

Planning Commission
Amended Minutes of July 22, 2015 Meeting

1670 Flat River Road
Coventry, RI 02816

Meeting Called to order at 7:08 pm by Chairman Russell Crossman.

Members Present: Chairman Crossman, Secretary Mr. Flynn, Mr. Crowe, Mr. Kalunian, Mr. Bouchard, Mr. Mattson and Ms. Fagan-Perry

Members Absent: Mr. Osenkowski and Mr. Nunes

Also Present: Mr. Sprague, Mr. Joyal, and Attorney Assalone.

Mr. Crossman reviewed the exits in the room in case of an emergency.

Approval of Minutes:
June 24, 2015

Mr. Flynn made a motion to approve the meeting minutes. Mr. Kalunian seconded. All members were in favor. Motion passed.

Chairman Crossman extended a welcome to Carl Mattson the newest member of the Planning Commission.

NEW BUSINESS

Final Plan: **“Big River Estates”**; Padula Builders
Proposed 10-Lot Major Residential Compound Subdivision w/Private Street Creation
AP 312, Lot 12; Zone RR2
Phillips Hill Road

Recusal: Ms. Fagan-Perry submitted a recusal form based upon the appearance of a potential conflict. Her family’s property abuts this proposed subdivision and she lives in close proximity.

Attorney John Brunero representing the applicant. This project received Master Plan approval from the Planning Commission and on February 25, 2009 it received Preliminary Plan approval. Under the Rhode Island General Law 45-23-63.1 Polling Statute, all approvals granted from zoning, planning, and DEM are still timely (based on this statute). Applicant is here tonight for the Commission to set a bonding figure. Final Plan usually goes administratively to Mr. Sprague. Mr. Brunero stated that the Commission has a ministerial duty to approve a bond based upon information from the Town Engineer.

The development has a private road and procedures set forth by the bylaws include restrictions, easements, etc. There is also a duty of the Homeowner’s Association to plow

and maintain the road. There will be no cost to the Town except for schoolchildren attending the Town's schools. Approvals by DEM were numerous; the insignificant alteration and ISDS are still in approval stage.

Noted in the plans is the preservation of a large parcel of land for Open Space. There was concern that the Fagan family could still have use of a pond for watering cows on the property. Attorney Brunero stated that there is no major concern to allowing this as long as the cattle are controlled and do not disturb the residents. He felt that if it is a condition to approving the bond, the applicant will agree.

Mr. Sprague noted that DiPrete Engineering has been remiss in recording Mylars and requested the Mylar for this project not be recorded until they comply. Attorney Assalone stated it was at the discretion of the Planning Commission to discuss making it a stipulation for recording Mylars. Mr. Crossman suggested making a list of unrecorded Mylars to be submitted to DiPrete Engineering. Attorney Brunero questioned if there were bonds being held on unrecorded Mylars. Mr. Sprague answered in the negative. Attorney Brunero stated he will call client Dennis DiPrete in the morning regarding this issue.

Mr. Crossman pointed out that on sheet 18 of 21 of the boundary perimeter plans he noticed another encroachment on a property belonging to Cynthia A. Fagan and Thomas S. and Rita G. Fagan. On the plans it is written "possible encroachment area" and there is a stone wall with an iron pin in it that is located well into the property of the applicant. There is also an electric fence located on the property. After review by Attorney Brunero, he noted that the property has been owned by his client since 2004. Mr. Crossman commented that the boundary dispute may cause some difficulty with the bank.

Attorney Brunero suggested that Ms. Fagan-Perry could clarify the situation. Commenting from the audience, Cindy Fagan-Perry, 770 Phillips Hill Road, pointed out property markings of the stone wall as well as the wire fencing connecting to the wall.

Attorney Brunero suggested a boundary line agreement between the parties involved that follows the possible encroachment line. This would allow the watering hole to be assessable to the cattle. Mr. Crossman noted that the watering hole was located within the wetland and open space area.

Mr. Kalunian questioned the process for boundary agreement. Attorney Brunero stated that he would have DiPrete Engineering prepare a boundary line agreement and convey it via a quit claim deed. This would confirm the new boundary before the plan gets recorded. The revised boundary would extend to the stone wall and meander along the wire fence. This will not affect calculations of density or underlying zoning.

Attorney Brunero explained that infrastructure work of the road and everything associated with the bond will be done under the direction of Mr. Joyal. Then, when the binder coat is in, the applicant comes back to ask for a bond reduction. When the bond

reduction comes in, then the applicant goes to the Treasurer to deposit the money. Therefore, the applicant will be back for bond reduction before recording.

Attorney Brunero suggested that this project should be an administrative subdivision from Padula Builders to the Fagan family. Mr. Sprague was in agreement. Mr. Kalunian questioned if this would require doing a survey of the Fagan property. Attorney Brunero stated it would simply be confirmed by a Bargain and Sale deed.

Mr. Crossman confirmed that the road would be a private right-of-way. Attorney Brunero answered in the affirmative and would be stated in a restrictive covenant. Mr. Crossman questioned the approval of Cape Cod berms. Mr. Sprague stated that the proposed Cape Cod berms had been approved.

Mr. Kalunian stated that the required bond of \$620,679.58 has been proposed by Mr. Joyal, the Town Engineer, and he made a motion for the final approval and bond by reading the Finding of Fact:

“The proposed ten (10) lot major residential compound is consistent with the Town’s Comprehensive Community Plan. The property is designated Low Density Residential (LDR) on the future Land Use Map which provides for 2 – 5 DU/5 acres. The project meets these standards.

The proposed compound will not create any significant negative impact to the environment.

The proposed development meets the minimum dimensional requirements of the Town’s Zoning Ordinance.

Other stipulations subject to the applicant filing the necessary agreements and Homeowner’s Association documents to facilitate this residential compound.”

The motion was seconded by Mr. Flynn.

Mr. Kalunian amended the motion to include that the applicant shall utilize hay bales and silt fending for soil erosion and sediment control during construction and post construction activities and the road network should not be accepted as a public street. Also, the bond should be set in the amount suggested by Mr. Joyal (\$620,679.58)

The amended motion was seconded by Mr. Flynn.

Mr. Crossman made an additional suggested that an administrative stipulation regarding the Fagan property be incorporated. Mr. Kalunian amended the motion to include this stipulation.

The amended motion was seconded by Mr. Flynn. All members approved. Motion passed.

Issues of Interest

Mr. Kalunian corrected the contact list that Josh Nunes is the Vice-Chairman and he would prefer not to have work email listed. Gail Hardink would be notified of the changes.

Planning Director

none

Mr. Crossman commented that he was pleased there is now a full Planning Commission Board.

Mr. Bouchard made a motion to adjourn the meeting. Mr. Mattson seconded. All in favor. Motion passed.

Meeting adjourned at 7:35pm

Minutes prepared by Susan Volpe