

PLANNING BOARD MEETING of January 28, 2014: Town Hall Banquet Room

I. ADMINISTRATIVE BUSINESS

Chairperson, Wayne Hayward - Opened the meeting at 6:30pm. Mr. Hayward indicated to the Board and Public that the meeting was being recorded.

Quorum/Attendance

Members Present – Chairperson, Wayne Hayward, Francis Budryk, Kaisa Cripps, John Farrell, Jr., Rene Fleurent, Jr., Jeffrey Lucas, and Peter Nopper.

Absent: Vice Chairperson, Gary Staffon

Planning Director William Roth was in attendance.

Jeffrey Lucas made a motion to approve the January 14, 2014 minutes and was seconded by John Farrell, Jr. The motion passed unanimously.

Planning Board Bills:

None.

II. CURRENT PLANNING:

Receipt of Plans:

None.

Approval of Plans:

1. Form A – 20 Silver Shell Beach Drive – Patykula

Land Surveyor, John Romanelli was present representing Mr. Patykula. He requested the Form A be signed and said it was just an encroachment issue, and they were not changing any frontage. He said it was really just a liability issue.

Wayne Hayward asked if there was any reason why they just weren't squaring it off.

Mr. Romanelli said they wanted to go 5' from the retaining wall and keep the frontage.

William Roth explained from his Memorandum that the proposal was to adjust the property line between the two lots without altering the frontage of either lot.

Wayne Hayward confirmed that it was never a paper street, to which Mr. Roth agreed it was not.

Jeffrey Lucas made a motion to approve the Form A and was seconded by Peter Nopper. The motion passed unanimously.

While the Board members were signing the plans, Wayne Hayward announced that Peter Nopper and John Farrell, Jr. have taken out their papers for the Planning Board seats.

III. PUBLIC HEARING:

1. Special Permit – **Mary Vander Pol** – Earle Street – (con't from 12/10/13)

William Roth stated that the Engineer on this project, Mr. Ken Ferreira's wife had passed away this afternoon and Mr. Ferreira and The Vander Pol's have requested a continuance to February 25, 2014 due to the circumstances. Mr. Roth said that he has spoken to Mr. Ferreira and Ms. Vander Pol's son

regarding the different issues with this project and that he is hopeful they are looking into changing the subdivision and access.

Jeffrey Lucas made a motion to continue the Public Hearing for Mary Vander Pol to February 25, 2014 at their request and was seconded by John Farrell, Jr.

On the question, Kaisa Cripps said that she understood why the continuance was requested and she certainly wanted to extend her condolences to Mr. Ferreira; however she expressed serious concerns regarding the deed for the Paper Street. Ms. Cripps asked Mr. Roth if he had yet received such deed.

Mr. Roth said he had not yet received it.

Ms. Cripps said she was reviewing some case laws in Massachusetts, specifically Shaw vs. Solari, 1976 regarding adverse possession. She explained the similarities of the case law to this current situation regarding the Paper Street.

Ms. Cripps said it concerned her that the Board has yet to see the deed to the Paper Street, and she thinks the Vander Pol's were aware that someone is using the paper street as their driveway.

John Farrell, Jr. asked for Mr. Roth's opinion.

William Roth said he was unsure that the Board should be discussing this tonight, where there is a member of the Board missing and he didn't want to disqualify him in participating at the next meeting regarding this matter.

Mr. Roth did say that regarding adverse possession, it is a civil matter between the two parties.

Ms. Cripps said that she understood and that she was trying to protect the Board, as Mr. Ferreira said he would take the Planning Board to court if it the project was not approved and she just shared this as one of her concerns.

Ms. Cripps agreed to forward the case laws referenced to Mr. Roth, and in turn, he will forward them to the Board members.

The motion passed unanimously.

IV. **PUBLIC MEETING:**

1. Preliminary Subdivision – **Bruce Medeiros** – 16 Narragansett Blvd.

Before the Public Meeting began, Rene Fleurent, Jr. stated that as a voting member of the Board of Appeals he had heard the variance request at 16 Narragansett Blvd that was denied.

William Roth reviewed his Memorandum with the Board. He stated that a preliminary subdivision application has been submitted for the referenced lots, 16 Narragansett Map 30A, Lots 101, 102 & 103. He said that he doesn't personally like what they are proposing, a hammerhead configuration. Mr. Roth said it's not a density issue, but not having enough frontage is the issue. Mr. Roth proposed perhaps the eyebrow concept. He said there was no need to construct any more asphalt in this neighborhood.

Engineer, Dave Davignon on behalf of the applicant was present. Mr. Davignon stated that the lot is slightly under 32,000 sq ft and had attempted to divide the property without the construction of a roadway by applying for a variance from the Zoning Board of Appeals. He said specifically the ZBA petition proposed 2 lots each with 80' of frontage, however the application was denied with the ZBA on December 3, 2013.

Mr. Davignon stated the property contains enough lot area to create two building lots but is short 20' of frontage along Narragansett Boulevard to divide the land through the ANR process. He said they have Town Water and Sewer and utilities. He said they could do an eyebrow as suggested by Mr. Roth.

Mr. Davignon said this was a preliminary discussion and he was before the Board to discuss any ideas they may have.

Wayne Hayward had some questions on the numbers and the discrepancies on the frontage.

Discussion ensued on reviewing the discrepancies. Mr. Davignon stated there was a discrepancy with the Assessor's map, and that Lot 103 has an erroneous error.

Wayne Hayward said that the subdivision regulations radius is 50' not 25'. He said that basically it's just a "line" on paper and this will create an open door policy for anyone else in Town. Mr. Hayward said that the numbers are incorrect without the cul de sac.

Mr. Davignon said they would prefer the cul de sac vs. the hammerhead layout.

William Roth said there was no need to construct anything to do this, in his opinion.

Wayne Hayward said that the hammerhead layout does not meet the Planning Board's regulations.

Kaisa Cripps said that there were going to be too many waivers, and they would have to grant a lot of leniency, attracting everyone in Town saying they could do it as well. She said she believed this was not the type of plan that she would be in favor of at all.

Discussion ensued.

Wayne Hayward said that if the applicant could show on paper that they meet the regulations, then he guesses they would have to approve it.

John Farrell, Jr. asked if there was any thought of pulling the property light straight to Narragansett Street.

Jeffrey Lucas stated that that would then create non conforming lots.

More discussion ensued.

Rene Fleurent, Jr. stated that he felt the applicant was just trying to be creative to get a subdivision and that the Town's Bylaws were written for a reason.

More discussion ensued.

Mr. Davignon stated that they were fully willing to build anything the Board would like to see. He says they feel strongly the lot meets density just short on frontage and it's a shame they can't subdivide.

William Roth stated there were lots on Narragansett Street that didn't comply with the 15,000 square lot area and 100-feet of frontage.

Mr. Davignon offered three different concepts and asked for a straw vote from the Board on them. The three proposed concepts were as follows: 1) Build the hammerhead to your specifications, waiver to key shape of layout. 2) Layout same way, 20' leg into the property and 3) Do an eyebrow as you see here, and may be able to make it bigger.

Wayne Hayward referenced the layout that is on paper, the hammerhead layout would not fit and the eyebrow is only 25' radius.

Wayne Hayward said that the lot was just bought six months ago for \$84,000; just for the Board's information.

Wayne Hayward asked for a straw vote on the three proposed concepts, asking the Board members to raise their hand in favor of any of the three. No Board members raised their hands for any of the proposed concepts.

V. LONG RANGE PLANNING

1. Zoning Reform Bill
No new information
2. Master Plan Discussion

William Roth stated he has been very busy with Special Town Meeting approaching and on Budgets, which he hasn't done any work on the Master Plan. However, Mr. Roth stated that he plans on starting the discussion in March.

Rene Fleurent, Jr. stated that he feels for sure that the Board needs to start talking about a Master Plan in March.

3. Draft Flood Plain zoning Bylaw Amendment

William Roth stated that FEMA has given us there letter and the woman from the State had sent her recommendations. Mr. Roth referenced the letter in the member's packet. Mr. Roth said he wouldn't list the addresses and phone numbers as listed in the By-law.

Discussion ensued.

William Roth said he was looking to set up a Public Hearing for the By-law in February, but at the latest in early March.

Kaisa Cripps asked if a working meeting should be considered to discuss further.

Wayne Hayward said these were the required minimum changes.

William Roth stated that the State provided wording to comply with FEMA.

Kaisa Cripps made a motion to have William Roth set up a Public Hearing for 198-28 as soon as a date is available, no later than March and was seconded by Rene Fleurent, Jr. The motion passed unanimously.

V. CORRESPONDENCE

1. Town Attorney comments on Medical Marijuana Bylaw 2-12-14 STM Article #8

William Roth said that Attorney Crotty looked at the Medical Marijuana By-law a second time and had minor corrections. Mr. Roth reviewed the changes with the Board.

Kaisa Cripps said that the State was deciding on Thursday who gets permits.

Wayne Hayward said he reviewed the vote made on December 10, 2013 and there was a 7-1 vote in the positive to send the By-law to Special Town Meeting.

Kaisa Cripps made a motion to have William Roth make the changes as recommended by Town Counsel on the Medical Marijuana Bylaw and was seconded by John Farrell, Jr. The motion passed unanimously.

VII. OTHER BUSINESS:

None.

Kaisa Cripps made a motion to adjourn and was seconded by Francis Budryk. The motion passed unanimously.

The meeting ended at 8:06 p.m.

Respectively submitted,

Patricia A. Pacella
Recording Secretary