

**MINUTES OF THE PLANNING BOARD MEETING OF JANUARY 9, 2017  
AT THE JESSE SMITH LIBRARY COMMUNITY ROOM  
SUBJECT TO APPROVAL AT THE NEXT REGULAR MEETING**

**I. CALL TO ORDER:**

**Meeting was called to order at 7:03 p.m., Jeffrey Partington, Chairman, presiding.**

**Members Present:** Jeffrey Partington, Robert Woods, Mark Tremblay, Michael Lupis, Leo Felice, Bruce Ferreira, Christopher Desjardins and Jeffrey Presbrey.

**Members Absent:** Dov Pick.

**Others Present:** Attorney Robert Mitson, and Christine Langlois, Deputy Planner.

**II. ATTENDANCE REVIEW:**

Mr. Partington acknowledged that Mr. Pick was out of Town on business.

**III. ACCEPTANCE OF MINUTES:**

The **minutes of the Planning Board meeting of December 5, 2016** were read. *A motion to accept the minutes, as presented, was made by Mr. Ferreira, seconded by Mr. Desjardins and carried unanimously by the Board.*

**IV. CORRESPONDENCE:**

- Updated Planning Board 2017 Meeting Schedule and Submissions Deadlines

**V. OLD BUSINESS:**

**Seminole Development LLC, Mount Pleasant Road, Burrillville; Map 45, Lot 1 & Map 62, Lot 35: Findings of Fact Decision; Setting of Bond Amount & Inspection Fees:** Mr. Paul Vanasse, of Seminole Development, and Mr. Marc Nyberg, of Marc N. Nyberg Associates, were in attendance for the development. The Board noted the following issues as still being outstanding: trash removal location, school bus stop location, some type of low-level lighting at each proposed driveway. Mrs. Langlois added that it was important to inform future residents of the development that the roadway will not be maintained by the Town but by their Association and incorporate it into the Association Documentation. She noted that tonight the Board would be setting a bond amount and inspection fees. Chairman Partington stated that the applicant would like to construct improvements prior to posting a bonding.

The applicant requested that the Final plan submission be handled administratively through the Planning Department. The consensus of the Board was that the Final plan submission must be submitted to the Board for one more final review.

*A motion was then made by Mr. Felice to approve the Preliminary Rural Residential Compound Plan for Mount Pleasant Estates in accordance with R.I.G.L. Section 45-23-60 as:*

- 1. The subdivision is consistent with the Comprehensive Plan Chapter V Housing, Implementation Action V.1.a.1; Implementation Action IX.1.a.1 "Promote low overall residential densities in those areas where public services are currently unavailable or not planned to be available";*
- 2. The application is consistent with the Burrillville Zoning Ordinance, specifically Section 30-28 Rural Residential Compounds; [having received zoning relief from Sections 30-208 (b) (1) & (3) and (d) (1)];*
- 3. There will be no negative environmental impacts as the project has been awarded a RIDEM Insignificant Alteration Permit No. 15-0217;*

4. *The subdivision will not result in the creation of unbuildable lots as the project has a Site Suitability Certification from RIDEM, dated August 16, 2016, along with a RIPDES Permit #RIR101332;*
5. *The subdivision has adequate and permanent physical access to a town road (Mount Pleasant Road);*

*Conditioned upon the Final plan being reviewed by the Planning Board and to contain the following items outlined in the Town Planner's Staff Report to the Board, dated December 20, 2015:*

1. *The Final Plat for recording must contain reference to Rural Residential Compound in the title block.*
2. *Also, reference via notation that the road is a private road with all maintenance costs supported by the Association.*
3. *All trash and recycling services will occur at the entrance to the development at the intersection with Mount Pleasant Road.*
4. *Should a school bus stop be necessary, it must be located at the entrance to the development at the intersection with Mount Pleasant Road.*
5. *Gang mailboxes must be located at the entrance to the development at the intersection with Mount Pleasant Road.*
6. *Maintenance of the cornfield on Lot 35 shall continue as an agricultural use of the property. To accomplish this, the developer shall make every effort to keep the existing lease with Craig Wright active. Said lease shall be assigned to the Homeowners Association upon transfer of responsibility from the developer to the Association upon establishment of the Association. This will ensure that the Association can derive income for maintenance along with maintaining an agricultural use which contributes to the Town's historical past and unique character.*
7. *Maintenance of the fire cistern shall be the responsibility of the Homeowners Association in conjunction with the Nasonville Fire Department.*
8. *To ensure effective emergency response, install low level bollard lighting at the entrance to the development along with similar lighting onto address bollards at each driveway entrance within the development.*
9. *With roadway being proposed for construction prior to the Final plan, a \$1,500 DPW inspection fee must be paid to the Town Planning Department.*
10. *The Final plan submission shall be reviewed by the Planning Board.*

*The motion received a second from Mr. Ferreira and carried unanimously by the Board.*

*At this point in the meeting, Mr. Presbrey made a motion to move Discussions on Solar Revisions and Taxation to later in the meeting after New Business discussions have been completed. The motion received a second from Mr. Ferreira and carried unanimously by the Board.*

**Discussion/Recommendation to Town Council on Revisions to Zoning Ordinance:** *Section 30-71. Zoning District Uses; Section 30-72 Prohibited Uses. [Brewery or Distillery](continued from the 12/05/2016 meeting):* The Planning Board continued their discussion of the request to allow "Breweries/Distilleries" in the Town as both of these uses

are currently listed as prohibited. The members were advised by Attorney Mitson that the topic should not be reviewed under a broad category, as the State Department of Business Regulations lists breweries, distilleries and wineries under several different categories. These categories are based on production and whether the facility brews on premise. He noted that the retail and on-site consumption limits have increased most recently, and that it is important that the Zoning Ordinance distinguishes between a brew pub and a brewery, between a brewer and a brew-on-premise manufacturer, etc., as State Law allows for on-site retail sales in all of these categories.

The Board agreed that with the new information provided this evening by Attorney Mitson, they would need to know how the Council would want to proceed regarding the changes requested. *A motion was made by Mr. Wood to send the Request for Revisions to Section 30-71 of the Zoning Ordinance to allow Brewery or Distillery uses back to the Ordinance Subcommittee for clarification as to how State law would interact with any Zoning Ordinance revision and to allow the Town a better handle on regulating these uses. The motion received a second from Mr. Ferreira and carried unanimously by the Board.*

#### **VI. NEW BUSINESS:**

**Stanley Tree Service, Inc., Victory Highway, Burrillville; Map 114, Lots 44 & 57: Preliminary Minor Land Development Review:** Mr. Stanley Zuba, of Stanley Tree Service, Mr. David D'Amico, of D'Amico Engineering and Mr. Marc Nyberg, of Marc N. Nyberg Associates, were in attendance to represent the submission. Mr. D'Amico stated that the property is located along the western side of Victory Highway, and the project consists of two wooded lots having 2.99 acres (Lot 57) and 2.91 acres (Lot 44). The topography is relatively flat near Victory Highway with considerable elevations rising midway on the lots. There is a perennial stream that runs along the back edge of the lots with an associated 100-foot riverbank buffer and flagged wetland areas. The project has received an RIDOT Physical Alteration Permit as well as a RIDEM Insignificant Alterations Permit from the Wetlands.

The proposal is to construct a 10,000 square-foot, one story steel building with covered open, truck ports, on the side and in the rear of the building, in order to relocate the tree service operations from North Smithfield to Burrillville. There would be a one-way entrance onto the site with a one-way exit in accordance with already approved DOT access easements. The site will be paved with employee parking in the front of the building and truck vehicle storage in the rear. A portion of Lot 44 will be used for log/wood chip/mulch storage, and a separate stormwater management system was designed to address that specific use. The overall drainage for the site was designed to meet best stormwater management practices and includes a large Underground Injection Control (UIC) system located in the front portion of the site near Victory Highway. The building will be serviced by a private well and small OWTS system. A landscaped plan was also provided.

In reviewing the building elevations, Mr. Ferreira suggested the applicant consider adding architectural details so that the building does not appear to be just another steel structure. Mr. Zuba said that the final building designs have not been completed but an earlier suggestion had been to add block along the front of the building.

Mr. Felice voiced concern with the ISDS system being proposed very close to the stormwater management system/groundwater recharge, approximately 40 feet, and asked Mr. D'Amico to

address the issue. Mr. D'Amico stated that he believed the setback requirement was 25 feet and that the system was not within 25 feet of the recharge. Mr. Felice then questioned the notation on the landscaping plan that stated the tree plantings were planted for educational purposes. Mr. Zuba explained that some of the proposed plantings would be used in their training exercises dealing with tree identification.

Mr. Tremblay questioned the design of the stormwater system, in particular the subsurface stormwater management, and whether any details were available. Mr. D'Amico said that the new stormwater regulations require the handling of the 10-year and the 100-year storm. Treatment is also required for the two-year storm. This system is designed as an infiltration system, not an outlet. He noted that the water table is at three feet. Mr. Tremblay stated that he was very concerned with the amount of water potentially flowing into the system. Mr. D'Amico assured him that the proposed design uses a conservative percolation rate based on the gravel located on site, with a safety factor built in to handle any amount of water.

Mr. Presbrey questioned several engineering issues:

- On Sheet 5 the UIC system contains a type which should be corrected (*clean wasted stone bed* should be *clean wash stone bed*); the under drain pipe *elevations of 268/269* should be *lowered to 267.5* and *more riprap should be added*;
- On Sheet 6, the Emergency Spillway detail, should have an explanation for the *elevation number of 271.85*; the spillway invert is listed as elevation 270.5 and should be corrected to 272, as the top of the detention pond is at 272.3; the material for Level Spreader detail should be better defined;
- On Sheet 7 the ADS Cleanout detail is sized as a 6x6 tee; the roof drains are 8 inch.

As there were no further questions from the Board, Chairman Partington told the applicant that the Findings of Fact for the Preliminary plan approval would be prepared by the Planning Department to be addressed at the next Planning Board meeting in February based on the comments from this evening.

**Discussion/Recommendation to Town Council on Revisions to Zoning Ordinance & Taxation:** *Section 30-211. Ground Mounted Solar Photovoltaic Installations and Section 30-71. Zoning District Uses, Section 4. Public and semipublic uses: (17) Solar photovoltaic installations; Section 25 Taxation (continued from the 12/05/2016 meeting):* The Board continued their discussion of revisions to the Zoning Ordinance regarding the Ground Mounted Solar Photovoltaic Installations and the newly amended state law which provides cities and towns with the ability to tax these installations. Based on the many concerns pointed out during the discussion, the **Board elected to schedule a Public Workshop** on the subject and requested that the Deputy Planner to extend an invitation to Christopher Kearns, from the Office of Energy Resources, as well as a representative from the Pascoag Utility District to offer their views on the solar issues. The Board felt it would be important to hear whether the Pascoag Utility District has any future plans to consider allowing these ground mounted installations within their district. Mr. Vito Buonomano, of Northeast Solar & Wind Power, LLC, who was present at the meeting, offered to attend the workshop as well and to provide a brief slideshow with details on current solar arrays that have been installed with Rhode Island. **The Public Workshop was set for Monday, January 30, 2017 at 7:00 p.m. in the Jesse Smith Library Community Room.**

**VII. OTHER BUSINESS:**

**Report from Administrative Officer:** The Board reviewed the report from the Administrative Officer for the month of December. They noted that during December, a Certificate of Completeness was issued for: *Stanley Tree Service, Inc., Victory Highway, Burrillville* (Preliminary Minor Land Development – two lots). There were no plans rejected as incomplete and no plans were endorsed.

Chairman Partington told the Board that he has scheduled an Executive Session meeting to discuss, and make a recommendation to the Town Manager, on the appointment of a new Town Planner. This session has been scheduled for February 6, 2017 at 6:30 p.m., prior to the regularly scheduled meeting.

Chairman Partington also directed the Deputy Planner to prepare a draft letter of appreciation for Mr. Kravitz for his many years of service and dedication to the Board and the Town. He asked that the draft be ready for review at the next Planning Board meeting.

*A motion to adjourn was then made by Mr. Ferreira at 8:43 p.m. The motion received a second from Mr. Desjardins and carried unanimously by the Board.*

Recorded by: M. Christine Langlois  
M. Christine Langlois, Deputy Planner

