

**MINUTES OF THE PLANNING BOARD MEETING OF AUGUST 6, 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 7:02 p.m., Leo Felice, Vice-Chairman, presiding.**

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

**Members Absent:** Jeffrey Partington.

**Others Present:** Kevin Heitke, Town Council Liaison, Thomas Kravitz, Planning & Economic Development Director, and Christine Langlois, Deputy Planner.

**II. ATTENDANCE REVIEW:**

Mr. Felice acknowledged that Mr. Partington was away on vacation.

**III. ACCEPTANCE OF MINUTES:**

The **minutes of the Planning Board meeting of June 4, 2012** were read. *A motion to approve the minutes, as presented, was made by Mr. Ferreira, seconded by Mr. Lemek and carried unanimously by the Board.*

**IV. CORRESPONDENCE:**

- Memo from Timothy Kane, Town Solicitor, to Michael Wood, Town Manager, regarding access to Pinewood Lane. *A motion to receive and file the correspondence was made by Mr. Ferreira, seconded by Mr. Desjardins and carried unanimously by the Board.*

**V. NEW BUSINESS:**

**Tarklin Estates, Tarklin Road, Burrillville; Map 166, Lots 15 & 18:** *Administrative Subdivision Requiring a Variance; Advisory Opinion to Zoning Board:* Mr. Kravitz informed the Board that Mr. & Mrs. Jonathan Whipple and Mrs. Denise Benoit were in attendance to represent the request. He then outlined the location of the property, utilizing the GIS system for the benefit of the Board, and gave a brief description of how the property had been subdivided into two conforming lots, noting that the common lot line running at an oblique angle was allowed in order to preserve the rural character of the property. He also noted that for traffic safety, the applicant had been allowed to create a common driveway to service both lots. He then asked Mr. Whipple to explain the purpose of their request.

Mr. Whipple told the Board that with the current lot line configuration between the two properties, the Benois literally own the Whipples' front yard and the Whipples own the Benois' immediate rear yard - when the Benois walk off their deck, they are literally on the Whipples' property. As they are good neighbors, it's not an issue at this time; however they are anticipating the long-term effects and are requesting a land swap (9,523

sq. ft.) to provide the Whipples with a better front yard and the Benois with more rear yard. He then asked if there were any questions from the Board members.

Mr. Tremblay questioned whether the Board's approval of this plan would appear as their endorsement of creating non-conforming lots, even though logistically it made sense to allow the change. He voiced concerns with setting precedent. Mr. Kravitz pointed out that the F-5 zoning district works to preserve the rural character of the Town. The Board has never allowed for the creation of a non-conforming lot. Although the property was first created in accordance with the zoning ordinance, it appears that now that the houses have been occupied, the use is not conducive to the lot layout. He added that he did not believe the Board would be creating a legal precedent as the lots are already developed. The zoning tool had already been legally and properly implemented.

Mr. Lemek stated that he agreed with Mr. Tremblay's point, but, as a realtor, saw the potential hardship for both parties in the future when either party sold their property. He said he did not have a problem with granting the request. He also noted that it can be tough to sell a property with a common driveway. Mr. Pick noted that he also is a real estate agent and has never encountered this type of issue. He noted that it is just a trade of land and makes more land sense. He questioned whether verbiage could be added to the motion that makes the relief specific to this situation – this is best for this particular parcel of land. Mr. Kravitz said it could, but what makes this distinct is that the lots are already developed, in accordance with legally-permitted density.

Mr. Ferreira said he did not have a problem with granting the request; that he saw more of a problem with not addressing a "width-to-depth" ratio. He advised the applicant to be sure to not block the 25-foot fire easement with the stone wall that is currently being constructed.

Mr. Lupis, Mr. Desjardins and Mr. Presbrey all stated that they did not have a problem with the request as it was improving each lot.

*A motion to approve the Administrative plan for Tarklin Estates, Plat 66, Lots 15 & 18 for Jonathan & Diane Whipple, Arthur & Denise Benoit, Burrillville, RI was made by Mr. Ferreira conditioned upon the application receiving a variance from frontage requirements from the Zoning Board of Review. The motion received a second from Mr. Desjardins and carried unanimously by the Board.*

*A motion to offer a favorable advisory to the Zoning Board on the granting of the necessary variance from frontage requirements was made by Mr. Ferreira as in accordance with RIGL 45-24-41 C, 3, the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan upon which the ordinance is based. The motion received a second from Mr. Lemek and carried unanimously by the Board.*

**VI. OTHER BUSINESS:**

**Report from Administrative Officer:** Mr. Kravitz noted that during the months of June and July, Certificates of Completeness were issued for: **Estate of Stephen W. Mitchell & Lawrence & Kathleen O'Brien, Sherman Farm & West Ironstone Roads, Burrillville** (Administrative – one lot); **Mark & Suzanne Harnois, Camp Dixie Road, Burrillville** (Administration – Boundary Survey) and **Tarklin Estates for Jonathan & Diane Whipple and Arthur & Denise Benoit, Tarklin Road, Burrillville** (Administrative requiring a variance – two lots); 2<sup>nd</sup> submission. The following plan was rejected as incomplete: **Tarklin Estates for Jonathan & Diane Whipple and Arthur & Denise Benoit, Tarklin Road, Burrillville** (Administrative – two lots); 1<sup>st</sup> submission. The following plans were endorsed: **Estate of Stephen W. Mitchell & Lawrence & Kathleen O'Brien, Sherman Farm & West Ironstone Roads, Burrillville** (Administrative – one lot) and **Mark & Suzanne Harnois, Camp Dixie Road, Burrillville** (Administrative – Boundary Survey).

**Planning Board Discussions:** Mr. Kravitz told the Board that he had contacted the lighting firm, for the CVS expansion project, to have the gooseneck lights shut off. He was told that the assistant manager at CVS would be able to take care of this request; however, when he contacted the assistant manager, he was told that the sign and gooseneck light are all wired together. He asked the assistant manager to contact the sign company to unwire the gooseneck lighting so that they can be turned off.

As there was nothing further for discussion, *a motion to adjourn was then made by Mr. Ferreira at 7:30 p.m. The motion received a second from Mr. Pick and carried unanimously*

Recorded by: \_\_\_\_\_  
M. Christine Langlois, Deputy Planner