



Burrillville Planning Board

Meeting Minutes-September 14, 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#: 929 5659 8156 **Password:** 232688 **Phone:** 833 548 0276 (Toll Free)
Link: <https://zoom.us/j/92956598156?pwd=eW1FYUJpc2VFVFFPQjA5TmZXWExBZz09>

CALL TO ORDER: Chairman Bruce Ferreira called the meeting to order at 7:02 pm.

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

ACCEPTANCE OF MINUTES: August 3, 2020 minutes

Dov Pick made a motion to accept the August 3, 2020 minutes. The motion was seconded by Stephen Foy and carried unanimously by Bruce Ferreira, Leo Felice, Stephen Foy, John Bonin Jr., Christopher Desjardins, Michael Lupis, Dov Pick, and Ken Raspallo.

CORRESPONDENCE:

Administrative Aide Nicole Stockwell stated that the Board received two documents relating to Michael & Gail Labossiere's Rural Residential Preliminary Plan:

- 1.) A Letter of retraction from Life Tennant Elaine Boutilier dated August 26, 2020 (received August 28th).**
- 2.) Opposition Memorandum from abutters Edward & Cynthia Szymanski's lawyer, Matthew Landry, Esq. dated August 24, 2020 (received September 3rd).**

Nicole Stockwell stated that these documents were previously shared with the Board and may be discussed during the Labossiere's plan review.

OLD 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.

Chairman Ferreira explained that this Preliminary Plan application for a Rural Residential Compound (RRC) was continued from the August 3rd meeting to address the ownership rights of life estate tenant, Mrs. Elaine Boutilier who submitted a letter of opposition dated July 30, 2020 and received August 3, 2020.

Planner Goff added that the board delayed making a decision until obtaining legal advice from Town Solicitor, William DiMitri. The Board requested Solicitor Dimitri review the related documents and determine if Mrs. Boutilier maintains ownership rights to the property and, if she does, should she be included on the application as an owner? Planner Goff stated that Solicitor Dimitri reviewed the:

1. Warrantee deed-which reserved the life estate for the remainder of her natural life. Dated October 31, 2019.
2. Life estate agreement-where Mrs. Boutilier agreed to the subdivision and development of the land. Dated August 31, 2019.
3. Elaine Boutilier's letter opposing the proposed RRC/land development. Dated July 30, 2020.
4. Elaine Boutilier's withdrawal letter withdrawing her previous opposition to the RRC/land development. Dated August 26, 2020.
5. Opposition memorandum Packet from abutters Edward & Cynthia Szymanski's lawyer, Matthew Landry, Esq. Dated August 24th, 2020.

Planner Goff read Solicitor Dimitri's legal findings in its entirety, which, in summary, were:

- By the warrantee deed, Mrs. Boutilier reserves a life estate on the property, which gives her a right to the land and what happens to it during her life.
- Mrs. Boutilier has no ownership in the property. She has a life estate in it.
- Mrs. Boutilier no longer has title to the property but has the right, during her lifetime, to utilize it as hers without intervention or interruption (absent an agreement).
- Mrs. Boutilier's letter of withdrawal allows the Board to move forward with the application decision.

Surveyor Norbert Therian provided a brief review the conventional yield plans and then went into more detail regarding the proposed Rural Residential Compound plan. Surveyor Therian stated the Rural Residential Compound Preliminary Plan is unchanged from the last review in August which proposed two lots; a 7 acre lot (where a single family home will be built) and a 5 acre lot (existing home where life tenant Elaine Boutilier lives). Both lots have frontage on Snake Hill Road. To the rear of these lots is 12+ acres of open space which equates to over 50% of the 24 acre Rural Residential Compound. Attorney Scott Partington stated that this RRC Preliminary Plan meets the requirements of Section 30-208, Rural Residential Compounds, of the Zoning Ordinance and has been properly reviewed by the Planning Board for appropriate land development in an F5 zone. Attorney Partington then answered the one question from the Board confirming that Mrs. Boutilier has no legal rights to oppose the development of the property. Attorney Partington explained that Mrs. Boutilier only has the legal right to maintain her life tenancy.

Having no questions from the Board, Chairman Ferreira entertained a motion to approve the Rural Residential Compound. **Motion was made by Dov Pick and seconded by Stephen Foy.**

Chairman Ferreira read the Findings of Fact before a roll call vote:

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 is consistent with the Comprehensive Plan, Chapter V – Housing, Implementation Action V.1.a.1.
- The subdivision is consistent with the Burrillville Zoning Ordinance – specifically Section 30-208 Rural Residential Compounds. Further, this development does not require any variances from the town Zoning or the development of an additional town road, therefore it is in the best interests of the residents of the Town of Burrillville.
- The subdivision will not result in the creation of unbuildable lots with the exception of the one open space lot as required by the RRC. Such lot shall remain as open space in perpetuity and not be transferred to the Land Trust or Town in the future.

- The subdivision will create two (2) buildable lots that will have adequate and permanent physical access to Snake Hill Rd, a town road.

Approval:

Based upon the testimony and evidence gathered by the Burrillville Planning Board in written and oral form at and before the above-referenced hearing, the following motion is hereby recorded as the official action of the Burrillville Planning Board in the above-cited matter:

Motion by: Dov Pick and seconded by Stephen Foy and carried unanimously by Bruce Ferreira, Leo Felice, Stephen Foy, John Bonin Jr., Christopher Desjardins, Michael Lupis, Dov Pick, and Ken Raspallo that the Petition for the Preliminary Plan Submission for Labossiere, Michael & Gail, 303 Snake Hill Rd, AP 164 Lot 1 be approved with the following conditions:

- 1. Approval conditioned upon no further subdivision of the lots.**
- 2. Approval conditioned upon building one house per lot.**
- 3. All legal documents must be submitted for approval at the Final Plan stage.**
- 4. The Administrative Officer may conduct the Final Plan review and approval of the subdivision/rural residential compound.**

NEW BUSINESS: None

OTHER BUSINESS:

Administrative Reports:

Makowski, Edward, 265 South Main St, AP 192, Lot 15:

Administrative Final Review, Minor Subdivision, two lots, no road. **Accept for the record.**

A motion to accept Administrative Final Plan approval Makowski, Edward, 265 South Main St, AP 192, Lot 15 Minor Subdivision for the record was made by Chairman Ferreira, seconded by Secretary Foy and carried unanimously by Bruce Ferreira, Leo Felice, Stephen Foy, John Bonin Jr., Christopher Desjardins, Michael Lupis, Dov Pick, and Ken Raspallo.

Barnes, David, Pole 95 Jackson Schoolhouse Rd, AP 262 Lots 4& 5:

Administrative Subdivision. **Accept for the record.**

A motion to accept Administrative Subdivision approval Barnes, David, Pole 95 Jackson Schoolhouse Rd, AP 262 Lots 4& 5 for the record was made by Chairman Ferreira, seconded by Secretary Foy and carried unanimously by Bruce Ferreira, Leo Felice, Stephen Foy, John Bonin Jr., Christopher Desjardins, Michael Lupis, Dov Pick, and Ken Raspallo.

Planner Ray Goff informed the Board that the Municipal Courtroom is now equip to hold virtual meetings allowing Boards to meet in person during their Zoom webinars. He explained that he would like the Board to consider it for now and that of there is enough interest, it will be placed on the agenda for a vote to move the meetings to the Municipal Courtroom.

Having nothing further, a motion to adjourn was made by Dov Pick at 7:37p.m. The motion was seconded by Christopher Desjardins and carried unanimously by Bruce Ferreira, Leo Felice, Stephen Foy, John Bonin Jr., Christopher Desjardins, Michael Lupis, Dov Pick, and Ken Raspallo.

Bruce Ferreira, Chairman Burrillville Planning Board



Nicole Stockwell, Administrative Aide