



Burrillville Planning Board

Meeting Minutes

February 5, 2024

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

MEMBERS PRESENT: Stephen Foy (Chairman), John Bonin (Secretary), Michael Lupis, Dov Pick, Ken Raspallo and Amol Jadhav.

MEMBERS ABSENT/EXCUSED: Leo Felice (Vice Chairman), Bruce Ferreira and Joshua Razee.

ACCEPTANCE OF MINUTES: January 8, 2024

Voted to accept the January 8, 2024 minutes. Motion by Dov Pick. Seconded by Ken Raspallo. Motion carried unanimously.

CORRESPONDENCE: Receive and File

February 5, 2024 letter from Fire Marshall Lori Poirier regarding EMS access review for Woods, Robert 300 Olney Keach Rd.

February 4, 2024 and January 30, 2024 letters of opposition from President of the Burrillville Land Trust Paul Roselli regarding application for Woods, Robert 300 Olney Keach Rd.

February 5, 2024 letter of opposition from resident Krista Iacobucci regarding application for Woods, Robert 300 Olney Keach Rd.

OLD BUSINESS:

Review of RIGL 45-24-46.4: Towns and Cities, Zoning Ordinances, Special Provisions, Unified Development Review

Review of RIGL 45-23-50.1: Towns and Cities, Subdivision of Land, Special Provisions, Unified Development Review

Planner Ray Goff reviewed RIGL 45-24-46.4 and 45-23-50.1. These legislative acts were effective January, 1 2024 and allow Planning Boards to consider Variance and Special Use Permit requests when tied to a Development or Subdivision Plan Review. The request for a Variance and or Special Use Permit shall be considered under Public Hearing with decision made **prior to** the development or subdivision plan review **and** if approved, the approval must be **conditioned** upon approval of the final development or subdivision plan.

Woods, Robert 300 Olney Keach Road AP 206 Lot 007: Unified Development Preliminary Plan Review with Public Hearing for a Minor Rural Residential Compound (4 lots, no road) with request for .20 acre of relief from Zoning Ordinance Section 30-208 Rural Residential Compounds (b) Definition, Purpose and Review (1) Density.

Chairman Steve Foy gave a plan review history:

May 2, 2022-Planning Board pre application review resulting in a positive recommendation to the Zoning Board of Review for a necessary variances.

April 11, 2023 Zoning Hearing for Case 23-08:

1. Lot Area-Dimensional Variance from Section 30-208.b.1: A residential compound is a parcel of land containing lots for single-family dwellings having an average overall density of no greater than one dwelling unit per ten (10) acres of land. The proposed 4 lot RRC then requires a minimum of 40 acres. The applicant

has proposed this subdivision with 37.41 based on a Class IV Survey. **Zoning Board approved a Variance of 2.6 acres without stipulations.**

2. Frontage-Dimensional Variance under Section 30-208.e.1 A parcel proposed for development as a residential compound shall have frontage on a town accepted street. Such frontage shall be a minimum of 50 feet. This provision is intended to accommodate legal nonconforming lots with substantial backland but only minimum frontage and shall not be construed as a means of increasing the density allowed under section (d)(1) above. Olney Keach Road although has existed for years, is not a town-accepted road. **The Zoning Board approved the variance of 50 feet of frontage on a town accepted road with 2 stipulations: 1.) HOA documents include a road maintenance agreement for Only Keach Rd and 2.) Street signage for Olney Keach Road and for the 4 homes in the Rural Residential Compound.**

Chairman Steve Foy noted recent Class I survey revealed that the parcel is not 37.41 acres as presented in both the Planning Board Pre-Application and Zoning Board application, but rather acreage is 37.20 acres. As such, **the 2.6-acre variance granted by the Zoning Board falls short by 0.20 acres of the necessary 2.8 acres of necessary relief.** The request for additional relief will be addressed by the Planning Board per recent changes in RIGL under Unified Development Plan Review. This application includes a request for a Dimensional Variance for area (30-208.b.1) of an additional 0.20 acres of relief with recent survey.

Applicant Robert Woods and attorney Dane Ardenite presented the Unified Development Preliminary Plan: Proposed Plan: The applicant is seeking to create a 4 lot Rural Residential Compound (RRC) on a 37.41-acre parcel located in the F-5 Zoning District. The subject parcel abuts Olney Keach Road, an unaccepted town road and accessed via approximately 3,500 feet of Olney Keach Rd, a gravel road off Jackson Schoolhouse Road. Mr. Woods has maintained this road since 1989. Attorney Dane Ardenite shared Exhibit 1 with the Board, a deed and title history prepared by Sanford Resnick, ESQ. This was presented to show example of discrepancies and rationale for hardship due to the nature of the land.

In light of discussion on discrepancies, Planner Goff noted total lot areas on plans read: (1) 4.30 ac; (2) 3.27 ac; (3) 8.23 ac; (4) 2.79 ac and (open space) 18.59 ac, **totaling 37.18 acres, not 37.2 acres. Therefore the relief needed is 0.23 acres, not 0.20 acres. If the Board approves the variance, 0.23 acres of relief must be reflected in the decision and corrected on final plans.**

Attorney Dane Ardenite reviewed the standards of approval:

- 1.) The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in RIGL 45-24-30(a)(16) as the property was purchased as a 40+acre lot but recent Class 1 survey revealed it to be smaller.
- 2.) The hardship is not the result of any prior action of the applicant or owner as the parcel has been owned by the applicant since 1989 and no subdivision has occurred since purchased.
- 3.) The granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Chapter or the Comprehensive Plan upon which the Zoning Chapter is based as the proposed RRC is allowed in the F5 Zone and is in character with other single-family parcels in the area.
- 4.) The hardship suffered by the owner of the subject property, should the dimensional variance **not be** granted, would amount to more than a mere inconvenience and the relief sought is minimal for reasonable enjoyment of the permitted use to which the property is proposed. (The fact that a use may be more profitable or that a

structure may be more valuable after the relief is granted shall not be grounds for approval of relief) as the dimensional variance of approximately 10,000sf allows the development of 4 lots on an almost 40 acre parcel.

The Board then discussed current road conditions and noted Olney Keach Rd does not meet public health and safety standards. The Board suggested if this plan is approved, it be condition upon a road improvement plan with input from Planner Goff and the Fire Marshall. The Board requested maintaining the road as unpaved in keeping the rural character of the area with waiver from Subdivision Regulation 15-9.5 requiring pavement of roads serving 3+ lots. The Board questioned, trash pick-up and gang mailbox locations and requested identification on plan.

Chairman Steve Foy described the Planning Board's standards of approval for a Rural Residential Compound as defined, and in compliance with in RIGL, Burrillville Zoning Ordinance and Comprehensive Plan. Any unrelated discussion points or disputes about property ownership, access rights, or boundary lines is a civil matter and is not within the purview of the Planning Board to consider in the review of this case. Additionally, he noted Planning Board approval of a development plan at any stage of review **does not** constitute as an approval or permission for the applicant to use or modify property that is owned by others.

Chairman Steve Foy opened the public comment portion of the hearing with five comments made in opposition:

1. Virginia Sindelar, 969 Jackson Schoolhouse
2. Paul Roselli, President of Burrillville Land Trust, 665 Maureen Circle
3. Roberta Lacey, Conservation Commission, 80 Spring Street
4. Betty Menucci, Burrillville Land Trust, 1777 Victory Highway
5. Carlo Menucci, Burrillville Land Trust, 1777 Victory Highway

Having no further comments, Chairman Steve Foy closed the public comment portion of the hearing.

After brief comments, **Secretary John Bonin made a motion, with Findings of Fact read to grant 0.23 acres of dimensional relief from Zoning Ordinance Article 30-208(b)(1) to allow a 4 lot rural residential compound conditioned upon:**

- 1. Approval of the Final Plan by the Planning Board or Administrative Officer.**

Voted to approve. Motion by John Bonin. Seconded by Dov Pick. Motion Carried Unanimously.

Secretary John Bonin then made motion with Findings of Fact read to approve the Unified Development Preliminary Plan for a 4 lot rural residential compound with the following waivers and conditions:

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 Subdivision Regulation 15-9.5 Subdivision Street Standard Figure 3 Rural Residential Compounds requiring pavement of roads serving 3+ lots.**

Conditions

- **HOA documents** shall include a road maintenance agreement for the portion of Olney Keach Rd from Jackson Schoolhouse to the end of Parcel 7.
- **Signage** for Olney Keach Road as "unaccepted town road" at Jackson Schoolhouse and for each address of the 4 homes in the Rural Residential Compound.
- **Correct on plan:** Note #2 area, Note #4 dimensions, Olney Keach Road identified as "unaccepted town road", Show proposed new lot lines as heavy solid lines.

- **Add to plan:** Legend of Symbols, Directional arrows & distance in feet from property boundaries to intersection with Jackson Schoolhouse to north and Putnam Pike to south, RIDEM wetlands application number, RIDEM OWTS Application Number, Private Road Profile, Utility poles, gang mailbox, trash collection area.
- **Deed restriction** for road construction and maintenance.
- **Conservation easement** to maintain open space.
- **No further subdivision** allowed in perpetuity.
- **Road improvement plan** to meet the public health and safety standards while maintaining rural character of area.
- **Fire Marshall approval** of road improvement plan to provide for adequate EMS access and turnaround.

Voted to approve. Motion by John Bonin. Seconded by Dov Pick. Motion carried unanimously.

Review of 2024 Affordable Housing Report

Planner Goff reviewed local LMI inventory and rate. The town's current LMI rate is 9.67%, just shy of the state mandated 10%. We are on track to meet state requirements with 11 units under construction/pending certificate of occupancy and 71 units under development plan review.

OTHER BUSINESS

ADJOURNMENT: Voted to adjourn at 9:05pm. Motion by Dov Pick. Seconded by Amol Jadhav. Motion carried unanimously.

Stephen Foy, Planning Board Chairman
Nicole Stockwell, Administrative Aide