

**MINUTES OF THE PLANNING BOARD MEETING OF FEBRUARY 7, 2011
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 7:02 p.m., Jeff Partington, Chairman, presiding.

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

Others Present: Ray Cloutier, Zoning Board Chairman, Joseph Raymond, Building/Zoning Official, 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 January 10, 2011** were read. *A motion to approve the minutes was made by Mr. Ferreira, seconded by Mr. Desjardins and carried unanimously by the Board.*

IV. CORRESPONDENCE:

- Planning Board 2011 Meeting Schedule (revised)

V. OLD BUSINESS:

Major Land Development:

Comprehensive Permit: Pascoag Village Development, South Main Street, Reservoir Road & George Eddy Drive, Pascoag; Map 210, Lot 23: *Informational Meeting/Master Plan Review (cont'd)*: Mr. Kravitz informed the Board that the applicant had not been able to submit all of the information that had been requested by the Board, from the last meeting, in time for the agenda and asked the Board to consider continuing the review to the March meeting. *A motion was made by Mr. Ferreira to continue the Master Plan Review of the Pascoag Village Development to the next Planning Board meeting of March 7, 2011 as the developer was unable to provide the requested information. The motion received a second from Mr. Desjardins and carried unanimously by the Board.*

VI. NEW BUSINESS:

Minor Subdivision:

Hill Top Acres, Round Top Road, Harrisville; Map 21, Lot 5: Preliminary Minor Rural Residential Compound Review/Public Hearing: Mr. Steve O'Connell, engineer, and Mr. John Andrews, President, of Andrews Survey & Engineering and Mr. Stewart Alles, applicant, were in attendance to represent the request. Mr. O'Connell told the Board that the proposal was for a five-lot rural residential compound subdivision of a 60-acre parcel located on Round Top Road, close to the Massachusetts state line. The development would be serviced by a private, gravel roadway, with 50% of the land being preserved as open space. The lots are designed to meet the minimum area requirement of 2-acres and the minimum frontage requirement of 50 feet. He noted that many of the

abutting parcels were originally part of the existing parcel and had been cut out over the years. He added that they have established conceptual site location of the ISDS systems and are prepared to submit to RIDEM. They have obtained RIDEM approval of the stormwater drainage which will be connected to the existing drainage system in Round Top Road. RIDOT approval of the roadway has also been received.

Referring to the Plan & Profile sheet, Mr. O'Connell stated that access to the development would be from Round Top Road through the proposed gravel roadway, which is proposed to have a slope of 8%, the maximum allowed by the Town's regulations. Both the RIDOT and RIDEM approvals require the first 200 feet of the proposed roadway be constructed in bituminous pavement to prevent erosion from the gravel roadway washing into Round Top Road. Drainage will be controlled through grass swales on both sides running the entire length of the roadway with perforated piping. The stormwater will be captured into the perforated piping and channeled into a double grate catch basin inlet at Round Top Road, then along the highway line to an existing culvert in the road, with a series of manholes and riprap. Several existing retaining walls, along the proposed roadway, would remain to keep activity on the applicant's property. Existing ISDS systems of abutting properties, as well as the house locations, have been identified on the plan. Erosion controls have been proposed in all locations and approved by RIDEM and RIDOT.

Mr. O'Connell then referenced several image renderings provided by a landscape architect that illustrate the segmental walls on each side of the proposed roadway to contain the grading required to meet slopes of the road. For scaling purposes, he noted the image of a 6-foot individual standing next to the proposed wall within the grass swale area in one of the images. He then asked if there were any questions from the Board.

Mr. Ferreira questioned whether the existing stone wall on the left-hand side of the proposed roadway would remain. Mr. O'Connell said that the stone wall is scheduled to be rebuilt along the property line and serve as the property boundary. Mr. Ferreira asked if the stone wall movement would open the roadway up to 50 feet. Mr. O'Connell said that it would open it up slightly but not by much – maybe a few feet. Mr. Ferreira questioned the amount of area for creating the proposed walls, without having to access the abutting properties. Mr. O'Connell said that the wall construction would take place all from within the street side. Mr. Ferreira questioned the overall width of the roadway. Mr. O'Connell responded that from the face of one wall to the face of the other wall is 32 feet; travel way is proposed to be 20 feet. Mr. Ferreira asked if the local fire department had a problem with the proposed width of 20 feet. Mr. O'Connell stated that had received correspondence from the fire department and they did not have a problem with the proposed width but he would confirm that with them to be sure.

Mr. Ferreira then questioned why the developer had increased the lot sizes substantially from the minimum 2-acre requirement. Mr. Alles said that he wanted to provide for more privacy for the residents within the compound. By laying out the houses according to this proposed design, each residence will not be able to see the other and will be very private. His goal with the project was to maintain as much open area as possible with each lot. Mr. O'Connell added that because of the challenging slopes (some over 15%), much

forethought had to given as to the house and ISDS locations. Noting that the Board had conducted a site walk when the plan was first presented, Mr. Ferreira pointed out that one of the issues of the site walk was to maintain the existing stone walls further back on the property. Mr. Alles stated that the proposed house locations would not have any affect on the existing stone walls, outside of one location, which would affect about 20 feet of one wall.

Mr. Tremblay asked if it is possible to conduct another site walk for the benefit of the new members who were not on the Board when the first walk took place. Mr. Partington said that it would be very difficult this time of year due to the amount of snow already on the ground.

Mr. Pick asked if a walking path would be provided along the proposed roadway. Mr. Alles said that the roadway would have grass swales on both sides but that there would be a walking path around the development in the common area surrounding the development. This common area would also connect to the common area of the Crestwood Estates development on West Road.

Mr. Presbrey questioned whether there would be an encroachment problem with the property lying to the north of this development, as evidenced by an ISDS repair plan submitted with the application which illustrates the relocation of a leaching field for said property. Mr. O'Connell told the Board that since the time of submission, they have been able to identify the proper location of the leaching field and that there would not be any encroachment issues. The new leaching field location is properly shown on the revised plan.

Mr. Presbrey then referred to the topographic plan, the soil testing and test hole information for the depth-to-groundwater elevation. He noted that the best case scenario is an 8-foot ground water depth for most of the lots around the cul-de-sac. The plan and profile page shows that the cul-de-sac high-point grade is 524; the proposal calls for the cul-de-sac to be lower by 10 feet to an elevation of 514 resulting in the cul-de-sac being located within the high-water table. Mr. O'Connell agreed, stating that there would initially be a temporary seasonal high groundwater. However, the groundwater would eventually seek new levels when the relief is provided like the grass swales, which will contain perforated piping, acting as a sub-drain. Mr. Presbrey pointed out that the swales would not deal with the issue of water within the cul-de-sac. Mr. O'Connell said that the drainage would temporarily remain in the cul-de-sac until it is relieved by the grass swale. Mr. Presbrey also pointed out that the lots around the cul-de-sac are graded higher by about a 2-to-1 slope, creating the situation where water will leach out of the ground right into the cul-de-sac. Mr. O'Connell again agreed and said they would investigate the possibility of installing sub-drains around the edge of the cul-de-sac, tying it into the grass swales and perforated pipe system.

Mr. Presbrey then referred to the roadway drainage, stating that it is designed to slope all to the left so that all of the drainage will run down the grass swales and into the brook. The result will be that the water will sheet flow across the gravel roadway, carrying with it the gravel, emptying it into the grass swale and plugging up the system with silt every spring. This becomes a maintenance issue for the residents and can be a very costly

system. Mr. O'Connell stated that this was the reason why they proposed to have the roadway as private and the responsibility of the homeowners with the development. He added that at first, there will be initial runoff, but when things find their place, less as time goes on. The grass swale will provide a vegetated buffer and a double catch basin inlet, with a sump, will capture the silt, with several manholes and riprap along the way. Mr. Presbrey expressed concerns with the homeowners ultimately approaching the Town to take over the roadway as it will be too expensive to maintain. Mr. Alles pointed out that the property has had a gravel pathway for years and that he has never had to add gravel for access. Mr. Presbrey stated that the situation changes with the development of the land. Mr. O'Connell said that the access is actually steeper now than it will be when completed; currently the access is at 15%; it will be cut back to 8%.

Mr. Presbrey then expressed concern with the proposed retaining walls; that the plan illustrates the construction of cast-in-place walls, where the photo design shows a precast block. Mr. O'Connell said that it was just an illustration; in the road section the wall type it is not specified, but is shown in the detail section as a precast segmental. **Mr. Presbrey requested that the details page be revised to reflect the use of block walls and precast walls.** Also, with the proposed height of the wall, Mr. Presbrey suggested the use of a geogrid. Mr. O'Connell said that it was not necessary as there are block walls that do not require geogrid. **Mr. Presbrey also requested that the developer provide the Board with cross-sections wherever the proposed walls exceed five feet in height. He suggested the Board require an independent engineer's review of the proposed roadway because of his concerns with the ground water leaching into the road and swale.** The swale eventually ends up emptying into the adjacent brook with no control measures. The brook is a tributary to Round Top Brook, which is a tributary to Chockalog Brook, which feeds into the Town of Burrillville's main aquifer. **Mr. Presbrey also recommended that the perforated pipe for the grass swale be changed from PVC to HDPE and that cleanouts be provided every 200 feet.**

Mr. Libby said that he felt the property has never been developed before because of the problems associated with trying to get a road into this site, and the situation still has not been solved by this proposal. He stated that he agrees 100% with the comments made tonight and that the Board should ask for a third party opinion from an independent engineer. He said that it is his opinion that by digging down into the water table, they are creating a manmade riverbed – the water pressure will be relieved to the cul-de-sac; from the cul-de-sac down the roadway; and from the roadway across Round Top Road. In winter the swales will be filled with ice and snow and will not function at all. The water will then sheet-feed and the gravel roadway will end up washing out.

Mr. Libby voiced concerns for the abutting neighbors having to live with the proposed 10-foot tall retaining walls, with chain link fences, in a rural, picturesque wooded setting. He encouraged the developer to revisit the retaining wall concept for the proposal is for five beautiful, private homes, on large acre lots. Marketing these lots would become difficult when potential buyers have to access the site through the high retaining walls. He noted that the small scale blocks typically seen in a residential development utilize the geogrid fabric for stabilization. The developer is unable to use this type because there isn't enough area for it. The huge block walls are used in commercial development close to the village center – not appropriate for this location. He added that in order to install

the huge block walls, they will have to eliminate all the natural vegetation. Mr. O'Connell stated that they could probably utilize the geogrid fabric as they have approximately 7 feet to work with, not that they choose to. He further mentioned that there were other types of walls they could consider. **Mr. Libby questioned whether they could add several catch basins along the roadway to capture the water as it flows down as a solution. He further suggested the use of the geogrid fabric material as a slope stabilization to reduce the cost and allow the natural vegetation as landscaping.** Mr. O'Connell said that there is insufficient room to grade the slope properly.

Mr. Lupis stated that he had served on the original Comprehensive Planning Commission and that it was the goal of the plan to maintain the rural look of Burrillville. The proposed block wall reminds him of Warwick; rural stone walls are typically Burrillville. He further shared his experience with living on a private, graveled roadway and the expense to the residents who live on such a road. Mr. Presbrey pointed out that the roadway cannot be paved because it could not handle the drainage. Mr. Partington said he had a problem with an 8% sloped, gravel driveway.

Mr. Felice said that he has a lot of experience with gravel roads, in particular with a client who had a graveled driveway, with swales on both sides, that was not nearly as steep as this proposal, which literally washed out three feet during last year's rain storms. This steep slope will wash out. Although the applicant is trying to put forth the best product, the roadway is a challenge and he should embrace the fact that an independent review could result in a better solution that brings him to what he really wants for this development.

Mr. Ferreira reminded everyone that roadways – both public and private – have to be built in accordance with Town standards. A gravel roadway in a rural residential compound is an option – not a right. In some cases, a compound may be required to have a paved roadway, including necessary drainage elements.

Mr. Kravitz informed the Board that he was in receipt of two copies of the drainage calculations (received this evening) that he would provide to the Board for their next package. He also noted that he had staff comments from the Conservation Commission, which generally mirrored the roadway concerns, and the Harrisville Fire Department, which requested the road width of 20 feet be increased to 22 feet to accommodate the emergency apparatus; the fire chief has requested that residential sprinklers be installed in the proposed homes. He will provide these staff comments to them in the next package.

Mr. Kravitz added to the discussion of private roadways by stating that he has already received several phone calls from residents of rural residential compounds asking for the Town to conduct maintenance to their roadways. Individuals who get into these associations will not read their deeds, will not read their association documents and don't know what they are obligated to maintain. He asked Mr. Pick, a realtor, the best manner in letting individuals moving into such developments know what their responsibilities are as a homeowner in the development. Mr. Pick stated that if the developer has laid out the areas where the homeowners' responsibilities lie, yes the homeowner will be made aware of it when considering the purchase of a home. The buyers can then evaluate

whether they would want to live in this type of an association or not. A smart buyer, or agent, will then lay out all of the responsibilities – for both the developer and the buyer.

Mr. Kravitz mentioned that if the developer were to consider the “jute” material for slope stabilization, and if he was able to obtain construction easements from his neighbors, the Board would require a copy of those easements before final approval. Mr. Kravitz also pointed out the RIDEM had recommended consideration of a community well. He asked the developer if he had considered this as an option. Mr. Alles said he did not want to consider a community well.

Mr. Presbrey questioned whether the Town’s DPW Director had reviewed the plan and provided comments. Mr. Kravitz stated that he had and said that he had a list of concerns from Mr. McCormack, which he would provide to the Board.

At the point, the meeting was opened to the public at 8:25 p.m.

Allan McNally, of 1716 Round Top Road, presented a list of concerns as well as photos to the Board. Mr. McNally proceeded to review his list of concerns and offered an explanation for each one. The first item he noted was that he felt their privacy would be taken away as the proposed roadway travels right through their backyard. He voiced concern with the construction work of the proposed roadway being too close to his septic system and whether it would affect his system, noting a very high water table. He voiced concern with his well, noting an issue with recovery. He voiced concerns with the potential runoff from the development and the roadway and its effect on the current failing drainage system within Round Top Road. He stated that the retaining wall, with a chain-linked fence, does not fit in with the rural character of the area. He said that he agrees with the Board that an independent engineer should review the plan for accuracy. He questioned even the survey lines. He asked why RIDEM suggested consideration of a community well. Finally he stated that both he and his wife have no intention of granting any construction easement.

Mr. Alles told the Board that Mr. & Mrs. McNally were made aware of his intention to develop his land prior to them purchasing their property; that they were given a set of plans of what was being proposed. Both Mr. & Mrs. McNally replied that they were never made aware of the situation. Mr. Alles then stated that he had approached both of his neighbors, the McNallys and Mr. Gallagher, to obtain construction easements but was unsuccessful so this is the reason why the plan requires the retaining walls. He also added that the proposal has been in the works for about 6 years, not 20 years.

Gerard Helfrich, 1677 Round Top Road, asked if the Planning Board could actually choose the independent engineer. Mr. Partington told him that the Board could require one but wouldn’t actually choose one because it would ruin the effect of independent. Mr. Kravitz stated that the Town has a list of vendors on contract. Mr. Helfrich suggested the Board conduct a site walk of the property and area during March and April so that they can see some of the issues that are being brought up first hand. The road gets very wet and has a lot of standing water. He mentioned a serious accident that occurred in the area in 2004. He voiced concern with surrounding property values. He questioned why the project has taken so long and why it hasn’t received any approvals to date. He

stated that he has no confidence in the answers being provided this evening in regards to the drainage issues.

Robert Lombardi, 1796 Round Top Road, noted that none of the neighbors are in favor of this development. He stated that he felt the proposal to reroute water to someone else's property is wrong. He stated that he currently lives on 18 acres, as well as owns a parcel on the opposite side of Round Top Road, and has no intention of developing them as the neighbors would not want to have any more houses.

Richard Guerra, 1734 Round Top Road, stated that every spring, water runs through his property, into the wetlands in the rear of his property and then into the drainage system in Round Top Road. The culvert washes out every time. Mr. Alles said that the culvert washing out is the responsibility of the State as Round Top Road is a state-owned road.

As there were no further questions from the audience, the public hearing closed at 8:45 p.m.

Mr. Presbrey pointed out that the Board would need to receive a waiver from the developer in regards to a decision on this plan within the mandatory 95-day regulation. Mr. Kravitz asked if Mr. Alles was willing to grant a waiver. The Board requested a waiver for 90 days for a decision on the plan. Mr. Alles agreed with the waiver and will provide a written approval to the Board.

A motion was made by Mr. Presbrey to require the applicant secure the services of an independent professional engineer to conduct a review of the Hill Top Acres Rural Residential Compound plan, specifically the proposed roadway, drainage calculations, the Planning Board minutes of this evening and any other pertinent information. The motion received a second from Mr. Tremblay and carried unanimously by the Board.

A motion to continue the Preliminary plan review was made by Mr. Ferreira based upon the decision waiver granted by the applicant for a 90-day period. The motion received a seconded from Mr. Felice and carried unanimously by the Board.

OTHER BUSINESS:

Report from Administrative Officer:

Mr. Kravitz noted that during the month of January the following Certificates of Completion were issued: **Hill Top Acres, Round Top Road, Harrisville** (RRC Subdivision – 5 lots). There were no plans certified as incomplete. The following plan was endorsed: **Harrisville Village, Steere Farm Road & Mowry Street, Harrisville;** Final Minor Land Development (Site Plan Phase II Revision).

Planning Board Discussions: Having nothing further for discussion, *a motion to adjourn was then made at 9:53 p.m. by Mr. Ferreira, seconded by Mr. Desjardins and carried unanimously by the Board.*

Recorded by: M. Christine Langlois

M. Christine Langlois, Deputy Planner