



Burrillville Planning Board

Meeting Minutes

February 7, 2022

CALL TO ORDER: Chairman Bruce Ferreira called the meeting to order at 7:00 p.m.

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

ACCEPTANCE OF MINUTES: January 10, 2022 minutes

Voted to accept the January 10, 2022 minutes. Motion by Dov Pick. Seconded by Ken Raspallo. Motion carried unanimously.

CORRESPONDENCE:

Letter dated 2/4/22 from Paul Roselli, President of the Burrillville Land Trust to Meghan Greer re: potential donation of land.

Chairman Ferreira stated that this letter will be discussed during the Greer Preliminary Plan Review.

OLD BUSINESS:

Ethier, Mitchell & Denise, Reservoir Rd AP 210 Lot 30: (Continued from Jan 2022)

Preliminary Plan Review, Minor Subdivision.

Engineer Paul Carlson of InSite Engineering requested a continuance to the March meeting to allow time for him to respond to the Peer Review Report by Joe Casali Engineering, Inc.

Voted to continue Ethier, Mitchell & Denise, Reservoir Rd AP 210 Lot 30 to the March 7, 2022 meeting. Motion by Stephen Foy. Seconded by Krista Iacobucci. Motion carried unanimously.

NEW BUSINESS:

Greer, Meghan, 1544 Hill Road, AP 54 Lot 6: Public Hearing

Preliminary Plan Review-Minor Rural Residential Compound.

Engineer Paul Carlson, InSite Engineering and applicant Megan Greer were present. Mr. Carlson explained the two-lot Rural Residential Compound plan. The applicant proposed subdivision of a 25.96-acre lot with 596.98 feet of frontage located in the F-5 zoning district. The proposed rural residential compound will consist of two 4-acre lots with individual driveways off Hill Road. A third rear 17.96-acre rear lot will be designated as open space with a proposed 15' wide access easement on Lot 1 in the event the applicant opts to donate it to the Burrillville Land Trust. Engineer Mr. Carlson requested three waivers:

- Waiver from the 1"=400' Locus Map depicting institutional buildings, public services, open space and greenways as none of these are in close proximity.
- Waiver from the RIDEM Preliminary Wetlands Determination as the limit of work is over 100 feet from the flagged wetland edge.
- Waiver from the Conventional Yield Plan as the applicant proposes a Rural Residential Compound with open space and does not have the frontage necessary for a conventional subdivision.

During discussion, applicant Ms. Greer stated she has been in communication with Paul Roselli, President of the Burrillville Land Trust, to express interest in donation of the open space. Secretary Foy read the response letter from Paul Roselli of the Burrillville Land Trust to Ms. Greer into the record. The applicant explained she is considering the donation but would first like an explanation of her options before she decides. Planner Goff provided an overview of the process of maintaining the open space as part of the Rural Residential Compound vs donating it to the Burrillville Land Trust. After considering the legal requirements and the need for additional

investment of time and money involved with the donation, Ms. Greer opted to keep the open space under the ownership of the two lot rural residential compound. She noted that her desire to preserve the land in perpetuity as open space is already in the covenants and to spare further investment of time and money toward the avenue of donation she opted to maintain the open space as part of the rural residential plan.

Motion to open Public Hearing by Krista Iacobucci. Seconded by Secretary Foy. Motion carried unanimously. First to speak was Kevin Cleary of 200 North Shore Drive who spoke on behalf of his mother Suzanne Cleary of 1484 Hill Road. Mr. Cleary expressed agreement with the subdivision of lands but requested the engineer adjust the lot lines to remove the panhandle between his mother's parcel and the open space. Second to speak was Kevin Lawton of 1535 Hill Road who asked why 4 acre lot sizes were proposed when the Zoning requires 5 acres in the F5 zone. He then expressed concern for increased development and its impact on rural character and drainage. Third to speak was Virginia Houle of 1606 Hill Road who also shared concerns about development in the area. She also requested elimination of the right of way to the open space. Fourth to speak was Peter Houle of 1324 Hill Road who echoed concerns of development impacts especially on drainage in the area which he stated is an existing concern. He also voiced his opinion that F5 lot size requirements should be no less than 5 acres to maintain the rural character in the area.

In response to questions and concerns brought up by the public, Mr. Carlson explained that the soils have been tested and they meet DEM requirements. He also agreed with Chairman Ferreira who stated that drainage conditions in the area must be maintained or improved with a drainage plan and cannot be made worse by development. The Applicant, Mr. Carlson, the Board and Planner Goff all agreed that Mr. Cleary's request for the lot line adjustment/elimination of the panhandle lot line was a reasonable. Planner Goff explained Rural Residential Compound requirements, including lot size to the audience and stated that the minimum requirement and net acreage per parcel is met in this proposed plan.

Voted to approve Greer, Meghan, 1544 Hill Road, AP 54 Lot 6 Preliminary Plan Review-Minor Rural Residential Compound with conditions:

- **Remove the 15' easement from the plans.**
- **While maintaining the area of each lot, modify the lot lines to remove the panhandle from lot A.**
- **Submit all legal documents including deeds and covenants for review and approval to the Planning Director.**
- **Authorize the Planning Director to conduct the final plan review and approval.**

Motion by Steven Foy. Seconded by Leo Felice. Motion carried unanimously.

Nero, Jeffrey & Auger, Diane, 340 Town Farm Road, AP 88 Lot 22 & AP 104 Lot 5: Public Hearing Preliminary Plan Review-Minor Rural Residential Compound.

Norbert Therian of National Land Surveyors explained the proposed Rural Residential Compound plan that reconfigures the lot lines of two existing lots using the Rural Residential Compound provision of Zoning to develop the rear open space lot. Currently, AP 88 Lot 22 is the rear 17.87-acre lot with no frontage. AP 104 Lot 5 is the 8.75-acre front lot with 150 feet frontage along Town Farm Road. This front lot has a single-family home and accessory structures on it, including a barn.

The proposed plan is to reduce the size of the front lot (lot A) with existing dwelling to 2 acres by moving the property line between the barn and garage. This action will now locate the barn on the 11.31 middle lot (lot B) where they propose building a new home and are considering starting a tree farm. A RIDEM soil evaluation was performed on Lot B and was found acceptable for construction of an on-site septic disposal system. The combined acreage of lots A and B is 26.62 acres. Fifty percent, or 13.31 acres, will be designated as open space (lot C) with covenants to protect from future development. The proposed access to lot B is via a right of way over the existing driveway which will be extended up to the new proposed dwelling. Mr. Therian requested a waiver from the conventional yield plan as there were two existing lots yielding two lots. There will be no change to the frontage.

Mr. Therian explained the definition of density the objective of the Rural Residential Compound. He clarified it is to provide for flexibility of design for residential development and to allow a better relationship between residential development and the natural, historic and rural characteristics of the land. Only parcels located in the F-5 zone can utilize this provision (30-208) of the Zoning Ordinance. Other requirements are that the resulting density is no greater than one unit per 10 acres of land and this plan meets that requirement with two lots and 25 acres. The proposed parcels must be at least 2 acres in size and this plan shows each lot has 4 acres. At least 50% of the land must be dedicated as permanent, protected open space and this plan proposes 17.96 (69%).

The Board participated in a discussion and then voted to open the public hearing. Motion by Secretary Foy. Seconded by Ken Raspallo. Motion carried unanimously. Peter Houle 1324 Hill Road shared that the land used to be cornfield and any growth that may need to be cleared would be new growth. Mr. Houle stated he feels a tree farm would be a good use of land. Having no one else wishing to speak, the Board voted to close public hearing. Motion by Secretary Foy. Seconded by John Bonin.

Having noting further,

Voted to approve Nero, Jeffrey & Auger, Diane, 340 Town Farm Road, AP 88 Lot 22 & AP 104 Lot 5: Preliminary Plan Review-Minor Rural Residential Compound with the following waiver and/or conditions:

- **Waiver of the requirement for a Conventional Yield Plan.**
- **Submit all legal documents including deeds and covenants for review and approval to the Planning Director.**
- **Authorize the Planning Director to conduct the final plan review and approval.**

Motion by Stephen Foy. Seconded by Michael Lupis. Motion carried unanimously.

Maliha Holding LLC C/O Muhammed Quandil, 1525 Hill Road, AP 54 Lot 9: Preliminary Plan Review-Minor Subdivision, two lots.

Paul Carlson, InSite Engineering and applicant Muhammed Quandil were present. Mr. Carlson explained the plan to subdivide 19.10-acre F5 zoned parcel. The 19.10-acre parcel has an existing home with septic and well and several outbuildings in the northern portion with a 6.25 acre 300' power line easement running northeasterly through the rear of the property.

The applicant proposes to create two lots from the existing 19.10-acre parcel. A new 9.5-acre parcel will be created on the southern portion of the property (Parcel A) where a new home is being considered leaving a 9.60-acre parcel with the existing home and outbuildings to the north. Parcel A is proposed to have 450 feet of frontage, while the northern parcel will have 427.37' of frontage. This northern parcel will need a 22.63' dimensional variance for frontage. RIDEM Soil Evaluations (2103-1171) have been performed in two locations on both proposed lots. The applicant is seeking approval of the plan and a positive recommendation from the Planning Board for the proposed development and associated frontage variance 22.63' relief.

During the discussion, the Board had questions about the locations and development plans for the existing structures, wells and septic and requested they be clearly identified on the plans. They requested the existing wells and septic be identified and marked as abandoned and filled where appropriate. They also questioned the location of the proposed new home and its proximity to the street. Mr. Carlson said that this location is not concrete. He noted that it complies with zoning and considers cost of development such as driveways etc.

Chairman Ferreira stated that he is aware that there are members of the audience wishing to speak. He stated subdivision regulations do not require a public hearing for minor subdivision plans but he Board would like to give the public an opportunity to speak. First to speak was Quinn Newton of 185 Stone Barn Road who expressed frustration with allowances frontage variances. He questioned why the Town does not adhere to strict thresholds. Second was Peter Houle of 1324 Hill Road who expressed concern that further development on the property drawing water from an already taxed aquifer. He stated that there are water issues every August. He also added

there is an accessory dwelling above the garage. Third to speak was Kevin Lawton of 1535 Hill Road who expressed concern for subdivision and development its impact on farming in the F5. He questioned plans for the 3 cesspools on the property. Lastly, he requested the new owners erect a 6-foot fence as per the purchase and sales agreement. Fourth to speak was Virginia Houle of 1606 who questioned if the Building Official has deemed that house as denied occupancy or as condemned. Fifth to speak was Martin Ginsen of 235 Stone Barn Road who questioned variance and next steps. Sixth to speak was Kevin Cleary of 200 North Shore who spoke on behalf of his mother who lives at 1484 Hill Road. He stated the topography of lot A limits the house location and agreed the proposed location is appropriate. Last to speak was Kevin Lawton of 1535 Hill Road who questioned the location of the perk test and expressed concerns for addition of wells and extra demand that would have on the aquifer. He stated that he and other residents in the area run out of water in August. He also asked what the development plan was for the existing vacant home and wanted confirmation that there will not be two dwellings on the parcel.

The Board had open discussion with the public and Engineer Paul Carlson to express concerns and answer questions. Paul Carlson explained the wells will be abandoned and filled. Planner Goff requested that this be noted on the plans. Planner Goff also stated that the existing home is vacant and currently the Building Official has “denied occupancy” meaning no one is allowed live in the home due to code violations. Paul Carlson stated that there is not yet a definitive plan as to whether the home will be renovated or razed and rebuilt. Planner Goff requested that new homes, septic systems and wells must be noted on the plan. Planner Goff recommended a well test with proven yield report prior to the issuance of a building permit.

Motion to continue until a yield report is produced by Steven Foy. Seconded by Dov Pick. Discussion ensued and Vice Chairman Felice recommended moving forward with a vote regarding a subdivision decision and making the well yield test a condition prior to a building permit. Motion to rescind made by Stephen Foy. Seconded by Dov Pick.

Voted to approve Maliha Holding LLC C/O Muhammed Quandil, 1525 Hill Road, AP 54 Lot 9: Preliminary Plan Review-Minor Subdivision, two lots with the following conditions:

- Locate all proposed new homes, septic and wells on the plan.
- Note on plans cesspools will be abandoned and filled.
- Zoning Board approval of the 22.63’ dimensional variance request.
- Install a privacy fence between the existing house lot AP 54 Lot 9 and abutter Mr. Kevin Lawton’s property AP 54 Lot 13 as per the purchase and sales agreement.
- Produce a well yield report that meets or exceeds RIDOH minimum requirements prior to the issuance of a building permit.
- Existing garage with second floor apartment must meet current zoning regulations, or be removed.

Motion by Leo Felice. Seconded by Stephen Foy. Motion carried unanimously.

Discussion of Solar Moratorium and potential amendments to Zoning Article 30-211 and 30-71

Planner Goff stated Jeff Davis of Horsley Witten is still working on the draft of performance standards and the identification of available and appropriate sites and requested this item be continued to March.

Voted to continue. Motion by Stephen Foy. Seconded by John Bonin. Motion carried unanimously.

ADMINISTRATIVE REPORTS

Benoit, Paul & Joanne, 227 Black Hut Road, AP 108 Lot 28 and AP 126 Lot(s) 28 & 29:

Administrative Subdivision. Accept for the record

Andromeda Real Estate Partners, 0 Broncos Highway & Parcel A, AP 162 Lot 32:

Administrative Subdivision. Accept for the record

Voted to accept. Motion by Stephen Foy. Seconded by Leo Felice. Motion carried unanimously.

OTHER BUSINESS: NONE

Voted to adjourn at 9:50pm. Motion by Stephen Foy. Seconded by Krista Iacobacci. Motion carried unanimously.

Bruce Ferreira, Planning Board Chairman

Nicole Stockwell, Administrative Aide