

Burrillville Planning Board Minutes for March 2, 2020

Jesse Smith Library, 100 Tinkham Lane, Harrisville, RI 02830

Subject to approval at the next regular meeting

CALL TO ORDER:

The meeting was called to order at 7:00 pm, Jeffrey Partington, Chairman, presiding.

Members Present: Jeff Partington(Chair), Christopher Desjardins, Steve Foy, Michael Lupis, Bruce Ferreira(Acting Vice Chair) and Ken Raspallo

Others Present: Ray Goff, Planning Director

I. ATTENDANCE REVIEW:

Mr. Partington excused Mr. Dov Pick and Mr. Leo Felice and notified the Board that Mr. Robert Woods resigned.

II. ACCEPTANCE OF MINUTES:

A motion to accept the minutes of the February 3, 2020 meeting was made by Mr. Ferreira, seconded by Mr. Foy and carried unanimously by the board.

III. CORRESPONDENCE: Legal summary from Jeanette Runey regarding her ongoing case with Wayne Faring, Clear River Farms 860 E. Wallum Lake Rd, Pascoag, RI 02859 concerning easement/driveway.

IV. OLD BUSINESS:

Yorkshire Properties/Richard O'Keefe-Reservoir Rd, Map 192 Lot 69:

Preliminary Plan review, Minor Subdivision Plan, two-lot subdivision, no road. Continued from 2/3/20.

Applicant, Mr. Richard O'Keefe and Engineer, Mr. Paul Carlson from InSite Engineering presented the plan. Mr. Carlson stated that the plan has been revised to address the following recommendations that the Board made at the February 2, 2020 meeting which included: 1.) Review both driveways: Consider width-prefer 12-16 foot wide with pull off. Consider size of turn around/hammerhead at top. Large enough for EMS vehicle/oil truck/septic truck. Consider the 90-degree angle/entry for lot #2-maneuverability of large vehicles. Consider paving last 30 feet of drive at Reservoir Rd. Pascoag Fire review with comment 2.) Consider the distance of the septic from the driveway in lot 2. 3.) Review the roof drainage design for lot 2.

Mr. Carlson then listed the Preliminary Plan revisions which included: 1.) Both driveways now have been widened to 12 feet with 20 foot entrances 2.) The hammerheads are now larger to accommodate larger vehicles. 4.) Drainage calculations for the roof runoff have been added to the culvert detail. The original design of a gang of 4 culverts has now been split into two gangs of 2 culverts to handle each side of the roof. This meets RIDEM requirements. 5.) The beginning of the lot 1 driveway is now designed with a slope of 5% for the first 50 feet. 6.) The plans now reflect a 13.5 foot clearance over each driveway, 7.) The radius on the corner of lot 2 connection to the existing driveway has been expanded to 20 feet wide.

Mr. Ferreira questioned why the driveways are only 12 feet wide and asked why the revised plan lacked the recommended turn offs. Mr. O'Keefe stated that the revised plan took into consideration both the Board's suggestions as well as the recommendations of Thomas Fagan, Fire Marshall of the Pascoag Fire Department who recommended the following revisions: 1.) Minimum curb cut for both lots shall meet the 20 foot width standard. Additionally, the transition on Lot 2

where the shared easement ends and the driveway turns toward lot 2 home site meet shall also be 20 feet to allow for proper turning radius for larger equipment 2.) Unobstructed vertical minimum clearance shall be maintained at 13'6" along both driveways 3.) Both driveways (Being longer than 150' in length) shall have adequate area at the end for rescue turn around 4.) The angle of approach shall not exceed 1' in 20' at curb cuts and transition points. Mr. Ferreira requested signed confirmation from Fire Marshall Fagan.

Mr. Goff asked Mr. O'Keefe where he drew the water sample for the radon test. Mr. Goff stated that the application listed sample drawn at 110 Reservoir Road, which is not possible as there is no building on site. Mr. O'Keefe replied that the sample was taken from the well that is on his property 110 Reservoir Rd. He drew the sample from a faucet at Mr. Jonathan Murphy's residence AP 192 Lot 003.

The Board had some remaining concerns with the driveway design. Mr. Partington recommended continuing to next month to allow for verification of driveway recommendation from the Fire Marshall and to allow for a peer review of the revised plans.

A motion to continue Yorkshire Properties/Richard O'Keefe-Reservoir Rd, Map 192 Lot 69, Preliminary Plan review to the April 6, 2020 meeting was made by Mr. Ferreira seconded by Mr. Foy and carried unanimously by the board.

**Broncos Highway Solar/Going Green Realty, AP 113 Lot 11, Public Hearing:
Master Plan review (#2), 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. Continued from 12/2/19.**

Representing the applicant was Buzz Becker, Development Manager from Hexagon Energy and Audie Osgood, engineer from DiPrete Engineering. Mr. Becker stated that there have been no revisions to the Master Plan design. He was present to discuss the outcome of his meeting with Town Planner, Mr. Goff and Town Zoning Official, Mr. Raymond where they discussed the remaining compliance issues for "Pool Pirate".

Mr. Becker explained that at this meeting, they discussed following list of actions which Mr. Goff and Mr. Raymond discussed as necessary to bring the property into compliance: 1) A clean bill of health from RIDEM on the wetlands violation by a previous owner. 2) Rezoning the property to General Commercial, which would allow a "motor freight terminal". 3) Recommendation of consistency with the town's comprehensive plan.

Mr. Goff recommended continuing this plan to April to allow for Mr. Becker to consider and act on applying for a zone change to General Commercial. Both Mr. Goff and the Board express their approval of this requested zone change given the historical use of this property. Mr. Goff also offered Mr. Becker the option of withdrawing the application without prejudice and explained he could reinstate it for Master Plan Review if/once the Town Council approves the zone change request.

Mr. Becker stated that he would like to request a continuance so he can go through the application process to request a zone change to General Commercial to allow for the solar canopy/"motor freight terminal".

A motion to continue Bronco Highway Solar, Map 113 Lot 11: Master Plan review to the April 6, 2020 meeting was made by Mr. Ferreira seconded by Mr. Foy and carried unanimously by the board.

V. NEW BUSINESS:

East Ave Solar, Pole 5½ East Ave, AP 162, Lot 32, Public Info Meeting:

Master Plan review, Major Land Development: 1.5-acre 250kW ground mounted solar energy system. Recommendation to the zoning board for special use permit.

Attorney Bill Bernstein and applicant Paul Vanasse presented the plan. Attorney Bernstein explained the applicant is proposing a 1.5-acre 250kW ground mounted solar array on an undeveloped 6.84 acres parcel at the intersection of East Avenue and Bronco Highway. Bronco Highway abuts the west, while residential properties abut to the north, east and south of the site. The property is zoned Village Commercial and is in the Route 102 Overlay District. The applicant is seeking a positive recommendation to the Zoning Board for a Special Use Permit. Mr. Bernstein stated the array is proposed to be in the southern part of the property abutting the existing National Grid Easement with access from East Avenue. Most of the proposed site near the easement is already cleared and thus will only require approximately 1.25 acres of clear cutting. Mr. Bernstein then submitted a colored overhead photo of the property which depicted the proposed siting of the array. Mr. Bernstein explained that access to the array will consist of a 15-foot wide gravel base service road that will be fenced off and locked and added that the array will be fenced as well. Mr. Vanasse stated that the topography of the land slopes from northwest to southeast requiring less shade cutting. Mr. Vanasse requested a waiver from the "Shaded Slope Map" requirement as the proposed area has an average slope of 7.5 percent.

Mr. Partington and Mr. Foy ask about screening for the residents the northeast and southeast corners. Mr. Bernstein responded that there is an existing buffer on the southern border with the presence of the National Grid Easement. He explained that there is also an existing natural buffer along Bronco Highway where a ridge will buffer the array. He stated that the array will not be visible from East Ave as there will be a substantial distance from the street to the array. Mr. Vanasse stated that there is approximately 300 feet of wooded area between the array and the nearest house to the eastern portion of the property and he would like to leave this existing wooded area as a buffer/screening.

Mr. Partington opened up questions from the public for the Public Informational Meeting. Ms. Eliza Blaze and Mr. Dennis Blaze of 1442 Victory Highway asked if there will be any environmental impact concerning drainage (flooding in basement) and well water. Mr. Vanasse explained there will not be any clearing near her property and thus the project will not have an environmental impact in terms of drainage due to the slope of the land and assured that there will be no impact on well water. Ms. Blaze asked where the entrance is proposed and asked how wide it will be. Mr. Vanasse responded that he plans to follow the existing path along Bronco Highway and will widen it to approximately 15 feet. Ms. Blaze then asked if there will be noise from the array and its electrical components. Mr. Vanasse responded that she will hear construction noise for approximately one month after which she will not hear any noise from the array or its components. Mr. Blaze asked about fencing and expressed concern for seeing the array. Mr. Vanasse replied that both the entrance and the array will be fenced and the array should not be visible to them. Ms. Blaze asked what the life of the array is and who is responsible for removing it. Mr. Partington explained that the applicant is required to produce a bond to ensure of the arrays disposal after 20 years. If the applicant fails to do so, the town steps in, uses the bond and dismantles the array.

Ms. Dina Shaw of 980 East Ave. asked for details regarding the electrical components at the entrance. Mr. Vanasse explained that there will be a transformer set at the entrance at East Ave. He explained that they will be set back a bit within the fence and will not emit any noise. Mr. Partington explained that the connection is designed and controlled by National Grid.

Ms. Lori Langford of 997 East Ave stated that she is opposed to this land development and expressed concern for noise and traffic. She sought reassurance of its removal after expiration. Mr. Partington reiterated that this project will involve one-month of temporary noise after which there will be silence. He also stated that an array is a better option as compared to a traditional commercial use which would be allowed in this area. Mr. Vanasse stated that once completed, there will be no traffic on site with the exception of maintenance 3-4 times a year. Ms. Langford asked if there will be drilling to which Mr. Vanasse replied no.

Having no further questions from the public, Mr. Partington closed the Public Information portion of the meeting.

Motion by Mr. Ferreira, seconded by Mr. Desjardins and carried unanimously by the board that the Petition for the Master Plan Submission for East Ave Solar, Pole 5 ½ East Avenue, Oakland, RI Assessor's Plat 162 Lot 32 be approved and a positive recommendation be forwarded to the Zoning Board of Review for a Special Use Permit with the following waivers and/or conditions:

1. Waiver from the shaded slope map requirement as the proposed area has an average slope of 7.5%.

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 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 will have no significant environmental impacts.
- The Land Development will not result in the creation of an unbuildable lot as the solar installation is primary use of the property and the remainder of the land is available for further commercial/residential development.
- The Land Development will have adequate and permanent physical access to East Avenue.

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

Preliminary Plan review, Minor Subdivision, two lots, no road. Recommendation to the Zoning Board for a variance.

Mr. Norbert Therian, surveyor presented the plan on behalf of applicant Michael Labossiere. Mr. Therian explained that the property is 24.07 acres with +/-625 feet frontage with an existing house. He stated that it is zoned F-5 (formerly F-2) which has a minimum of 450 feet frontage requirement as well as a 5-acre lot requirement. Mr. Therian explained that the applicant is seeking to subdivide and create an additional lot, which is proposed to be 7 acres with 179.06 feet frontage requiring a frontage variance approval from the Zoning Board. He explained the applicant would like to build a three-bedroom home with a driveway on this lot. The home will be located in the center of the lot and will not require any clearcutting. The site will have a well and septic system. He further explained that the existing home is on a lot that measures 16.85 acres with 450 feet frontage. The

applicant is proposing a new septic system on this property as well. Mr. Therian stated that soils have been tested, wetlands have been flagged and delineated and a topographic survey was completed. Mr. Therian distributed supporting documentation along with copies of the site plan to the Board. Mr. Therian stated that the tests concluded an 8-foot water table with gravelly soil supporting this as an acceptable site for a septic system. The final septic design is pending the outcome this Preliminary Plan review as well as the Zoning Hearing next week. Mr. Therian stated that the proposed lots are larger in comparison to the surrounding lots, which are roughly 2 acres with 150-foot frontage. Mr. Therian pointed out that relief is required to create a lot with 179.06 feet frontage (which is nearly thirty feet wider in comparison to the neighboring lots' average frontage of 150 feet). He also explained that this proposed lot is 7 acres, which is 2 acres larger than the required 5 acres and 5 acres larger than the average abutter. Mr. Partington informed the Board that a letter of opposition was received from abutter, Mr. Edward Szymanski, in which Mr. Szymanski expressed opposition to the subdivision stating that the proposed lot abutting his property will be substandard for the F5 zone, which requires 5 acres and 450 feet of frontage.

With no questions from the Board, Mr. Partington opened the Public Hearing. Attorney Matthew Landry, who represents Edward and Cynthia Szymanski of 275 Snake Hill Rd, 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. He stated that a request for a dimensional variance is typically only given when there is no existing or alternative use of the property. Attorney Landry stated that creating this substandard lot would place the proposed new house 300 feet closer to his clients property as compared to if the lot was in conformance with F5 zoning. He stated that the request for relief is extreme and will have a severe impact on his client whose shed is 25 feet from the northern property line. He also stated that the applicant does not have evidence of hardship to request the variance as there already is a use for the property. Attorney Landry added that it is his opinion that the comparison to the existing smaller neighboring lots is unjust as those were created under different zoning. Attorney Landry requested a denial of this application as the applicant purchased this property under F5 zoning and should be held to that standard and find an acceptable use without subdivision.

Mr. Robert Ogg of 435 Snake Hill Rd expressed concerned that he lacks frontage to subdivide his 42 acres and sees it as "land locked" should this subdivision occur. Mr. Ogg intended on buying this parcel of land to create an entrance to the rear of his property which he feels could otherwise not be developed. Mr. Goff stated that Mr. Ogg's property would not be "land locked" and he has the option of putting in a road where his existing driveway is and creating a Rural Residential Compound. Mr. Ogg then stated that he does not oppose the proposed subdivision as he feels it is in character with the existing neighboring lots on Snake Hill Rd.. Mr. Ferreira agreed with Mr. Ogg and made a motion to approve with the condition of no further subdivision and building one house per lot.

With nothing further from the Public, Mr. Partington closed the Public Hearing.

A motion was made by Mr. Ferreira, seconded by Mr. Foy and carried unanimously by the Board that the Petition for the Preliminary Plan Submission for Labossiere, Michael & Gail, 303 Snake Hill Rd, AP 164 Lot 1 be approved with a positive recommendation to the Zoning Board of Review for a Frontage Variance with the following waivers and/or conditions:

- 1. Conditioned upon no further subdivision of the lots.**
- 2. Conditioned upon building one house per lot.**

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.
- Sublot 1 will meet minimum area and frontage requirements for the F-5 and A-80 zones. Sublot 2 will meet minimum area and frontage pending variance approval of 275' from the Zoning Board of Review. In accordance with RIGL 45-24-41(b) the Planning Board finds this subdivision plan is generally consistent with the Comprehensive Plan and recommends approval.
- The subdivision will not result in the creation of unbuildable lots.
- The subdivision will create two (2) lots that will have adequate and permanent physical access to Snake Hill Rd, a town road.

John, Carl & Mildred, 614 Round Top Rd, AP 90 Lot 3:

Preliminary Plan Review, Minor Subdivision, two lots, no road.

Mr. and Mrs. Carl and Mildred John presented their plan to subdivide their land and build a new house closer to the road. Mr. Goff explained that the 83.27-acre property has an existing single-family home and other associated structures and is in the F5 zone with a portion located in the A-80 Aquifer Zone. Mr. Goff explained the applicant would like to create an additional lot (Parcel A) and build a new house where the unconventional proposed property line encompasses an existing pet cemetery and utilizes an existing stonewall as a boundary. Mr. Goff added that there will be an 80 foot shared driveway off the existing driveway. Wetlands have been flagged and soils (OWTS) have been tested. Onsite wastewater and potable water source (well) have been planned for the new residence. Mr. Goff then stated that the applicant is seeking the following waivers: 1.) A waiver from the 1"-400' Locus Map depicting institutional buildings, public services, open spaces and greenways as none of these are in close proximity. 2.) A waiver from RIDEM Wetlands Determination as there is no proposed development on Lot 3. 3.) A waiver from the shaded slope map depicting 5%, 10% and 15% slopes as the site is over 83 acres and the proposed site for a future house is fairly level. 4.) A waiver from the 2.5:1 lot depth to lot width ratio as the proposed configuration is proposed to preserve a pet cemetery and stone wall that the applicant wishes to use as a boundary with the remainder of the 10 acres configured to provide wood fuel.

Mr. Partington questioned the unconventional lot line (angled toward rear) between the two lots. Mr. John stated he wants to keep a stone wall and pet cemetery. Mr. Ferreira asked about the shared driveway and stated that he will have to create an easement for the house in the rear.

A motion was made by Mr. Ferreira, seconded by Mr. Partington and carried unanimously by the Board that the Petition for the Preliminary Plan Submission for John, Carl & Mildred, 614 Round Top Rd, AP 90 Lot 3 be approved with the following waivers and/or conditions:

1. A waiver from the 1"-400' Locus Map depicting institutional buildings, public services, open spaces and greenways as none of these are in close proximity.
2. A waiver from RIDEM Wetlands Determination as there is no proposed development on parcel B
3. A waiver from the shaded slope map depicting 5%, 10% and 15% slopes as the site is over 83 acres and the proposed site for a future house is fairly level.

4. A waiver from the 2.5:1 lot depth to lot width ratio as the proposed configuration is proposed to preserve a pet cemetery and stone wall that the applicant wishes to use as a boundary with the remainder of the 10 acres configured to provide wood fuel.
5. Administrative final approval is conditioned upon the creation of a deeded driveway easement.

Findings of facts:

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 Town's Comprehensive Plan, specifically Chapter V Housing, Implementation Action V.1.a.1.
- The subdivision complies with the Zoning Ordinance and both parcels meet the minimum area and frontage requirements for the F5 zone.
- The subdivision will have no significant environmental impacts.
- The subdivision will not result in the creation of an unbuildable lot.

The subdivision will have adequate and permanent physical access to Round Top Road.

VI. OTHER BUSINESS:

Zoning Ordinance Revisions:

30-205 Special Flood Hazard Areas and Flood Fringe Lands – Recommendation to the Town Council.

Mr. Goff discussed the amendments which include REMA(Rhode Island Emergency Management Agency) requested identification of maps and recommended positive recommendation to the Town Council.

A motion to forward positive recommendation to the Town Council regarding zoning ordinance revisions to 30-205 Special Flood Hazard Areas and Flood Fringe Lands was made by Mr. Partington and seconded by Mr. Ferreira and carried unanimously by the board.

30-211 Solar Energy Systems - Discuss schedule and content of phase II of revisions

Mr. Goff informed the Planning Board that phase two of the revisions to 30-211 Solar Energy Systems will begin in April. He requested the Board members review the current ordinance and plan for future discussions over the next few months.

Planning Board Reappointments and Resignation

Mr. Partington stated that Mr. Felice and Mr. Foy have submitted their applications for reappointment and Mr. Woods submitted his letter of resignation. Mr. Partington requested a letter of appreciation be drafted and mailed to Mr. Woods.

Administrative Reports: Certificates of Completions; Incomplete Submissions; Endorsements

Having nothing further, a motion to adjourn was made by Mr. Ferreira at 9:00p.m., seconded by Mr. Foy and carried unanimously by the Board.

**Jeffrey Partington, Chairman
Burrillville Planning Board**

Nicole Stockwell

Nicole Stockwell, Administrative Aide