

MINUTES OF THE PLANNING BOARD MEETING OF DECEMBER 1, 2008
SUBJECT TO APPROVAL AT THE NEXT REGULAR MEETING

I. CALL TO ORDER:

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

Members Present: Jeff Partington, Rick Lemek, Leo Felice, Bruce Ferreira, Mike Lupis, Marc Tremblay, Jim Libby, Christopher Desjardins, and Jeffrey Presbrey.

Others Present: Timothy Kane, Town Solicitor, Joseph Raymond, Building Official, Steven Rawson, Richard Dionne, Kevin Cleary and Michael Scurka of the Conservation Commission, 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 November 3, 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:

- Planning Board 2009 Meeting Schedule
- Zoning Board December 9, 2008 Agenda

V. NEW BUSINESS:

Joint Workshop with Conservation Commission on Rural Residential Compounds and Conservation Easements: Attorney Kane began the discussion by stating the important elements that conservation easements should contain are: grantor/grantee information, property, what can and cannot be done, maintenance responsibility designee, restrictions enforcement designee in accordance with the rural residential compound ordinance. He noted that the general rule of the RRC ordinance is that ownership of the open space lot(s) remains with the property owners within the RRC; however the Board may require that the Town or a non-profit retain ownership in some cases, adding that the open space can be used for conservation, agriculture or passive recreation. He noted that every conservation easement can be unique as to what the developer intends for the open space lots, as long as the document is in conformance with the RRC ordinance.

The Board questioned enforcement of the restrictions of a conservation easement. Attorney Kane stated that one item the easement should include is that the Town may be able to obtain attorney fees in the event that enforcement of the restrictions is necessary. Enforcement entails an annual review of the property, by either the Planning Board or the Conservation Commission. Correspondence is usually sent to the owner(s) and if the situation is not rectified, the issue would be brought to Superior Court. The Board then questioned how the homeowners protect themselves from the general public utilizing the open space areas, when the ownership is solely by the association. Attorney Kane said that they should post no trespassing signs, but sometimes it is whether someone is actually interested in taking the necessary steps to enforce the restrictions.

The Board discussed whether an applicant, for an RRC development, should be required to provide a management plan for the open space lot(s), which could be updated every 10 years, and recorded after every update. It was suggested that a baseline documentation of the proposed open space areas be prepared by the applicant and submitted as part of the first submission to the Board.

The Conservation Commission then asked what their role was in the planning process. It was suggested that the Commission be responsible to conduct yearly inspections of the open space lot(s) in accordance with the recorded conservation easements. Attorney Kane said that he could draft a resolution to submit to the Town Council allowing them to authorize the Conservation Commission as the responsible party to conduct the yearly inspections and report to the Planning Board.

Review of Updates to the Subdivision & Land Development Regulations: The Board reviewed the proposed changes and updates (revisions to plan review timeframes and the recording of Planning Board decisions) that the State effected as of July 2008. They did not have any problems with the changes. Mr. Presbrey stated that he had a few other modifications to recommend, as the Board was in the process of modifying the regulations. He suggested language to allow the use of outside consultants for reviewing subdivision and land development plans by passing the cost onto the developer as well as additional language to insure that any improvement guarantee estimates be based upon prevailing wage rates. It was pointed out that the regulations already contain language (Section 10-5.7 Project Review Fees) which allow the Board to utilize outside consultants. Mr. Kravitz stated that he believed that Mr. Bernardo, the DPW Director, does provide improvement guarantee estimates based upon prevailing wages.

As the Board was satisfied with the changes, it was decided that a Public Hearing would be scheduled for the next Planning Board meeting on January 5, 2009.

VI. OTHER BUSINESS:

Report from Administrative Officer:

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

Planning Board Discussions: The Board reviewed the correspondences that were sent from the Planner to the developers of the Harrisville Village VPD in regards to substantial building design changes that have taken place during construction. Mr. Kravitz explained that he had met on site with the developers and had arrived at an agreed upon compromise. The Board expressed concerns that the housing units were not being constructed in accordance with the approved plan. They requested a letter be sent to the developers to express the Board's desire that the development follow the Board-approved land development plan. Mr. Kravitz said he would forward correspondence to the developers citing the Board's concerns.

As there was nothing further to discuss, a motion to adjourn was then made at 9:07 p.m. by Mr. Ferreira, seconded by Mr. Desjardins and carried unanimously by the Board.

