

**MINUTES OF THE PLANNING BOARD MEETING OF NOVEMBER 3, 2014  
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 7:00 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:** Joseph Raymond, Building Official, Thomas Kravitz, Planning 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 October 6, 2014** were read. *A motion to accept the minutes, as presented, was made by Mr. Ferreira, seconded by Mr. Pick and carried unanimously by the Board.*

**IV. CORRESPONDENCE:**

- Correspondence from the RI Department of Administration, Statewide Planning in regards to the date when the Town's Comprehensive Plan must be consistent with the requirements of the Comprehensive Planning & Land Use Management Regulations Act as amended in June 2011;

At this point, Mr. Lupis recused himself from discussions on the next item as he is an abutter to the property.

**V. OLD BUSINESS:**

**Pine Harbor Estates, 2748 Wallum Lake Road, Burrillville; Map 17, Lot 43:** *Preliminary Minor Rural Residential Compound Plan Review (cont'd from 11/04/2013, 07/07/2014, 09/08/2014 and 10/06/2014 meetings):* Attorney Scott Partington, Joseph Casali, of Joe Casali Engineering, Anthony Muscatelli, of International Mapping & Surveying, and Ben Dube, developer, were in attendance to represent the Pine Harbor Estates plan. Noting the length of time that has transpired since the Board first reviewed the preliminary plan, Mr. Kravitz reminded the Board that the plan represents a request for a five-lot rural residential compound development, which has received all of its required state approvals. The only two outstanding issues are the location of physical access to the historical cemetery on the property, and whether the proposed walking trail will become public, or remain private for the residents of the compound. He added that he had not provided any proposed findings tonight as he felt the Board could hold the discussion and, if they were agreement, findings could be drafted and ready for next month's meeting. He did state, however, that before the meeting began, Attorney Partington had pointed out that an abutting community (Douglas, MA) had not been notified of the hearing as part of the public notice process regulations. He said that he would notify Douglas for the next Planning Board meeting.

Attorney Partington requested, in light of the notification issue, that the Board consider offering only an opinion tonight, and render their decision at the next meeting when the findings have been provided by the planner. He told the Board that the cemetery location has

been placed on the revised plan, and that during his research he found at least two potential access points to the property over adjacent parcels on Wallum Lake Road (Map 34, Lot 44 – Martellini and Map 34, Lot 42 - Souza). Noting these two instances, he stated that he felt the developer did not have to provide an access to the cemetery, thus addressing one of the issues.

In regards to the proposed walking trail, Attorney Partington stated that the Board's comments and concerns, from the last meeting, were taken into consideration when attempting to develop access points from Walnut Hill Road and Wallum Lake Road. He noted issues with providing access (from Wallum Lake Road) through private property for public access to the open space. He commented that he felt that the circulation element of the Town's Comprehensive Plan doesn't apply to this development. Mr. Kravitz pointed out that the circulation chapter also includes other means of transportation, such as walking paths, bike trails, etc., which the Board has every right to request of this development, as was recommended to them in a memo from the Town Solicitor. Attorney Partington said that he disagreed with the pedestrian walking path being made public as a requirement of approval in accordance with the circulation chapter of the Town's Comprehensive Plan. Chairman Partington pointed out that the purpose for making the path public was in consideration of any future project, which could include the proposed walking path in order to create contiguous pattern.

Mr. Presbrey stated that he felt it was important that access to the cemetery determined. He also stated that he did not have a problem with keeping the walking path and open space access private to the development. He questioned whether an issue he raised at a previous meeting in regards to the retention pond had been corrected. Mr. Casali said that he had made the correction to the depth of burial of curbing to at least 40" below grade on page 9 of 13 and had submitted the revised plans.

Mr. Pick questioned whether a walking path was proposed in the plan at all. Mr. Kravitz said that the existing cart path was originally proposed, in the concept plan, to be a walking path. The developers elected to remove the walking path with a later submission. He added that the Board had received the memo from Tim Kane, subsequent to the change, noting that the Board has the right to ask for the walking path if they so choose. Mr. Casali noted that the plan contains a note that states there is access to the open space through Walnut Hill Road on the existing cart path.

Mr. Ferreira questioned whether Lot 4 would have a common driveway, or roadway, for access from Wallum Lake Road. Mr. Casali explained that they are utilizing the two existing breaks in the stone wall, along Wallum Lake Road, in order to preserve the wall appearance. Proposed Lots 3 & 4 will share a common access along the same driveway for the cell tower.

Mr. Tremblay stated that the proposed access from Walnut Hill Road to the cemetery was, in his opinion, very impractical.

Mr. Lemek questioned whether the residents of the development would be part of the Wallum Lake Association. Mr. Peter Dexter, a member of the audience, stated that their association does not encompass this area. Mr. Lemek also questioned whether there were any regulations

regarding the distance between cell towers and homes. Mr. Casali said that there is a regulation that requires a 150 foot fall zone from homes which has been drawn on Sheet C-4 of 13 to protect the homes on proposed Lots 3 & 4.

Having no more questions from the Board, the public hearing was opened at 7:52 p.m.

*Betty Mencucci, of 1777 Victory Highway, Glendale, and President of the Burrillville Historical & Preservation Society*, voiced concerns regarding the cemetery and having access to it. She noted that the cemetery is known as the Howland Family burial lot, with records going back to the 1700's. As the property had been one large lot at one time, she said that easements to the cemetery could exist all over the entire area. She added that they have visited the cemetery before by entering through the existing cart path that starts at South Shore Road. She questioned whether that particular access wasn't considered. Chairman Partington explained that it had been considered but proved to be a contentious one, thus the reason for requesting the potential Walnut Hill Road access. Mrs. Mencucci questioned whether there would be parking for this access. Mr. Kravitz said there would not be.

*Peter Dexter, of 325 South Shore Road*, questioned whether there would be street parking for that access to take care of the cemetery. Mr. Kravitz said there would be, should it be decided that the access to the cemetery would be from Walnut Hill Road.

Mr. Tremblay asked Mrs. Mencucci to explain the conditions of the cemetery and whether a lawn mower was necessary for maintenance. Mrs. Mencucci explained that the cemetery is located within the woods, surrounded by stone walls. The cemetery is wooded, so it would not be possible to use a lawn mower; maintenance is conducted by using hand tools. She also noted that south of the cemetery the area is very dense and wet.

*Carlo Mencucci, of 1777 Victory Highway, Glendale*, questioned whether historically the existing cart path was ever the extremity of Buxton Road, which is located on the opposite side of Wallum Lake Road, and terminated at the lake. The Board was not familiar with question. Mr. Dexter added that he believed the cart path provided access to the lake when the State operated the property as the original Pine Harbor facility for handicapped children. Mr. Raymond stated that Mr. Dexter was correct - it was first created for the Pine Harbor facility. Mr. Mencucci further requested that the Board considered an easier access to the cemetery from Wallum Lake Road through the former Pine Harbor property. Mrs. Mencucci asked if a path would be created along with the access easement. Chairman Partington said that the Board could make it the responsibility of the developer. Attorney Partington noted that the path could be constructed through the easement.

*Paul Roselli, of 665 Maureen Circle, Mapleville, and Chairman of the Burrillville Land Trust*, voiced his opinion that a public right-of-way may not always be the right thing, in some cases, as sometimes nature prefers to remain undisturbed. He noted that that the BLT owns several properties, near the proposed development, though not abutting, and has had recent concerns with debris being dumped on the properties. He also asked if any guidance would be provided to the proposed association, holding the conservation easement, in regards to management of the wetlands area. Chairman Partington said that the developer will be

providing the Town with a forestry conservation plan for these areas, at final plan submission, as was previously discussed by Attorney Partington. Mr. Kravitz stated that the forestry plan had been a request from the Town's Conservation Commission.

Having no further questions from the audience, the public hearing was closed at 8:13 p.m.

*A motion to table the preliminary plan/public hearing for Pine Harbor Estates to a date certain of December 1, 2014 was then made by Mr. Ferreira, seconded by Mr. Pick and carried unanimously by the Board.*

Mr. Lupis returned to the meeting.

#### **VI. NEW BUSINESS:**

**Elk Crossing, Richard & Joyce Ducharme, Mount Pleasant Road, Burrillville; Map 62, Lots 26 & 28:** *Request for Release of Bonding:* The Board reviewed correspondence from Jeff McCormack, DPW Director, regarding his final inspection of Elk Crossing, the private roadway serving a rural residential compound on Mount Pleasant Road. The Board noted that according to Mr. McCormack's report, the roadway has been completed in accordance with the Town of Burrillville's requirements for RRC's. *A motion to approve the request for the release of a cash bond being held for the Elk Crossing RRC development was made by Mr. Ferreira, seconded by Mr. Lemek and carried unanimously by the Board.*

**Review/Discussion of Zoning Amendment:** *Allowing Wholesale Uses in the GC (general commercial) district:* Mr. Kravitz told the Board that the request is for a change in the Zoning Ordinance, Section 30-71. Zoning District uses in order to allow wholesale uses within the general commercial district. The request was prompted by communication with a small wholesale janitorial business that is looking to relocate to a property on Broncos Highway. Regulations require that the Planning Board review such a request, and forward a recommendation to the Town Council for an amendment. *A motion to forward a favorable recommendation to the Town Council on a proposed zoning amendment to allow wholesale uses in the General Commercial zoning district was made by the Chairman and seconded by Mr. Presbrey. The motion carried with 8 in favor (Partington, Felice, Lemek, Tremblay, Lupis, Pick, Desjardins and Presbrey) and 1 opposed (Ferreira).*

#### **VII. OTHER BUSINESS:**

**Report from Administrative Officer:** The Board reviewed the report from the Administrative Officer. They noted that in the month of October there were no Certificates of Completeness issued, no plans rejected as incomplete and no plans endorsed.

**Planning Board Discussions:** The Board had nothing further for discussion.

*A motion to adjourn was then made by Mr. Ferreira at 8:28 p.m. The motion received a second from Mr. Lupis and carried unanimously by the Board.*

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