

**MINUTES OF THE PLANNING BOARD MEETING OF AUGUST 2, 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 7:05 p.m., Jim Libby, Vice-Chairman, presiding.

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

Members Absent: Jeff Partington.

Others Present: Kevin Heitke, Town Council, Joe Raymond, Building Official, Thomas Kravitz, Planning & Economic Development Director, and Christine Langlois, Deputy Planner.

II. ATTENDANCE REVIEW:

The Vice-Chairman acknowledged that Mr. Partington is away on vacation this evening.

III. ACCEPTANCE OF MINUTES:

The **minutes of the Planning Board meeting of July 12, 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:

- RIDEM Notice of Wetlands Alterations Request, Wallum Lake Road, Pascoag;
- Correspondence from the Planner to developers of Hill Top Acres, Round Top Road

V. NEW BUSINESS:

Major Land Development:

Harrisville-Pascoag Multi-Use Path, Burrillville, RI; Map 158, Lot 78: Combined Master-Preliminary Plan Review/Public Hearing: For the benefit of the public, Mr. Kravitz introduced himself and added that he would be offering a brief overview of the project, after which time the audience would be able to ask questions about the project. He stated that the project had previously been reviewed by the Board at a conceptual stage, although the abutters were not notified at that time as they have been for this stage of the review. He noted that 76 notices had been sent to abutters within 200 feet of the former railroad parcel as well as two abutting parcels, as is required by State law. He stated that this is a major land development, combining the master and preliminary stages of review. The plan represents the design of a walking path along the existing railroad bed. He introduced Brian Kuchar, Engineer, and Gary Hedman, Environmental Scientist, of the Horsley Witten Group, who have been hired to assist the Town in the development of the pedestrian path.

Beginning the presentation, Mr. Kravitz stated that the Town was able to acquire three parcels of land, that total just over 50 acres, which include Lot 5, the "Duck Pond" lot, Lot 2 and Lot 78, which is the railroad bed. The railroad bed connects to Mowry Street

traveling west and ending at Eastern Avenue, which is currently on the Town's Capital Improvement list to be upgraded.

Providing a brief history of the property, Mr. Kravitz stated that it was previously owned by the Barnes brothers and that Mr. Barnes had approached the Town with a conceptual plan for approximately 52 dwelling units. He noted that because the parcels are located within the F-2 zoning district, cluster development would be allowed. The Town felt it was in the best interest of the residents to approach Mr. Barnes and negotiate its purchase to preserve the land. The Town was able to purchase the 50 acres for \$200,000 using an RIDEM grant of \$150,000 with a final cost to the Town of only \$50,000. An additional grant of \$90,000 from RIDEM was secured for development of the pathway.

An existing natural vein of sand and gravel material was of interest to Mr. Barnes, and the Town allowed him to remove the material and remediate the property, which provided a natural pathway to Duck Pond as part of the pedestrian walkway. Effectively there are two paths from this project: one that runs from west to east, and one that runs from Railroad Avenue south to Duck Pond. He displayed two photos of the Railroad Avenue pathway as it exists today.

Working together with Mr. Kuchar, Mr. Kravitz displayed the various sections of the pedestrian path proposal on the overhead screen for the benefit of the audience. Beginning with the western portion of the pathway, at Eastern Avenue, Mr. Kuchar explained that the railroad bed contains several existing culvert crossings, which have been submitted to RIDEM through a culvert analysis report and was determined, by DEM, to have no significant increase in runoff. The culverts have accumulated sediment over time and will have to be cleaned out to restore the flow between the wetlands. He pointed out that a majority of the property is heavily wooded, opening up to various wetland areas on both sides of the railroad bed. He noted that the proposed grades of the path would essentially match the existing topography in an effort to limit the amount of disturbance to the adjacent wetlands and to minimize the cost to the Town for construction. The pathway would be 10 feet in width and paved with a length of approximately 6,200 feet; the one difference from the existing topography would be that the path would be crowned to help equalize the distribution of runoff in a controlled manner. There are several areas where the path abuts residential neighborhoods and there are two existing street crossings (Foster Street and Kennedy Lane) where natural buffers could be established to screen for the neighboring properties. These crossings would contain 2- to 3-foot shoulders and drainage swales to control any runoff. Several areas after the Kennedy Lane crossing have been raised so that the slopes are on the steep side. Erosion control elements will be incorporated to help stabilize these slopes and control runoff. Both the Foster Street & Kennedy Lane crossings have an issue in regards to the utility access. He stated that the pathway would be split and the utility access will be maintained by the installation of gates that can be controlled for access by emergency vehicles, such as fire and police. The Mowry Street entrance has the same issue where utility access would be developed in the same manner as Foster Street and Kennedy Lane.

Mr. Kravitz then stated that a meeting had been held involving the various town departments (Police, Sewer, Harrisville Fire, Pascoag Utility, Pascoag Fire, DPW) to

receive their comments on the project. The overriding comment was the utilization of the existing gates – if they are operable, use them; if they need to be upgraded, upgrade them and provide keys to all the previous mentioned personnel. He further explained that the Town currently does not have enough funds to construct the project so the plan may sit on shelf for a time until such funds are made available. It may be graded to allow for use as it currently exists until there is enough money to complete it. The Planning Board tonight is just addressing the design. Mr. Kuchar added that the reason for the change from gravel to pavement was to facilitate the RIDEM filing process. He explained that if the plan had been filed as a non-pavement surface, and the Town decided to pave it, the plan would have to be resubmitted to DEM for a second review. He further added that the plan has also been reviewed by DEM and approved in regards to remediation. He then asked if there were any questions from the Board.

Marc Tremblay questioned whether there was a hydrologic connection between the two wetlands. Mr. Kuchar said that there are culverts between the two wetlands. Mr. Tremblay asked whether additional culverts were being considered to improve the drainage. Mr. Kuchar said that the existing culverts should function properly once they are cleaned out and general maintenance conducted.

Mr. Ferreira questioned the total easement width. Mr. Kravitz said that there is 66 feet to the R-O-W. Mr. Ferreira asked if the proposed buffers for the residents would be placed on the R-O-W and would the buffers be trees and fencing. Mr. Kuchar said they would be placed within the R-O-W; the type of buffer would depend on what the Town's objective is; if it is visual screening, then fencing should be considered; if it is just a buffer between uses, then it should be natural vegetation. He suggested the Town meet with the utility company to see how much area needs to be cleared so that clear-cutting of the railroad bed won't become the practice. Noting that the gates currently on site are non-functioning, Mr. Ferreira questioned what would be done to make the gates workable. Mr. Kuchar said that the path was going to be split and widen to allow the utility company to conduct maintenance. Bollards will be placed on either side of the gates to prevent vehicular traffic from entering when the gates are closed. Mr. Ferreira questioned whether there would a parking area near the pathway to Duck Pond. Mr. Kravitz said that no parking area is proposed. There is enough parking in the Binns Building parking lot and two other municipal parking lots in the village centers, close to the Mowry Street entrance.

Jeff Presbrey questioned the safety for pedestrians using the pathway and passing over the driveway crossing from Kennedy Lane. Mr. Kravitz said that the Town was proposing to create a crosswalk, with striping, and install signage warning pedestrians of the driveway crossing as well as the property owner of pedestrians walking the pathway. Mr. Presbrey then asked if some type of railing was being considered in the areas where the side slopes were at 2½-1, and what type of material is proposed for the railing. Mr. Kuchar stated the areas have been identified on the plan and the types considered would either be a one-bar wooden guardrail or a two-bar higher structure. Noting that funds are currently not available for construction, Mr. Presbrey asked Mr. Kravitz when the path would be available to the public for actual access; can the public use it now? Mr. Kravitz stated that residents currently use it now. When it snows, cross-country skiers use it. He added that he did not want to publicly advertise its use as it currently does not comply

with RIDEM Waste Management's regulation. Mr. Presbrey questioned whether there was a liability issue with residents using the path without it actually being constructed. Mr. Kravitz said that he would check with the Town Solicitor but the Town could put up signs warning of the liability of using the pathway in its present state.

As there were no further questions from the Board, Mr. Libby then opened the public hearing at 7:40 p.m. He asked Mr. Bob Billington, of the Blackstone Valley Tourism Council, to offer his comments. Mr. Billington requested that the other members of the audience be allowed to ask their questions before he offered a recap of his experience in dealing with the creation of pedestrian paths.

Jeannie Hauser, of 82 Kennedy Lane, told the Board that she was totally in favor of the walking path but voiced concerns with a proposed buffer. She stated that when the PUD cleared the vegetation from the railroad bed recently, they cut right through her property. She requested that her trees be put back up. Mr. Kravitz said that he would work with the PUD to see if they have to cut back the vegetation as much as they have in the past. She also voiced concerns with kids using the pathway as a skateboard park hangout. Mr. Libby said that he had received correspondence from the chief of police requesting access to the pathway for patrols, litter pickup and emergency vehicles. Mrs. Hauser also stated that she was concerned with cars parking in front of her house in order to utilize the pathway. Mr. Libby said that the municipal parking lots in Harrisville have connectivity with the pedestrian path entrance (Mowry Street) and provide ample parking for residents. Mr. Ferreira suggested putting up signs that direct to the parking areas so that residents are not parking in the street and no parking signs on the streets adjacent to the pedestrian path.

Gary & Christine Ferguson, of 127 Foster Street, expressed the same "no parking" concerns as Mrs. Hauser as well as litter concerns. Another concern he voiced was whether the drainage would affect an area next to his property that floods every year in the winter. In the winter he also noted that when the Town plows Foster Street, the trucks have difficulty turning around at the end of the street – what happens when it is gated off for the pedestrian path? Mr. Kravitz told him that there would discussions with the DPW regarding the problem in this area. The improvements should not have any effect on their method of plowing. Mr. Kuchar added that the crowning of the pathway would help the drainage in the area. Mr. Ferguson also was concerned with potential theft and vandalism. Mr. Kuchar pointed out that once the pathway is constructed, it will be more visible to the public. Mr. Kravitz noted that the Fergusons' property's odd shape affords a buffer to the other abutting property owners.

Larry Castonguay, of 55 Mowry Street, voiced concerns with having lots of people at the Mowry Street entrance to the pedestrian path. He noted that the pathway currently contains the main electrical line for Pascoag Electric. Although there is currently a gate at the entrance, ATV's and four-wheelers go around the gate and gain access to the pathway. He further questioned the location of the proposed sidewalks on Mowry Street. Mr. Kravitz stated that the Board's approval of the Harrisville Village development included a condition that the developers construct sidewalks, on one side, of Mowry Street from the development to Harrisville Main Street. He added that the DPW Director

will be paving Mowry Street in the near future, and the Town will work with the developer to make sure the sidewalks are installed prior to the paving.

Carol Lewin, of 99 Railroad Avenue, said that her yard floods out every year, the same as Mr. Ferguson's and was concerned with an additional runoff from the pathway. She also noted that she has drunks walking through her back yard. Mr. Libby asked if most of the properties are located on the northern side of the pedestrian path. Mr. Kravitz said they were. Mr. Libby then asked if the pathway could be crowned more in the opposite direction, shedding it toward the vacant 50-acres that abut on the southern side, or would it impact the drainage calculations. Mr. Kuchar said that he was trying to match pre- and post- calculations. In some instances, it helps. It could be done, but then the problem is shifted to whoever owns the large parcel on the southern side. Mr. Tremblay noted that no matter what, the water table is the water table; pitching the drainage either way will still eventually hit the water table equalizing the whole area. He added that there is not enough landscaped terrain there – the area is flat and the water table is not going to change. Mr. Kuchar said that their investigation proved that the small amount of runoff would not impact the culverts.

Jeannie Hauser asked who will maintain the litter control and who will maintain the bike path. Mr. Kravitz stated that there would be volunteers on a yearly basis and the DPW maintains the trash bins around Town. To minimize maintenance, it was suggested that there be no lighting of the pathway, implementing the “dusk-to-dawn” policy.

Tom Calouro, of 111 Railroad Avenue, voiced concerns with the proposed buffers and the screening of the abutting properties. He stated that he felt the pedestrian path would increase crime as well as the number of people utilizing - encouraging more break-ins, vandalism and rapes; “The bike path draws people; the opportunity draws crime” based upon his experience as a former Woonsocket police officer. He questioned whether Pascoag Electric has a lease agreement on the property; is money being received as part of the lease agreement? Mr. Kravitz said that he believes Pascoag Electric has an easement on the property. Mr. Calouro also pointed out that the pathway now is a “proverbial racetrack of ATV's traffic unpaved – what happens when it becomes paved?” He stated that he did not believe that the local police would patrol the pedestrian path and get out of their car, at 11:00 p.m., to check out a situation. He was a cop for 18 years and he wouldn't do it. It's commendable for the police chief to say that his guys will go out and patrol the path; in reality, it's not going to happen. He added that he doesn't disagree with the proposal – just don't start construction until all of the funding is in place.

Mr. Libby reminded him that the Board was working with the comprehensive plan as a guide to prevent the type of development (houses, streets, street lights) that could have taken place on the property before the Town was able to purchase it. Mr. Calouro argued that the developer would never have received DEM approval because of the amount of wetlands. Mr. Libby stated that it is all based on type of community we live in. Mr. Calouro again stated that he hoped the Town would not begin construction until all of funding has been received, and when the proposed buffering is reviewed, he would require full grown trees and fencing.

Mr. Libby told him that as Mr. Kravitz previously mentioned, the pathway is not going to be built under the Town has its funding. The funding doesn't start with the Planning Board – the Board is reviewing the plan to make sure that every aspect of the project has been reviewed: engineers have been hired; the drainage has been reviewed; drainage profiles established – the technical aspects of the project. The funding is the responsibility of the Town Council. Mr. Calouro then questioned how the Town can talk about a “surplus” when the taxes have been raised – use the “surplus” to lower the taxes. To clarify Mr. Calouro's position, Mr. Kravitz told the Board that Mr. Calouro was referring to State Law which allows for the Planning Board to collect a recreational fee. Part of the Town's recreational fees will be used to subsidize construction of the pedestrian path. Mr. Libby then said he assumes there is not enough money in the recreation fees to cover the entire cost at this time. Mr. Kravitz replied that there wasn't enough at this time.

Mr. Tremblay suggested discussing the phases, as was previously mentioned. By phasing it can be determined at what level would there be enough funds to re-grade the existing profile; at what point would work be conducted on drainage; at what point would the buffering vegetation be put in place; at what level of funding would there be a final paving if it is desirable depending on how the previous phases go. What would a scheduled phase-in of this project look like? He suggested the Board be allowed to review some type of schedule as part of the final plan review. Mr. Libby said then the phases could be tied into a construction estimate, and asked if a construction estimate has been done. Mr. Kravitz said it has not but Horsley Whitten could provide it.

Joseph Raymond, of Nasonville, told the Board that he and his family had used the railroad pathway many years ago. He said that he knows lots of people using it and considers it an ideal thing for the Town. He added that he has used other bike paths around the State and has seen both vegetation and fencing used as buffers.

Bob Billington, of the Blackstone Valley Tourism Council, stated that he has been working on the Blackstone Valley bike path since 1982 so he can understand how residents are very protective of their properties. He noted the Blackstone Valley bike path is approximately 12 miles long, and was built mile by mile, sometimes two miles at a time, adding that it takes a lot of time to complete them. He noted that the BVTC currently manages the Route 295 Visitors' Center, which is the head of the Blackstone Park and serves as the major parking for the bike path. The Visitors' Center is staff, by elderly volunteers, for 64 hours per week (9 a.m. – 5 p.m., 7 days/week) and they have not encountered many issues. Most of the experiences along the Blackstone Valley bike path are very good and there is not a lot of patrol that goes on. Much of the maintenance is done by the individuals utilizing the path as they don't want to see any litter. There are some who make a mess but most of the people using the path are the neighbors – it provides them a place to run, a place to ride a bike, a place to walk, from the oldest resident to the youngest. He noted that Burrillville's pedestrian path probably won't attract a lot of people, especially out-of-towners, as it only connects two villages and is not connected to other pathways.

Al Carlow, of Steere Farm Road, questioned the cost of the Blackstone Valley bike path for the 12 miles that have been completed. Mr. Billington said that the engineering

costs are high – probably \$1million per mile to complete the bike path. Mr. Carlow said that he felt the Town would not be able to complete the pedestrian path today at that cost. Mr. Billington pointed out that RIDEM and RIDOT were the principals involved in the bike path construction – the cities and towns did not expend any money. Most of the funds were recreation bonds and federal money. Mr. Ferreira then questioned if the bike path was built upon former railroad beds that were already owned or whether the land had to be purchased. Did the bike path have to be built in accordance with highway standards? Mr. Billington said that was correct, most paths have to be constructed according to roadway standards. The BVTC looks at these pathways as a recreational amenity; the senators and others look at these paths as a means of transportation. Mr. Ferreira said that he was trying to make the point that the Blackstone Valley bike path shouldn't be compared to Burrillville's proposal due to the fact that the path will be built on an existing railroad bed owned by the Town. Mr. Billington said that was correct.

Mr. Desjardins said that he felt it was important to spell out what will occur in each of the phases if phasing will be implemented. Mr. Kravitz said that because of the hearing tonight, he now knows of the two individuals who would requiring buffers. The Board can request that the Town Council reach out to those individuals, once funding becomes available, and solicit the requests for what type of buffers they would need.

Mr. Libby pointed out two issues: the Board would need to have the phasing plan with the cost estimates and a landscape plan from a landscape architect, who would incorporate all of the details the Board would like to see (post details, gate details, landscape buffers, bollards).

Mr. Lupis reiterated that the Board is not responsible for looking at the financial end when developments come before the Board. The Board is responsible for making sure the details are addressed: the construction drawings are properly done, the runoff issues are addressed, the right RIDEM permits have been issued, the wetlands have been flagged properly, and the abutters have been properly notified.

Mr. Kuchar said it is important to get feedback from the abutters as to the type of buffering so that he will know what to place on the landscape plan. Mr. Libby said that Horsley Whitten and Mr. Kravitz would have to facilitate the abutters meetings to determine what they would like to see for screening.

As there was nothing further from the public, a motion was made by Mr. Tremblay to close the public hearing at 8:52 p.m. The motion received a second from Mr. Ferreira and carried unanimously.

Mr. Presbrey felt that there should be more discussions. He pointed out that 76 notices were mailed to abutters and only the abutters with concerns were here tonight. If they are not here, they are not concerned. If the Board addresses the concerns of the abutters present, then there should be no other issues. He added that in regards to buffering, the Board could vote approval of the project conditioned upon the buffering being rectified before the project begins.

A motion was made by Mr. Tremblay to approve the Combined Master-Preliminary Design Package of the Harrisville-Pascoag Multi-Use Path in accordance with the following findings of fact:

- *The pedestrian path plan is consistent with several chapters of the Community Comprehensive Plan, particularly:*
 - a) **Chapter 6 - Circulation**, Policy VI.1.b and VI.1.g;
 - b) **Chapter 7 - Economic Development**, Policy VII.2.c and Implementation Action VII.2.c.4 - referencing developing historic walking tours and bike tours through the villages in Town;
 - c) **Chapter 8 - Recreation, Conservation & Open Space**, Policy VIII.1.g – refers to opportunities for bicycling as an alternative transportation mode; and Implementation Action VIII.1.g.1 – speaks specifically to linking the two villages;
 - d) **Chapter 9 - Land Use**, Policy IX.3.b – referencing the importance of recreation, open space, public access to water bodies and historic resources; and Implementation Action IX.3.b.2;
- *The path is compliant with the general purpose and intent of the Town's Zoning Ordinance, particularly **Section 30-2 Purpose, subsections 1 thru 7, 10 and 11.***
- *There will be no significant negative environmental impacts from the proposed development as shown on the plans which have been approved by RIDEM Wetlands Division Permit No. 10-0025, dated May 6, 2010. Additionally, any soil contaminants associated with the former railroad bed will be remediated in accordance with RIDEM Office of Waste Management Program Letter Dated April 27, 2010.*
- *No lots with physical constraints will be created as a result of this plan which will permanently conserve and protect the land as open space.*
- *The land will offer pedestrians physical access from Mowry Street, Railroad Avenue and Eastern Avenue.*

With the following stipulations:

1. *The Final Plan Submission will provide a description of the various proposed phases and corresponding cost estimates;*
2. *Any work going forward would include addressing the buffer conditions between the bike path and the abutting property owners;*
3. *A landscape architect plan is provided that would illustrate buffering, gates, etc.*

The motion received a second from Mr. Ferreira. Under discussions Mr. Presbrey requested that the motion be amended to stipulate that the buffering for the abutters be rectified prior to the project's commencement. The amendment received a second from Mr. Desjardins. The amendment and motion carried unanimously by the Board.

OTHER BUSINESS:

Report from Administrative Officer:

Mr. Kravitz noted that during the month of July, Certificates of Completion were issued for the following: **Northwest Community Healthcare Building Addition, Bridgeway, Pascoag (Final Minor Land Development); and Harrisville-Pascoag Multi-Use Path, Burrillville (Master-Preliminary Major Land Development).** There were no plans

rejected as incomplete. The following plan was endorsed: **Northwest Community Healthcare Building Addition, Bridgeway, Pascoag (Final Minor Land Development)**.

Planning Board Discussions: The Board discussed the recently received RIDEM Wetlands Alteration Notice for property located off of Wallum Lake Road. Mr. Kravitz told the Board that this request is an example of development on small lots with wetlands constraints, although it appears that there is an existing structure on the property. Mr. Tremblay asked if anyone was living there. Mr. Raymond stated that it appears that the applicant is trying to push this through RIDEM as a repair of an existing system; however his position is that the use of the property has been abandoned. Mr. Kravitz noted that the 45-day comment period for this application is open until September 13th at 4:00 p.m. The Board's next meeting is September 13th at 7:00 p.m., which does not give the Board time to review and forward any comments. They could offer comments through him or authorize the Conservation Commission to offer their comments. *A motion was made by Mr. Tremblay to provide the Conservation Commission with a copy of this correspondence so that if they chose to object to the filing, they could solicit the Town Council to forward correspondence to RIDEM in opposition. The motion received a second from Mr. Ferreira and carried unanimously by the Board.*

Having nothing further for discussion, *a motion to adjourn was then made at 9:13 p.m. by Mr. Lupis, seconded by Mr. Ferreira and carried unanimously by the Board.*