

**MINUTES OF THE PLANNING BOARD MEETING OF JULY 12, 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 7:01 p.m., Jeff Partington, Chairman, presiding.

Members Present: Jeff Partington, Marc Tremblay, Leo Felice, Bruce Ferreira, Michael Lupis, Christopher Desjardins and Jeff Presbrey.

Members Absent: Jim Libby

Others Present: Ray Cloutier, Zoning Board Chairman, Thomas Kravitz, Planning & Economic Development Director, 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 May 3, 2010** were read. *A motion to approve the minutes as presented was made by Mr. Ferreira, seconded by Mr. Desjardins and carried unanimously by the Board.*

IV. CORRESPONDENCE:

- Zoning Board Notice of no July Meeting

V. NEW BUSINESS:

Minor Subdivision:

Yorkshire Properties, Inc., Reservoir Road, Pascoag; Map 192, Lot 69: Conceptual Plan Review: Marc Nyberg, of Marc Nyberg Associates, was in attendance to represent the application and told the Board that the property is located on Reservoir Road in Pascoag and lies within two zoning districts: R-20 on the front of the property; and R-40 towards the rear. It consists of steep ledges and outcrops near Reservoir Road but flattens out towards the rear of the property, noting that it had been an old quarry at one time. Outside of an old quarry pond, he stated that he believed there were no other wetlands on the site. He noted that several conceptual plans had been submitted for their review but Concept 2, which represents a two-lot subdivision, with a shared driveway, is the preferred concept. Because of the amount of ledge that was located during soil testing, it was determined that the property cannot support any ISDS system so any proposed lots would have to be connected to public sewer. Each lot, however, would be serviced by private wells.

Referring to Conceptual Plan 2, Mr. Nyberg explained that the proposal was for two house lots that would share a common driveway with access from Reservoir Road over an existing right-of-way driveway that currently services an abutting property. He noted that site distance is best at this location. The driveway would have to have an impervious surface to provide adequate drainage. The proposed lots would have approximately 2-acres each. He told the Board that he could review all of the concepts that were submitted, noting that Conceptual Plan 5 proposed a high-impact development of six

house lots, with a traditional roadway which would be too costly. Conceptual Plan 3 proposes a two-lot subdivision, with separate accesses from Reservoir Road. However, proposed Lot 1's driveway access is located immediately after a sharp corner, and has an extremely low site distance (approximately 75 feet). It is the desire of the developer to seek approval of Conceptual Plan 2. He then asked if there were any questions from the Board.

Mr. Presbrey questioned the site distance at the proposed common driveway entrance from Reservoir Road. Mr. Nyberg said it was about 150 feet. Mr. Presbrey then questioned the proposed grade of the common driveway at the intersection where it splits into two. Mr. Nyberg stated approximately 5-6%. Mr. Presbrey voiced concerns with the area being level enough to handle adequate drainage.

Mr. Lupis asked if the applicant has obtained any preapproval from the Sewer Commission for connection to public sewer. Mr. Kravitz stated that the Sewer Commission had passed a regulation, known as Article 16, which allows for sewer connections when it is not feasible for an ISDS system. Mr. Nyberg said that they have not yet spoken with the Sewer Commission.

Mr. Partington questioned the lengths of the proposed driveways. Mr. Nyberg said the driveway to the right is approximately 200 feet long and the driveway to the left is approximately 450-500 feet long.

Mr. Ferreira asked if anyone had checked with the local fire department in regards to the steep slopes. Mr. Nyberg said they have not. Mr. Ferreira voiced concerns with the angle of the driveway and fire apparatus being able to make it up the driveways. Mr. Ferreira then questioned whether a new, innovative ISDS could be considered. Mr. Nyberg said that RIDEM wouldn't approve any system because of the ledge.

Mr. Partington then asked if Mr. Kravitz had any comments.

Mr. Kravitz noted that the applicant had submitted this concept plan application as an option and urged the Board to provide clear direction to the applicant the developer choosing to proceed to Preliminary review, which will require a lot of engineering and additional plans, increasing the cost of the development. He voiced curiosity as to how the Board felt with having development on this kind of property with respect to rock outcrops and ledges. He pointed out that within the Subdivision & Land Development regulations it suggests staying away from these types of things. Unfortunately, most of the lot is ledge. He suggested the Board consider advising the developer, as an option, meet with the Building Official and seek out a building permit to construct one house instead of dealing with additional expenses associated with the subdivision process. Mr. Partington said that he had a problem with a 500-foot driveway and the fact that the Subdivision Regulations advise against developing properties with such constraints as the amount of ledge that exists in this application. He noted that it directly conflicts with the Town's Comprehensive Plan, specifically Chapter II, Goal II.1, Policy II.1.a and Zoning Ordinance Article I, Section 30-2 Purpose (3) (b) and (5). He added that he felt it was very difficult to subdivide this property and still had reservations regarding even a single house on the property. Not to mention that the applicant would have to install a 500-ft

sewer connection, having to blast through the ledge at times. Mr. Ferreira said that he could agree with Conceptual Plan 1 that allows for one single house.

Mr. Presbrey pointed out that drainage would be required with the proposed grades of the common driveway and impervious surface. He questioned how they proposed to handle the runoff at Reservoir Road. Mr. Nyberg stated that the existing condition is already impervious. Mr. Presbrey noted that there may be area of imperviousness, but there are natural areas that slow down the drainage and direct the runoff in different directions. With a common driveway the runoff will be directly to Reservoir Road.

Mr. Felice stated that it was the property owner's right to spend as much as they wanted to on site construction; however he voiced concerns with maintaining other natural characteristics of the property – pointing out that this area is commonly known as “Garvy Ledges”. Considering the placement of a second home on the property would result in a few problems in meeting the intent of the Town's Comprehensive Plan. He suggested the developer consider applying for grants to preserve the area vs. developing it.

Mr. Nyberg said that he would pass the Board's comments onto the developer.

Edward Pienkos and John & Cynthia Votaw, Jonna Badessa and Rafael Matos, Camp Dixie & Knibb Roads, Pascoag; Map 190, Lot 7: *Conceptual Plan Review:* Mr. Marc Nyberg, of Marc Nyberg Associates, was in attendance to represent the request as well as the current owners, Mr. & Mrs. Edward Pienkos, and John & Cynthia Votaw, Jonna Badessa and Rafael Matos. Mr. Nyberg told the Board that the property had appeared before the Board in 2008 for the creation of a 9-acre lot, with an existing dwelling, which resulted in the lot being reduced to its current size. The application before the Board represents the subdivision of this 43-acre parcel, into three lots: two proposed with access from Camp Dixie Road and one proposed from Courthouse Lane. Proposed Lot 1 on Courthouse Lane would have approximately 20 acres with sufficient frontage, and although there is a fair amount of wetlands, the property is able to meet the minimum buildable area for lots containing wetlands. Noting that there is not a lot of area along Courthouse Lane, he added that he was able to identify approximately one-acre of buildable area outside of the wetlands buffer. Test holes were prepared along the immediate edge of Courthouse Lane and resulted in approved soil evaluations. He pointed out that although there is sufficient buildable area to the rear of the property, it would involve a serious wetlands crossing. Proposed Lot 2 and Lot 3 on Camp Dixie would have approximately 16 acres and 6 acres respectively, also with sufficient frontage. He explained that the property is located within the F-2 Zoning District and contains various wetlands and ledge outcropping. Septic systems are proposed in the area of the test holes along Camp Dixie Road.

Mr. Ferreira voiced concerns with the amount of wetlands and whether there is sufficient buildable area on the lots in regards to the location of the septic system, well and house. Mr. Nyberg stated that there is sufficient buildable area to meet the requirements. Mr. Ferreira added that it may be too costly to make it happen.

Mr. Lupis stated that he did not have any issue with the plan as there are decent size lots but added that there would be challenges with the wetlands.

Mr. Tremblay stated that he did not see a concept plan that illustrated Lot 1 was not buildable, adding that he felt with the constraints, it was not possible. He asked Mr. Nyberg to describe the lot configuration should it be proven that Lot 1 is unbuildable. Mr. Nyberg said that the proposed land for Lot 1 would become part of Lot 2. Mr. Tremblay said that he would like to see that concept plan before he made any decision. Mr. Nyberg stated that it meets RIDEM requirements. Mr. Tremblay pointed out that it also needs to make sense from a planning perspective. The Town needs to stop squeezing houses on small slivers of land, with the wetlands as the backyards. It is not good development. He noted that he did not have any issues with the proposed lots on Camp Dixie. He voiced frustration with the fact that the plan is before the Board again when in 2008 he had questioned what the future development of the plan would be at that time, adding that he did not like the piecemeal approach to development.

Mr. Desjardins agreed with Mr. Tremblay's sentiments, adding that Lots 1 & 2 should be merged to alleviate his concerns.

Mr. Presbrey stated that he agreed with the Board in regards to not having issues with the proposed lots along Camp Dixie Road. He added that he really did not have an issue with the plan.

Mr. Felice noted that they should be addressing any issues that deal with the amount of wetlands along Courthouse Lane as outlined in the Town's Zoning Ordinance. He stated that the Board likes to see growth in suitable areas; that a house can be place just about anywhere but the Comprehensive Plan contains language that speaks to placing residential growth in suitable areas.

Mr. Partington made the suggestion that perhaps the Pienkos' would consider reconfiguring their existing property on Knibb Road to accommodate Lot 1's need for access to the rear of the property, thereby providing more suitable area for the proposed dwelling. Although the test holes were conducted along Courthouse Lane, it would be very difficult to develop.

Mr. Kravitz pointed out that this parcel is very similar to the previous application, although the test holes indicated a water table that was deeper and more forgiving. He stated that although the Board is not voting tonight, their direction to the applicant, in regards to Lot 1, is important, as there is a stream, along Courthouse Lane, that was not looked at by a wetlands biologist. It may be that the stream would also contain a buffer further reducing the buildable area in that location.

As requested by Mr. Tremblay, Mr. Partington stated that the Board would like to see a complete concept plan submitted with the items discussed this evening before proceeding further in the subdivision process.

OTHER BUSINESS:

Report from Administrative Officer:

Mr. Kravitz noted that during the months of May and June, Certificates of Completion were issued for the following: **Yorkshire Properties, Inc., Reservoir Road, Pascoag**

(Minor Subdivision – 2 to 3 lots); Edward Pienkos and John & Cynthia Votaw, Jonna Badessa and Rafael Matos, Camp Dixie & Knibb Roads, Pascoag (3 lots); and Crystal Lake Practice Facility, Broncos Highway, Burrillville (Final Minor Land Development). The following plan was rejected as incomplete: **Hill Top Acres, Debra Alles, Round Top Road, Harrisville (Preliminary Minor RRC – 5 lots).** The following plan was endorsed: **Crystal Lake Practice Facility, Broncos Highway, Burrillville (Final Minor Land Development).**

Planning Board Discussions: Mr. Kravitz informed the Board that the Harrisville Village development had conducted culvert inspections and cleaning as evidenced by the letter from the developer provided to the Board in their packets.

The Board discussed the difference between natural formations and cultural features as outlined in the Comprehensive Plan, in reference to the first application discussed this evening.

Having nothing further for discussion, *a motion to adjourn was then made at 7:50 p.m. by Mr. Tremblay, seconded by Mr. Desjardins and carried unanimously by the Board.*