

From: carol desrosiers [<mailto:caroldesros@gmail.com>]
Sent: Monday, August 30, 2021 8:10 PM
To: Jim Lamphere; al d'orio
Cc: Steve Moffitt; Sharon Davis
Subject: BB Housing notes for 9/1/21 meeting

Since I will be out of town for my father-in-law's funeral, I am at a disadvantage for expressing my concerns and responding to the new documents for the Brushy Brook Housing Proposal at the 9/1/21 Planning Board meeting. Since the documents were only available to the public today, and I could not submit a response in time for the PB packets, would you please share my comments with the entire Planning Board. Thank you.

In response to DiPrete's memo, responding to comments made at the 8/4/2021 Planning Board meeting, please review the following.

COMMENT # 1 – Offsite Improvements & Master Plan Condition of Approval #4 – the Planning Board members, Planning Staff, and abutters questioned whether Condition #4 regarding offsite improvements is adequately addressed. More specifically, Condition #4 states:

The applicant shall make all offsite road, bridge and culvert improvements that were required in the previous PUD for the site, which is part of the record. These off-site improvements include widening a bridge and two culverts on Saw Mill Road to twenty-two (22) feet, clearing two (2) feet on each side of the road, and chip sealing Saw Mill Road and Dye Hill Road from Route 138 to the entrance of the Reserve at Brushy Brook. In addition, the applicant shall make the improvement and provide for the monitoring recommended in the RAB revised Traffic Impact Study dated July 2, 2010. Finally, the applicant shall perform improvements indicated in the Public Works Director's Memo of January 15, 2010, Exhibit 22, unless they are proven infeasible.

RESPONSE #1 –

The applicant believes that it's important to provide context into the timeline of this condition, the sequence of the additional information that the Planning Board requested, the direction provided by the Planning Board, and clarity into how the condition evolved...

[My Response:](#)

Regardless of DiPrete's rebuttal, the **Approved Master Plan Conditions, approved on November 10, 2010 as noted at the end of the timeline DiPrete provided,** unconditionally stated that:

The applicant shall make all off-site road, bridge and culvert improvements that were required in the previous PUD for the site, which is part of the record. These off-site improvements include widening a bridge and two culverts on Saw Mill Road to twenty-two (22) feet, clearing two (2) feet on each side of the road, and chip sealing Saw Mill Road and Dye Hill Road from Route 138 to the entrance of the Reserve at Brushy Brook. In addition, the applicant shall make the improvement and provide for the monitoring recommended in the RAB revised Traffic Impact Study dated July 2, 2010. Finally, the applicant shall perform

improvements indicated in the Public Works Director's Memo of January 15, 2010, Exhibit 22, unless they are proven infeasible.

And, please note that the developer did not address any widening concerns for Dye Hill Rd at all during the 8/4/21 Planning Board Meeting. In contrast to DiPrete's claim, BETA Group's evaluation in no way " confirms conformance with Condition #4 of the Master Plan approval".

COMMENT #2 – Timing of Offsite Improvement Completion – will the offsite improvements be completed before, during, or after the subdivision?

RESPONSE #2 – It is the applicant's intent to perform the construction of the offsite improvements concurrent with Phase 1 of the subdivision and will accept a condition of approval that says: "The offsite improvements will be bonded as part of Phase 1. The offsite improvements must be substantially complete prior to seeking building permits in Phase 2 with allowance for items that can only be seasonally performed such as final pavement surface course and vegetative stabilization."

My Response:

From our Subdivision Regulations 8.6.4: all public improvements and infrastructure has to be completed within 2 years from the initial date of Preliminary Plan approval and prior to the approval and recording of the Final Plan of a Major Land Development Project or Major Subdivision, unless otherwise authorized by the Planning Board

Why should the town bend to the whim of the developer on this regulation which protects the interests of the town?

COMMENT #6 – Construction Manager During Construction – a construction manager selected by the town and paid for by the applicant should be required to make sure that the project is constructed in accordance with the plans.

RESPONSE #6 – As with most larger sized projects, the construction will be phased to limit the disturbance and provide for soil erosion controls throughout. The pace of construction will follow market conditions and there could be times when limited or no work on the site is taking place. All construction will adhere to state and local regulations relative to the inspection and maintenance of soil erosion and sedimentation controls. Although it is a large subdivision, the individual phases are not that large and it could take years to get through all of the phases. As required by RIDEM Freshwater Wetlands Program, a comprehensive Soil Erosion and Sedimentation Control (SESC) Plan has been provided, which details both short- term and long-term construction inspection and maintenance requirements. We anticipate this subdivision would be subject to the same requirements as any other construction project in town including periodic inspections to confirm substantial conformance to the approved plans and the applicant is anticipating the town inspections. The town providing the construction management services on this private project is not something that the applicant is in favor of.

My Response:

It is in the best interest of our town to have a Construction Manager/Clerk of the Works for this project. While the developer may feel that a single phase of 20 houses is not that significant, it is large for our town, and the burden to our town employees and the risk to our neighborhood is great. Having a Construction Manager is not a big ask for a development of this size that presents a huge risk to our town.

Respectfully submitted,
Carol Desrosiers