

**MINUTES OF THE PLANNING BOARD MEETING OF SEPTEMBER 8, 2008**  
**SUBJECT TO APPROVAL AT THE NEXT REGULAR MEETING**

**I. CALL TO ORDER:**

**Meeting was called to order at 7:01 p.m., Jeff Partington, Chairman, presiding.**

**Members Present:** Jeff Partington, Marc Tremblay, Rick Lemek, Michael Lupis, Christopher Desjardins, and Jeffrey Presbrey.

**Members Absent:** Bruce Ferreira, Leo Felice, Jim Libby.

**Others Present:** Attorney Tim Kane, Town Solicitor, Ray Cloutier, Zoning Board Chairman, Joe Raymond, Building Official, Jim Langlois, Burrillville Redevelopment Agency Chairman, Steve Rawson, Conservation Commission Chairman, Thomas Kravitz, Town Planner and Christine Langlois, Deputy Planner.

**II. ATTENDANCE REVIEW:**

The Chairman acknowledged that Mr. Ferreira was in the hospital recuperating from surgery, and the Board wished him a speedy recovery. He also noted that Mr. Libby and Mr. Felice were absent due to work obligations.

**III. ACCEPTANCE OF MINUTES:**

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

**IV. CORRESPONDENCE:**

- Letter of Support for the RIDEM grant application from the Conservation Commission
- Letter from Louis Federici, PLS, in regards to Boistown Estates

**V. NEW BUSINESS:**

**Major Land Development:**

**Nason Mill Landings, LDD Enterprises, LLC, Douglas Pike, Nasonville; Map 114, Lot 6: Preliminary Plan Review/Public Hearing:** Attorney Jennifer Cervenka, of Patridge, Snow & Hahn, Don Leighton, of Gates, Leighton Associates, Leslie Burton, of Fuss & O'Neill, George Bockstael, of Bockstael Consultants, LLC, Dennis Darveau, Jeff Lambert & Rick Dearing, of LDD Enterprises, LLC, were in attendance to represent the request. Attorney Cervenka began the presentation by stating that the project is a redevelopment of an historic mill constructed in the late 1800's. The proposal is to transform the mill into 45 residential units together with 3 retail units and a restaurant. She noted the application received Planning Board approval of the Master Plan in January 2007. Relief, in the form of several variances, has also been obtained from the Zoning Board and rezoning of the property was received from the Town Council. She noted that the Preliminary Plan application was filed in January 2008, and they have received several of their approvals since that time, which consist of RIDEM Office of Water Resources Wetlands Insignificant Alteration Permit issued in March 2008; Burrillville Sewer Commission sewer design approval issued on July 17, 2008; Nasonville Fire Department site access purposes approval issued on August 25, 2008;

RIDOH's notification of approval for the portable water design for the existing well provided to applicant on September 4, 2008 – contrary to what RIDOH had reported on August 14, 2008; RIDEM Office of Waste Management August 2008 letter stating that, based on the site investigation report prepared by George Bockstael, dated January 2008 and no past record of complaint, the property did not appear to contain any hazardous materials. Mr. Kravitz noted, for the record, that the Planning Department received corrected correspondence from RIDOH on September 5, 2008 stating that the water system does have approved plans and that RIDOH would like the opportunity to inspect the well to be sure that it has been constructed in accordance with the approved plans – that the applicant prepare a sampling schedule to confirm the amount of water. He then stated that he had clarified the Fire Department's correspondence, noting that the site is fit for the circulation of fire trucks, but the interior of the buildings – the sprinkler system, and the mechanical drawings – must be reviewed before any construction begins. She then turned the presentation over to Don Leighton, of Gates Leighton Associates.

Mr. Leighton, reiterated for the record, that the site is located between Bronco Highway (Route 102), Route 7 and the Branch River. The project consists of residential 45 units, 3 commercial units and a restaurant, support by 184 parking spaces. One of the biggest changes since the Board reviewed the Master Plan was the requirement that the building be raised, because of the flood plain, so that the bottom level would be used for parking. This area will accommodate approximately 52 spaces within the building. The center portion of the mill would contain 12 townhouses, the north end would contain the proposed restaurant, and the middle portion would contain a mixed-use, having three commercial uses on the first floor, and three units above. The lower portion would also contain a fitness room and a swimming pool. Four new buildings are proposed along Route 7 having 2 units in each, for a total of 8 new units, bringing it to the total of 45 residential units. He noted that a sidewalk would pass along the front of the mill building and pass through the middle portion of the building, connecting to the proposed commercial space. The plan has also been modified to provide a wider, public sidewalk along the entire length of the property where it meets with Route 7. Another change to the plan was in regards to the raceway. The trail race was originally filled in to provide parking and circulation; however, by reworking the parking for the proposed carriage houses, they were able to retain the raceway and utilize it as an aesthetic feature. He presented a landscaped rendering of the project, as well as a computer-generated layout of the site, illustrating the proposed carriage houses, noting that the proposal is based on the historical information as to the location of the actual footprints of these buildings. He then turned the presentation over to Leslie Burton, of Fuss & O'Neill, to discuss the proposed drainage.

Ms. Burton reiterated the three permits recently received: a Physical Alteration Permit from RIDOT, which approved the three different access points along Douglas Pike as well as the associated grading and sidewalk; Approval from the Burrillville Sewer Commission for connection to the public sewer system; An Insignificant Alteration Permit from the RIDEM, which included approval of the drainage system. She then noted that the drainage system has changed since the Board last reviewed it. The proposal calls for the use of a permeable paver system, which is a low impact development system, design to mitigate peak flow runoff rates, as well as treat the water quality volume. Because of the relatively high groundwater elevation and the proposed

community well, the system has been designed with a sub-drain and an impermeable liner that collects all runoff and convey either to the raceway or to the Branch River. The system also contains catch basins to prevent any overflow on site. She stated that the raceway, as noted by Mr. Leighton, has been reopened and refilled. The Board questioned the location of the well. Ms. Burton pointed out that the well is located within the middle section of the mill building. The Board asked for an explanation of an impermeable liner. Ms. Burton stated that the system consists of pavers along with two other filter materials. Below the filter materials is an impermeable liner, with a sub-drain, which conveys all runoff into the perforated pipe that connects to the catch basins and discharges either into the raceway or Branch River. She added that a flood study, conducted by the applicant, concluded there will be no impacts to the elevations of the Branch River or its associated floodplain as a result of this development. The Board questioned where the water quality treatment takes place as part of this type of drainage system, and how, on the long-term, would the system be maintained. Ms. Burton stated that the two feet of filter material, which is basically sand, provides for the water treatment. She added that on a quarterly basis the parking lot would have to be vacuum-swept, and then referred to Shawn Martin.

Mr. Martin then proceeded to explain that the pollutants are trapped in the sediment and filter material between the pavers, which is removed as part of the vacuuming process. Eventually the pollutants will blind the material, if it is not maintain and lose its capacity. The system has been designed to essentially use the interface as the most restrictive element of the design, as everything below that is much more permeable than the soil between the stone pavers. At some point the vacuuming cleaning may not be effective and some reconstruction would have to take place, as would happen with asphalt paving. He noted that it is not the cheapest system to use but there are many benefits to better filtration treatment, which includes the elimination of bacteria and improvement to the Branch River. The Board asked who would be responsible for the maintenance, and what is the expected lifespan? Mr. Martin said it would be the homeowner association's responsibility and if it is maintained property, it has a lifespan of 15-20 years, without a major reconstruction. He added that the maintenance of the system is required as part of RIDEM's wetlands approval. Another advantage to this system is that it requires less treatment in the winter.

Attorney Cervenka, at this point, proceeded to ask a series of questions of George Bockstael as testimony to his work on this project. Mr. Bockstael stated that he works as a private consultant (an industrial hygienist) for an environmental consulting firm and also works for the U.S. Coast Guard as a real property specialist. He told the Board that he had conducted an environmental site investigation of the Nason Mill property in January 2008 for the financial institute supporting this project. This study involved a diligent investigation of the property in accordance with EPA Standards for a Phase I, which included a site walk-thru inspection, a records investigation at the local, state and EPA levels; site inspection and a soil gas survey for buried or spilled hazardous material and contamination. He stated that his conclusion was that the site was safe for residential use. The Board asked Mr. Bockstael which areas on the site were tested. Mr. Bockstael stated that he had chosen areas where most likely the contamination would be: in the area where the tanks were removed, down-gradient areas and close to the building. Mr. Darveau added that the floor of the mill building is approximately 95% concrete. Mr.

Bockstael stated that in the areas where there was wooden flooring, he was able to access below, which consisted of a sand layer. He added that it was dry and didn't appear to have any staining; his inference from this is that the mill did not use large quantities of oils. Mr. Darveau noted that the building was in an exceptionally clean state when they acquired it. He noted that they had done a concrete boring to a depth of 4 feet and the sample was clean, coarse gravel.

The Board then questioned whether the project would have any affordable units. Attorney Cervenka said that it would in accordance with the Town's regulations. Mr. Kravitz stated that the requirement is 20% of the proposed units, or nine units.

Mr. Kravitz, for the record, informed the applicants that no matter what action the Board takes tonight, before Final Plan approval and before construction gets started, there has to be a pre-construction meeting with the fire chief, the DPW (who will be conducting inspections) and all interested parties to be sure that it is done in accordance with the plan. Because of their involvement, DPW will have to develop a bond amount in order to calculate the inspection fees. He asked that the Board allow him to receive this information from the DPW and forward it to the developers.

Attorney Kane suggested that the Board include in their motion the requirement that at least 20% of the proposed units are affordable in accordance with the Town's Housing chapter in the Comprehensive Plan.

As there were no further questions from the Board, Mr. Partington opened the Public Hearing at 8:00 p.m.

Lucien Benoit, abutter/owner of Map 114, Lots 14 & 46, asked what they were proposing for fire suppression and whether there is a fire hydrant located on Route 7 as on the Conceptual plan. Ms. Burton stated that the completed water distribution system, including for fire, has not been finalized as of yet; however, the development would have three hydrants on site – one located on the southern side of the main building, one north of the bump out of the building and one located in the center parking lot. She added that the hydrants were placed at each location to coincide with the segments of the building. Mr. Benoit voiced concern with not having a fire hydrant on Route 7 because if this is a gated development, and the fire trucks have to tie onto a hydrant for something in the proximity, then it would be accessible on Route 7. Ms. Burton stated that this would not be a gated development. Mr. Darveau added that the site plan has been designed to allow for direct access to the river, in the event that the fire department would require additional water.

Ted Gartland, of 801 Douglas Pike, stated that he has been a member of the Nasonville Fire Department for many years. He pointed out the location close to the dam for access to the river, which he stated the fire department has permission to access at any time. He added that he thought the design for fire protection was good but did note that a hydrant on Route 7 was also a good idea.

As there were no further questions from the public, the Public Hearing was closed at 8:05 p.m.

*A motion to approve the Major Preliminary Plan for Nason Mill Landings was made by Mr. Presbrey, in fulfillment of RIGL Section 45-23-60 and the following Findings of Fact that serve as the decision of record:*

- The land development project is consistent with the Town's Comprehensive Plan, specifically, Natural & Cultural Resources Chapter: Goal II.6, Policy II.6.e, and Implementation Action II.6.e.2, 3 and 4; Housing & Affordable Housing Strategy Chapter: Goal V.2, Policy V.2.a and Implementation Actions V.1.a.3 and V.2.a.2; Land Use Chapter: Goal IX.2, Policies IX.2.a and IX.2.d;*
- The land development is in compliance with the Zoning Ordinance;*
- It is expected that there will be no significant, negative environmental impacts as a result of converting the Mill to mixed residential and commercial use;*
- The land development will not result in the creation of an unbuildable lot;*
- The lot has adequate and permanent physical access to Route 7, Douglas Pike, which is a State roadway.*

*conditioned upon 20% of the units being affordable and the requirement that the building plan must be reviewed and approved by the Nasonville Fire Department. The motion received a second from Mr. Tremblay. Under discussions Mr. Kravitz reminded the Board of the DPW's review of the final construction plans for establishing a bond amount and inspection fees, to be handled administratively. Mr. Presbrey then amended his motion to authorize the administrative officer to handle the DPW's review and bond amount and inspection fees recommendation, as a condition of approval. The amendment was seconded by Mr. Tremblay, and both the amendment and the motion carried unanimously.*

A five-minute recess was called at 8:10 p.m. to allow the next item to set up their presentation.

The meeting reconvened at 8:15 p.m.

**Stillwater Mill Complex, Phase III, Clocktower Building Rehabilitation, Harrisville Main Street, Harrisville; Map 160, Lot 65: Preliminary Plan Review/Public Hearing/:** Mr. Joseph Garlick, of Neighborworks of the Blackstone Valley, Doug Brown, of Durkee, Brown, Viveiros & Werenfels Architects, and Scott Moorehead, of S.F.M. Engineering, were in attendance to represent the request. Mr. Garlick began by stating that since the last time the plan was before the Board, it has gone through the permitting/approval process and several of its permits, including the RIDOT permit; site approval from the Department of the Interior, although it required a few changes to the plan. He noted they have submitted the RIDEM wetlands application and received comments back, which the engineers have attempted to address. He also noted receipt of the Remedial Action Decision (RAD) letter, having gone through the public comment period and submitted a final plan to RIDEM – expecting approval shortly. He then turned the presentation over to their architect, Doug Brown.

Mr. Brown proceeded to review the few, small changes made to the plan since the Board last viewed it in March. Because the development will be utilizing historic tax credits, he explained that the plan required review by the Federal Park Service as well as the State.

After the plan had been reviewed extensively by the State, they were surprised when they encountered federal objections. Originally, the building was “sliced” width-wise utilizing the first and second floors, with individual doors for every townhouse location, entering at the first floor and eliminating the necessity for a central corridor. The Park Service took exception to this design and required that the design revert back to a more traditional, centrally loaded corridor. The townhouse concept remains but they have been turned so they are two bays wide and double-loaded – with some facing the commons and some facing the river. This essentially eliminates all of the doorways on the first floor, with a central location, an elevator, lobby adjacent to the building common spaces, adjacent to the Clocktower as a primary entrance point. All of the townhouses serving the first and second floor will be connected to that corridor for entrance. The elevator and two stairways will serve the second floor units, which will not have a central corridor. The third floor is back to a traditional “flats” kind of arrangement, with units organized around the double width corridor. Units fronting on the riverside will be able to access to the rear, providing small private gardens, which is now the one-story addition along the river. In addition, there will be an accessible walkway along the riverfront available to the residents of the building and connected to the public space. He noted considerable discussions regarding the configuration of the windows. Construction in the flood plain and tying into the adjacent grading of the library dictated the floor plane requiring elevation of the first floor. The proposal called for the raising of the sills on the upper floors as well, but was rejected by the Park Service. He noted the last version of the plan did not depict the first floor area being considered as business incubator space. He then turned the presentation over to Scott Moorehead.

Mr. Moorehead told the Board that a few changes have been made to the plan, particularly the parking, having been expanded to two parking spaces per unit, per the Zoning Ordinance, as suggested by Mr. Kravitz. The requirement for 47 units is 94 parking spaces, illustrated as 95 parking spaces on the plan. This was achieved by adding an additional row of parking within the main parking lot on the northwest side of the building. The parking lot on the southerly side would have 24 spaces; the northern parking lot would have 71. Access is from Harrisville Main Street through a new 24-foot wide roadway, which comes to the end of the existing parking lot and provides circulation through to the northern parking lot; the southern parking lot will have access from Central Street by a 22-foot wide paved roadway. A turnaround area has been provided per the request of the fire department. The edge towards the river will be grass pavers. Another change was made as a result of the wetlands review. Although there will removal of several buildings from the site, an analysis shows that the impervious coverage and runoff is not increasing from a predevelopment to a post-development condition. He noted they are proposing to conduct water quality treatment through oil separators and force-entry units. DEM determined that it was not good use for primary treatment and has requested some type of storage for infiltration for water quality treatment. The proposal for this is in the form of permeable concrete pavers in the first row of parking along the buildings, which will allow for infiltration at two foot of storage with three feet of separation from the groundwater. There will be overflow piping and catch basins to protect that area during high intensity storms. Public sewers are available on the south side of the street, where connection will be made. An application has been submitted to the Sewer Department, which received comments from the consulting engineer. The water and fire department connections have been reviewed by both the

water district and the fire department. One new hydrant will be added in the north-westerly corner of the parking lot and one Siamese-connection on the building – full sprinkler. There are existing hydrants at the library, on the island at the entry road, and on the south side, which will have its top portion replaced, as requested by the fire department. He added that the project will be 75% affordable.

Mr. Moorehead then referred to a landscape plan that would greatly improve the woefully lacking site. He stated there would be landscaping beds along the building faces; the center island in the parking will be landscaped with Chinese elm trees; landscaping will also be provided along the Riverwalk; buffer-type plantings in the vicinity of the small forested wetland along the river. The public walkway will continue southerly along the river, behind the business incubator area, with private walkways along the back of the building for residents. The Board asked how the public and private portions would be delineated. Mr. Moorehead said there would be gates at the ends of the private walkways with signs. The Board questioned why the public access would not continue along the river later in time. Mr. Moorehead stated that the riverbank drops right off, making it physically impossible to construct a walk without building a bridge.

The Board then questioned what is being proposed for the business incubator space. Mr. Garlick explained that the Redevelopment Agency had expressed an interest in some commercial space so a small area has been provided to be retrofitted in the future. The Board asked how much space was being provided. Mr. Garlick stated there is 2,500 square feet for the business incubator on the first floor – there will be three residential units on the second and third floors. The Board pointed out that parking spaces have not been provided for the business incubator. Mr. Garlick stated that there still is a large portion of site that is undeveloped, but the expectation is that once the BRA decides what they would like, they would take care of the parking requirements. It is not the intent of this project to develop the business incubator – just to provide the space.

The Board then asked for comments from the Planner. Mr. Kravitz noted, for the record, that the DPW does not intent to plow the parking area in the front or the driveway, as reflected in the memo dated March 26, 2008.

As there were no further questions from the Board, the Public Hearing opened at 8:35 p.m.

James Langlois, Chairman of the Burrillville Redevelopment Agency, stated that the Redevelopment Agency is in full support of this project. He added that there is ample room for additional parking to support the business incubator. He noted that the business incubator could be a mixture of a doctor's office, a lawyer's office – with shared common areas – giving more multi-use of the building.

Lucien Benoit questioned whether there were plans for development of the remaining areas of the complex. Mr. Kravitz explained that the Master Plan illustrates a fourth and fifth phase for development of the complex.

As there were no further questions from the public, the Public Hearing was closed at 8:37 p.m.

*A motion to approve the Major Preliminary Land Development plan for the Stillwater Mill Phase III Clocktower Building Rehabilitation was made by Mr. Tremblay, in accordance with RIGL 45-23-60 and the following Findings of Fact shall serve as the decision of record:*

- *The land development project is consistent with the Comprehensive Plan sections Natural & Cultural Resources Chapter: Goal II.6 and Implementation Action II.6.e.2, 3 and 4; Housing & Affordable Housing Strategy Chapter: Goals V.1 and V.2, Policy V.2.a and Implementation Actions V.1.a.3 and V.2.a.2; Land Use Chapter: Goal IX.2, Policies IX.2.a, c and d; Implementation Actions IX.2.b.1, 2 & 3; IX.2.c.1, IX.2.d.4 and IX.2.e.2;*
- *The land development is in compliance with the Zoning Ordinance, specifically Zoning Ordinance Section 30-209;*
- *The Planning Board further finds that there will be significant, negative environmental impacts, as the development involves the remediation of an existing Brownfield and has received a Remedial Decision Letter from RIDEM dated June 19, 2008 charting a proper course of remediation;*
- *The land development will not result in the creation of an unbuildable lot;*
- *The lot has adequate and permanent physical access to Harrisville Main Street; subject to receipt of the RIDEM RAWP, RAL, and Wetlands Permits. The motion received a second from Mr. Lupis and carried unanimously by the Board.*

**Minor Subdivision:**

**George Sparrow, Victory Highway, Burrillville; Map 214, Lot 93:** *Request for Extension of Preliminary Plan Approval:* Mr. Kravitz informed the Board that he believes it is Mr. Sparrow's intent to go forward with the project, as it was proposed to the Board when the preliminary approval was granted; however the preliminary plan approval was scheduled to expire. In order to keep the approval current, Mr. Sparrow has requested that the Board consider a one-year extension of the approval. *A motion was made by Mr. Presbrey to grant a one-year extension of the Preliminary Plan approval. The motion received a second from Mr. Desjardins and carried unanimously by the Board.*

**VI. OTHER BUSINESS:**

**Report from Administrative Officer:**

Mr. Kravitz noted that during the month of August the following Certificates of Completion were issued: **Stillwater Mill, Clocktower Associates, 246 Harrisville Main Street, Harrisville** (Land Development Plan – 47 units) and **Nason Mill Landings, LDD Enterprises, LLC, 770 Douglas Pike, Nasonville** (Land Development plan – 45 units). There were no plans rejected as incomplete and no plans were endorsed.

**Planning Board Discussions:**

**Jamie & Lori Sousa, Oak Valley Lane, Nasonville; Map 149, Lot 28:** *Discussion on Unauthorized Earthwork:* As evidenced by the correspondence provided to the Board regarding this item, Mr. Kravitz stated it appears considerable regrading has taken place on Lot 1 of the Oak Valley Estates subdivision, which was not in accordance with the approved plan. The Board then asked for Mr. Raymond for his comments on this issue.



Mr. Raymond stated that he had spoken with Norbert Therien, who is the land surveyor for Mr. & Mrs. Sousa. He was told that Mr. Therien will be preparing a revised site plan that identifies any existing changes and the location where the applicant will be placing his house, attached garage and secondary detached garage-structure, which will be submitted to Mr. Raymond and then eventually to the Planning Board. Mr. Raymond noted that there is a substantial change from the limit of disturbance in the original plan for the RRC. The Board asked if there were any violations to the RIDEM Wetlands Permit. Mr. Raymond said that he did not see any violations – the only thing he did notice is that there is enough clearance to warrant a RIPDES permit, approximately two acres that have been cleared and leveled.

**Consider and Act on RIDEM Local Open Space Grant Application for Map 144, Lot 19:** Mr. Kravitz told the Board that there is currently an open space grant round available in the amount of \$250,000 with a 50% match requirement. Initially it was thought that the Town could apply for funds to acquire the Sweets Hill property. He stated that he had attended a meeting at RIDEM along with a member of the Conservation Commission and a member of the Land Trust to discuss the purchase. The representative from RIDEM had initial contact with the owner of the property, which did not go well. She then contacted Mr. Kravitz and he had discussions with the owner, which also did not go well. He said that the Town may now consider another parcel, possibly a substantial area of Buck Hill that RIDEM has been looking at. The intent is to add to existing game areas. If the Town Council is amenable to the 50% match, the Town will still apply for a parcel but it just won't be the Sweets Hill parcel.

Mr. Rawson then asked if the Board would be open to scheduling the joint workshop with the Conservation Commission for the Planning Board meeting in October. Mr. Partington stated that the Board would consider the request for next month's meeting, should there be availability on the agenda.

Referring to the RIDEM's letter to Mike Wood regarding the \$100,000 grant awarded to the Town for the railroad pathway, Mr. Presbrey made a request that a congratulatory letter be forwarded to the Town Council recognizing the efforts of the Town Planner and Deputy Planner.

*As there was nothing further to discuss, a motion to adjourn was then made at 8:51 p.m. by Mr. Tremblay, seconded by Mr. Lemek and carried unanimously by the Board.*