

MINUTES OF THE PLANNING BOARD MEETING OF NOVEMBER 2, 2009
SUBJECT TO APPROVAL AT THE NEXT REGULAR MEETING

I. CALL TO ORDER:

Meeting was called to order at 7:00 p.m., Jeff Partington, Chairman, presiding.

Members Present: Jeff Partington, Marc Tremblay, Leo Felice, Mike Lupis, Jim Libby, Christopher Desjardins and Jeff Presbrey.

Members Absent: Bruce Ferreira.

Others Present: Kevin Heike, Town Council Member, Joseph Raymond, Building Official, Thomas Kravitz, Planning & Economic Development Director, and Christine Langlois, Deputy Planner.

II. ATTENDANCE REVIEW:

The Chairman acknowledged that Mr. Ferreira was on vacation.

III. ACCEPTANCE OF MINUTES:

The **minutes of the Planning Board meeting of September 14, 2009** were read. *A motion to approve the minutes as presented was made by Mr. Presbrey, seconded by Mr. Desjardins and carried unanimously by the Board.*

IV. CORRESPONDENCE:

- Letter of Resignation from Planning Board member Rick Lemek. Mr. Partington offered the Board's regrets on Mr. Lemek's resignation and wished him well.
- Copy of a Correspondence sent to Harrisville Village from the Town Planner
- Letter from Attorney Eric Brainsky regarding the status of the O'Keefe Land Development permitting process

V. NEW BUSINESS:

Minor Subdivision:

Gerald L. Lapierre & Nasonville Fire District, Douglas Pike & Victory Highway, Nasonville; Map 114, Lot 27 & 32: *Corrective Plan Review/Advisory to Zoning Board:* Ms. Erin Gallogly, Project Manager, from Marc Nyberg Associates, was in attendance to represent the request as well as Mr. Gerald Lapierre, property owner/applicant and Assistant Chief Edward Raposo, of the Nasonville Fire Department. Ms. Gallogly began the discussion by stating that in 2007 an administrative plan for Mr. Lapierre and Nasonville Fire District was submitted to the Planning Department for review. This plan illustrated the swapping of property between both parties – joining approximately 13,166 feet of Mr. Lapierre's land to the rear portion of the Nasonville Fire Department's lot and granting approximately 11,337 feet of land to Mr. Lapierre's lot from the Nasonville Fire Department lot along Victory Highway. This would grant frontage to Mr. Lapierre along Victory Highway and would give the Nasonville Fire Department rear area to construct a much needed addition to the station. The plan was reviewed by the Planning Department, found to be in conformance with zoning, endorsed and subsequently recorded by the applicant. She explained, however, that a survey error had been discovered by her firm who proceeded to prepare a revised plan and resubmit to Planning. This plan, however, would require zoning relief (a dimensional variance) from the frontage requirements,

because the property is located in an aquifer overlay district, as the frontage for the Nasonville Fire Department had been reduced with the land swap. She noted that the revised plan would require an advisory opinion from the Planning Board to the Zoning Board on the granting of this relief. Mr. Kravitz asked if the Fire Department had developed a schedule for construction of the proposed addition. Assistant Chief Raposo stated that presently the Fire Department is conducting a feasibility study to see whether a new addition is needed. He noted that the Fire Department's generator and propane tank is currently encroaching on Mr. Lapierre's property. The land swap would allow the Fire Department to eliminate this encroachment.

A motion to approve the administrative plan and to forward a favorable advisory to the Zoning Board in support of the dimensional relief from frontage was made by Mr. Libby as it is a policy of the Comprehensive Plan, specifically Chapter III – Community Services & Facilities – Fire Districts, III.1.c [to] “Maintain and support the high quality fire protection and emergency rescue services provided by the volunteer fire companies of the Town’s Fire Districts. The motion received a second from Mr. Tremblay and carried unanimously by the Board.

Michael & Diane Young, Mowry Street, Harrisville; Map 178, Lot 9: *Preliminary Plan Review:* Mr. Michael Young was in attendance to represent the request. He told the Board that he would like to subdivide his property to create a 40,000 sq/ft house lot for his son who wishes to return to Burrillville to live. The plan shows the creation of a lot that conforms to the R-40 zoning district both in area and frontage. He noted that he has received approval from RIDEM for an onsite septic system and that RIDEM Wetlands has verified the wetland edges adjacent to the proposed new house lot.

As there were no questions from the Board, a motion to approve the minor preliminary subdivision plan for Michael & Diane Young was made by Mr. Felice in accordance with RIGL Sections 45-23-60: the subdivision is consistent with the Comprehensive Plan Chapter V – Housing, Policy V.1.a and Implementation Action V.1.a.1; the application is in conformance with the Town’s Zoning Ordinance regarding lot dimension and use; there will be no negative environmental impacts as evidenced by the RIDEM Soil Profile Evaluation Form dated September 29, 2009; the subdivision will not result in the creation of unbuildable lots; and the subdivision will create two lots that will have adequate and permanent physical access to Mowry Street. The motion received a second from Mr. Lupis and carried unanimously by the Board.

Irene Nolda, Central Street, Burrillville; Map 178, Lot 9: *Preapplication Plan Review:* Mr. Norbert Therien, of National Land Surveyors-Developers, Inc., was in attendance to represent the request. Before he began the discussion, Mr. Therien pointed out a slight change he had made to the location of the aquifer zones that differed from the plans the Board had originally received, although the change does not affect the overall request that was stated in his narrative as the A-100 zone still applies. He also handed out to the Board a copy of the aquifer overlay zoning districts overlaying the parcel being discussed. He began the discussion by explaining that the property is located on Central Street, and runs from Central to Clear River Drive, being approximately 300 feet wide by 1000 feet long and containing approximately 7 acres. He explained that the first 312.5 feet from Central Street lies within the R-20 zoning district; the rest of the property is

within the General Industrial (GI) zoning district as well as the previously mentioned aquifer overlay zones (A-80; A-100; A-120). The proposal allows for the creation of a new lot line along the existing zone line between the R-20 and GI districts – creating a new lot, containing 4.731 acres, within the GI district and fronting, with a little over 300 feet, on Clear River Drive and the remaining existing lot containing 2.365 acres and 321.95 feet of frontage on Central Street. The areas on both lots would conform to the aquifer overlay zones; however, the frontages would require dimensional relief from zoning. He noted that an on-site septic system approval was received today for an industrial use, which he proceeded to hand in to the Chair. He noted the presence of wetlands on the site, stating that Scott Rabideau, of Natural Resource Services had previously verified wetlands in the area for the Industrial Foundation, which shows the wetlands on the most northerly portion of the property. There is also an existing 75-foot electrical transmission line pole easement on the property which would have to be crossed for access. Any potential owner would need to gain approval to cross it. The property would also support an on-site well. He stated that the applicant was seeking approval of the plan, with a favorable recommendation to the Zoning Board on the granting of the necessary variance. He then asked if there were any questions from the Board.

Mr. Presbrey questioned whether Clear River Drive was an improved Town roadway. Mr. Therien stated that it was a Town approved road but the roadway would require some work within the area of this proposed lot.

Mr. Tremblay asked why a zoning variance was required as there is an existing house on the front portion of the lot. Mr. Therien stated that whenever an existing lot is modified, even though the existing lot does not contain sufficient frontage, any modification to the lot would require relief from the Zoning Board. He added that the hardship was not created by the applicant – it is simply a characteristic of the property. Mr. Tremblay then asked if this new lot configuration would tie into any existing industrial development plan. Mr. Kravitz explained that there is not any existing development plan; however, there is a chance here to develop more industrial land as the Burrillville Industrial Foundation has recently purchased adjacent lots.

As this submission is only a pre-application, Mr. Kravitz advised Mr. Therien that the Board was unable to render a decision or offer an advisory opinion until the Preliminary plan was submitted. He suggested a potential waiver on the roadway improvements, but perhaps the Board could require improvements be conducted prior to a building permit being issued, or bond it.

Major Subdivision/Land Development:

Smith Estates, Hill Road, Pascoag; Map 124, Lot 81: *Request for Bond Reduction:*

The Board reviewed a request from the developer of Smith Estates for a reduction in the amount of the bond currently being held by the Town as surety for completion of the roadway. The Board also reviewed a memo from the DPW Director, Richard Bernardo, offering a positive recommendation for the bond reduction. *A motion to reduce the bond amount for Smith Estates to \$68,000 was made by Jeff Presbrey. The motion received a second from Mr. Desjardins and carried unanimously by the Board.*

Pascoag Village Development, South Main Street, Reservoir Road & George Eddy Drive, Pascoag; Map 210, Lot 23: Comprehensive Permit – Conceptual Plan Review:

Attorney William Landry, Scott Moorehead, of SFM Engineering John O’Hearne, of O’Hearne Associates, and Terri Barbosa, of Neighborworks were in attendance for the presentation. Before Attorney Landry began his presentation, Mr. Kravitz told the Board that he had displayed on the easel, for their benefit, previous conceptual proposals for development of this property. The first proposal, for 127 lots, was from March 1997. The second proposal was from the same year but with more of a clustering effect. A more recent proposal was from June 2002, which was in accordance with the special zoning of that parcel (R40*1), at that time. This concept involved several parcels. He then turned the floor back to Attorney Landry.

Attorney Landry told the Board that the applicant was before the Board this evening on a Preapplication context, so that they would provide them with just the basics. He noted that Rhode Island Housing is still the current owner of the property, which contains approximately 207 acres, and is located between South Main Street and Reservoir Road. He explained that Neighborworks is the developer and that the proposal is for the creation of two distinct neighborhoods – each attempting to meet the affordable housing needs of the Town in accordance with the Town’s Comprehensive Plan. One neighborhood would be created off of Reservoir Road, utilizing George Eddy Drive as access, and known as the Fernwood neighborhood, containing 75 single-family homes on approximately 100 acres. An existing farmhouse would remain and be retained by its current owner. This development would be a mix of two-bedroom and three-bedroom units, together with associated green space and a recreational parcel. The development proposed for off of South Main Street would be referred to as Greenridge and would contain 45 rental units, on approximately 64 acres, with associated open space and is scheduled to be built first. There would be 3 one-bedroom units, 12 two-bedroom units and 30 three-bedroom units, as duplexes and triplexes, with a community center for residents as a compact-type approach for this site. He added that following smart growth principals, approximately 88% of the property will be preserved as open space.

From an affordable housing approach, Attorney Landry stated that there are two significant things about this project: the project is 100% affordable, targeting households at 80%, or less, of area median income; this particular site has been specifically included in the Town’s Comprehensive Plan; which brings the Town very close to the State requirement that 10% of the housing stock has to be affordable. He added that public water and public sewer are available to the site and approvals have already been received.

Attorney Landry then told the Board that when the project is submitted for Master Plan review, the applicant would be looking to proceed with the rental component first at RIDEM as a distinct project. Because the 207 acres is one large parcel, the applicant could not begin one side without RIDEM’s review of the entire parcel. The applicant wishes to proceed with each component independently so an administrative plan would be submitted. He said that they would be asking the Board to review and approve the Master Plan for the entire parcel, and then allow them to proceed with to Preliminary as two separate phases (two separate projects), so that they can proceed with the rental component first.

He then turned the presentation over to Scott Moorehead, of SFM Engineering, to outline the key site design features.

Mr. Moorehead told the Board that the Pascoag Utility District has located two of their wells, one active and one inactive, on the property and proceeded to point out their locations. He noted that the utility district was one of the overriding reasons why sewer availability approval was immediately sought for the single-family development as a means of protection for their wellheads. Preliminary sewer availability has been received for both projects of the development as well as water service availability. He added that detailed engineering still has to be completed.

Mr. Moorehead stated that there are a significant number of wetlands throughout the center of the site, which they have tried to stay away from. He noted the multi-family development does not affect the wetland buffer; the single-family development stays completely away from any wetland areas except where George Eddy Drive runs from Reservoir Road. He explained that drainage would be handled in multiple watersheds so there will be no increase in runoff; it will discharge into the various wetlands in the same manner as it currently does today. No abutting properties will be impacted.

Continuing, Mr. Moorehead told the Board that a traffic study had been conducted in 2007 with projections to 2012, and showed no significant impact to current level of traffic on Reservoir Road or South Main Street. Mr. Desjardins questioned the time of day when the traffic study was conducted. Mr. Moorehead said it was conducted in both the morning and afternoon for Reservoir Road, South Main Street/Lapham Farm Road intersection, Reservoir Road/South Main Street intersection, Reservoir Road/Route 44 intersection, and Route 100/Route 44 intersection (off site). Mr. Presbrey questioned the number of trips the study projected for Reservoir Road from the 75 single-family houses. Mr. Moorehead said that the study, of the George Eddy & Reservoir Road intersection, showed that 2/3's of the traffic moved toward Route 44, not South Main Street. He noted the levels of service did not go down because the volume of traffic on Reservoir Road was quite light for a two-lane roadway. All of the current levels of service would remain the same. Mr. Presbrey questioned whether they had investigated a continuous roadway through the site. Mr. Moorehead pointed out significant wetland areas that prohibited a continuous roadway and seriously increase the cost of development, impacting the affordability aspect. Mr. Presbrey expressed concerns with the 75 vehicles exiting onto Reservoir Road and questioned whether the applicant would consider eliminating some of the units off of Reservoir Road and adding them to the development area on South Main Street. Attorney Landry said they could revisit the traffic report to address Mr. Presbrey's concerns. Mr. Presbrey questioned the site distance at Reservoir Road. Mr. Moorehead said the site distance was 400 feet in either direction. Mr. Presbrey suggested reconfiguring the lots, to the west of the emergency access road, by allowing for larger front yards, as he is very concerned with the length of the dead-end road.

Mr. Presbrey then stated that he was very pleased to see the amount of open space being preserved. He added that because this project is a 100% affordable housing project, the amount of taxes generated would not be enough to meet the increased costs for services. He suggested the developer consider allowing Burrillville town residents access to utilize the open space areas. Attorney Landry said he would discuss it with the applicants.

Mr. Desjardins asked how the taxes are assessed on affordable units. Attorney Landry said that the taxes are based on the sale price. The deed restrictions stay with the property so the houses can only be sold to individuals who are at 80%, or less, of the median income area. Mr. Moorehead added that Ms. Barbosa had told him that the current sale price of a single-family house is at \$240,000 or \$245,000 but that figure fluctuates with the economy and interest rates. Mr. Kravitz added that he recently spoke with Annette Bourne, of RI Housing, who had given him the current rates. He said that the figure provided is an average price for a three-bedroom home. Mr. Desjardins stated that he agreed with their concept; however, did not feel comfortable with 100% of the project being affordable. He noted that at 20%, the impact is less than having the whole project being affordable.

Mr. Libby stated that he somewhat agreed with Mr. Desjardins in that the Board currently requires many developers, who are doing conventional, market rate subdivisions to include affordable housing so they are not “rich” neighborhoods. By doing the opposite, providing a 100% affordable neighborhood, without any market rate at all, seems to have the similar effect of somewhat segregating people in some respects. He also noted that the Town is currently short on the 10% requirement, but when compared to neighboring towns, the Town is doing very well at getting closer. According to the Housing Works 2008 Fact Book, the Town only needs another 69 units in order to meet the 10% threshold. He questioned if the Town was obligated to exceed the required 10%, and questioned whether the Town was legally obligated to allow 100% affordable. He noted that the surrounding neighborhoods would question whether the full affordable is necessary.

Attorney Landry pointed out that Neighborworks is a non-profit organization and their goal is to always provide 100% affordable housing. With the Stillwater Mill project, they were unable to provide 100% because of the cost of the project. He added that with 80% of median, they generally refer to it as “worker” housing – working families that contribute to the Town. Mr. Libby also asked why the developer is asking the Town for a “financial investment” in the form of a density bonus, as was stated in the narrative. The density bonus would not be necessary if there were a few market rate units. He pointed out that the Comprehensive Permit process mandates disclosure of the funding for this project. Attorney Landry noted that private, for-profit developers would require the density bonus in order to make the project feasible. Mr. Kravitz interjected that he understood the Board’s frustration because, on paper right now, with this project, the Town would sit at 11.3%. Perhaps some of the proposed units could be sold at market rate, then remove a few units from the Reservoir Road development in order to satisfy the concerns of the Board. Attorney Landry said that he believed some of the funding for this project was granted based upon the merits of the project. He would have to meet with the developers to understand how changing some of the units to market rate would affect the project.

Mr. Libby questioned whether the mature tree growth along South Main Street in the Greenridge development could be selectively trimmed or preserved. Mr. Moorehead said that Diane Soule has been retained as the landscape architect for the project, and he was sure she would welcome the suggestion. He noted that the streetscape is something that would definitely want to be preserved.

Mr. Libby then made note that according to Section NFPA 1141 of the fire code, in regards to Planned Building Groups in rural and suburban areas, there is a mandate that buildings are to be set 30 feet apart, and the property line setback is 30 feet. He pointed out that the proposal plan showed the buildings 15 feet apart and 50 feet back from the property line, noting that the applicant is also asking for several dimensional variances. In light of this situation, he suggested that the Board seek the opinion of the local fire chief as to whether the fire code applies to this proposal. He suggested that the applicant take a serious look at their building elevations.

Mr. Libby also noted that the Comprehensive Permit process requires submission of a development schedule with starting and completions dates, not to exceed a five-year period. The narrative provided to the Board proposes a project commencement date of 2010 and a completion date based upon market conditions. He voiced concerns with that statement as current projects underway in Town have not been completed because of the current market conditions and suggested they consider phasing for a more realistic timeframe.

Mr. Libby noted that he has reviewed the building elevations and found the look to be very attractive; however, there is a conflict on the type of building materials being proposed. The elevations are labeled cement board, hardy-plank type siding, which is a good material for this type of development as it is non-combustible. The narrative states that the proposed building materials are vinyl, hardy plank or some other material. He suggested they stipulate the hardy plank type material, which is common for most affordable housing developments.

Mr. Libby then pointed out on Page 5 of 8, of the narrative, the statement is made that "These include a proposed municipal subsidy from the Town of Burrillville in the form of density bonuses pursuant to the Town's State approved Affordable Housing Plan, . . ." He questioned when does the Town grant a density bonus as a municipal subsidy? Mr. Kravitz said the density bonus subsidy is within VPD district, and that the statement had been removed from the first section of the narrative but it still was noted on page 5. Attorney Landry stated that any waiver is considered a municipal subsidy.

Mr. Partington suggested they consider a phasing plan for the 75 single-family houses off of Reservoir Road. Attorney Landry said that was the applicant's intent. Mr. Partington requested that the phasing proposal be placed on the plan. In regards to the development off of South Main Street, Mr. Partington suggested they consider saving as many unique features of the land that are available in that area. Mr. Moorehead said that both developments have the intent of being pedestrian friendly, compact development. Mr. Partington questioned placing "housing" within the green space in the Greenridge development. Mr. Moorehead stated that the building within the green space is a community center for the residents.

Mr. Tremblay questioned when the traffic study was completed, was there any mention of a need for reconfiguration at the intersection of Lapham Farm Road and South Main Street or the installation of a traffic light. Mr. Moorehead said that there was not enough traffic to warrant a light. He did state that they were considering some type of channeling

to direct traffic on Lapham Farm Road as there appears to be a sea of asphalt at its intersection with South Main Street. This can all be worked out with RIDOT at the Preliminary plan stage.

Mr. Tremblay then suggested that because there is a concentration of families in the Greenridge development, the applicant consider some type of recreational use, other than a park with a gazebo, for the upland area to the rear of the development. Mr. Presbrey asked Mr. Tremblay if he had any opinion regarding the open space. Mr. Tremblay, being a forester, expressed an interest in seeing some natural resource management or some sort of natural resource stewardship plan, whether habitat or whatever, for the outlying areas of the open space, such as trail access.

Mr. Kravitz told the Board that the Preapplication conference could have been addressed by himself and Mr. Raymond; but he chose to let the Board review this stage. The timeframe for review is generally the same as a regular land development – Master Plan, Preliminary and Final.

Terri Barboza, of Neighborworks, asked the Board if they would prefer to mix the single-family and rental units vs. each development separate unto itself. Mr. Kravitz said that he believed that was not the case - that the Board was looking to see if some market rate units could be mixed in. Ms. Barboza pointed out that in regards to the homeownership, they would be targeting 120% of median family income and below, not just 80%. She added that the current home prices are \$212,000 for a two-bedroom and \$245,000 for a three-bedroom.

Mr. Desjardins asked for the definition of affordable housing in Burrillville. Mr. Kravitz stated that the philosophy of the State statute calls for providing worker/work-force type housing. Attorney Landry said it is low- and moderate-income housing. Low income is generally 60% of median income; moderate-income is 80-120% of median income. He noted there is a need in all cases. When dealing with homeownership, it is very difficult to create homes to serve the real low income. There is virtually not enough subsidy funds to help everyone. Most of these projects have to target 100% affordable. Mr. Kravitz asked how many of the units are Neighborworks trying to target at 120%. Ms. Barboza said she didn't have the figure with her this evening. The Board suggested that when the public hearings are scheduled, she should provide photos and displays of the type of housing units they provide and maintain so that the public can be assured these developments will be maintained.

OTHER BUSINESS:

Report from Administrative Officer:

Mr. Kravitz noted that during the months of September and October, Certificates of Completion were issued for the following: **David J. McGuinness, Grove Street, Pascoag** (Administrative – 3 lots merged into 2 lots); **Irene Nolda, Central Street, Harrisville** (Conceptual Minor Subdivision – 2 lots) 2nd submission; **Boistown Estates, Knibb Road, Pascoag** (Final Minor RRC Subdivision – 5 lots); **Michael & Diane Young, Mowry Street, Harrisville** (Preliminary Minor – 2 lots) 2nd submission; **Gerald Lapierre & Nasonville Fire District, Douglas Pike & Victory Highway, Nasonville** (Minor Corrective Plan – 2 lots); and **Pascoag Village Development, South Main**

Street, Reservoir Road & George Eddy Drive, Pascoag (Conceptual Major – Comprehensive Permit – 120 units). The following plans were rejected as incomplete: **Irene Nolda, Central Street, Harrisville** (Conceptual Minor Subdivision – 2 lots) 1st submission; and **Michael & Diane Young, Mowry Street, Harrisville** (Preliminary Minor – 2 lots) 1st submission. The following plan was endorsed: **David J. McGuiness, Grove Street, Pascoag** (Administrative – 3 lots merged into 2 lots); and **Boistown Estates, Knibb Road, Pascoag** (Final Minor RRC Subdivision – 5 lots).

Planning Board Discussions:

Update on the Senior Center from the Senior Task Force Liaison for Discussion, Consideration & Action: Noting that Mr. Ferreira was unavailable to provide an update, Mrs. Langlois informed the Board that the Town Council had disbanded the Senior Task Force Committee, at their last meeting, with thanks for all of their efforts.

As there was nothing further for discussion, a motion to adjourn was made at 8:40 p.m. by Mr. Desjardins, seconded by Mr. Felice and carried unanimously by the Board.