the western edge of the parking area; *A bit berm has been depicted on the plan, updated as a note.*
- install a guardrail along the infiltration system; *Depicted on the plan.*
- add a note to depict the location of the 12" RCP; *She proceeded to explain that under further investigation, she found that the note on Page 2 of the engineer's drainage calculations was incorrect and resolved by the end of the report. The 12" RCP is not required.*

She asked if there were any further questions from the Board.

Mr. Libby acknowledged that the plantings shown on the landscape plan appear to be sparsely located and voiced concern that there was no landscaping proposed in the area where there may be grading along the property line, just behind the building. If the grading goes right up to the property line, there will be no vegetative buffer provided for the abutting property. He also noted some regrading along Victory Highway, and requested additional trees and/or shrubs be added at the discretion of the landscape architect. Ms. Gallogly said that could be added to the plan.

As there were no further questions from the Board, *a motion to approve the proposed land development plan on Victory Highway for John Gallagher was made by Mr. Libby as, per RIGL Section 45-23-60, the land development is consistent with the Comprehensive Plan, Economic Development Goal VII.1, Policy VII.1.a and Implementation Actions VII.1.a.4 and VII.2.a.1; the application is consistent with the Zoning Ordinance; there will be no negative environmental impacts as all disturbance will take place outside of jurisdictional wetland areas as evidenced by RIDEM Insignificant Alteration Permit, dated 09/28/2007; the land development is occurring on a developable lot that was legally recorded on 10/26/2005 in Plat Book 2005, Page 4; the land development has adequate and permanent physical access to Victory Highway, which is a State Road; conditioned upon the applicant's landscape architect providing additional landscaping along the eastern property line, which the building is closest to, and some additional landscaping along the street. The motion received a second from Mr. Felice and carried unanimously by the Board.*

Linda Green, Tarkiln Road, Nasonville; Map 166, Lot 7: Advisory Opinion to Zoning Board of Review on Special Use Permit Request: Attorney Peter Petrarca, Linda Green and Kevin Blais were in attendance to represent the application which is currently before the Zoning Board seeking a special use permit. Attorney Petrarca began by handing out materials to the Board (Wetlands Report from Natural Resource Services, Inc. and expert testimony letter from William Coyle, of Coyle Appraisal). Mr. Partington, in turn, handed out the Natural Resource Services correspondence to the Board but held off on

the expert testimony letter standing that the Natural Resource's maps may be helpful for this discussion; however the expert letter contains too much extraneous material to be read before considerations. Attorney Petrarca told the Board that the applicant was here requesting a special use permit for a tree farm in the F-5 zoning district, which although is an allowable use, the special use permit is required due to the property lying over the A-80/A-100 Aquifer Overlay Districts. He noted that Natural Resource Services have delineated any wetlands and the Class C riverbed, which are both non-hydrating. He stated that the applicant wishes to plant trees for sale on the perimeter of her property. He pointed out that experts they have been in contact with claim that the planting of trees serve to protect the aquifer overlay district. The only way the aquifer would be affected would be if there was a Class A water source, which is portable water. Ms. Greene added that she had no intentions of utilizing pesticides in the growing of these trees. Attorney Petrarca further stated that the land will not be disturbed because the tree planting is for part of the use only – meaning there will only be planting trees and, at the appropriate time, uprooting those trees to use for commercial purposes. He then asked if the Board had any questions.

Mr. Partington began by stating that the package submitted to the Board contained a lot of conflicting information between the narrative provided and the actual plan. The plan has a few issues that make it difficult for the Board to accept at this time, because certified stamp information is missing, and items displayed on the plan are inconsistent with the narrative. The site plan has not been prepared by a professional, or – if it has – does not reflect that fact. Attorney Petrarca said that the problem is there are no specific plans, in zoning law, for a tree farm. He did agree with the Board that the plan submitted did not contain a certification stamp. Ms. Greene then told her attorney that the plan did contain a stamp and referenced a survey plan prepared by Steven Long, professional land surveyor, dated November 5, 2003. Mr. Partington pointed out that the actual site plan did not contain a certification stamp. Attorney Petrarca said that although he could provide a stamped, certified site plan to the Board, it does nothing to delineate whether it should be allowed in the aquifer overlay district. The only thing that determines whether it is allowed is the opinion of the Planning Board, and the Zoning Board, and experts stating whether any runoff would affect it. Although a site plan will show the location of any tree planting – it doesn't go to the issue of the special use.

In regards to the operation of the tree farm, and the site plan calling for a greenhouse, concrete slab and a concrete structure, Mr. Tremblay questioned the proposed equipment to be kept on site and used in the operation of the tree farm. Ms. Greene told the Board that they would utilize a John Deere farm tractor and a bobcat to dig holes.

Mr. Presbrey stated that he felt the certification stamp was very important on the site plan and asked Mr. Kravitz or Attorney Kane for confirmation. Mr. Kravitz said a certification stamp certifies that the surveyor has delineated the distance, in linear footage, to the location of structures. Attorney Petrarca again stated that he would provide a certified site plan for the Board, but reiterated that the plan does not outline the standards that are necessary in regards to the special use permit. Mr. Presbrey questioned whether trees would be planted along the steep bank along the southern property line. Ms. Greene stated that it was not her intention to plant along that area. If it becomes a requirement, she will loam and seed it.

For the benefit of the Board, Attorney Kane pointed out that when the Board is asked to conduct a development plan review, they are serving as the technical review committee for the Town. The development plan review regulations contain a lot of information that needs to be addressed. Not everything is applicable – a lot refers to village development. Referring to **Section 1.1 Purpose and Applicability of the Development Plan Review** regulations, he noted the applicant needed to specifically address:

- **Subsection C.** *“Preserve and protect natural environmental features that may add values to sites such as mature stands of trees, wetland and stream areas or rock outcrops;”*
- **Subsection D.** *“Encourage the provision of public access and give due consideration to the scale and design of landscaping;”*
- **Subsection E.** *“Encourage proper control of erosion, surface and subsurface drainage and pollution;”*
- **Subsection I.** *“Assure consideration of the various elements of the comprehensive plan of the town.”*

He further explained that the regulations go on to address all sorts of things in the development plan regulations. In most codes, you see some requirements for steep slopes. It's up to the Board to determine whether those concerns have been addressed by the plan before them this evening. The reason the Zoning Board has forwarded this application to the Planning Board, which the regulations allow, is to obtain the Planning Board's assistance in making their determination.

Attorney Petrarca interjected that the Town has no ordinance specifically addressing a tree farm. It is forestry, which is exempted in the Town's ordinance; it's not a subdivision; the applicant is not disturbing the land; they are just planting trees. There are exemptions everywhere throughout the ordinance exempting forestry. It is private property and there will be no public access. Attorney Kane pointed out that several items were illustrated on the site plan, (such as the three proposed buildings, with no access). Attorney Petrarca again reiterated that the applicant was here only for a special use permit. With a special use permit, Attorney Kane stated that this application falls under the category of things that are to be sent out to the Planning Board for development plan review, and development plan review is not just a rubber stamp – there are/exists a multitude of things that have to be reviewed (ingress, egress, lighting, traffic, look at the site; look at what is proposed on the site; is grading requested; how is erosion going to be controlled.) The applicant is asking for an approval from the Town and the issues have not been addressed, in his opinion, all of the requirements that would address a development plan review. Attorney Petrarca stated that anything that is currently noted on the site plan has been previously approved or is allowed to be on the site.

Continuing with the Planning Board's review, Mr. Tremblay questioned the location of the proposed holding bins, in proximity to the actual property line as the plan displays the bins adjacent to the property line. During the site walk, the property line was identified on the top of the steep embankment. He asked if she intended to cut into the embankment and place the bins at the base of the hill. Ms. Greene said yes, that was her

intention. Mr. Tremblay pointed out that this is just one item that does not coincide with the applicant's request.

Mr. Presbrey again voiced concern with the steep embankment along the southerly property line and requested that the applicant consider loaming and seeding it to prevent erosion and to protect the trees that will be planted. Ms. Greene agreed to loam and seed the embankment.

Mr. Desjardins asked what the proposed second concrete slab would be used for. Ms. Greene said for the potting of the seedlings until they are old enough to plant in the ground and for cleaning the surface. This slab has not been placed on the property as of yet.

Mr. Libby asked if the tree farm would have public access, such as a Christmas tree farm. Ms. Greene said no, any Christmas tree would be cut and delivered – there would be no traffic. Mr. Libby added that he would be in agreement for loaming and seeding the embankment.

Mr. Lupis requested that the site plan be revised to show more detail on the plan, such as the setbacks, the exact locations of where the trees will be planted, as it is not very clear with the present plan. Mr. Ferreira agreed that the currently plan does not have enough information, based upon the site walk. The plan is the item that goes on record. Ms. Greene told the Board that is has been her intention to acquire an additional 16-acre parcel adjacent to her property to add for her tree farm but have been unsuccessful to date.

Mr. Ferreira also added that it would be important to illustrate where water and electricity would be brought into the greenhouse on the plan. Ms. Greene stated that she does not have power that runs to the greenhouse. She utilizes a generator.

Mr. Felice outlined the importance with providing as much detail as possible so that the Board knows exactly what the applicant intends to do at a glance. The plan being reviewed by the Board tonight raises a lot of questions. For example, the plan references a proposed greenhouse, but during the site walk the Board viewed a structure that already existed. Ms. Greene stated that when the plan was prepared, the greenhouse did not exist. He referenced the dense patch of trees along the southern property line and asked whether some of the trees would be sold. Ms. Greene said she would be removing the smaller trees to allow them room to grow in another location. He said she should depict that on the plan. He questioned if the larger trees are sold, would the purchaser carry the trees themselves? Ms. Greene said no, the trees would be removed by a company that has the equipment and can handle the larger root-balled trees. Mr. Felice asked what the proposed use was for the current green-canvassed structure on the property. Ms. Greene said that the proposed use is for a greenhouse. It is currently being used to house some storage containers and antique cars that she was told to remove from the property, so unfortunately it contains other stuff at the moment, but it will be a greenhouse. Mr. Felice asked her how the greenhouse would function. Ms. Greene said that it would serve to keep the seedlings warm enough until they could be planted outdoors. The warmth would be provided by heat lights. He asked if there would be any natural light.

Ms. Greene said there is natural light during the day; if it rains or is cloudy, the heat lights would be used. Natural light flows through the canvas.

Mr. Lemek agreed with all of the Board's comments and that he was not comfortable rendering an opinion until a site plan has been received that is more consistent with the narrative.

Mr. Kravitz summarized the items that were important to be included on the site plan: existing topography, existing conditions, physical access, tree plantings location, the proposed location of other structures and utility conduits/lines, and the proposed location of bins. He questioned the necessity of bins based upon the testimony of Attorney Petrarca that the applicant was proposing to operate a tree farm and not a nursery. Usually storage bins are associated with nurseries. Mr. Ferreira stated that he could understand that the bins would allow for different types of soil compositions that are used in the planting of the trees. Ms. Greene added that compost and loam are the only materials that will be used.

Mr. Kravitz also questioned the need for 3,700 square feet of building structures when the only pieces of equipment proposed are a tractor and a backhoe. Mr. Ferreira responded that the previous question proves the need for more detailed information on the site plan – everything needs to be stated more clearly. Mr. Felice added that the information between the site and the narrative has to coincide and that it should be more clearly defined as to what will take place on this tree farm and within the proposed structures.

Mr. Partington then asked Mr. Raymond, Building/Zoning Official if he had any questions or comments. Mr. Raymond responded that he did not but would answer any questions that any Board member had. Mr. Kravitz did note that during the Planning Board site walk, which Mr. Raymond did not attend, it was noticed that an existing structure was already on the property, which he was told by Ms. Greene was a slab on grade structure. He pointed out that this was something that differed from the site plan; does the Board know if this structure had received a building permit? How does this structure fit in with the proposed tree farm? Mr. Partington added that the Board had been told it was not a permanent structure although it does have a permanent foundation. Mr. Kravitz further stated that he had requested access to the structure, based upon the past litigative history with the applicant, and was denied. At this point, Attorney Petrarca objected to Mr. Kravitz's remarks and asked how it was relevant to the application. Mr. Kravitz stated that the request was entirely appropriate seeing the same structure is subject to the advisory opinion and was shown as "proposed" on the site plan. He had just simply asked to view the inside of the structure, as part of the site walk and that Mr. Partington had heard his request. Mr. Partington agreed that he had. Attorney Petrarca responded, for the record, that he objected to this discussion, it was unfounded and had nothing to do with this application as it is only a special use permit. Mr. Partington said his objection was so noted.

As there were no further questions from the Board, *a motion to table the advisory opinion to the Zoning Board was made by Mr. Tremblay until the applicant provides the additional site plan details requested by the Planning Board this evening. The motion received a second from Mr. Ferreira. Under discussions, Mr. Felice made a motion to*

amend the original motion to also state that the proposed site plan and narrative be consistent. The amendment received a second from Mr. Ferreira and carried unanimously. The original motion also carried unanimously.

VI. OTHER BUSINESS:

Report from Administrative Officer:

Mr. Kravitz noted that during the month of April Certificates of Completion were issued for: **Evergreen Estates, Log Road, Burrillville** (Major Conceptual Subdivision – 8 lots; cont'd review) and **Jack Gallagher, Victory Highway, Nasonville** (Minor Preliminary Land Development – cont'd review). There were no plans rejected as incomplete, and no plans were endorsed.

Planning Board Discussions:

Mr. Partington commended the Board members who attended the Town Council/Planning Board/Senior Center Feasibility Task Force joint workshop on Thursday, May 1, 2008 on their contributions during that workshop.

Update on the Senior Center from the Senior Task Force Liaison for Discussion, Consideration & Action: Mr. Ferreira told the Board that he had nothing new to report as the next meeting of the Senior Feasibility Study Group was scheduled for this coming Wednesday. Information should be received during that meeting from the engineers who have been investigating the Oakland site. He stated that he was unsure whether the committee would be looking at the feasibility of other sites or if the committee's sole purpose was to investigate the Oakland site.

As there was nothing further to discuss, a motion to adjourn was then made at 9:04 p.m. by Mr. Ferreira, seconded by Mr. Desjardins and carried unanimously by the Board.