

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

**I. CALL TO ORDER:**

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

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

**Members Absent:** Jim Libby.

**Others Present:** Ray Cloutier, Zoning Board Chairman, Steve Rawson, Conservation Commission Chairman, Thomas Kravitz, Town Planner and Christine Langlois, Deputy Planner.

**II. ATTENDANCE REVIEW:**

The Chairman acknowledged that Mr. Libby was excused because of a scheduled vacation.

**III. ACCEPTANCE OF MINUTES:**

The **minutes of the Planning Board meeting of June 2, 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:**

- Burrillville Conservation Commission Meeting Agenda regarding a joint meeting with the Planning Board to discuss Rural Residential Compounds
- RI Boards for Design Professionals correspondence regarding Professional Registration of Design Professionals
- Nasonville Fire District memo regarding Mercury Homes

**V. OLD BUSINESS:**

**Subdivision:**

**Christopher & Irene Watson, Jackson Schoolhouse Road, Burrillville; Map 171, Lot 8:** *Preliminary Plan Review (continued from December 3, 2007 meeting):* Mr. Norbert Therien, of National Surveyors-Developers, Inc., and Mr. Christopher Watson were in attendance to represent the request. Mr. Therien noted that the Board had reviewed the plan in December 2007 and tabled a decision until the plan has received RIDEM's verification of the wetlands edges and ISDS approval. He told the Board that both approvals have been received and were provided to the Board members. As there were no further questions from the Board, *a motion to approve the Preliminary Minor Subdivision plan for Christopher & Irene Watson was made by Mr. Ferreira per RIGL Sections 45-23-60:*

1. *The Subdivision is consistent with the Comprehensive Plan Chapter V Housing, Policy V.1.a and Implementation Action V.1.a.1.*
2. *The application is consistent with the Burrillville Zoning Ordinance – specifically the use and dimensional regulations of Sections 30-111 and 30-210.*

3. *There will be no negative environmental impacts as evidenced by RIDEM Non-jurisdictional Permit No. 07-0469 dated June 5, 2008.*
  4. *The subdivision will not result in the creation of unbuildable lots.*
  5. *The subdivision has adequate and permanent physical access to Jackson Schoolhouse Road – a town-accepted and publicly maintained roadway.*
- The motion received a second from Rick Lemek and carried unanimously by the Board.*

**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; (continued from June 2, 2008 meeting):* Attorney Eric Brainsky, of Michael Kelly Law Offices, Erin Gallogly, of Marc Nyberg Associates and Nick Piampiano, of Thalmann Engineering, were in attendance to represent the continued review of the Major Master Plan review for Mercury Homes. Attorney Brainsky began by reiterating that the project consists of two large lots, consisting of approximately 116 acres, which is proposed to be subdivided into two rural residential compounds in the following manner: Phase I which is a three-lot RRC consisting of Lots 2, 3 & 4 and Phase III, which is a seven-lot RRC consisting of Lots 1, 5, 6, 7, 8, 9 and 10. He pointed out that the Phase I portion of the project was reconfigured from the previously submitted plan to move the “flag lot”, adjacent to the proposed open space lot, to western side of the roadway entrance. He noted that Phase II would require a dimensional variance from the Zoning Board in regards to the number of lots allowed in an RRC. He added that the plan requires a waiver, which has been submitted in writing, from the roadway length requirement, as the proposed roadway is approximately 1,467 feet in length, from Mount Pleasant Road to the end of the cul-de-sac. He noted several other issues that the Board had requested from the last meeting:

1. *Provide more detailed elevations on the plan;* More detailed elevation will be provided at the Preliminary plan submission.
2. *Widen the Conservation Easement from 10 feet to 15 feet;* The Conservation easement has been increased to 15 feet, with a 6-foot strip of mulch, for access to the open space.
3. *Review the proposed gravel roadway width;* Attorney Brainsky stated that the plan proposed a 30-foot right-of-way, with a curb design of 22 feet of gravel, and grass drainage swales on either side of the roadway. Because of the presence of some wide wetland areas, the roadway is proposed at 30 feet to minimize crossing widths. He noted that the roadway design is not required at this stage of the project. He added that his client is willing to consider as wide a width as possible at the Preliminary plan stage once drainage plans have been developed.

In regards to the outstanding fire taxes for the Nasonville Fire Department, Attorney Brainsky assured the Board that his client would take care of the matter tomorrow.

He then asked if there were any questions from the Board and noted that the applicant is also seeking an advisory to Zoning Board on the granting of the necessary variances.

Mr. Presbrey questioned the house location for the new Lot 3, noting that it has been pushed back into the eastern portion, and suggested moving it closer to the roadway for less disturbance. Mr. Piampiano said that it was placed there because of the ISDS testing but it is possible to move it in another location.

Mr. Ferreira suggested the applicant contact the fire chief to be sure that he doesn't have any problems with the proposed roadway. Attorney Brainsky said that the fire department would be notified of the project.

Steve Rawson, Conservation Commission Chairman, asked if the applicant would be willing to grant an easement to Wright's Dairy Farm for access to the cornfield. Mr. Kravitz stated that the cornfield is maintained through an access from East Ironstone Road. Attorney Brainsky added that he could not commit to an easement without consulting with his client. Mr. Ferreira questioned whether the Town Solicitor should be consulted on this. Mr. Tremblay noted that if a conservation easement is put in place, it will contain language that states what the land will be used for and almost have an implied access.

Lucille Borrelli, an abutting land owner, questioned the access to the cornfield that is under discussions. Both Attorney Brainsky and Ms. Gallogly pointed out the location of the proposed easement to the open space. Mrs. Borrelli then asked for a definition of an implied access. Ms. Gallogly stated that it is an existing permission for access that follows owners. Attorney Brainsky added that he was not able to speak to the possible access through the abutter's property in the rear of this development. Mrs. Borrelli said she would like to obtain an implied access to her landlocked property that currently contains Christmas trees. Mr. Kravitz told her that he believes there really isn't such a thing as implied access – either there is an agreed upon easement or there is not. There are various ways easements come to be; i.e. via condemnation or prescription, etc. He asked Attorney Brainsky if he would speak with this client about possibility granting easement. Attorney Brainsky said that he would.

As there was nothing further to discuss, *a motion to approve the Major Master Plan for Mercury Homes was made by Mr. Ferreira in accordance with RIGL 45-23-60:*

- 1. The subdivision is consistent with the Comprehensive Plan Chapter V Housing, Implementation Action V.1.a.1;*
- 2. The application is in conformance with and does not conflict with the intent and purpose of the Town's Zoning Ordinance – particularly Section 30-208 Rural Residential Compounds. The Board will provide a favorable opinion from Zoning Ordinance Section 30-208, Section D – Density Calculations, to allow the applicant to construct three additional units within Phase II of Mount Pleasant Estates;*
- 3. There will be no negative environmental impacts as evidenced by the fact that the wetlands have been flagged and no development is proposed within the wetlands at this stage of review. Additionally, the applicant must obtain permits from the division of RIDEM Wetlands and Onsite Waste Water Treatment System approval prior to the next level of review.*
- 4. The subdivision will not result in the creation of unbuildable lots.*
- 5. The subdivision has adequate and permanent physical access to Mount Pleasant Road.*

*The motion received a second from Mr. Lemek. Under discussions it was requested by the applicant's attorney that the motion also include an additional language reference*

*from the Zoning Ordinance, specifically Subsection H Approval Process, sections 1 & 2 as well as a correction to the number of additional building lots (2) the applicant is seeking relief for. It was also noted by Mr. Presbrey that the applicant was requesting a waiver from the maximum length of a dead-end roadway, specifically Table 10-1 Roadway Design Standards, to allow for a roadway of 1,467 feet. Mr. Ferreira proceeded to amend his motion to include the roadway length waiver increase from 1,000 feet to 1,467 feet, the unit number to two units requiring relief, and the additional Zoning Ordinance reference. The amendment was seconded and passed unanimously. The original motion also passed unanimously by the Board.*

**VI. NEW BUSINESS:** The Chairman acknowledged that there was no New Business to discuss this evening.

**VII. OTHER BUSINESS:**

**Report from Administrative Officer:**

Mr. Kravitz noted that during the month of June there were no Certificates of Completion issued, no plans rejected as incomplete and no plans that were endorsed.

**Planning Board Discussions:**

**Update on the Senior Center from the Senior Task Force Liaison for Discussion, Consideration & Action:** Mr. Ferreira updated the Board on the progress of the site selection. He told them there was a meeting scheduled for July 9<sup>th</sup> at the Knights of Columbus to begin reviewing the site as a possible location. However, he stated that he did not feel that the Knights of Columbus site was within a “village center”. Several Board members felt the same but also added that the Knights of Columbus site was much better than the Oakland site. They reiterated the fact that it was important to investigate all of the possible sites before determining the best location.

*As there was nothing further to discuss, a motion to adjourn was then made at 8:05 p.m. by Mr. Tremblay, seconded by Mr. Ferreira and carried unanimously by the Board.*