

MINUTES OF THE PLANNING BOARD MEETING OF JUNE 2, 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, Marc Tremblay, Leo Felice, Bruce Ferreira, Michael Lupis, Jim Libby, Christopher Desjardins and Jeffrey Presbrey/

Members Absent: Rick Lemek

Others Present: Norman Mainville, Town Council liaison, 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 Mr. Lemek was excused because of a scheduled vacation.

III. ACCEPTANCE OF MINUTES:

The **minutes of the Planning Board meeting of May 5, 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:

- Common Grounds Newsletter
- CMRC Coastal Features Newsletter
- Anonymous Letter regarding a subdivision advertisement in the newspaper
- Several Notices of Insignificant Wetlands Alteration Permits from RIDEM

V. NEW BUSINESS:

Subdivision:

Mercury Homes, Inc., Mount Pleasant Road, Nasonville; Map 45, Lot 1; Map 62, Lot 35: *Master Plan Review/Public Informational Meeting/Advisory to Zoning Board:* Attorney Eric Brainsky, of the Law Offices of Michael Kelly, Erin Gallogly, of Marc Nyberg Associates, and Nick Piampiano, of Thalmann Engineering, were in attendance to represent the request. Attorney Brainsky stated that the development is located on Mount Pleasant Road in Burrillville, and consists of two lots – Map 45, Lot 1 and Map 62, Lot 35 – consisting of approximately 100 acres combined. He noted that the application had initially gone through an extensive pre-application review, which included a site walk of the property. When the plan was first submitted for review, the plan only included development of Map 45, Lot 1. Because of concerns by several Board members, the application was amended to include both lots, which is the design before the Board this evening. He pointed out that the property is currently zoned F-5 but because of a wetland system located along the access from Mount Pleasant Road, the project would require a formal wetlands filing with RIDEM and a Wetlands Alteration Permit.

Because the lots are adjacent to one another, and because of their unique shape, the application has been submitted as a major subdivision/land development for two rural residential compounds, proposing a total of 10 lots. The compound proposal on the easterly lot would create two lots (Lots 3 & 4) and the westerly would create 8 lots (Lots 1 & 2, 5 thru 10). With the request for 8 of the 10 lots on the westerly lot, exceeding the maximum 5 lots as required by the RRC ordinance, this application would require a dimensional variance from the Zoning Board. He noted that because there are two lots, the applicant could create 5 lots on each parcel, but because of the site constraints and the effort to preserve much of the existing rural character and disturb the least amount of land as possible, the application must receive zoning relief.

There will be in excess of 75 acres dedicated as open space. The development will be serviced by individual septic systems and private wells. He added that one waiver is being requested in regards to the cul-de-sac roadway length exceeding 1,000 feet. The proposed gravel roadway would be 1,427 feet in length, requiring a waiver from the Planning Board, and he proceeded to hand out the written waiver request to the Board. He explained that the roadway is long due to the proposed design to provide frontage for all of the lots.

For public interest, Mr. Partington pointed out, that the original presentation showed the creation of two roadways, for two separate compound subdivisions, which would require two wetlands crossings. In the interest of minimal disturbance to the existing wetlands, the Board suggested the applicant combine the development into a single access through the existing cart path, as the wetlands have already been impacted by this cart path. He asked if Mr. Brainsky agreed with this assessment. Mr. Brainsky said he did.

Mr. Brainsky then provided the Board with responses, from their engineer, regarding comments provided by the various departments'/agencies' review of the master plan application and an updated site plan representing the revised wetlands flagging required by RIDEM. He also pointed out on the revised site plan a proposed 10' conservation easement provided along the existing stone walls to provide access to the open space lot for the residents of this development. He told the Board that the applicant proposes to construct the development in two phases: Phase I to include Lots 3 & 5 and Phase II to include the remaining Lots 1 & 2 and Lots 5 thru 10. He then turned the presentation over to Ms. Gallogly. Mr. Presbrey made note for the record and expressed concern with the Board receiving this information tonight and did not have enough time to review it. Mr. Kravitz told the Board that he had reviewed this information and there was nothing in it to cause concern.

Ms. Gallogly re-iterated that the project would be service by individual septic systems and private wells and that the roadway would be constructed along the existing gravel path to minimize wetlands disturbance. She noted that access to the open space is provided through proposed Lot 5. Mr. Partington then asked if the applicant wishes to construct in accordance with the phasing plan, would the entire roadway be constructed or would it be completed in phases. Ms. Gallogly stated that she believed the applicant's intent was to construct the roadway up to the proposed Lots 3 & 4 for Phase I; the remaining roadway construction would take place during Phase II for Lots 1 & 2, 5 thru 10. Mr. Partington then asked the roadway length of Phase I. Ms. Gallogly said

approximately 900 feet. Mr. Brainsky added that a temporary cul-de-sac could be provided during Phase I construction to allow for emergency vehicles turnaround. Mr. Partington questioned the roadway width. Ms. Gallogly said it would 30 feet – which includes allows for swales and drainage. The gravel width would be 20 feet.

Mr. Ferreira stated that he was not in favor of the phasing plan, that he would like the roadway and houses completely constructed, and wanted justification for the phasing request. He further questioned the house lot locations. Ms. Gallogly stated that the house locations are only approximate and that they are based on the test hole locations. The test hole locations have been established. The wells have been place 100 feet from the septic systems, and the house locations followed. The house locations can change, especially at the preliminary plan stage.

Several board members expressed dislike with proposed Lot 6 (the “flag” lot) and, requested the applicant consider moving the lot to the left of the roadway as it commences from Mount Pleasant Road. They noted that at the conceptual plan stage, a lot had been proposed in that vicinity and that test holes had been successful there at that time. Mr. Presbrey requested that the proposed open space easement be enlarged to 15’ from the proposed 10’ and that the applicant consider using pine bark mulch on the pathway. He also requested that the elevations be properly marked at the next level of submission. Both Ms. Gallogly and Attorney Brainsky agreed to make these changes.

At this time, Mr. Kravitz noted that an abutter to the property (Borrelli) had visited the Planning Department the previous week, having received notification of the public informational meeting, and was looking to see where the access was to her property as it is currently landlocked. He noted that he had contacted Ms. Gallogly so that she could research this issue prior to the meeting. Mrs. Borrelli, who was in attendance, stated that she owns a 13-acre parcel, which she thought she had access to and was wondering if there was access through the applicant’s property. Ms. Gallogly stated that she had researched the issue and noted that there was no easement to the Borrelli property on record. Attorney Brainsky added that if the Borrelli’s were requesting an easement, he would have to check with his client but he didn’t believe that it would be possible.

At this point, Mr. Partington, noting that this is a Public Informational meeting, told the audience that they would be allowed to asked questions to obtain information on the project as this was not a Public Hearing.

Paul Wright, of 440 Buxton Street, asked what the difference was between a public informational hearing and a public hearing. Mr. Partington proceeded to explain the difference. Mr. Wright then voiced concerns with the right-of-way and then asked the size of the lot. Ms. Gallogly told him that the two lots combined totaled 116.45 acres.

Debbie Braun, of 369 Mount Pleasant Road, questioned the timeframe for construction as she was concerned with having to list to construction equipment. The Board told her that the development was for a rural residential compound with only 10 houses and a gravel roadway, unlike a major subdivision with asphalt roadways and concrete sidewalks.

Judith Ethier, of 514 Mount Pleasant Road, asked if these houses would be single-family homes. Mr. Partington said they would be. She then asked how large the homes were. Ms. Gallogly said that the development had not made that determination as of yet. Mrs. Ethier then asked how large are the proposed lots? Ms. Partington said the lot sizes for the houses range from 2 acres to 7 acres. She also voiced concern with increased traffic.

George Barna, of 285 Mount Pleasant Road, asked what size home the water table can support. Ms. Gallogly explained that the water tables usually determine the size of the septic system and how many bedrooms. In this case, the water tables can accommodate three- to four-bedroom homes.

Patty Turcotte, of 410 Mount Pleasant Road, voiced concern with a water pressure problem that she has with her well, even though it is approximately 590 feet in depth, and questioned whether there would be enough pressure for the new houses. The Board questioned whether she meant water quantity instead of water pressure. She said yes to quantity. Mr. Piampiano proceeded to explain that preliminary draw-downs are conducted early on and reviewed to determine sufficient quantity to service a development. During Preliminary Plan review, he said they would check out the draw down situation for her well and review the groundwater hydraulics for the least amount of impact. He noted that only one or two wells will be in close proximity to hers.

Jim McGovern, of Harrisville, asked if the Board was comfortable with a 1,400 foot cul-de-sac and questioned how the maximum length of 1,000 feet for a cul-de-sac roadway stated within the Subdivision and Land Development Regulations was determined. Mr. Partington told him that the Board had the choice to allow the developer to create two roadways for this development, having to deal with two wetlands crossings. They need to determine what is best for the land. Mr. Kravitz stated that the 1,000-foot maximum length for a cul-de-sac has been a standard in the regulations for a number of years and is also a standard in many other communities. The fire chief has reviewed the plan and has requested the placement of a water cistern to assist for fire protection. Mr. McGovern asked if there were standards for a gravel roadway. Ms. Gallogly told him that there are cross-sections within the Subdivision & Land Development Regulations specifically for gravel roadways.

Fred Leduc, of 394 Mount Pleasant Road, was concerned with the groundwater table, stating that he had to relocate an ISDS system and had a percolation test that was less than 12". Will development of this property add additional water to his property? He currently has water in his basement. Mr. Piampiano told him that development of this property has to result in a zero-net increase in runoff in accordance with RIDEM regulations. He pointed out on the plan the location of an extended detention basin proposed along the right side of the proposed roadway, as well as the fact that the roadway would be gravel, which will help the drainage.

Daniel Richardson, of 505 East Ironstone Road, stated that he felt a gravel roadway, with a travel width of 20', was inadequate for cars and recommended the Board consider a two-lane roadway.

Norman Dalpe, of 1005 Mount Pleasant Road, questioned the amount of traffic that would be generated by this development. Attorney Brainsky stated that a traffic study has not been completed but would be done by the preliminary plan stage. Mr. Dalpe also questioned whether any blasting would take place as there is a fair amount of ledge in the area and did not want to experience any damage to his foundation. The Board explained that any licensed individual who is licensed to conduct blast will conduct research beforehand of any properties that are in close proximity to the blast area to determine where damage will occur. They will even contact these properties and take photos to make sure no damage takes place prior to blasting.

Al Turcotte, of 410 Mount Pleasant Road, asked to have the private roadway, open space and lots pointed out on the site plan. Ms. Gallogly proceeded to explain about the location of the gravel roadway, and pointed out the open space areas and individual lot configurations. Mr. Turcotte, noting that there is not much open space area to the right of the proposed roadway, asked if a vegetative buffer could be provided to serve as screening. Ms. Gallogly stated that it was the developers intent to provide some type of natural screening along the area – which would be provided in a landscape plan at the preliminary plan submission.

Having no further questions from the public, Attorney Brainsky outlined several items that were requested by the Board this evening: moving of the “flag” lot from its current location adjacent to the open space to the left side of the proposed roadway near its inception with Mount Pleasant; review the proposed gravel roadway width; increase the size of the proposed open space easement. He requested that the Board consider continuing the Master Plan review to the July meeting to allow the applicant’s professionals to conduct these changes and resubmit a revised plan.

Mr. Ferreira expressed concern with the 1,427-foot length of roadway and only 20-foot in width and asked the developer to investigate the possibility of a wider roadway.

A motion to continue the Master Plan Review/Public Informational Meeting/Advisory to Zoning Board for Mercury Homes on Mount Pleasant Road on the request of the applicant’s legal council to the July 2008 Planning Board meeting was made by Mr. Ferreira, seconded by Mr. Desjardins and carried unanimously by the Board.

A five-minute recess was called by the Chair at 8:25 p.m.

The meeting resumed at 8:30 p.m.

Land Development:

Pine Ridge Village Planned Development (Age-Restricted), Steere Farm Road & Mowry Street, Harrisville; Map 176, Lots 3 & 5; Map 177, Lot 30: *Preliminary Major Plan Review/Public Hearing (continued review from April 2007):* Attorney Brian LaPlante, Cheryl Peterson, PE of Heritage Design Group, Marc Saccoccio, Architect of Saccoccio & Associates, Inc., Lucien Benoit and Joseph Houle were in attendance to represent the application. Attorney LaPlante began by telling the Board that this project has become fully permitted by RIDEM and any changes were incorporated into the plan submitted for the Board’s review that are dated March 2008. Because the project has

taken so long to get this point, he proceeded to refresh the Board's memory on the specifics. The project consists of three lots, totaling approximately 30 acres, which obtained Master Plan approval for 67 condominium units, with some affordable content, under the Town's VPD regulations for residential purposes as an age-restricted (over 55) community. The project has been reduced to 61 units with this Preliminary Plan submission. Following the guidelines of the VPD ordinance, the plan is in accordance with zoning and will not require any type of variance. He added that this project is truly a village project, designed and approved by the Board pursuant to the Master Plan, that incorporates many of the village concepts which are contained with the VPD ordinance, particularly walking trails, sidewalk areas throughout and privately owned and maintained roadways. He noted there are several green areas that serve as open space as well as a walking trail. He then turned the presentation over to Cheryl Peterson.

Ms. Peterson began by presenting the "green" return receipts card to meet the public notification requirements for the preliminary plan submission. She stated that any changes to the plan, since the Board last viewed it, was a result of RIDEM's review of the wetlands bounds and the drainage analysis, and the positioning of the units to maximize protection to the wetlands. She noted that DEM's main interest was in the area of the intermittent stream and the associated wetlands. One change was to remove the two units from the Buildings 17 & 18 area and place them in the neighborhood green (labeled as Building 18) off of Road A in order to reduce construction and people so close to the wetland. This would also prevent the garage doors from exiting onto the main roadway as was requested by the Board in previous meetings. The second change was for the reshaping and shifting of the detention basin further from the wetlands in that area in order to reduce the amount of disturbance. The third change was to increase of the size of the arch culvert, over the stream, from 10 feet to 20 feet in width so that there is no disturbance to the stream as well as no disturbance to the 100-year flood plain. The final change was to remove the walking trails in that area, again, to reduce disturbance. As Ms. Peterson had addressed all of the changes requested by RIDEM, the presentation was then turned over Marc Saccoccio.

Mr. Saccoccio updated the Board on the architectural features of the project. He noted that the units are proposed to be duplex, triplex and quads, averaging in size from 1,600 sq/ft to 1,900 sq/ft, with differing facades and color variations. The larger units would have rear entrances, and all of the units will be on one floor, noting that one-level units are the generally desired housing for individuals 55 years and older.

As the presentation was complete, Mr. Partington then asked the Board members for their questions or comments.

Mr. Libby stated that he had a few questions but that he also had a handout to present that would assist with his questions. He proceeded to hand out renderings to the Board and to the applicants' professional team. He then began by saying that he had reviewed the plan's changes and was uncomfortable with a few of the changes, especially the placement of the two units within the neighborhood green. Referring back to the January 10, 2005 meeting minutes, he noted that the Board had granted Master Plan approval of the project conditioned upon the removal of the units from the neighborhood green areas. It has been the Board's goal to not place any units within the green spaces. Noting that

DEM's request had probably forced the units to be placed in the green area, he suggested that it would be easy for the Board to tell the developers to just remove the units; however he offered a solution to keep the units but relocate them to another part of the project – as outlined in his renders. He suggested that the units be placed in the location proposed for the community center and further suggested the community center be placed in the neighborhood green area closest to the Steere Farm Road entrance. He added that although there would still be a building in the green space, it would be a community building which would be more amenable to the common area. Both Building 18 and the Community Center's building footprints are practically the same size.

Attorney LaPlante thanked Mr. Libby for his efforts and proceeded to defend the placement of Building 18 on the neighborhood green by pointing out reasons for placing it there. He voiced concern with relocating the building to the clubhouse area, particularly because the clubhouse would be on a slab and whether there was enough room for two units in the clubhouse location. He added that he did not believe there was anything in the regulations stating that units could not be placed in the common green areas. He asked Mr. Kravitz for clarification.

Mr. Kravitz responded that he would have to review the regulations but he believed that it was at the Board's deliberations. If the Board has asked for things years back and they have not been granted, there's something to be said for that. He pointed out that Mr. Libby's modifications are very good and very minor – noting that he doesn't believe they will generate another RIDEM review because they do not impact the wetlands.

Mr. Libby also offered up citations from the Comprehensive Plan that reinforced the reason for these changes: *Chapter IX Land Use, Implementation Action IX.3.b.2 "Retain open spaces large enough to serve as wildlife habitat, store flood waters, abate air and water pollution, provide a sense of openness, and serve as buffers and aesthetic amenities to existing development"; Land Use Goal IX.4 "Promote the preservation, improvement and enhancement of the positive and desirable characteristics of Burrillville's traditional New England environment and land use patterns"; Chapter V – Housing, Policy V.3.a "Encourage and support the protection and improvement of stable neighborhoods and areas"; Policy V.1.f "Encourage and support optimum location of new housing in terms of its relationships to transportation, pollution control, water supply, education and other public facilities and services; employment opportunities and commercial and community services; adjacent land uses; and the suitability of the specific site for other land uses, including open space"; Chapter II Natural and Cultural Resources, Implementation Action II.1.a.2 "Use of a particular site should be compatible with adjacent land uses".* Attorney LaPlante continued to state that he didn't believe that the buffer was insufficient and that he didn't believe the abutters on Steere Farm Road were "jumping up and down" about the moving the buildings, other than Mr. Guilbeault.

Mr. Libby then referenced several sections of the various Planning Board meeting minutes on this project in regards to a proposed buffer around the perimeter of the project that was originally planned at 50-feet. He noted that in the area of the units along the first loop road from Steere Farm Road, this buffer had been reduced from 50 feet down to 30 feet. In order to increase the buffer and provide separation from the abutters along Steere Farm Road, Mr. Libby suggested that one of the units from Building 2 (a quad) be

moved to Building 3 (a triplex) which would allow Building 2 to be moved further from the property line, even potentially allowing for the removal of the proposed wall along the property line. (He referenced Page 3 of his renderings.) This would also alleviate the problem of having to squeeze in an access road to the detention pond.

In answer to Attorney LaPlante's previous question in regards to buildings being location in the open space areas, Mr. Kravitz stated that there is no standard prohibiting the placement of units in town commons; however it is rather implicit that the commons are to be used for public recreational uses only. [*Zoning Ordinance Section 30-209 Village Planned Development Land Development Project, Subsection (1) Village residential land development project: Predominantly residential VPD that also includes public recreational uses (i.e., playgrounds and town commons) and open space . . .*"]

Mr. Libby then noted that initially the walking trails were designed to tie into the walking trails proposed on the adjacent property. Those walking trails never took place and the current proposed walking trails for this project run from the detention area, behind the units and terminate in odd areas. He also noted that RIDEM did not want the walking trails adjacent to some of the wetland areas. He suggested placing the trails in the neighborhood green areas instead. Attorney LaPlante said his only concern was there are sidewalks proposed along the units – if the sidewalks are on the greens, they may be undermined the open space. Mr. Libby added that the sidewalks along the units are broken up with the proposed driveways. Attorney LaPlante suggested removing the sidewalk.

Finally, Mr. Libby requested that the Board be allowed to view a rendering of the proposed community center, asking that architectural details be consideration for addition to the design.

Mr. Desjardins stated that he agreed with the changes that were proposed by Mr. Libby and asked Attorney LaPlante if there would be an economic hardship with moving the buildings. Attorney LaPlante said that he didn't believe that it did, other than a couple who would be looking for a two-car garage. He asked Ms. Peterson if it would have any impact on the design. Ms. Peterson said that she didn't believe there would be any impact. Mr. Desjardins asked if it could be redesigned to allow for the two-car garage. Ms. Peterson said it was possible. Mr. Saccoccio said that the units are designed to be interchangeable. Mr. Desjardins also noted that the first thing he thought of when he reviewed the revised plans was that fact that the Board did not want any buildings within the green common areas.

Stating that he has also highlighted sections of a compilation of Planning Board minutes when this project was under review, Mr. Presbrey voiced concerns that certain items that were requested by the Board have not been addressed, such as maintaining a larger buffer from the neighbors, eliminating buildings from the green areas. He noted that since the Board was in receipt of revised plans dated 1/12/2006, there have been ten revisions since then that have not addressed the main concerns of the Board, especially the buffer area. Attorney LaPlante stated that that was not true – the buffer area has actually increased in an attempt to satisfy the Board, and all of the wooded area is being provided by the applicants. Mr. Guilbeault's lot is essentially clear cut to the property line, affording no

buffer for him. Mr. Presbrey pointed out that any buffer would be the responsibility of the developers, not the abutters, and the fact that the plan was proposed to have the 50-foot buffer from the beginning of the review process. Ms. Peterson added that the plan did not state that it would a vegetative buffer, and there is no mention of a no-disturb area around the site. Attorney LaPlante asked if the Board would be encouraged if some plantings were placed there to better screen the area. The Board said they would be amenable to moving the building and planting some screening. Mr. Presbrey also noted that by moving the buildings and planting vegetative screening, the proposal wall could potentially be removed – at a cost savings as these types of walls are very expensive.

Mr. Lupis stated that he was in agreement with Mr. Libby's proposed changes. He added that he has been on the Board for many years and has never seen a Board member attempt to help an applicant in this fashion. He said that he was surprised at the response from the applicants' attorney as he feels Mr. Libby has done an outstanding job of assisting in the plan's approval.

Mr. Ferreira stated that he also was in agreement with Mr. Libby's proposed changes. He noted that a constant from the beginning of review was the reduction in size and number of units. DEM has succeeded in reducing the number to 61. He suggested that the developers consider eliminating the clubhouse because of the financial climate of the state and the fact that there are a number of senior centers in the state that face closing due to lack of financial support.

Mr. Felice stated that he also agreed with the changes Mr. Libby suggested.

Mr. Tremblay said that he agreed with Mr. Libby's changes but felt that the community center/convenience store should remain.

Referring to the letter from Ms. Peterson dated January 8, 2008, Mr. Presbrey then questioned the following:

- Page 2, Test Pit #1/Detention Basin C - Difference between estimated seasonal high groundwater and bottom of infiltration trench = 2.2 ft. *Infiltration requires 3 feet – how did this get by RIDEM? Ms. Peterson said she was not sure. Mr. Presbrey reiterated that this is an example of what he has said in the past how things slide by RIDEM and that they happen quite often.*
- Page 3, Test Pit #7/Building #7 – Following the November 6, 2006 Planning Board meeting, additional test pits were done on site to further analyze the soil conditions in the vicinity of Building #10. . . . The plans have been revised to show the additional test pit information. Please refer to Sheet 21 of 31. *Mr. Presbrey asked if Ms. Peterson had conducted the test pits. She replied that she had not. He then questioned why the plan states that it was an “unofficial testing”. Ms. Peterson said they had been conducted by a soil evaluator but not witnessed by anyone from the State. Mr. Benoit stated that he had witnessed the testing.*
- Pages 5-6, Test Pit #10/Building 13 - The basement slab elevation will be below the seasonal high groundwater elevation. In such instances, the foundation is

designed and constructed with waterproofing and a sump pump is connected so as to discharge groundwater away from the foundation. In this case, the sump pump will discharge in the yard which will drain into the wetlands. The use of waterproofing and sump pumps is a very typical and reliable means of construction in the geographical area. *Mr. Presbrey was concerned with the fact that the units would be heated with oil (as there are no gas lines in the area), with a 250-gallon tank in the basement, a basement that sits below the groundwater level. If the tank were to burst, it will either leach through the cracks in the floor directly into the groundwater or pumped by the sump pump into the backyard. Ms. Peterson said it is a common design practice when groundwater cannot be alleviated, perimeter drains are placed around the foundation with a waterproofing coating on the foundation and the sump pump installed below the spot elevation. Mr. Presbrey suggested encasing the oil tank in Building #13 to prevent any leakage. Mr. Saccoccio said that it is possible to not have a foundation in this area.*

Mr. Kravitz questioned whether the proposed walking path would be dedicated with public easement for public access. If not, there is a fee in-lieu-of for the recreation land. Attorney LaPlante asked for the location of the reference for this requirement. Mr. Kravitz said it is 10-8.1. Attorney LaPlante said he thought that the fee was based upon the Comprehensive Plan requirements and that within the VPD the Comp Plan does not impose such a space. Mr. Kravitz informed him that the Comp Plan had been amended to include the VPD and its projected land use impacts due to the additional units of the VPD zoning code. And, Burrillville's recreation paths are referenced in both the Town's Comprehensive Plan and Capital Improvement Plan. The VPD references the Subdivision & Land Development Regulations for additional standards with respect to Site Plan Review. Attorney LaPlante said that they could work this out.

At this point, Attorney LaPlante stated that just communicated with his clients and they are willing to modify the project:

1. Reserve their rights to keep the walking paths on site and open to public instead of paying a fee in-lieu, if in fact, that fee is applicable;
2. Relocated the clubhouse along Roadway A on the neighborhood green and relocated the two units (Building #18) to old clubhouse along Roadway C;
3. Move a unit from Building 2 to Building 3 along Roadway B as designed and presented this evening by Mr. Libby;
4. Add a note on the plan that the clubhouse be a "need not be built" feature - if the buyers decide that it's a great idea and good the group, it will be built, but not be depicted as a "must be built" feature.
5. Provide a vegetative buffer/berm-like feature in the read of Buildings 1 & 2 and remove the wall.

Mr. Ferreira recommended investigating the feasible of off-street parking for guests. Mr. Lupis suggested that if the clubhouse is not constructed, the applicants consider placing a gazebo structure on the common. Attorney LaPlante agreed to the suggestions.

Attorney LaPlante noted that it was critical that the plan did not have to be brought back to RIDEM due to this revised process. The applicants are willing to accept the changes as long as there is favorable feedback from DEM that it does not require a resubmission. If it would require a resubmission, he stated that he would be in touch with Mr. Kravitz to get back on the Planning Board agenda.

As there were no further from the Board, the Public Hearing, continued from April 2007, was opened 9:50 p.m.

Al Carlow, of 375 Steere Farm Road, asked how many gallons of water will the detention ponds going to hold at the maximum. Ms. Peterson stated that she did not have a specific number of gallons for the size of the detention basin. She noted that the previous concern was with the detention basin that had the berm built up around its sides and above the existing grade. What would happen if the berm was to break and the water was to flow down into Mr. Guilbeault's backyard? She noted that the detention basin is not in a location where the berm has to be built up around it in order to hold water. The water elevation in that area is low enough that the detention basin is created in a cut of the existing ground. The berm is merely there as a height of the basin itself. When digging down in the existing ground, there is not a chance for failure because it is the original compaction. Mr. Carlow said that his question was not answered because he had asked for the number of gallons.

For the benefit of the Board, Mr. Carlow and the other abutters, Attorney LaPlante then asked Ms. Peterson to speak to the watershed issue. Ms. Peterson told the Board that because of their earlier concerns with drainage, she has compiled a drainage-area plan which identifies the area of land that drains ultimately into the three or four backyards of the abutters. When the development is completed, the drainage will be reduced to this small area which basically consists of the homes themselves along Steere Farm Road. The low area that has been created on the side of the entrance road by the development will intercept any runoff down Steere Farm Road, accumulate in this area, flow into the neighboring catch basin and eventually into the State's drainage system. She also noted that when perimeter foundation drains are installed along the units closest to Steere Farm Road, any groundwater coming down the hill would be intercepted into the detention basin and not going down the hill. Surface and groundwater conditions have been alleviated. Mr. Kravitz this drainage plan would eliminate the bad flooding situation that is occurring now as the Guilbeault's property? Attorney LaPlante said it would improve the Guilbeault's property and Ms. Peterson explained how the drainage would change by these improvements.

Mr. Carlow also stated that at the previous meeting the Board had told him that the DPW cleans out the detention ponds on a regular basis. He noted that he had checked with the DPW and said that the DPW does not have a list of any detention ponds and they do not clean them out unless instructed to by RIDEM. Detention ponds are being created, that are not being maintained unless DEM tells them to. Ms. Peterson pointed out that the detention basins are located on private property and will be maintained by the condo association as well as the roadways and catch basins and will not rely on the Town. Mr. Carlow asked the Board to consider requiring a bond, fronted by the association, to cover the costs for maintenance. He then asked if there would be a problem if the detention

ponds are not maintained. Ms. Peterson said absolutely – no matter what is built, if not maintained, it will not function properly. Could the detention burst? No because it is built within the ground.

William Guilbeault, of 109 Steere Farm Road, questioned the path of the current drainage, as it seemed to differ from what was said at the previous meeting. Ms. Peterson said the water is drainage through the woods as well as down the hill to Steere Farm Road. He further questioned the capacity of the detention pond, citing his neighbor's yard hold approximately 750,000 gallons of water and the detention pond being sized for 250,000 gallons. Ms. Peterson explained that the water is exiting the detention basin at the same time it is entering it. It enters the detention basin in two ways: through the piping and surface water flow. While in the basin, some water is infiltrating through the bottom (percolating through the ground) and rising in elevation until it touches the outflow structure. The outflow pipe, which is located to the rear of the detention basin, will discharge into the adjacent wetlands and not into his backyard. The flow of water exiting is to the northwest.

Mr. Guilbeault asked whether it would remain and age-restricted development forever, noting that in a recent newspaper article a developer has petition that town to lift the age-restricted status so that units could be sold to anyone. He also asked if the Board had conducted a site walk. Mr. Partington stated that they have. Mr. Guilbeault voiced concern with the structures being in the back of his property. Mr. Partington told him the Board has been doing everything they can to provide a separation between his house and the development. Attorney LaPlante said his clients have tried to comply with the Board and then asked Ms. Peterson to discuss the research she conducted in regards to the views of the development from the Guilbeault property.

Ms. Peterson told the Board that they have prepared several cross-sections to the development as viewed from Mr. Guilbeault's property – from both the first and second floors in response to Mr. Guilbeault's concerns. These cross-sections displayed the proposed grades of the buildings, the no-disturb buffer zone area down to the property, to a treeline on Mr. Guilbeault's property. Photos were taken as several times during the year to illustrate the view in the fall, spring and summer. With the trees in place as they are today, he will not see any of the units. Attorney LaPlante handed out the photos taken to illustrate the view based on the cross-sections.

Joseph Houle, of 99 Steere Farm Road, stated that he was pleased with the reduction of water runoff and that it would help his property.

The Public Hearing was closed at 10:15 p.m.

Based upon the photos that were just presented, Mr. Ferreira suggested that the developers consider low growth shrubs with a height of 10 feet in the buffer area to act as a screen.

A motion was made by Mr. Libby to approve the Preliminary Major Land Development plan for Pine Ridge per R.I.G.L. Sections 45-23-30 and 45-23-60 as:

1. *The land development is consistent with the Comprehensive Plan – particularly Chapter V Housing and Affordable Housing Strategy, Table 11 Affordable Housing Development and Rehabilitation Strategies, Inclusionary Zoning, Village Planned Development Ordinance; Goal V.1, Policies V.1.a, V.1.b, V.1.d, V.1.f and V.2.b and Implementation Actions V.1.a.1, V.1.a.3, V.1.b.1 and V.1.f.1; the plan is consistent with Land Use Chapter Goals IX.1, IX.2; Policies IX.1.a, IX.2.a, IX.2.b, IX.2.d and Implementation Actions IX.2.a.1, IX.2.b.1, IX.3.a.2;*
2. *The land development as amended during this Preliminary Plan Review stage is consistent with the Zoning Ordinance – specifically Section 30-209 Village Planned Development Land Development Project;*
3. *There will be no negative environmental impacts as depicted through sound engineering and proper design of a wetlands crossing as approved by RIDEM permit to alter freshwater wetlands dated 11-30-07; moreover, as testified by the applicants lead engineering and design firm, Heritage Design Group, Inc., of Whitinsville, MA, no development will occur within hydric soils or areas of high water table;*
4. *The land development will not result in the creation of unbuildable lots;*
5. *The land development has adequate and permanent physical access to two public streets – those being Mowry Street and Steere Farm Road.*

conditioned upon the applicants relocating the duplex unit as located within the private green to the area of the proposed convenience store/club house and relocating the convenience store/club house to the private green; the convenience store/club house shall be shown on the final plan but its construction subject to the need of the future residents of the land development; until such time as the convenience store/club house is constructed, a gazebo shall be installed to serve as a recreational amenity for the residents of the land development; the applicant will decrease Building 2 by one unit and increase Unit 3 by one unit to allow the flexibility of regarding and reduction of the height of the retaining wall; the applicant will provide a mounded berm with landscape features along the 30-foot setback location; the project will be age-restricted to 55 or older and 20% of the units will be affordable; the condo association will maintain all infrastructure including detention basins, stormwater infrastructure, bridges, pavement, sidewalks, etc; Lastly, per R.I.G.L. 45-23-47, the applicant shall be afforded the choice, to either record a public easement for the sidewalks and walking paths as depicted on the plans, or make a recreational fee payment in lieu of providing a public easement. The motion received a second from Mr. Ferreira. Under discussions, Mr. Kravitz asked whether the applicants preferred to make the walking path public or whether they proposed to submit a fee. Attorney LaPlante said they would like to contemplate the choices similar to the other adjacent project. Mr. Kravitz said the resolution will be arrived at by final. Attorney LaPlante noted a discussion earlier in which the Board suggested utilizing the green areas for walking trails rather than the sidewalks that are cut off by the driveways. Mr. Libby amended his motion to allow the applicants flexibility of placing sidewalks within the neighborhood greens as opposed along the driveway areas. The amendment was second by Mr. Ferreira and carried unanimously by the Board. The original motion then carried unanimously by the Board.

VI. OTHER BUSINESS:

Report from Administrative Officer:

Mr. Kravitz noted that during the month of May a Certificate of Completion was issued for: **Mount Pleasant Estates (Mercury Homes-Cabral), Mount Pleasant Road, Nasonville** (Master Major RRC Submission – 10 lots). There were no plans rejected as incomplete, and no plans were endorsed.

Planning Board Discussions:

Update on the Senior Center from the Senior Task Force Liaison for Discussion, Consideration & Action: Mr. Ferreira told the Board that the engineer had provided the cost estimate of \$697,000 for the site work in Oakland. The soil test also showed that a layer of clay exists below the surface. This exercise was conducted in order to prepare the site for a senior center and to arrive at a targeted dollar amount for the senior center. The cost would be approximately 3.9 million to include the building. This number was turned over to the Town Manager who introduced it to the Town Council at the last Town Council meeting. The Town Council voted in favor of submitting it to the State for inclusion as a referendum as a bond item on November's election. Mr. Kravitz noted that the referendum is just to secure the amount; the location is still in motion.

Mr. Ferreira also told the Board that he was told the Town Council has turned over the responsibility of choosing a site to the Town Manager. The Board noted that whichever site is chosen would have to come before the Board.

The Board questioned whether the Senior Center Feasibility Study Committee was needed any longer. Mr. Ferreira said that he knows of one more meeting this Wednesday.

As there was nothing further to discuss, a motion to adjourn was then made at 10:37 p.m. by Mr. Ferreira, seconded by Mr. Desjardins and carried unanimously by the Board.