

**MINUTES OF THE PLANNING BOARD MEETING OF JANUARY 4, 2010
AT THE JESSE SMITH LIBRARY COMMUNITY ROOM
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, Marc Tremblay, Leo Felice, Bruce Ferreira, Mike Lupis, Jim Libby, Christopher Desjardins and Jeff Presbrey.

Others Present: Ray Cloutier, Zoning Board Chairman, Joseph Raymond, Building Official, Steve Rawson, Conservation Commission Chairman, Bruce Rylah, Industrial Foundation Chairman, Thomas Kravitz, Planning & Economic Development Director, 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 December 7, 2009** were read. *A motion to approve the minutes as presented was made by Mr. Tremblay, seconded by Mr. Ferreira and carried unanimously by the Board.* Mr. Ferreira noted that he still had concerns with the O'Keefe Plan in regards to the detention basin's close proximity to the rear driveway.

IV. CORRESPONDENCE:

- Zoning Board Agenda for January 12, 2010

V. OLD BUSINESS:

Minor Land Development:

Albert & Joan Wiesner III, Sherman Farm Road, Harrisville; Map 108, Lot 7: Preliminary Minor Subdivision (cont'd from 09/14/2009): Attorney John Murphy and Mr. & Mrs. Wiesner were in attendance to represent the request. Attorney Murphy informed the Board that his clients had appeared before the Board at the September meeting and had encountered concerns from the Conservation Commission, regarding the easement on their property. Since that time, they have met with the Town Solicitor, as well as the Chairman of the Conservation Commission to resolve the issue. The resolution was the relocation of the 10-foot easement along the proposed new lot line for their son's property and the drafting of a grant of easement and agreement.

Mr. Partington then asked if there were any further questions or concerns from the Board members. Mr. Presbrey said that he is still concerned with the proposed lot not conforming to zoning in regards to the proposed lot width. Mr. Kravitz said that he had spoken with Joe Raymond, the Building Official, regarding this issue, lot frontage vs. lot width at the front yard setback, and asked Mr. Raymond, who was in attendance, to provide an explanation of his interpretation.

Mr. Raymond stated that with all the research he had done, the Town has always accepted the road frontage length although it may not necessarily be the width. He noted

that there is a definition of what constitutes width in the Zoning Ordinance but when read becomes very complicated, and isn't enforceable, as it implies that every lot is parallel. Historically it has been handled as lot frontage along the actual roadway. Mr. Presbrey then suggested that the regulations should be changed to reflect this determination. He also voiced concern with the wording in the proposed Grant of Easement & Agreement, stating that it appears to deny access to the Nipmuc property by the general public – allowing access for only municipal employees and agents. He cited several excerpts from the Comprehensive Plan that encourage public access to Town-owned property.

Steve Rawson, Chairman of the Conservation Commission, explained that it was not the intent of the Conservation Commission to allow public access from Sherman Farm Road as the public has adequate access to a 50-foot easement from Round Top Road. The Conservation Commission would be accessing the property only for selective timber harvesting, should the property require it. He noted that much of the area off of Sherman Farm Road, this side of the river, is a wooded swamp. Mr. Presbrey still felt strongly that it was not the Board's right to deny the public access on an existing public easement, stating that there is no access to the easterly side of the Nipmuc property outside of the Sherman Farm Road easements. Mr. Rawson stated that he felt the Sherman Farm Road easements were historically provided to allow for river maintenance on the flowage property by the Stillwater Mill employees. Attorney Murphy said that the intent of the deed of easement was to not allow public access to his clients' property as his interpretation of the easement was that it was not for public use. Mr. Ferreira noted that when the discussion of easement access was brought up at the previous meeting, it dealt only with access to the Conservation Commission for maintenance and not for the general public. He felt that the applicant had addressed the issue.

Mr. Presbrey also pointed out that the Class I Certification Statement on the plan is not signed by the surveyor and requested that the final plan be signed.

Mr. Lupis questioned the location of the "other" easements on the Sherman Farm Road side. Mr. Rawson explained that there currently exists a 50-foot easement from Round Top Road to the Nipmuc property walking path. There is also three other existing easements from Sherman Farm Road to the Nipmuc property, but the deed descriptions are very vague. The Wiesner easement is better defined than the other three. He added that the Conservation Commission would like to negotiate the location of the other three easements with each property owner. Mr. Lupis said that he was also concerned with public access but was satisfied that there is sufficient access from Round Top Road.

Mr. Tremblay stated that he had been out to the site with Mr. Rawson and that he had not seen any rear permanent monuments in the field. Mr. Wiesner said that there had been wooden stakes placed for monumentation. Mr. Tremblay questioned whether permanent monumentation was required when a Class I survey is conducted. Mr. Kravitz stated that when monumentation has been set, as iron pipes, it should be listed on the plan as set markers. Mr. Tremblay requested that the permanent monumentation be set in the field and on the final plan prior to recording.

As there were no further questions from the Board a motion to approve the Preliminary Minor Subdivision plan for Albert & Joan Wiesner was made by Mr. Ferreira in accordance with R.I.G.L. 45-23-60:

- the subdivision is consistent with the Comprehensive Plan Chapter V Housing, Implementation Action V.1.a.1;
- the application is in conformance with the Town's Zoning Ordinance regarding lot dimension and use;
- there will be no negative environmental impacts as evidenced by the RIDEM Division of Groundwater and I.S.D.S. approval dated 05-13-09;
- the subdivision will not result in the creation of unbuildable lots; the subdivision will create two lots that will have adequate and permanent physical access to Sherman Farm Road;

conditioned upon the installation of permanent monumentation along the rear property line, in the field, and outlined on the final plan and the endorsement of the Class I Certification on the plan by the surveyor of record. The motion received a second from Mr. Tremblay and carried with seven members in favor (Tremblay, Felice, Ferreira, Partington, Lupis, Libby, Desjardins) and one opposed (Presbrey) as he felt the applicant required zoning relief from the lot width zoning requirement of the aquifer overlay district.

Irene Nolda, Central Street, Burrillville; Map 178, Lot 9: Preliminary Plan Review/Recommendation to Zoning Board: Mr. Norbert Therien, of National Surveyors-Developers, Inc., was in attendance to represent the request. He stated that Mrs. Nolda owns property that runs from Central Street to Clear River Drive and wishes to subdivide the property along the existing zone line (R-20/GI) as was previously reviewed by the Board in a Preapplication meeting on November 2, 2009. He noted that the lot on Central Street contains the existing residence of Mrs. Nolda, with 321.95 feet of frontage and 7.0925 acres. The plan would create a 2.361 acre parcel, with residences and associated uses, on Central Street, within the R-20 zoning district and a 4.731 acre parcel on Clear River Drive, with 300.67 feet of frontage within the GI zoning district. The property, however, also lies within several of the Town's Aquifer Overlay Districts (A-100; A-120) and would require zoning relief in regards to the frontages (approximately 4-foot relief from the A-100 zone along Central Street and approximately 49 feet of relief from the A-120 zone along Clear River Drive.) He noted that the new parcel area has been tested and found acceptable for an on-site septic system. He told the Board that Mrs. Nolda has agreed to not request any certificate of occupancy, on the GI parcel, until Clear River Drive has been upgraded and improved to her property. Mr. Kravitz said that it should be stated that no building permit would be issued.

Mr. Presbrey voiced concerned with the issue of lot frontage vs. lot width. As there was nothing further, a motion to approve the Preliminary Minor Subdivision plan for Irene Nolda was made by Mr. Presbrey as per R.I.G.L. 45-23-60:

- the subdivision is consistent with the following Comprehensive Plan sections: Chapter VII Economic Development: Goal VII.1 "To broaden the sources of Town revenue through development in the industrial and commercial sectors in order to ensure a sound financial future and assist in funding the achievement of Town goals; Implementation Action VII.1.a.4 "Conserve and enhance desirable

- existing industrial areas to maximize the investment and utilization of existing infrastructure. Prevent their preemption by or conversion to less intense uses;*
- *I support the dimensional relief required from Zoning Ordinance Section 30-202 Aquifer Zoning, and further find the application to be consistent with the intent of the GI zone district. Dimensional relief is for lot width of 3.05 feet at the front lot line to approximate width similar at the front yard setback line on Central Street. Also, a dimensional relief of 49.33 feet at the proposed new lot frontage on Clear River Road to approximate width similar to the front yard setback. This relief is supported as the existing lot is a thru-lot with frontage on two separate streets, in two separate zoning districts, and no side lot lines are being changed;*
 - *There will no negative environmental impacts as a result of the subdivision. Any future development of the proposed lot will require improvement of Clear River Drive (on behalf of the applicant) and comprehensive review by the Planning Board and RIDEM;*
 - *the subdivision will not result in the creation of unbuildable lots. The Planning Board hereby grants a waiver from Subdivision & Land Development Section 10-5.9 Findings, subsection 5. Any future development of parcel A shall require the future owner of parcel A to improve Clear River Drive to acceptable town standards.*
 - *The subdivision will create two lots – one having existing access to Central Street, the other to what must be an improved Clear River Drive.*
 - *And that the Final plan submission may be handled administratively.*

The motion received a second from Mr. Ferreira. Under discussions, Mr. Kravitz requested that Mr. Presbrey read into the record a letter, dated December 21, 2009, received from the Burrillville Industrial Foundation in support of this application. Mr. Presbrey proceeded to amend his motion to include the reading of the Burrillville Industrial Foundation correspondence. Mr. Ferreira seconded the motion for amendment and the amendment carried unanimously. The original motion carried unanimously.

Narragansett Improvement Co. & Dennis & Nancy Groleau, Gazza Road & Peach Orchard Road, Burrillville; Map 250, Lots 2 & 3; Map 268, Lot 1: Preliminary/Final Plan Review: Mr. Kravitz told the Board that the plan for Narragansett Improvement Co. & Dennis & Nancy Groleau had received final approval from the Board on this plan; however the timeframe for approval had elapsed and the applicant is seeking recertification. He noted that the Limit of Disturbance has been outlined on the plan and a small sliver of land is being transferred to the Town for DPW stormwater maintenance.

As there were no questions from the Board, *a motion to approve the Preliminary/Final Minor Subdivision plan for Narragansett Improvement Co. & Dennis & Nancy Groleau was made by Mr. Ferreira in accordance with R.I.G.L. 45-23-60:*

- *the combined Preliminary & Final Minor Subdivision Plan Findings of Fact for Narragansett Improvement Co. and Dennis & Nancy C. Groleau is consistent with the Town's Comprehensive Plan, specifically Chapter V Affordable Housing Strategy, Goal V.2 "To promote a safe, sanitary and well constructed housing*

through new construction and renovation of existing structures”; and Chapter IX Land Use, Implementation Action IX.1.a.1 “Promote low overall residential densities in those areas where public services are currently unavailable or not planned to be available;

- the subdivision is in compliance with the Town’s Zoning Ordinance;*
- there will be no significant negative environmental impacts from this subdivision;*
- the subdivision will result in three buildable lots;*
- the proposed lots have adequate and permanent physical access to Gazza Road conditioned upon slight modifications to the limits of disturbance areas to minimize the impact to the existing grades of Lot #2 to be shown on the final plan;*
- An additional condition of approval shall be to notify the Planner of a site inspection of the limit of disturbance, as established by a PLS, prior to clearing of the lots.*

The motion received a second from Mr. Desjardins and carried unanimously by the Board.

Major Land Development:

JJP Pascoag, LLC & CVS, High Street & Route 100, Burrillville; Map 174, Lots 132 & 133; Map 191, Lots 114: *Preapplication Plan Review:* Mr. Steven Cabral, of Crossman Engineering, Mr. John Racine, of RGB Architects, and Mr. John Pesce, of JJP Pascoag, LLC, were in attendance to represent the request. Mr. Cabral began the discussion by providing a brief overview of the property. He stated that project entailed the redevelopment of three lots – a lot with 1.5 acres and the existing CVS store/retail plaza, a .2 acre lot with an existing residence, and 3.7 acre undeveloped lot. The existing building within the retail plaza has 11,000 sq/ft., with 16 existing parking spaces. Because of the presence of the Aquifer Overlay Zone and the limited number of parking spaces, the site is considered legal, non-conforming. Some amenities to the site include access to public sewer and water. Soils are a very fine, sandy loam, with good permeability, well suited for development. He noted that over the next week tests would be conducted in preparation for a porous pavement parking area and in designing the drainage system. Slopes in the retail section are divided, with very steep slopes at the access point, the area to the west having 10-15% slopes and having about a 5% slope for a majority of the site. The main area proposed for development is a relatively level 5% slope area. He noted that there is no evidence of ledge outcrops on the retail portion, but heading west on the property there are more signs of ledge. A unique feature of the property is its location in proximity to the Pascoag River and Pascoag Reservoir. Because of the presence of the Reservoir, there are several jurisdictional buffers – RIDEM’s 200-foot riverbank wetland buffer and a 50-foot perimeter wetlands buffer.

In regards to zoning, Mr. Cabral stated that the property has four zoning districts - VC (Village Commercial); R-20 (Residential); A-80 & A-100 (Aquifer Overlay Districts). He noted that the intent of the development is to reconfigure the three lots into two major lots – the larger lot for the CVS retail and a smaller parcel, consisting of 2.28 acres, for a residential development to the east. He noted that in developing this concept, it was decided that a small portion of land could be set aside to be dedicated to the Town for a

future passive park. He also noted the intent to continue the existing Riverwalk along the edge of property, possibly with a split-rail fence, to the Pascoag Reservoir.

In regards to the buildings, Mr. Cabral stated that it was the intent of the developer to retain 1,000 sq/ft of the existing building for the current Chinese restaurant and to construction a new 13,000 sq/ft building CVS pharmacy, with a drive-thru window. Redevelopment of the property would allow for passive recreation, improved traffic circulation (the main entrance as an intersection with Church Street, with two-way access) and special attention to the landscaping along the frontage. Because of the unique shape of the lots, the presence of the aquifer overlay zones and the fact that the lot is currently non-conforming, he noted that the application would require zoning relief from five sections of the Town's Zoning Ordinance:

- Parking Requirements (the project calls for 83 spaces; Town ordinance would require 116)
- Multiple Structures on One Lot (two buildings would be located on the same lot)
- Impervious Surface within the Aquifer Overlay Zones (25% allowed by Ordinance; 70% proposed); He noted that depending on the soil analysis being conducted this week, the application proposes the installation of a porous pavement parking area. This would reduce the impervious surface to only 40%.
- Lot Width (Aquifer Zoning Ordinance requires 300 feet within the A-80; the proposal allows for only 100 feet)
- Lot Frontage (Village Commercial zoning requires 100 feet for commercial development; residential development, within the VC zone requires 125 feet; the proposal contains approximately 100 feet as the current access has been moved for better traffic circulation.)

He then turned the presentation over to John Racine, of RGB Architects.

Mr. Racine displayed several designs already in use by various CVS stores, stating that this type of design was proposed for the site for two reasons – 1. The layout of the lot lends itself towards a “corner” entrance; 2. The square footage of this proposal increases the existing building by approximately 3,000 square feet and a drive-thru access upgrades the facility. The basic structure is a one story steel frame building, with exterior materials being masonry (split-face masonry wall with ground-face block accent). He noted that the design was driven by the fact that the site had previously contained a granite mill building. This design has more of a mill characteristic than other CVS facilities in the local area. He then asked if there were any questions from the Board.

Mr. Lupis questioned whether the existing building, which will remain for the restaurant, would be brought up to the standards of the proposed new CVS building. Mr. Racine said that they have not yet discussed any redesign of the existing building other than trying to retain 1,000 square feet for the restaurant. Mr. Lupis added that the existing building is a “pretty ugly” building and voiced concerns with keeping it as it is. Mr. Pesce told the Board that the existing building would be made to compliment the new CVS building. Mr. Partington made note that the existing building design should be made part of the redevelopment submission.

Mr. Ferreira made note of a study that had been conducted for the Downtown Pascoag area that included building upgrades for various structures, one of which was the CVS existing retail building. This study represented the look of the Downtown Pascoag area that the Town was trying to achieve – the typical village appearance. The plan before the Board did not reflect the designs of the study. Mr. Pesce noted that the CVS design was in keeping with the design of the new public library that was recently built. Mr. Ferreira said that the plan was fine, if the CVS was going to be built next to the library. The Downtown Pascoag landscape is different than the new library. The Chepachet store would be more in line with Downtown Pascoag. He suggested they consider adding a second floor to provide office space to allow for more retail space on the first floor.

Mr. Kravitz then made an attempt to summarize the purpose of the Downtown Pascoag study and façade redesign for the benefit of the applicant and his development team. He displayed on the overhead screen the current design of the CVS building in Pascoag and the design of the Chepachet CVS facility. He suggested that there is an opportunity for the Board to work with the architect to arrive at the type of building design that would best fit in to the Downtown Pascoag area.

Mr. Tremblay questioned how the proposed design reflects the design of a mill structure. Is it because it has “brick face”, will it remind residents of our mill heritage? Mr. Racine stated that the materials, the texture of the materials, the rhythm of the bays, the height and scale has a vision weight as one would expect to see in a mill structure. This has more of that character than the Chepachet store. Mr. Tremblay then stated that because CVS is a corporation, which may have a menu of designs for their facilities, they may be limited in the style that will fit this site. Perhaps the developer might want to review the Pascoag study to see if something better can be developed. Mr. Racine said that they do have certain requirements from CVS to follow in regards to building design.

Mr. Felice reiterated the other members’ concerns and the fact that the design was similar to a CVS facility in Woonsocket that was recently closed. He noted that the design blended in well with that environment as it was within an existing strip mall. He asked that they try to establish a design that is somewhere in between – work towards a village residential look.

Mr. Presbrey stated that he liked the design of the Chepachet CVS store very much and that the developer should consider that design. He voiced concern with the eastern entrance/exit and its steepness.

Mr. Libby suggested the engineer consider reducing the slope of the exit roadway and extending the existing front wall to direct the exiting traffic to the rear of the existing building portion that will remain, due to the steep grade. He voiced concern with the grades of the site in comparison to the existing retaining wall. Mr. Cabral explained that they intend to work the grades into a gradual slope between the existing building and the new building. Mr. Kravitz suggested creating a small island to split up the parking within the center of the site. Mr. Libby also questioned how the drainage would be handled. Mr. Cabral said that the drainage would depend on the soil sampling being conducted this week. At a minimum, they anticipate that the rooftops will be piped directly into an

underground system; the only flow of drainage towards High Street would be the parking lot itself. The master plan submission will contain more information. Mr. Libby said that site is challenging, which provided for challenging solutions. He suggested that one area could be vegetated so as to help with the grade changes and allow for the creation of a rain garden as a way to improve the design at an early stage.

Mr. Libby then stated that he felt the redevelopment was a great opportunity to improve the area and wanted to discuss the issue of the proposed design. He handed out to the architect, as well as the Board members, photo copies of other CVS and chain store designs that have been deviated from the typical CVS design. He noted that the Downtown Pascoag area has very little remnants of the mill architecture today and very few remnants of modern contemporary architecture. The historic fabric must be drawn upon instead of mill architecture. That being said, he felt that if CVS wants to remain in Pascoag and be profitable, they will allow for changes to meet the Town's requirements for design. He noted that if the design presented to the Board this evening remains the final design, he would personally vote against the redevelopment. He referred the architect to the Burrillville Development Plan Review Regulations, specifically Section 2.10 Building Design that discusses maintaining the local architectural character. He noted within these regulations that "Franchise architectural is strongly discouraged." Mr. Pesce said that he felt this design was not their "typical" design. Mr. Libby said he tended to differ as this design can be found in various areas in Rhode Island. Mr. Pesce said it has taken him about four years to get the project moving along; that CVS would rather maintain the existing building, where he has tried to push the new project forward. Mr. Libby suggested utilizing hardy plank siding instead of the masonry siding. Mr. Partington stated that he felt the architectural design changes discussed tonight could be accomplished as they were done before. The Board is not saying they would not approve the project – they are simply making suggestions to improve it. The design features would not necessarily increase cost – they would fit within the streetscape of the Pascoag area.

Mr. Kravitz suggested leaving the traffic circulation as one-way in and one-way out as it currently exists to alleviate confusion.

As there were no further questions from the Board, Mr. Partington summarized the areas of discussion:

- the grades – consider incorporating some tiering
- the exit – and grading to it
- Parking design seems adequate for what is proposed
- Building Design – matching design elements of Pascoag Village; not necessarily the mill architecture but more the historic village architecture.

OTHER BUSINESS:

Report from Administrative Officer:

Mr. Kravitz noted that during the month of December, Certificates of Completion were issued for the following: **Mary Walzer and Ernest & Sheryl Ciummo, Mowry Street,**

Harrisville (Administration – two lots); **Philip & Diane Thomas and Joseph & Linda Lorello, Tarkiln Road, Nasonville** (Administrative – two lots); **Irene Nolda, Central Street, Harrisville** (Preliminary Minor – two lots); **Narragansett Improvement, Gazza Road, Mapleville** (Preliminary-Final Minor Subdivision – five lots); **JJP Pascoag, CVS, High Street, Pascoag** (Preapplication Major Land Development). There were no plans rejected as incomplete. The following plans were endorsed: **O’Keefe Properties, LLC, Victory Highway, Burrillville** (Final Minor Land Development).

Planning Board Discussions: Mr. Presbrey suggested reviewing the Zoning Ordinance to address the lot width issue. Mr. Kravitz said that the aquifer overlay ordinance should reference lot frontage and not lot width.

A motion to adjourn was then made at 9:15 p.m. by Mr. Tremblay, seconded by Mr. Ferreira and carried unanimously by the Board.