

PLANNING BOARD MINUTES
Benjamin Eddy Building, 6 South Killingly Road
Wednesday: June 19, 2019

A. Call to Order

Ron Cervasio called the meeting to order at 6:58 p.m.

B. Roll Call

Planning Board Members: Ron Cervasio, Chair; Joe Carey, Vice Chair; Helen Hardy, Secretary; Mike Carpenter, Jeff Sheldon, Lisa Johnston, Anthony Renzi

Staff: Jennifer Siciliano, Planner; Joanna Achille, Solicitor

Members of the public: Denise L. DiFranco, Sandy Sheldon, Lynne Rider, Dennis Therrien, Martha Thoman, Diana Cano, and Eric Colburn

C. Approval of Minutes

June 5, 2019

Mike Carpenter moved, Jeff Sheldon seconded, to approve the minutes of June 5, 2019.

Motion carried 5 – 0 – 2 Ron Cervasio and Joe Carey abstained.

E moved to this position:

Financial Comments from the Chair

Ron Cervasio spoke on the purpose of the Planning Board, goals, and finances.

D. Correspondence

Letter was received from the Zoning Official regarding the blight ordinance.

E. Moved before D.

F. Pre-Application 3-Lot Minor Subdivision, Plat 11 Lot 49

- 1) Applicant, Diana Cano, and owner, the George and Mary Thoman Trust, are proposing a 3-lot minor subdivision with wells, septic, and driveways; located on the corner of 111A Central Pike and Paris Olney Hopkins Road on 18.57 acres, in an Agricultural / Residential AR district.

Discussion: Eric Colburn, Helen Hardy, Joe Carey, Jennifer Siciliano, Lisa Johnston, Anthony Renzi

Joe Carey moved, Lisa Johnston seconded, to combine the Preliminary and Final approval.

Motion carried 6 – 0 – 1. Ron Cervasio abstained.

G. Farm/Forests Accessory Businesses

Helen Hardy proposed working with Jennifer over the summer and consulting with various people in the field, and coming back to the board with a more coherent comprehensive recommendation. Ron Cervasio suggested a subcommittee. Helen said she could report at the second September meeting. Jennifer Siciliano said they should look at the Use Table first.

Discussion: Joe Carey, Helen Hardy, Ron Cervasio, Anthony Renzi, Mike Carpenter, Joanna Achille

Anthony Renzi moved, Jeff Sheldon seconded, to table this item.

Motion carried 6 – 0 – 1. Ron Cervasio abstained.

H. Blighted Buildings on Route 6

A letter was received from Rhett Bishop, the Building and Zoning official, and an email from Jennifer Siciliano. Mr. Bishop says he has two ways to address blighted buildings (demolition and violations*). Ms. Siciliano's email stated that she agrees that taking the buildings down is the best approach. Mr. Cervasio asked the attorney to address the legalities.

Joanna Achille stated that as far as condemning property, the (building) code is clear. Rhett would have to make an individual determination of property that should be condemned. To knock it down, you would need to have court approval unless it was an emergency, and even then she would not recommend proceeding without court approval, or alternatively, you could push for the owner to knock it down.

Ron Cervasio stated that 1) he wanted that information in writing; 2) why isn't Rhett doing it? and, 3) unless the building is falling to the ground and it is an emergency? Ms. Achille stated she would never advise the town to do anything without a court order. Mr. Cervasio stated that he intends to draft a letter to the Town Council, to the Economic Development Committee, and to the Zoning Board in this regard, and publish the letter in local publications because somebody has to address why this isn't being done. Mr. Cervasio asked that if they wanted to go to court, how do you prove a dire situation? Ms. Achille said Rhett would condemn the property, there would be an order for the owner to demolish, if the owner doesn't comply, then a petition would be filed for a specific performance to enforce the demolition order. If the property is in very bad condition

the judge will order something to be done. Mr. Cervasio asked about cost; the cost incurred in doing this, can that be put on a lien on the property? Ms. Achille said the judge would make that determination. Mr. Cervasio asked what the usual result is, and Ms. Achille stated it depends on the judge and circumstances.

Anthony Renzi read the State blight ordinance, 23-45-69-0357. He stated we should do it, or not do it, otherwise he's wasting his time, he wouldn't invest in Route 6 the way it looks now. He asked if somebody was asking Ms. Achille to back off? and if any properties had been brought to her. She stated no, and that any properties should be brought to Mark Tourgee because he is the solicitor and she is technically the Assistant Solicitor. Denise L. DiFranco stated that this was not the venue to question the solicitors. Mr. Cervasio stated that Ms. DiFranco was not there as the Town Council president.

Mr. Cervasio asked for an estimate on the cost for one building. Ms. Achille stated it depends. Mr. Renzi says that the town would be reimbursed for the demolition. Ms. Achille agreed and stated that Warwick does it in their municipal court; as of now, we would have to go through Superior Court. Mr. Renzi says nothing has been sent to anyone.

Ron Cervasio stated that he had asked Jennifer for that information. Ms. Siciliano presented a spreadsheet with that information. Mr. Cervasio asked that it be put in the next packet and hold off on the letter.

Further discussion: Mike Carpenter, Jeff Sheldon, Joann Achille, Ron Cervasio

*Lynne Rider asked in what two ways Rhett Bishop stated he would proceed in the letter mentioned at the beginning of the item (see above). Jennifer Siciliano stated that she felt Rhett should address the planning board. Mr. Cervasio said the Town Council tells the Building & Zoning official what to do. Joanna Achille stated that he is an expert and can testify in court to that and that the council cannot force somebody to do something that they feel is inappropriate.

Denise L. DiFranco stated that job performance is not under the planning board's jurisdiction. Ms. Achille stated this topic was not on the agenda. Lisa Johnston stated that Mr. Cervasio's behavior as chair was inappropriate in the way he was speaking to others.

Mr. Renzi stated that the town is broke and can't pay for it, so eventually the buildings will deteriorate. Ms. Achille stated that for next year's budget, they can add a line item for derelict building demolition. You will get the money back when the property is sold.

Further discussion: Joe Carey, Ron Cervasio, Lynne Rider, Jennifer Siciliano

I. Truck Ordinance Review

Ron Cervasio stated that he asked Joanna Achille to review the ordinance; Jennifer Siciliano handed out the Use Table and written description of the possible changes. Ms. Achille stated the board discussed that people who own businesses can park Class V trucks or lower at home. It would be considered an accessory use in an A/R district. If you do not own a business that would be separate parking ordinance Section 38-2-86. It shall not be permitted for over 9.75 tons; Class VI, VII or VIII are prohibited. Anthony Renzi stated he was talking about permitting Class VI, VII, and VIII. Jennifer Siciliano stated that you need a CDL license for a Class VII.

Discussion: Mike Carpenter, Anthony Renzi, Jeff Sheldon, Joe Carey

Ron Cervasio stated there was a miscommunication about what the board had agreed to. He suggested that Mr. Carpenter give Ms. Achille his suggested wording and let her rewrite the ordinance and bring it back before the planning board.

Mike Carpenter moved, Jeff Sheldon seconded, to table the item to be brought back to the board at a future meeting after Joanna Achille and Mike Carpenter have conferred.

J. Future Agenda Items

- 1) Fees for Development
- 2) Route 6 Zoning

K. Adjournment

Mike Carpenter moved to adjourn at 8:31 p.m. Motion passed unanimously.

Respectfully submitted by,

Helen Hardy, Secretary