



## Burrillville Planning Board

### Meeting Minutes-August 3, 2020

7:00PM

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This meeting was held in accordance with the provisions of the Governor's Executive Order 20-46. All members of the Burrillville Planning Board participated remotely. Members of the public attended via means listed below:

**ZOOM Meeting ID#:** 987 9930 1573      **Password:** 232688      **Phone:** 888-788-0099

**Link:** <https://zoom.us/j/98799301573?pwd=Q2ZyYWwrS1FHcFFIOVNSNkoxTUlsdz09>

**CALL TO ORDER:** Secretary Bruce Ferreira called the meeting to order at 7:00pm.

**ATTENDANCE REVIEW:** John Bonin Jr., Christopher Desjardins, Stephen Foy, Michael Lupis, Bruce Ferreira (Secretary), Ken Raspallo Dov Pick were present. Leo Felice (Vice Chair) absent.

**ACCEPTANCE OF MINUTES:** July 13, 2020 & July 20, 2020 minutes

**Bruce Ferreria made a motion to accept the July 13, 2020 and July 20, 2020 minutes. The motion was seconded by Ken Raspallo and carried unanimously by the board.**

**CORRESPONDENCE:** Letter from Caitlin Frumerie, LISW executive director Rhode Island Coalition for the Homeless re: restroom and handwashing access for vulnerable populations.

Planner Ray Goff summarized the letter stating that there is funding available to provide portable restrooms in communities whose vulnerable populations may not otherwise have public restroom access during this time of Covid-19 restrictions. The Board requested the letter be forwarded to the Town Council in the event that they did not already receive a copy. The Board decided that no action is required at this time.

#### OLD BUSINESS:

**Election of Planning Board Officers.** Appointment of Chairman. Review of Burrillville Municipal Code Part I, Article XII, Sections 12.01, 12.02 and 12.03. Continued from 7/13/2020.

[https://library.municode.com/ri/burrillville/codes/code\\_of\\_ordinances?nodeId=PTICHSPAC\\_SPACH\\_A\\_RTXIIDEPLDE](https://library.municode.com/ri/burrillville/codes/code_of_ordinances?nodeId=PTICHSPAC_SPACH_A_RTXIIDEPLDE)

Planner Ray Goff stated that Vice Chairman Leo Felice is not interested in the Chairman position. Secretary Bruce Ferreira was the only member to express interest. **A motion was made by Ken Raspallo to appoint Bruce Ferreira as Planning Board Chairman. The motion was seconded by Stephen Foy and carried unanimously by John Bonin Jr., Christopher Desjardins, Stephen Foy, Michael Lupis, Bruce Ferreira, Ken Raspallo and Dov Pick.** Stephen Foy expressed his interest in the now vacant Secretary seat. With no other members wishing to be considered, **a motion was made by Bruce Ferreira to appoint Stephen Foy as Planning Board Secretary. The motion was seconded by Ken Raspallo and carried unanimously by John Bonin Jr., Christopher Desjardins, Stephen Foy, Michael Lupis, Bruce Ferreira, Ken Raspallo and Dov Pick.**

#### Bronco Highway Solar/Going Green Realty, AP 113 Lot 11:

Master Plan Review, Major Land Development Solar Project, 750 kW AC/985 kW DC 91,500+/- square feet canopy solar energy system, no road, accessed via an existing driveway off of Broncos Highway. Review application made to the Town Council for an Amendment to Chapter 30, Zoning, Section 30-31 (C), Zoning

districts and zoning map by changing the zoning district of Map 113, Lot 011 from Village Commercial (VC) to General Commercial (GC). Recommendation to the Town Council. Continued from 7/13/2020.

<https://www.burrillville.org/sites/burrillvilleri/files/uploads/2727-002-mstr-sbmp-opln-20190913.pdf>

Presenting this application were Buzz Becker, Development Manager from Hexagon Energy and Audie Osgood, Engineer from DiPrete Engineering. Planning Consultant Edward Pimental was also present. Buzz Becker stated that there have been no revisions to the Master Plan as the Board was satisfied with it at the February 3, 2020 review. He explained that the Master Plan application was continued to allow for a Zone Map Amendment Application (from Village Commercial (VC) to General Commercial (GC)) to be submitted to the Town Council. Buzz Becker explained that a zone change to General Commercial is necessary to allow the “motor freight terminal” on the property.

Audie Osgood gave a brief review of the plans and described the array as 1.5 acres in the southwest corner of the property consisting of two canopies that are 125 wide and supported by poles every 27 feet. Mr. Becker stated that traffic engineer Paul Bannon would conduct a traffic safety analysis at the Preliminary review stage. Edward Pimental then reviewed his report in which he found the plan consistent with the Town’s Comprehensive Plan. Buzz Becker requested positive recommendations from the Board to the Town Council for the Zone Map Amendment and to the Zoning Board for a Special Use Permit.

The Board expressed no concerns with the proposed plan and agreed that this parcel is appropriate for General Commercial Zoning. Bruce Ferreira made a recommendation for approval of the master plan conditioned upon the Town Council granting the Zone Change Amendment. Bruce Ferreira then stated that a positive recommendation will be forwarded to the Town Council for the Zone Map Amendment. Additionally, a positive recommendation will be forwarded to the Zoning Board for a Special Use Permit, subject to the Town Council approving the zone change to General Commercial.

**Motion by: Bruce Ferreira and seconded by Dov Pick and carried unanimously by John Bonin Jr., Christopher Desjardins, Stephen Foy, Michael Lupis, Bruce Ferreira, Ken Raspallo and Dov Pick that the Petition for the Master Plan Submission for Bronco Highway Solar, 2205 Bronco Highway, Burrillville, RI Assessor’s Plat 113 Lot 11 be approved and a positive recommendation be forwarded to the Zoning Board for a Special Use Permit with the following conditions:**

- 1.) Town Council adopting amendment to Chapter 30, Zoning, Section 30-31 (C) , Zoning districts and zoning map by changing the zoning district of Map 113, Lot 011 from Village Commercial (VC) to General Commercial (GC).**
- 2.) Further, the board recommends that the uses of this parcel be limited to only those identified in the zone change request.**
- 3.) The board finds that pending the zone change to GC, the board makes a positive recommendation to the Zoning Board of Review for a Special Use Permit.**

#### **Findings of Fact:**

The Land Development is consistent with the Town’s Comprehensive Plan, specifically, Chapter VII Economic Development, Policy VII.1.b. “Support the use of renewal energy for both commercial and residential interests” as it provides an appropriate site for a commercial solar project;

The Land Development complies with the standards and provisions of the Burrillville Zoning Ordinance, pending approval of a Zone Change from VC to GC by the Town Council;

The Land Development will have no significant environmental impacts, with the approval of remediation activities approved by RIDEM for prior wetlands violation and by providing evidence that the development is located outside of any environmentally sensitive areas.



The Land Development will not result in the creation of an unbuildable lot as there are existing structures and two businesses located on the property and the solar project is an additional use of the property.

The Land Development has permanent physical access to Bronco Highway, which will be improved subject to the approval of the development plan.

The Board finds that the Development Plan for the existing businesses (Pool Pirate and Northwest Trucking) and the solar canopy facility are consistent with the Comprehensive Plan, Zoning Ordinance and Land Development Regulations pending other appropriate approvals from the Town Council and Zoning Board.

**Log Road Solar, Pole 33 Log Road, AP 237, Lot 5:**

Pre-Application Review, Major Land Development: acre 4.997 MW ground mounted solar energy system. Continued from 7/13/2020

[https://www.burrillville.org/sites/burrillvilleri/files/uploads/econox\\_renewables\\_log\\_road\\_pre\\_application\\_plans\\_5-20-20.pdf](https://www.burrillville.org/sites/burrillvilleri/files/uploads/econox_renewables_log_road_pre_application_plans_5-20-20.pdf)

Attorney Helen Anthony of Handy Law, LLC and Mr. Scott Milnes and Mr. Steve Kerr of Econox Renewables Inc. were in attendance.

The Board discussed their July 20<sup>th</sup> site visit. This visit was requested at the July 13, 2020 meeting to view the land for a ground mounted solar project and to determine its the appropriateness in a F5 zone where solar energy systems are not allowed. The Board members all stated that this former gravel pit site would be ideal for a ground mounted solar field. They expressed concerns with making a favorable recommendation to the Zoning Board for a use variance without further defining in the solar ordinance that gravel pits, sand banks, brown fields are all preferred siting for solar energy systems due to the challenge they pose for residential development. The Board would feel more comfortable if there were clear verbiage defining when and how solar energy systems would be allowed on these identified sites when the site is located in a zone where solar energy systems are not an allowed use.

**NEW BUSINESS:**

**Labossiere, Michael & Gail, 303 Snake Hill Rd, AP 164 Lot 1, Public Hearing:**

Preliminary Plan Review, Minor Subdivision, Rural Residential Compound, two lots, no road.

[https://www.burrillville.org/sites/g/files/vyhli2886/f/uploads/merge\\_result\\_plans.pdf](https://www.burrillville.org/sites/g/files/vyhli2886/f/uploads/merge_result_plans.pdf)

Attorney Scott Partington and Surveyor Norbert Therian presented the plan on behalf of applicants. Norbert Therian reviewed three plans showing the possible subdivision of the property. The first two were conventional subdivisions yielding 2 and 3 lots and the third was a rural residential compound plan which proposed two buildable lots with over 50% of the area or 12.0765 acres reserved for open space. Norbert Therian stated that the applicants are proposing approval of option three.

Planner Ray Goff read two letters of correspondence received on August 3. The first was a letter of opposition from Elaine Boutilier, the Life Estate resident of the existing home on this property. This letter was delivered to the town annex building by abutter Edward Szymanski. The second document was a Life Estate Agreement signed by Elaine Boutilier and the applicants, Michael and Gail Labossiere. This document was e-mailed from the applicant's attorney Scott Partington. Ray Goff stated that the Town Solicitor, William Dimitri has reviewed the two documents and provided his opinion that there are no legal concerns at his time.

Attorney Partington stated that that Elaine Boutilier was aware of the Labossiere's intention to subdivide the land and build a house and also signed agreeing to such in the Life Estate Agreement. He added that she does not have any ownership rights to this property.

Bruce Ferreira opened the Public Hearing. First to speak was Attorney Matthew Landry, who represents Edward and Cynthia Szymanski of 275 Snake Hill Rd. He expressed opposition to the subdivision on behalf



of his clients stating that it goes against the Town's Comprehensive Plan and fails to preserve the heritage and landscape offered in the F5 zone. Attorney Landry stated that the proposed plan will negatively impact his client whose shed is 25 feet from the northern property line. He also stated that the applicant does not have evidence of hardship and there is already an existing use for the property. Attorney Landry added that it is his opinion that comparison of this plan to the existing smaller neighboring lots is unjust as those were created under different zoning. Attorney Landry stated that Life Tennant, Elaine Boutilier does have ownership rights and questioned the legality of the land development application because Ms. Boutilier's name and signature is not included on the application as an owner. Next to speak was Mr. Robert Ogg of 435 Snake Hill Rd who asked who would own and have access to the open space. Bruce Ferreira explained that the owner(s) would form an association, which would allow each property owner to own and access to the open space. Next to speak was Kathleen Vincent of 205 Snake Hill Rd. who expressed concern regarding impacts on the wetlands in regards to plan one and two. Norbert Therian explained that the applicants have opted for option 3 where there is no proposed development near the wetlands. In option three, the wetlands are located in the open space, hundreds of feet from the proposed dwelling. Having no further public comment or questions, Mr. Ferreira closed the public hearing portion of the meeting.

Mr. Ferreira opened up questions from the Board. Several Board members expressed concern regarding the legal rights of the life tenant residing in the existing house on the property and requested further legal review from Town Solicitor, William Dimitri.

**Motion by Stephen Foy to continue Labossiere, Michael & Gail, 303 Snake Hill Rd, AP 164 Lot 1 to the September 14, 2020 meeting to allow for the Town Solicitor to review and comment on the legal right questions regarding Life Tenancy. Motion was seconded by Dov Pick, carried by John Bonin Jr., Christopher Desjardins, Stephen Foy, Michael Lupis, Bruce Ferreira and Dov Pick and opposed by Ken Raspallo who stated that the Town Solicitor has already provided his opinion on the legal concerns.**

**Adler Properties, LLC, Clear River Industrial Park, Aspen Way AP 179 Lot 118:**

Request for reinstatement of approved Preliminary Plan from 6/19/2007.

[https://www.burrillville.org/sites/g/files/vyhlf2886/f/uploads/adler\\_properties\\_aspen\\_way\\_clear\\_river\\_industrial\\_park\\_plan\\_dated\\_may\\_2006.pdf](https://www.burrillville.org/sites/g/files/vyhlf2886/f/uploads/adler_properties_aspen_way_clear_river_industrial_park_plan_dated_may_2006.pdf)

Jeremiah Adler and Scott Adler of Adler Properties, LLC discussed the reinstatement request. Mr. Adler stated that the economy slowed down in 2007 and as a result, they decided to hold off on the development plan. He explained there is now interest in the 70 x 120 proposed building and Adler Properties is seeking reinstatement of the Preliminary Plan. He stated there are no revisions to the plan. Bruce Ferreira stated that he would recommend to reinstate with the previously agreed upon conditions found in the original Preliminary Plan Findings of Fact. With no concerns expressed by the Board, **a motion was made by Bruce Ferreira to approve the Petition to reinstate the Preliminary Plan approval for Adler Properties, LLC, Clear River Industrial Park, Aspen Way, AP 179 Lot 19 with the following conditions:**

- 1. The applicant must secure current RIDEM wetland and UST reinstatements/approvals.**
- 2. The applicant must comply with the 2009 Findings of Fact condition of: setting the building location back a minimum of three (3) feet to allow for additional landscaping.**
- 3. The Administrative Officer may conduct the Final Review and approval of the land development plan.**

**The motion was seconded by Christopher Desjardins and carried unanimously by John Bonin Jr., Christopher Desjardins, Stephen Foy, Michael Lupis, Bruce Ferreira, Ken Raspallo and Dov Pick.**

**Findings of Fact:**

Pursuant to such a hearing and testimony by appropriate representatives of the land owner and/or developer, the Burrillville Planning Board, upon careful deliberation and in accordance with the provisions of RIGL Section 45-23-60 Required Findings, has arrived at and agreed upon the following findings of fact by majority vote:

The subdivision remains consistent with the towns comprehensive plan, specifically sections Economic Development-Goal VII.1 "To broaden the sources of Town revenue through development in the industrial and commercial sectors in order to ensure a sound financial future and assist in the funding in the achievement of town goals"; Policy VII.1.a "Maintain industrial and commercial sector growth at a rate adequate to support the Town's population in a manner consistent with the Town's labor characteristics, land capabilities and environmental objectives".

The land development will have no significant environmental impacts.

The land development will not result in the creation of an unbuildable lot.

The proposed lot had adequate and permanent physical access to a public street, Aspen Way.

**OTHER BUSINESS:**

**Administrative Reports: None**

**Having nothing further, a motion to adjourn was made by Dov Pick at 10:00 p.m. The motion was seconded by Christopher Desjardins and carried unanimously by John Bonin Jr., Christopher Desjardins, Stephen Foy, Michael Lupis, Bruce Ferreira, Ken Raspallo and Dov Pick.**

Bruce Ferreira, Chairman Burrillville Planning Board



Nicole Stockwell, Administrative Aide