


OLD BUSINESS:

*Town
Council
Minutes
4-20-11*

A. COMMUNICATIONS:


1. A request from Councilors Wilk and Bradley to have residents of Louise Luther Drive & Howard Road address the Council regarding their concerns with road issues in that area (tabled from March 16, 2011) 

Council President Higgins explained that this matter was tabled from March 16th, and they asked the Mayor to provide them with a status update tonight as to what progress has been made regarding the paving of Howard Road and Louise Luther Drive.

The Mayor asked Solicitor Hefner to provide that update.

Solicitor Hefner explained that he was not present at that March 16th meeting, and he assumed that the Council was looking for the status of the bonds.

Council President Higgins explained that there was an issue as to whether there was a bond, although the Council felt there would in fact be a bond.

 Solicitor Hefner explained that there are two bonds—one for the Howard Road paving, and one for the **Clover** Court subdivision.

✓ Council President Higgins noted that the Council was also requesting a plan of action on the part of the Administration to get that road paved before the winter.

✓ Solicitor Hefner responded that that road, together with any other road in a similar situation (such as Little Pond County Road), must be done by August 1st; if it is not done by that date, the bonds will be called.

Council President Higgins asked if a communication had been sent to the developers regarding that deadline.

✓ Solicitor Hefner responded that the letters have not yet been sent because the data was coming in to him today as late at 3:40 p.m. this afternoon. He stated that before Friday there will be letters going out to at least three developers and to four separate bonding companies. He stated that the bond companies are aware of this, and they are also aware of the fact that the bonds presently in place are in excess of the amount of work that is left to be done. He again stated that there are active bonds on all of the developments that he would consider problem developments.

Councilor Wilk asked the amount of the bond for the Howard Road area.

Solicitor Hefner responded that the amount is \$98,384 and the actual work remaining is approximately \$57,000.

Councilor Lemois stated that he thought they were just going to discuss one particular area in Town, but he takes it that the Administration has enlarged its focus to the whole town.

Solicitor Hefner noted that there are several remaining items that need to be completed on several locations that date back to 2002 or 2003 or 2004 where there are actually reasons why it is incomplete, such as litigation or a DEM issue, but as far as major subdivisions he does not see a problem. The one he had actual concern about has two subdivision bonds in place. He explained that when a bond is issued, it does not lapse; it is in effect until the Town puts the bond holder or bond issuer on notice that there is an issue or that it is complete.

Councilor Lemois thanked the Administration for widening the scope of this and looking at the entire Town.

Council President asked Councilor Wilk whether he was satisfied with the responses regarding the questions for the item on the agenda.

Councilor Wilk responded that he was. He asked Solicitor Hefner whether DEM had anything to do with the Howard Road situation.

Solicitor Hefner responded that it did not. He explained that several years ago the General Assembly placed a moratorium on subdivisions, Chapter 45-23 of the General Laws, which requires a subdivision to be completed in an expeditious manner. This includes down to the final paving of roads. He spoke last weekend with the head of the Rhode Island Homebuilders Association, and he said that there is another piece of legislation in the works to expand it past June 30th of this year. What this is doing is causing problems for people who bought houses two or three years ago and they are still seeing no final pavement because the developer is not required to put the final pavement down until the final build-out of the subdivision. At that point, the Town accepts the subdivision. Up until that time, the developer is responsible for plowing, etc.

5/30/13
PL Bcd
Minutes

a. Director to update the Planning Board on status of Clover Court.

Ms. Morris stated that the Board had asked her to check with the developer on **Clover Court**. She stated that she did, and there is a pipe that has to be drained over into the wetlands still, so it would kind of be counterproductive to put the last paving or the final coat on until after that is done. She stated that the developer told her that, definitely by next winter, the plowing season, that will be done. Ms. Morris stated that she would take the position the neighbors are happy. She stated they were plowed this winter, and she thought the Public Works Director would rather have all the improvements done before the final coat is put on. Mr. Coutu asked, as far as the DEM approvals, where they were with that. Ms. Morris answered that did not really involve the Board, the issue of the catch basin, and she had not heard from any of the neighbors about that. She stated she did explain to them that that is really a civil matter between them, and now they are focusing on the drainage from the property. She stated it is like in the middle of the development, and it is going to go across the road and into the lot that Mr. McKee will continue to own. Mr. Costa asked if the properties were being flooded out any more; and Ms. Morris stated, other than that property, they are not being flooded.

Further discussion ensued on this matter, and Mr. Coutu asked one of the neighbors, Mr. Mathew Pappas, if he wished to speak. Mr. Pappas came forward and stated, from their standpoint, they are not happy that the road is still not paved. He stated it has been four years this July, and it still has not been paved. He stated that he could say that most of the neighbors are unhappy that it has not been paved. He also stated there are a number of potholes on the street that are just continuing to grow which is just making it more of a danger for the kids when they are running around, so that is still concern of theirs also. Mr. Pappas went on to state further concerns about this development.

During discussion, Mr. Coutu asked if there was a timetable as to when that pipeline is going to be put in so they can pave the road. Ms. Morris stated that the developer told her soon, definitely before next winter. She stated she is happy to talk to him. Mr. Coutu asked if Ms. Morris could get back to the Board next month and ask Mr. McKee for a timeline, and Ms. Morris said absolutely, she would. She stated it was clear it was before the snow season starts, but she would be happy to come back with a timeline.

After further discussion in this matter, the Board went on to the next agenda item.

6/26/13
PL Bd
Minutes

Communications.

a. Director to update the Planning Board on status of Clover Court.

Ms. Morris stated that, shortly after the last time, she did meet with Mr. McKee regarding his plans to finish the roads. She stated that those things are contingent really on one issue that is left, which is Mr. Mollis's pipe that he wants to run over across the road and into wetlands. She stated that it is a little bit more complicated than that, only because she was not sure if the Board was aware of this, but there is a consent agreement with DEM which relates to that detention basin. Ms. Morris stated she has seen quite a bit of correspondence going back and forth over time; but, at this point, Mr. McKee's engineer has submitted the appropriate letter to DEM asking for a final inspection. She stated he had to provide a certification by the engineer that the engineer believes that all the work is done.

Ms. Morris stated that DEM is very anxious, as the Board is, to resolve all this, and Ms. Morris stated she expected them to go out and inspect relatively quickly.

Ms. Morris further stated that part of the issue is that they would not accept any permits from Mr. McKee until this consent agreement was fulfilled. She stated she looked on-line, and there is a pending application; but they will not review it until the consent agreement is fulfilled. She stated as soon as they give the approval on this consent agreement, they will start reviewing the new permit application which involves the last lot that has wetlands.

Ms. Morris stated that he wants to build a home there, too; and, as to the Mollis issue, the water will run into those wetlands as well.

Ms. Morris stated that Mr. Goodier also brought in a plan prepared by Darveau Land Surveying showing where the catch basin will be on Mr. Mollis's land. She stated this is the plan that will be provided to DEM, and it shows it going across the street and into the wetlands as was discussed the last time. Ms. Morris stated that her position is still that she would rather see a full road paved than the road paved and then dug out and there would be another patch on that road because these roads have to last.

Mr. Costa asked if anyone from **Clover Court** was present, and no one responded.

Attorney Nicholas Goodier came forward on behalf of Dedicated Builders. He stated that the consent agreement that may be circulating amongst the Board members is actually signed and recorded in the land evidence records; and, as Ms. Morris indicated, they are taking the steps to abide by or fulfill the obligations in order to proceed with the development of the final lot in this subdivision. He stated the incentive there is to develop that lot on Dedicated's behalf, and he stated Ms. Morris did a perfect job summarizing the sequencing of that. He further stated that, hopefully, the DEM conducts a final inspection in an expeditious manner and this matter moves along.

Further discussion ensued on the status of this matter. After discussion, Mr. Costa stated that if anyone wants to get in touch with Ms. Morris that has any concerns, they should get in touch with her.

* * * * *

4. Old Business.

Ms. Morris stated there was no old business.