

**MINUTES OF THE PLANNING BOARD MEETING OF JANUARY 9, 2012
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., Jeffrey Partington, Chairman, presiding.

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

Others Present: Michael Wood, Town Manager, Joseph Bertholic, Oakland-Mapleville Fire Chief, Paul Bisson, HWD Superintendent, Joseph Raymond, Building/Zoning Official, Thomas Kravitz, Planning & Economic Development Director, and Christine Langlois, Deputy Planner.

II. ATTENDANCE REVIEW:

Mr. Partington acknowledged that all members were present.

III. ACCEPTANCE OF MINUTES:

The **minutes of the Planning Board meeting of December 5, 2011** were read. *A motion to approve the minutes, as present, was made by Mr. Ferreira, seconded by Mr. Desjardins and carried unanimously by the Board.*

IV. CORRESPONDENCE: Planning Board Meeting Calendar for 2012.

V. OLD BUSINESS:

Major Land Development/Subdivision:

Daniele Food's Facility Expansion, Route 102 Commerce Park, Daniele Drive, Burrillville; Map 195, Lot 15 & Map 213, Lot 8: *Combined Master-Preliminary Plan Review (cont'd from 12/05/2011)/Public Hearing:* Mr. Kravitz began the discussion by informing the public that the plan had originally been reviewed by the Planning Board at their December 5th meeting and several questions were raised, which have been satisfied by the applicant with a submission of revised plans which will be addressed tonight. He noted that because it is a public hearing, the public would be allowed asked questions or voice concerns regarding the proposal. He then turned the meeting over to Mr. Scott Gibbs, of the Economic Development Foundation of Rhode Island.

Mr. Gibbs introduced himself and then introduced the other members of the development team: Scott Rabideau, of Natural Resources Services, Inc., Steve Cabral, of Crossman Engineering, Mark Moore, of CMC Associates, Bruce Rylah, Kevin Menard, Jeff Barr and Renay McLeish, of the Industrial Foundation of Burrillville, and Richard St. Pierre and Filippo Oppici, of Daniele Foods, Inc. Mr. Gibbs stated that they were here this evening to request a combined master-preliminary plan approval for the expansion of the existing Daniele Food's, which is currently located at 1000 Daniele Drive. The plan represents a 546,685 s.f. to the existing structure, with the general contractor for Daniele Foods working on what would be considered the first phase construction of approximately 300,000 s.f. of the new addition. He noted that the Town as well as the

State of Rhode Island and the Industrial Foundation have been working proactively with Daniele Foods to secure this business investment. He then turned the presentation over to Scott Rabideau, of Natural Resource Services.

Mr. Rabideau began by stating that the project required the filing of a formal Application to Alter Freshwater Wetlands to RIDEM, as the proposed addition would completely alter an isolated freshwater wetland of approximately 13,900± s.f on the property. He stated that the application has gone through RIDEM, through the Office of Customer & Technical Assistance, as this is a project of critical economic concern, which allows for an expedited process toward resolution. The public notice period was completed on January 4th, without any negative comments received and the RIDEM is finishing their review – on the effects to the wetland and water quality and the assessment of the stormwater management plan. He noted that originally the mitigation for the alteration of the freshwater wetland was a re-creation of a 30,000 s.f. wetland, which was twice the size of the eliminated wetland. On December 29th, he met with the federal regulators (U.S. Environmental Protection Agency & the U.S. Army Corp of Engineers) who are working closely with RIDEM in the permitting process. He noted that a deferral of the federal permit to the state agency had been earlier requested because the wetland area is less than one-acre in size. At the meeting on the 29th, both the Army Corp and the EPA were not enamored with the fact that a large area of upland forest would have to be eliminated in order to create this new wetland system. An alternative to replacing the wetland was discussed on site, which provides for the preservation of an area of upland that can serve as the mitigation. The area taken out of development must be 15 times the alteration, or in this case, approximately 5 acres – preserved through a conservation easement. He pointed out a 37-acre parcel, owned by the Town, immediately adjacent to the Proscuito facility, which has over 22 acres of upland and contains an esker, with several vernal pools located throughout the site. The Town Council, in turn, authorized the Council President to enter into a conservation easement for this property as part of the mitigation. The Burrillville Conservation Commission would hold the conservation easement as a requirement by the Army Corp. He added that it is expected that RIDEM will provide their decision either by the end of January or the beginning of February. He then turned the presentation over to Steve Cabral, of Crossman Engineering.

Mr. Cabral first addressed the changes he had made to the plan based upon the discussions from the last Planning Board meeting. He outlined the following changes:

- Minor modifications to the dimensions of the property lines were made to plans as well as factoring in the existing outbuildings in order to conform to the zoning requirement for building coverage (25%);
- Grading changes were made to the plan in the area of the access roadway;
- Invasive plant species previously provided on the landscape plan were eliminated and replaced with native species;
- More details were provided in regards to the trash racks on the outlet structures;

He mentioned that the only other concern that was raised at the last meeting was whether there would be some type of fencing installed around the stormwater detention facility.

He stated that the applicant had agreed to provide fencing due to insurance issues and liability concerns. The final plan submission will include the fencing detail.

He also noted that during the wetlands permitting, the stormwater design was a major component of their review. The detailed wetlands stormwater mitigation has been reviewed by the state and federal agencies and has been approved.

For the benefit of the public, Mr. Cabral outlined the location (approximately 2,000 feet from Lynne Lane and 1,000 feet from Hemlock Farms) and the details of the proposal. He stated that the existing Daniele Food's parcel is 34.8 acres in size. Located adjacent to this parcel are two town-owned parcels approximately 37.6 acres and 98.3 acres in size. The plan allows for the transfer of 42.3 acres of land from the town parcel in the north to the Daniele Food's parcel, reducing the town parcel to 56 acres. In turn, 12.4 acres of land will transfer from the Daniel Food's parcel to the town property to the west, resulting in the town property containing 50 acres and the Daniele Food's property with 64.77 acres. Currently the Daniele Food's facility is approximately 90,000 s.f. in size. The first floor of the addition would contain 546,685 s.f. with a second floor of 252,252 s.f. The first phase of the building construction would be slightly less than the proposal.

Mr. Cabral told the audience that in general, the soils are sandy, silky loam – very suitable for development. The overall topography is rolling with no steep ledge areas. There is a very small pocket of wetlands next to Daniele Drive that would be impacted by the development; however the adjacent wetlands in the west and north will not be impacted. A series of soil tests were conducted on the property to determine the water table depth. The water table varies from 8' to 3' below the ground surface. None of the proposed construction would interfere with the water table. The location of the aquifer district was reviewed and confirmed that all of the construction would be beyond its location. He explained the next step was to check on the availability of utilities and resulted in confirmation of the availability of public sewer and public water connections. He then reviewed the existing drainage patterns in order to apply appropriate mitigation. He noted the facility is located at the top of a hill and runoff flows in four different directions (southwest, southeast, northwest, northeast). Once the design was complete, it proved that there would be no increase in runoff, or the water quality, without any affect to abutters.

In regards to zoning requirements, Mr. Cabral stated that the plan meets all of the zoning requirements of the General Industrial District as well as the parking requirements. The zoning ordinance requires 325 parking spaces for the facility with the new addition; there are 212 proposed in the northeast corner of the property with 113 spaces adjacent to facility. Eight loading docks are proposed on the west side of the existing building with four receiving docks proposed for the extreme northern end. A 30-foot wide roadway that encircles the entire facility is also proposed for access for trucks and employees as well as to serve as a fire lane.

In regards to the stormwater management, Mr. Cabral noted there are two existing detention ponds that will continue to handle everything from the proposed addition to south of the facility. The future addition, as well as the access road and the main parking area, will be diverted to a linear stormwater management system. New state guidelines established in January 2011 require stricter design of peak flows, total volume, re-charge volumes and water quality. This system is designed that the runoff will be piped to the easternmost point into an open pool, which will allow the larger, gravelly soil to settle out; then into the linear pool, which is shallow with a very dense layer of wetland vegetation. The water will flow in a westerly direction and filter out through the biological wetland. At the very end is a large, open pond which provides additional stormwater storage; it then is piped to one more basin, which is design to provide infiltration, finally piping through a 24' pipe exiting into a stream channel that flows to the Clear River. He then asked if there were any questions from the Board.

Mr. Presbrey pointed out that one of his concerns from last month's meeting had not been addressed - that during construction of the addition, Daniele Drive would receive a lot of siltation from the construction work and requested that a notation be placed on the plan requiring the contractor to clean out all catch basins upon completion of the project. Mr. Cabral stated that he had provided a note on the plans that the contractor was responsible for flushing out the catch basins upon completion. He then turned the presentation over to Mark Moore, of CMC Associates.

Mr. Moore provided a quick overview of the operational aspects of the facility. He proceeded to described where product is received, processed and shipped out in the current facility. He stated that the new addition would receive on both ends with one area designated just for shipping. He pointed out a new parking area for employee entry, a new office area within the new addition, and the existing office area will be expanded. As previously mentioned, the expansion request is for a maximum size of 546,485 s.f. but the initial construction will be at around 300,000 s.f. with the mezzanine component at approximately 20,000 s.f. Construction will be very similar to the existing facility with the intent to do something a little more attractive at the office component.

Mr. Gibbs pointed out that they are also aware of noise problems emanating from the existing facility. In discussions with Danielle Food's, a noise mitigation agreement had been executed. The agreement entails the construction of noise walls on the roof of the existing facility to address the problem; the AC systems proposed for the new addition will point upward to avoid any noise problems. It has also been stipulated that the noise mitigation provisions will be implemented upon the execution of a building permit for the new addition.

Mr. Partington then asked Mr. Kravitz to address the status of the utility approvals. Mr. Kravitz stated that the Harrisville Water District had granted approval of the water system connection, and the Sewer Commission for the amount of effluent. He told the Board that once the approval was in hand from Harrisville Water on the volume, the plans and information were forwarded to Joe Bertholic, Fire Chief of the Oakland-

Mapleville Fire Department. Mr. Bertholic has requested a set of detailed building plans for review and approval prior to the start of the addition construction, as outlined in a correspondence that he provided the Board. He did not have any immediate issues with the land development plan.

As there were no further questions from the Board, Mr. Partington then opened the Public Hearing at 7:44 p.m.

Margaret Bowers, of 251 Lynne Lane, Mapleville, questioned whether there would be any further expansion of the facility after this plan is implemented as she lives close to the facility. She voiced concerns that there would be sufficient buffers between the facility and her property. She also questioned, for her neighbor, whether more refrigeration units were planned for the addition. Mr. Gibbs stated that the remaining town property would only be able to support a 20,000 s.f. building; any construction would take place in an area closest to Daniele Drive – not within the vegetated area between Daniele Food's and Lynmar Estates. In regards to further expansion of the Daniele Food's facility, Mr. Moore stated that the loading docks would be located on the northernmost portion of the addition – if any future expansion occurred, it would have to be in the rear of the building. He also stated that there would be additional refrigeration units and pointed out their location on the new addition.

David Martin, of 95 Hemlock Farm Trail, Harrisville, asked whether it would be quieter once the noise mitigation work took place. Mr. Moore stated that there is a noise mitigation agreement in place for the existing facility and that the proposed noise mitigation will greatly reduce the noise level. Mr. Martin noted that more refrigeration units would be added to the new building. Mr. Moore replied that a new building was being proposed and would increase activity in the area.

Michael Cookson, of 161 Lynne Lane, Harrisville, questioned whether truck traffic would be increased with this addition as he currently can hear the trucks coming and going and voiced concerns with increase truck activity in the northern end being closer to his property. He also questioned whether there would be an increase in the hours of operation. Mr. St. Pierre stated that there would be no difference in the current hours of operation – 6 a.m. to 8 p.m., with the busiest time between 6 a.m. and 10 a.m. Around the Christmas holidays, the hours of operation are 6 a.m. to 10 p.m.

Alice Russell, of 731 Victory Highway, Mapleville, voiced concerns with the noise from the fans and the fact that the new addition would have more fans. Mr. Moore told her the fan motors on the new addition would be different than the fan motors on the existing facility and would not generate the same kind of noise. Mr. Gibbs then attempted to explain what the situation is with the current facility and noise level and the mitigation system that is proposed to cut down on the noise level. He then explained that the systems proposed for the new addition are different as they vent upward sending the sound in a different direction. Mr. Desjardins suggested that the Town measure the noise level now and after the mitigation work is completed to see how much noise has been

reduced by the mitigation. Mr. Wood, Town Manager, stated that the Burrillville Police Department monitors sound levels on a monthly basis and at present, there is no violation of the Town's Noise Ordinance. They will continue to monitor the sound levels and if it gets to the point where it is in violation, the company will be notified to rectify the situation. Mr. Desjardins added that it represents good public relations with the residents to show that the mitigation effort works.

Paul Bisson, Superintendent of the Harrisville Water District, pointed out that the Stantec report contains conditions for approval that have not been addressed at this time yet. Mr. Kravitz noted that the Board is in receipt of both the Harrisville Water Department and Stantec letters, and that the Oakland-Mapleville Fire Chief has been made aware of the concern regarding the fire flow demand. Mr. Bisson noted that there was a second condition in regards to additional information on the existing fire pump, including a pump curve. Mr. Cabral explained that Stantec was hired by the Harrisville Water District to run a model of the entire Town's water system. They found that if the water demand at the facility exceeds 700 gpm, there would be areas in Town where the water pressure could drop below 20 psi and cause problems elsewhere in Town. CMC's fire consultant, who is designing the actual fire suppression system, determined that the actual fire demand for the facility (both existing and the new addition) would be approximately 700 gpm. So the fire expert has determined the proposal is below the threshold for reducing the systems pressures below 20 psi, which is unacceptable. Also the sprinkler system runs off of a pump and if the pump is too strong, it could reduce the pressure to way below 700 gpm. Mr. Kravitz advised the Board members to reference the Stantec letter, of December 23, 2001 as a condition of approval

Stephen Christie, of 105 Barber Farm Road, Mapleville, said that he constantly hears a droning noise at his home and wonders what could possibly make the noise. He stated that the constant hum is very disturbing especially in the summer months. Mr. Moore stated that the facility is a processing facility that ferments and ages meat which requires constant refrigeration.

As there were no further questions or comments from the audience, the Public Hearing was closed at 8:06 p.m.

A motion to approve the combined Master-Preliminary Land Development plan for the Daniele Proscuito Building Expansion was made by Mr. Ferreira with the following Findings of Fact, in fulfillment of RIGL Section 45-23-40 & 45-23-41, serving as the Decision of Record:

- 1. The Major Land Development is consistent with the Town of Burrillville's Comprehensive Plan, specifically Chapter VII Economic Development, Goal VII.1 and Implementation Action VII.1.a.4;*
- 2. The Major Land Development does not harm the intent or purpose of the Town of Burrillville's Zoning Ordinance and complies with Section 30-111 Table of Dimensional Regulations;*
- 3. There will be no significant, negative environmental impacts;*

4. *The Major Land Development will not result in the creation of an unbuildable lot;*
5. *The proposed lot has adequate physical access to Daniele Drive, which is a town-accepted road.*

Conditioned upon: mitigation of the noise issues from the existing building when the building permit for the new addition is obtained; all environmental permits being submitted administratively to the Town Planner; the fencing detail for the stormwater management areas being provided on the plan; the building addition plans being provided to the Oakland-Mapleville Fire Chief and reviewed and approved for sufficient fire protection as well as the sufficient water supply as outlined as conditions of the Stantec letter dated December 23, 2011. The motion was amended by Mr. Felice to include an additional condition for the successful filing of a conservation easement for Map 212, Lot 1. The motion received a second from Mr. Presbrey and carried unanimously by the Board.

VI. NEW BUSINESS: none.

VII. OTHER BUSINESS:

Report from Administrative Officer: Mr. Kravitz noted that during the month of December, Certificates of Completeness were issued for: **John & Adele Barnatowicz, Smith Road, Burrillville** (Final Minor – two lots) and **John & Avis Child, Point Lane, Pascoag** (Administrative – lot merger). There were no plans certified as incomplete. The following plan was endorsed: **John & Adele Barnatowicz, Smith Road, Burrillville** (Final Minor – two lots)

Planning Board Discussions: none.

A motion to adjourn was then made by Mr. Ferreira at 8:12 p.m. The motion received a second from Mr. Desjardins and carried unanimously

Recorded by: _____
M. Christine Langlois, Deputy Planner