

MINUTES OF THE PLANNING BOARD MEETING OF MAY 4, 2009
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, Christopher Desjardins, Jeffrey Presbrey and Marc Tremblay.

Members Absent: Jim Libby.

Others Present: Norman Mainville and Robert Bishop, Town Council members and Christine Langlois, Deputy Planner.

II. ATTENDANCE REVIEW:

The Chairman acknowledged that Mr. Libby was unavailable this evening.

III. ACCEPTANCE OF MINUTES:

The **minutes of the Planning Board meeting of April 6, 2009** 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:

There was no correspondence for this meeting.

V. OLD BUSINESS:

Major Subdivision/Land Development:

Evergreen Estates, Log Road, Nasonville: Map 219, Lot 1; Map 218, Lot 4 & Map 237, Lot 5: *Master Plan Review/Public Informational Meeting (continued from last month's meeting):* Attorney Eric Brainsky, of the Law Offices of Michael Kelly, Erin Gallogly, of Marc Nyberg Associates, and Mr. & Mrs. Piette, applicants, were in attendance to represent the request. Attorney Brainsky briefly reviewed the details of the project: 75-acre property on Log Road; former gravel quarry operated by Pezza Corp. dating back to 1940's and 50's; proposal of a two-phase major 6-lot subdivision; Phase I consisting of one lot (19.6 ac.) fronting in both North Smithfield and Burrillville, with access from North Smithfield; Phase II developed as a Rural Residential Compound of five lots (lot sizes ranging from 2 acres to 4 acres) and open space consisting of 32 acres over the entire gravel pit area, which will be regraded and rehabilitated - serving to protect the existing treeline along the perimeter of the project. He noted that at the last meeting several issues were raised regarding the design of the project. The plan has been revised in accordance with Mr. Libby's suggestion of relocating all five lots off of the cul-de-sac. The proposed lot lines have been moved further back into the open space area and the original proposed open space lot line, with the Colwell Road property, has been moved to the middle of the wetlands. The Colwell Road property would lose the wetland and part of the hill. Proposed Lot 1 would have access from Log Road in North Smithfield to the proposed dwelling in Burrillville.

He then pointed out several other issues brought up during the previous discussions which have been addressed:

- 40-scale plans have been submitted for better review
- Gravel access easement has been removed
- Applicant will work with the Planning Board and the Woonsocket Sportsmen's Club to redesign the slope with consideration toward safety issues
- The Colwell Road property lot line has been moved to the wetlands
- The water well has been located and depicted on the updated plans as a testing/monitoring well and background information provided
- Guard rails will be designed and provided at the preliminary plan stage
- A 10,000 gallon cistern will be provided to the right side of the entrance road
- The source of the topography shown is from December 2006
- The aerial photo of the Woonsocket Sportsmen's Club property was taken from Google Earth dated 2006 (Attorney Brainsky noted that the actual grades and slopes would have to be determined for the preliminary plan submission.) Fencing and signage would also be provided by the preliminary plan stage.
- A meeting was held with the DPW Director to determine the need for a drainage easement from Log Road. Applicant is amendable to considering the installation of these improvements for the Town.

He then asked if there were any questions from the Board.

Mr. Partington noted receipt of an email from Attorney Tim Kane acknowledging the fact that the Planning Board may vote on the Master Plan despite the fact that the applicant is in litigation with the Town. He further noted that although it was discussed that the access to Lot 1 would be through North Smithfield, it was not shown on the plan. Attorney Brainsky stated that the revised plan now allows for a small amount of frontage, for Lot 1, within Burrillville. Although it is the intent to have physical access through North Smithfield, should the applicant prefer to change the access, the Board would have the opportunity to review the change. Mr. Partington then asked what lot the small triangle piece of land on the right side of the entranceway (which is currently Plat 219, Lot 1) would be joined to. Attorney Brainsky said the land would be incorporated into Lot #6 of the RRC.

Mr. Felice asked Attorney Brainsky to address the wooden guardrails. Attorney Brainsky stated that upon entering the property there are very steep slopes on either side and that a request had been made at last month's meeting for guardrails to be placed on either side of the roadway. He noted that the applicant is amendable to the request but did not know what type of guardrail would be considered at this time and would address it at the preliminary plan stage. Mr. Felice asked about the warning radius signs that were also requested at the last meeting. Attorney Brainsky said that the sign information would also be provided at the preliminary stage.

Mr. Ferreira asked if the applicant was considering a detention pond for Lot 1. Attorney Brainsky said that drainage will be designed for the preliminary stage. Ms. Gallogly said it was not the intention to consider a detention pond for Lot 1.

Mr. Presbrey expressed concerns with the size of the monitoring well and protection of the aquifer. He requested the applicant consider closing the well, in accordance with RI

Regulations, to prevent the possibility of contamination. He then asked about the topography of the property. Attorney Brainsky stated that at the preliminary stage, it is the intent to shoot the grades for areas where gravel has been removed and stockpiled, as well as the hill in the back. A determination will have to be made as to what is needed in order to level out the site. Mr. Presbrey also noted that he had a few problems with the drainage design for the proposed drainage easement, noting that the plan given the Board had only been a conceptual plan. Ms. Gallogly added that there would have to be some redesigning done to the plan before the applicant could consider installing it. Attorney Brainsky suggested that Mr. Presbrey consider meeting with the Town's DPW Director and the applicant when the time came to work on the design.

Mr. Tremblay asked for the location of an easement to the open space lot as nothing has been shown on the plan. Attorney Brainsky said that because of the redesign, they had not proposed any access until the Board was comfortable with the lot layout. He suggested providing an easement between Lot #4 and Lot #5. Mr. Tremblay suggested the future property owners of these lots be advised of this easement when purchasing the lots.

As there were no further questions from the Board members, Mr. Partington asked if there were any questions or comments from the public as this is a public informational meeting.

Gerard Kimner, of 420 Log Road, questioned why the proposed lots were smaller than the required 5-acre zoning of the area. Mr. Partington explained that the applicant is proposing a rural residential compound development which allows for smaller house lots because more open space is made available.

Norman Mainville, of Round Top Road, gave a brief history of the former gravel operation as a point of information.

As there was nothing further from the public, *a motion to approve the Master Major Subdivision/Land Development Rural Residential Compound plan for Evergreen Estates was made by Mr. Felice as the subdivision is consistent with the Comprehensive Plan Chapter V Housing, Policy V.1.a, Implementation Action V.1.f.2; the application is consistent with the Burrillville Zoning Ordinance – specifically Section 30-208 Rural Residential Compounds; Lot one is not part of the Rural Residential Compound and will be accessed through North Smithfield; it is expected that there will be no negative environmental impacts as a result of DEM's review of the wetlands and proposed Onsite Wastewater Treatment System; the subdivision will not result in the creation of unbuildable lots; the subdivision has adequate and permanent physical access to Log Road; conditioned upon the preliminary plan submission containing the radius warning signs, the wooden guardrails on both sides of the entrance, the water cistern for fire protection, access to the open space lot between proposed Lots 4 & 5, the monitoring well on the property being permanently closed in accordance with RI Department of Health Regulations for protection of the aquifer, and the driveway access from North Smithfield to Lot 1 being shown on the plan. The motion received a second from Mr. Lemek and carried unanimously by the Board.*

Boistown Estates, Knibb Road, Pascoag; Map 208, Lot 4: *Setting of Bond Amount & Inspection Fees:* Mr. Partington noted that the Board had received a memo from the DPW Director, Mr. Bernardo, in which he had outlined an estimate for a bond amount and inspection fees for Boistown Estates. *A motion was made by Mr. Ferreira to set the bond amount for Boistown Estates at \$400,000 and the inspection fees at 2% of that amount or \$8,000. The motion received a second from Mr. Desjardins and carried unanimously by the Board.*

At this point in the meeting, Mr. Felice recused from discussions on the next item.

Christopher & Irene Watson, Jackson Schoolhouse Road, Pascoag; Map 171, Lot 8: *Conceptual Plan Review:* Mr. Norbert Therien, of National Surveyors-Developers, Inc., Mrs. Irene Watson and her son, Josh Tessier, were in attendance to represent the request. Mr. Therien presented a plan that showed the subdivision of a 5+-acre, 450 foot frontage lot, from the existing 28-acre lot on Jackson Schoolhouse Road. The proposed new lot would contain a single-family, 3-bedroom residence with direct access to Jackson Schoolhouse Road through a terraced, stepped trench system. The lot will be serviced by a private well and OWTS system. Development is proposed to take place on the front portion of the lot. Although the property contains wetlands, which have been flagged by Scott Rabideau, of Natural Resource Services, Inc., the percentage of wetlands to buildable lot area is only 38% and would not require a variance for the OWTS system. (The entire wetland system was flagged and approved by RIDEM for a previous one-lot subdivision in the southerly portion of the property.) He noted that three soil evaluations were conducted and all found to have good water tables – perc rates within the 10-minute range – with Category 6 type soils. He added that development would be approximately 140 feet from the edge of the wetlands. He then asked if there were any questions from the Board.

Several board members questioned why the proposed lot does not extend back to the rear lot line of the existing property. Mrs. Watson told the Board that there is an existing horse bridle path, in that area, that leads to a trail, which leads to the State Management Forest. She stated they wish to maintain the integrity of the horse farm.

Mr. Partington mentioned that an easement should be provided for the existing historic cemetery on the property. Mr. Therien noted that the cemetery is located directly on Jackson Schoolhouse Road and surrounded by stone walls so an easement would not be necessary. Mr. Partington requested that the access be shown on the plan. Mrs. Watson told the Board that there is actually a gate leading into the cemetery.

A majority of the members did not have any problem with the plan. Mr. Presbrey offered the suggestion that Mr. Therien consider submitting a combine Preliminary-Final plan on the next submission.

Mr. Felice then returned to the meeting.

Old Quarry Estates, East Wallum Lake Road, Burrillville; Map 52, Lots 12, 13, 23 & 24 and Map 53, Lot 36: *Conceptual Plan Review:* Mr. Scott Moorehead, registered professional land surveyor/engineer, Mr. Dan Nardelli and Mr. Robert Brossman were in

attendance to represent the request. Mr. Moorehead presented to the Board four conceptual plans for property located on East Wallum Lake Road – an existing conditions plan, rural residential compound pre-application plan A, rural residential compound pre-application B and conventional subdivision pre-application plan C. He noted that the Board had previously conducted a site walk of property with the applicants. He stated that the development consists of five existing lots totaling approximately 59 acres, with a few areas of steep slopes and a few areas of wetlands – small areas along the old railroad right-of-way and a large wetlands complex running parallel to East Wallum Lake Road. Access to the property is along an existing farm logging road that crosses the wetlands. He noted that of the three proposals, the preferred plan is Plan A. He explained that the plan proposes the creation of five lots, ranging from 2 acres in size up to 6 acres, with access from a private, gravel roadway approximately 1,300 feet in length. In some of the steep areas, the roadway may need to be paved. Open space would be located on the south side of the property.

He continued onto Plan B, which is another rural residential compound proposal of 5 lots – two which would be “flag” lots, having a gravel roadway of approximately 1,000 feet. He then referenced Plan C, which is a conventional six-lot subdivision that the developer has no intention of pursuing. He noted that a number of test holes were conducted on the site. The results ranging from 12” to 18” depths at the high point of the site; the development area ranging from 24” to 36” water tables and depths to ledge, generally in that area, are 5’ to 8’. He added that the wetlands have been flagged by Scott Rabideau, of Natural Resource Services, Inc. but have not been verified by RIDEM. He then asked if the Board had any questions.

Mr. Tremblay noted that the large wetland system at the entrance would be a challenge when dealing with RIDEM (time and money). He stated that the conceptual design makes sense for a rural residential compound perspective but the land may not be suitable for that scale of development. Mr. Moorehead said the biggest test is getting approval from RIDEM. The plan right now is just a conceptual to make sure the developers are heading in the right direction, assuming that DEM permits are attainable. The other members felt the same as Mr. Tremblay. Mr. Desjardins suggested moving the lots to follow the existing rock walls and shortening the proposed roadway. Mr. Moorehead said they would like to do that; however the ledge is shallow but the water tables are high. Mr. Nardelli told the Board that Plan A would allow for better access to the open space area. Mr. Moorehead added that in a worst case scenario, if DEM would not allow for a wetlands crossing for the development, the applicants would change the request to access for a single-family lot, which requires less for a driveway improvement.

Mr. Presbrey questioned whether the proposed OWTS systems would be “mounded” because of the high water table. Mr. Moorehead said that the systems would still be gravity systems but shouldn’t need sand systems as the water table is better than 24”. The grade would have to be built up to get the three-foot separation from the water table.

VI. OTHER BUSINESS:

Report from Administrative Officer:

Mr. Kravitz noted that during the month of April, Certificates of Completion were issued for the following: **Christopher & Irene Watson, Jackson Schoolhouse Road,**

Pascoag, (Conceptual Minor Subdivision – two lots); and **Old Quarry Estates, East Wallum Lake Road, Pascoag** (Conceptual Minor RRC Subdivision – five lots). There were 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 told the Board that he had nothing to report as the next meeting of the Senior Task Force is scheduled for this Wednesday, May 7th.

As there was nothing further to discuss, a motion to adjourn was then made at 8:15 p.m. by Mr. Ferreira, seconded by Mr. Desjardins and carried unanimously by the Board.