

**MINUTES OF THE PLANNING BOARD MEETING OF MARCH 4, 2013  
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, Rick Lemek, Marc Tremblay, Leo Felice, Bruce Ferreira, Michael Lupis, Dov Pick, Christopher Desjardins, and Jeffrey Presbrey.

**Others Present:** Ray Cloutier, Zoning Board Chairman, Thomas Kravitz, Planning Director and Christine Langlois, Deputy Planner.

**II. ATTENDANCE REVIEW:**

Mr. Partington acknowledged that all members were present this evening.

**III. ACCEPTANCE OF MINUTES:**

The **minutes of the Planning Board meeting of February 4, 2013** 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:**

- Planning Board Advisory Opinion to the Zoning Board regarding National Grid's Interstate Reliability Project
- Planning Board memo to the Town Council regarding acceptance of Oakland Avenue

At this point, Mr. Felice recused himself from discussions on the Community Development Block Grant PY'13 Application.

**V. NEW BUSINESS:**

**Community Development Block Grant PY'13 Application – First Public Hearing:** *Certification of Consistency with the Comprehensive Plan:* Mr. Kravitz told the Board that as they have done in the past, the Board must review the various requests for funding through the Town's CDBG PY'13 application to certify conformance with the Town's Comprehensive Plan. He outlined the various requests and noted that although the Town is eligible to apply for funding up to \$300,000 the requests only total \$109,400. He asked if they had any questions regarding the submitted requests.

Mr. Presbrey noted that the last request on the list, Rhode Island Center for Law & Public Policy, had stated that they would meet with eligible seniors at the Town's Senior Center and questioned whether the Town had a Senior Center. Mr. Kravitz explained that he had contacted them to question the meeting location, noting that the Town does not have a Senior Center. He was told that the RI Center for Law & Public Policy is also applying to Gloucester for funds, and they asked if the funds could be pooled, and if they could service Burrillville Seniors at the Gloucester Senior Center. Mr. Ferreira voiced that he had a problem with this type of arrangement. Mr. Kravitz noted that the previous request from Community Housing Land Trust is similar to the Rhode Island Center for Law & Public Policy – money is received from several communities and pooled to offer housing program services to these communities.

In regards to the \$20,000 requested for remediation of the former Mobil station property, Mr. Lemek questioned whether the Town, or Harrisville Water, had received any benefit from the contamination lawsuit. Mr. Kravitz said the Town had not although emergency funds had been obtained through the CDBG program. He said that he could check into who received compensation. He noted that everything had been handled through the Pascoag Utility District. Mr. Lemek also questioned the type of use being considered for the property, pointing out that the property is not located close to anything to consider using it for public parking. Maybe it would better to sell it for a commercial use. Mr. Kravitz told them that the Burrillville Redevelopment Agency is working with the property owner on options. Mr. Pick questioned the actual mitigation cost. Mr. Kravitz said that it had been several million dollars and that monitoring still continues.

As there were no further questions from the Board, Mr. Partington then opened the Public Hearing, at 7:12 p.m. to questions or comments.

Having none, Mr. Partington then closed the Public Hearing at 7:13 p.m.

*A motion was then made by Chairman Partington that the projects submitted for consideration for the Town of Burrillville's Community Block Grant PY'13 application are in conformance with the Town's Comprehensive Plan, specifically:*

**Burrillville Housing Rehabilitation Loan Program (\$50,000):** *Chapter V- Housing & Affordable Housing Strategy, Implementation Action V.2.a.3 Continue providing low interest loans and other assistance for home improvements for low and moderate-income persons, [administered in-house through the Planning Department].*

**Burrillville Housing Authority Water Supply Tank Replacement (\$34,900):** *Chapter V - Housing & Affordable Housing Strategy, Summary Table 11, Housing Goal V.1 – To encourage a range of housing opportunities to meet diverse individual and family income needs for purposes of achieving the 10% State Affordable Housing goal established by RIGL 45-53.*

**Pascoag Redevelopment District – Remediation of Former Mobil Station Parcel :** *Chapter VII - Economic Development, Implementation Action VII.1.a.10 – Stabilize and enhance older commercial areas, particularly those in the village of Pascoag, Harrisville, Glendale, Oakland and Mapleville; Chapter IX Land Use, Goal IX.2 – Maintain and improve the small village character of the Town; Policy IX.2.d – Preserve and enhance economic development opportunities within the villages of Pascoag, Harrisville, Nasonville, Oakland and Mapleville.*

**Community Housing Land Trust of RI, Housing Programs:** *Chapter V – Housing & Affordable Housing Strategy, Goal V.1 – To encourage a range of housing opportunities to meet diverse individual and family income needs for purposes of achieving the 10% affordable housing goal established by RIGL 45-53.*

**Rhode Island Center for Law and Public Policy – Legal Services for Low- to Moderate-Income Seniors;**

*The motion received a second from Mr. Ferreira and carried unanimously by the Board.*

Mr. Felice returned to the meeting.

**Mark Derby, Colwell Road, Burrillville; Map 254, Lot 12:** *Conceptual Rural Residential Compound Subdivision Plan Review:* Mr. Terrence Greenlief, surveyor and Mr. Mark Derby and family members were in attendance to represent the request. Mr. Greenlief told the Board that the property is located on Colwell Road and currently contains a little over 57 acres. Mr. Derby is looking to create a lot, with 4.5 or 5 acres, for his son to build a house, utilizing the existing driveway for access. He noted that a soils determination has been conducted with 3-foot water tables. Wetland areas have been flagged and submitted to RIDEM. He noted that the applicant's main concern was that he did not want to upgrade the road [driveway]. He then asked for any questions from the Board.

Mr. Presbrey pointed out that developing the property as a rural residential compound, 50% of the property would have to be placed in a land trust, owned by both properties, and designated as open space. Mr. Greenlief asked how this could be accomplished. Mr. Presbrey noted that it would be nice if both lots would be contiguous with the open space. He stated that he felt the house location was fine, as it allows for the preservation of the pasture land. He noted that that the roadway included the installation of a cul-de-sac and suggested the applicant consider a "T" turnaround.

Mr. Ferreira questioned the ratio of wetlands vs. buildable upland. Mr. Greenlief stated that the amount of wetlands is 56% and the upland is 44%. Mr. Tremblay asked for a clarification on the ratio of wetlands to upland. Mr. Kravitz told the Board that the Section 30-153 Lots Contain Wetlands of the Zoning Ordinance states, "... if the wetland area, including wetland buffer, is greater than 40 percent of the total area, the following restrictions apply . . (3) Each lot shall have a minimum buildable area of 12,000 square feet excluding wetland and wetland buffer zone as defined by the Wetland Act of the State of Rhode Island." He also noted that "(4) No individual sewage disposal system (ISDS) shall be located: a.) within 200 horizontal feet of a "fresh water wetland" as defined in G.L. 1956, §2-1-20, as amended. Mr. Greenlief said that he could increase the size of the proposed lot to meet the requirements. Mr. Presbrey pointed out that the roadway could be moved slightly to allow for the ISDS to be moved away from the wetlands.

**Town of Burrillville, Proposed Skate Park, Chapel Street, Harrisville:** *Minor Land Development Plan Review:* Mr. Joseph Casali, of JCE, consultant for the Town, was in attendance to represent the plan. He conducted a PowerPoint presentation which displayed the location of the property, along the Clear River, lying between Chapel Street and Railroad Avenue. He then displayed the current location of the State highway line and the 100-year floodplain for the river, noting that there are actually two pieces of property – Parcel 1 with 1.25 acres and Parcel 2 with 1.959 acres. He noted that Parcel 1 will be developed with the skate park area, the equipment already owned by the Town and a 13-car parking lot. He added that the project has been fully permitted through RIDEM and RIDOT. Once the plan is approved, the Town will formally purchase the lots. He asked if there were any questions from the Board.

Mr. Ferreira asked what type of pavement is being proposed for the skate park. Mr. Casali said that the pavement would be regular asphalt.

Mr. Felice questioned what was taking place at the eastern portion of the property. Mr. Casali stated that there are two sand filters proposed for the project – one adjacent to the skate park area and the other adjacent to the parking lot. These are being provided as floodplain compensation areas that are generally utilized by RIDOT as a “lay down area” during storms and different operations. There can never be any filling or grading in these particular areas. He added that this system will actually improve the floodplain areas.

Mr. Pick questioned whether the park was for skateboarding or rollerblading. Mr. Casali said that it was a skateboard park – that the Town previously had this type of recreational amenity but had chosen to relocate it, noting that all of the equipment is currently housed at the DPW facility. Mr. Pick then questioned if the skate park would have a “bowl”. Mr. Kravitz said there would only be metal ramps. Mr. Casali added that the park construction would be conducted by DPW personnel.

Mr. Presbrey questioned the liability issue for the Town. Mr. Kravitz said that the Town would have had to check into this issue when it was first set up in Town. The Town is covered by the municipal trust. Mr. Presbrey asked if trash cans would be placed at the facility. Mr. Casali said that he was not sure as this project is different than the Farmer’s Market, which was publicly bid, with every item specified. He said he assumed the DPW Director would provide trash barrels at his discretion, but then it becomes a maintenance issue.

Mr. Lemek voiced concerns with kids riding their skateboards down Chapel Street to the park. Mr. Kravitz noted that there are sidewalks along Chapel Street. Mr. Lemek then asked what difference this location made as compared to the original location at Callahan Field. Mr. Partington noted that there are no neighbors in the proposed area. Mr. Lemek pointed out the neighbors along Railroad Avenue, but Mr. Presbrey noted that the neighbors are located on the opposite side of Clear River. Mr. Lemek stated that he was not comfortable with this location and felt that a skate park should be placed at a recreational facility.

*A motion to approve the minor land development plan entitled, “**Proposed Skate Park Chapel Street, Burrillville, RI, dated February 2012, revised 02/13/2012; 04/09/2012; 08/02/2012; 10/09/2012;**” was made by Mr. Ferreira as per RIGL Sections 45-23-60: the subdivision/land development is consistent with the Comprehensive Plan, Chapter VIII – Open Space, Conservation and Recreation, Five Year Action Plan, 15. Identify & develop a roller blade/skateboard park/ramp facility (Planning District III); the application is in conformance with the Town’s Zoning Ordinance regarding lot dimension and use; the design mitigates environmental impacts and has undergone a RIDEM review as evidenced by the RIDEM Application to Alter Freshwater Wetlands #12-003, dated 08/20/2012; the subdivision will not result in the creation of unbuildable lots; the subdivision/land development will create one lot out of the RIDOT right-of-way that will have adequate and permanent physical access to Chapel Street; Conditioned: that the*

*subdivision plan be prepared and recorded by a RI registered land surveyor. The motion received a second from Mr. Pick and carried with 8 in favor (Presbrey, Desjardins, Pick, Lupis, Partington, Ferreira, Felice and Tremblay) and 1 opposed (Lemek). The motion carried.*

**VI. OTHER BUSINESS:**

**Report from Administrative Officer:** The Board noted that during the month of February, a Certificate of Completeness was issued for: **Mark Derby, Colwell Road, Burrillville** (Conceptual Minor RRC – two lots). There were no plans rejected as incomplete and no plans were endorsed.

**Planning Board Discussions:** none.

*As there was nothing further for discussion, a motion to adjourn was then made by Mr. Ferreira at 7:45 p.m. The motion received a second from Mr. Lemek and carried unanimously by the Board.*

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