

**TOWN OF WEST GREENWICH
TOWN COUNCIL
REGULAR MEETING
SEPTEMBER 10, 2008**

A regular meeting of the West Greenwich Town Council was held on September 10, 2008. Present were Thaylen Waltonen, Mark Tourgee, Robert Butler, Robert Andrews and Susan Woloohojian. Also present was Town Administrator Kevin Breene and Town Solicitor Michael Ursillo. The meeting was called to order at 7:36 p.m.

CONSENT AGENDA

Andrews moved to approve the Consent Agenda with Correspondence Items 3, 5, 6 & 7 removed for further consideration. Butler seconded.

VOTED: Waltonen – abstain, Tourgee – aye, Butler – aye, Andrews – aye, Woloohojian – aye.

I. MINUTES

1. MINUTES OF MEETING OF AUGUST 19, 2008

II. REPORTS

1. TOWN CLERK RECEIPTS – AUGUST, 2008

III. CORRESPONDENCE

1. TOWN PLANNER JENNIFER PAQUET
AUGUST 29, 2008
RE: CALCULATED QUOTA FOR ISSUANCE OF RESIDENTIAL BUILDING PERMITS
2. REPORT OF COMPENSATED ABSENCES – FYE 6/30/2008
3. REPORT OF TAX LEVY INCREASE ALLOWED THROUGH FY 2013/2014
4. CONSERVATION COMMISSION – MINUTES OF AUGUST 14, 2008
5. FISCAL IMPACT STATEMENT OF WEST GREENWICH POLICE CONTACT
6. NEWSPAPER ARTICLE REGARDING PROFESSIONAL FIREFIGHTERS ORGANIZATION IN SUPPORT OF THE LAKE MISHNOCK FIRE & RESCUE COMPANY
7. MEMO FROM TOWN TREASURER COLLEEN DERJUE REGARDING FY 10 PROJECTION

IV. ABATEMENT, ADDITIONS & REBATES

1. REQUEST OF TAX ASSESSOR – SEPTEMBER 5, 2008

August			
ACCT #	NAME	AMOUNT	REASON
<u>Motor Vehicle Abatement- Backyears</u>			
<u>2007</u>			
20-0111-24	Toyota Motor Credit Corporation	\$3,473.29	Duplicate from Registry
<u>Motor Vehicle Additions- Backyears</u>			
20-0111-24	Toyota Motor Credit Corporation	\$3,419.58	Duplicate from Registry
<u>Motor Vehicle Rebates- Backyears</u>			
20-0111-24	Toyota Motor Credit Corporation	\$53.71	Duplicate from Registry
<u>Motor Vehicle Abatements 2008-2009</u>			
01-0330-75	Auld, Ricky S	\$329.58	Less Days Owned
19-0015-35	St. Martin, Thomas J	\$865.09	Less Days Owned
<u>Motor Vehicle Additions 2008-2009</u>			
01-0330-75	Auld, Ricky S	\$267.50	Less Days Owned
19-0015-35	St. Martin, Thomas J	\$613.24	Less Days Owned
<u>Real Estate Abatements 2008-2009</u>			
20-0120-00	Tuchon, Ledyard R & Barbara	\$3,553.84	Appeal Approved
<u>Real Estate Additions 2008-2009</u>			
20-0120-00	Tuchon, Ledyard R & Barbara	\$3,359.04	Appeal Approved
<u>Tangible Abatements 2008-2009</u>			
19-0035-96	Sauastano, Lou	\$447.17	Value Reduction
<u>Tangible Aadditions 2008-2009</u>			
19-0035-96	Sauastano, Lou	\$422.83	Value Reduction
19-0046-04	SBM Site Services, LLC	\$1,105.47	Late Filing

V. CHECK SUMMARY REPORT

1. AUGUST , 2008

OLD BUSINESS

APPOINTMENT OF TREE WARDEN

No action was taken on this matter.

NEW BUSINESS

PUBLIC HEARING - AMENDMENTS TO ZONING ORDINANCE AS RECOMMENDED BY PLANNING BOARD – (CONTINUED FROM JULY 9, 2008 & AUGUST 19, 2008)

Waltonen opened the following public hearing:

PUBLIC NOTICE THE TOWN OF WEST GREENWICH STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS NOTICE OF ZONING ORDINANCE AMENDMENT

The West Greenwich Town Council will hold a Public Hearing for amending the West Greenwich Zoning Ordinance as follows:

IT IS HEREBY ORDAINED by the Town Council of the Town of West Greenwich, Rhode Island, that the Zoning Ordinance hereby be amended as follows:

Rename "Site Plan Review" of Article IX to "Development Plan Review" to make it consistent with the RI Zoning Enabling Act of 1991. Cross-reference Article IX to the review procedure, fee structure, requirements, and standards necessary for proper review as established in the West Greenwich Land Development and Subdivision Regulations, which is provided for by RI Land Development and Subdivision Review Enabling Act of 1992. Add that the requirement of the Design and Public Improvement section of the Land Development and Subdivision Regulations is herein incorporated.

Under Article IX, section 1B. "Landscape," add that a minimum of 15% of all sites shall be landscaped, and refer to the Land Development and Subdivision Regulations for specific requirements. (The Corporate Zoning District requires 25%; the Exit 7 SMD requires 10%)

Under Article IX, section 1F. "Driveway Connection to Public Streets," add 5. Each lot shall be limited to one driveway per street frontage, and any lots created from the original lot shall be served by the single common driveway or curb opening. A second curb cut may be approved by the Planning Board as part of the plan approval, if the Board finds that the additional curb cut is necessary and would improve traffic flow on the main road, or is otherwise required by the Fire Chief for that district for emergency access. Also, add 6. It is encouraged, and the Planning Board may require, that internal driveway and/or pedestrian connections are made between abutting commercial sites. Also, add 7. To the extent feasible, access to business shall be provided via one of the following:

- Access via a common driveway serving adjacent lots or premises;
- Access via an existing side street where deemed appropriate;
- Access via a cul-de-sac or loop road shared by adjacent premises

Under Article IX, section 1I. "On-site Parking and Circulation," add that buffers and perimeter landscaping requirements are noted in the Design and Public Improvement section of the Land Development and Subdivision Regulations.

Add a Maximum Impervious Surface to the Dimensional Regulations of both Neighborhood Business and Highway Business. The Planning Board recommends a maximum impervious surface of 65% (Industrial A and B is 45%; the Corporate Zoning District is 55%; Exit 7 SMD is 90%, however, in practice, for example, Grandeville at Greenwich is 60% impervious.)

THE PUBLIC HEARING IS SCHEDULED
TO BE HELD
JULY 9, 2008
AT 7:30 p.m.
IN THE COUNCIL CHAMBERS
WEST GREENWICH TOWN HALL
280 VICTORY HIGHWAY

All interested parties may review and examine a copy of the proposed ordinance amendment at the West Greenwich Town Clerk's Office between the hours of 9:00 a.m. to 4:00 p.m. and at the West Greenwich Library during Library hours. Copies copy of the ordinance amendment can be obtained at the Town Clerk's Office.

The proposal may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any such alteration or amendment must be presented for comment in the course of said hearing.

Individuals requesting interpreter services for the hearing impaired must notify the Town Clerk's Office at 392-3800, 48 hours in advance of the hearing date.

Per order of the West Greenwich Town Council
Janet E. Olsson, CMC
Town Clerk

The following memo had been provided to the Town Council:

August 20, 2008

To: The Honorable Town Council
Thaylen Waltonen, President

From: Planning Board
Mark Boyer, Chairman
Jennifer Paquet, Town Planner

Re: Proposed Amendments to the Zoning Ordinance

This memo is a follow-up to my May 21, 2008 memo to you on this agenda item.

At their regular meeting on August 18, 2008, the Planning Board voted unanimously (4-0) on the following motions:

Motion to increase the recommended maximum impervious surface coverage in the Highway Business zoning district from 65% to 80%. Berry-Regan (3-0).

Motion to recommend to add to the Zoning Ordinance a maximum height of 36 inches from the ground for directional signage. Berry-Regan (3-0).

Please let me know if you have any further questions.
Thank you

Town Planner Jennifer Paquet explained that the changes pertained to Site Plan Review which would now be called Development Plan Review and that the Planning Board was also recommending to increase the recommended maximum impervious surface coverage in the Highway Business zoning district from 65% to 80% and to recommend to add to the Zoning Ordinance a maximum height of 36 inches from the ground for directional signage.

Butler moved to adopt the proposed amendment to Article IX of the Zoning Ordinance along with the amendments from the Planning Board in their letter dated August 20, 2008; the amendments are consistent with the Town's Comprehensive Plan; and adopt the recommendation of the Planning Board dated May 21, 2008 including the findings of fact as set forth therein. Andrews seconded. VOTED: Waltonen – aye, Tourgee – aye, Butler – aye, Andrews – aye, Woloohojian – aye.

Following is the Section IX of the Zoning Ordinance as amended:

Article IX DEVELOPMENT PLAN REVIEW

This Article is hereby cross-referenced and subject to the review procedure, fee structure, requirements, and standards necessary for proper review as established in the West Greenwich Land Development and Subdivision Regulations, which is provided for by the RI Land Development and Subdivision Review Enabling Act of 1992. The requirements of the Physical Design Requirements and Public Improvement Standards section of the Land Development and Subdivision Regulations are herein incorporated.

No building permit may be issued for any building within the purview of this Ordinance, except in conformance with an approved Development Plan. No certificate of occupancy may be issued for any building or use of land within the purview of this Ordinance unless the building is constructed or used, or the land is developed or used in conformity with an approved site development plan. Every application for site development plan review shall be accompanied by a certification by the West Greenwich Planning Board to the effect that the said plan meets all the specific applicable requirements of this Ordinance, and a certificate that the plan meets all the applicable standards and requirements established or approved by that Board.

As part of the Development Plan Review process, the Planning Board may request opinions and technical review by Federal and State agencies as they deem appropriate. Referrals shall also be made to the Conservation Commission, Highway Department and other local agencies as needed. Site development plan approval by the Planning Board shall be required in all districts for:

- a) The erection, enlargement or change of use of any building or other structure, other than single family dwellings. Any variance, special exception or rezoning for a use other than single family residential shall be referred by the Zoning Board of Review or the Town Council to the Planning Board for the Planning Board's review and recommendation as to the adequacy of the site plan;
- b) All uses of open land for which a certificate of occupancy is required; and
- c) Any amendment of a previously approved site plan.

SECTION 1. General Criteria and Standards

In addition to the Land Development and Subdivision Regulation requirements, the following criteria and standards shall be used by the Planning Board in reviewing applications for development plan approval. They are intended to provide a framework within which the designer of the site development is free to exercise creativity, invention and innovation. Participation by the Planning Board shall be restricted to reasonable, professional review and, except as otherwise provided in the following subsections, full responsibility for design shall be retained by the applicant.

A. Ecological Considerations - The development shall:

1. Result in minimal degradation of unique or irreplaceable land types; minimal adverse impact upon the critical areas such as streams, wetlands, areas of

aquifer recharge and discharge, steep slopes, highly erodible soils; areas with a high water table, mature stands of vegetation and extraordinary wildlife nesting, feeding or breeding grounds.

2. Conform with existing geological and topographic features, so that the most appropriate use of land is encouraged.
- B. Landscape - The landscape shall be preserved in its natural state, insofar as environmentally desirable, by minimizing tree and soil removal. If development of the site necessitates the removal of established trees, special attention shall be given to the planting of replacements or to other landscape treatment. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. A minimum of 15% of all sites shall be landscaped. Refer to the West Greenwich Land Development and Subdivision Regulations for specific requirements.
- C. Relationship of Proposed Structures to Environment - Proposed structures shall be related harmoniously to each other, the terrain, existing buildings, and roads in the vicinity that have a visual relationship to the proposed structures.

Proposed structures shall be so sited as to minimize adverse impact upon the surrounding area, and particularly upon any nearby residences, by reason of:

1. Building location, height, bulk and shadows:
2. Location, intensity, direction and times of use of outdoor lighting:
3. Traffic generation, noise generation and pollution;
4. Likelihood of nuisances; and
5. Other similar considerations.

Appropriate natural or artificial screening may be required to minimize any such adverse impact.

- D. Scenic, Historic, Archaeological Landmark Sites - Scenic, historical, archaeological landmark sites and features that are located on or adjacent to the proposed development shall be preserved and protected. In proposed developments where such sites have been identified, advisory opinions shall be sought from appropriate State and local agencies.

- E. Surface Water Drainage - A proposed development shall be designed so as to provide for proper surface water management through a system of controlled drainage that:
1. Preserves existing natural drainage patterns and wetlands;
 2. Enhances groundwater recharge areas; and
 3. Protects other properties and existing natural and artificial drainage features from the adverse effects of flooding, erosion and the depositing of silt, gravel or stone.
- F. Driveway Connection to Public Streets - All entrance and exit driveways to public streets shall be located with due consideration for traffic flow and so as to afford maximum safety to traffic on the public streets. Roadway design shall conform to Town and State of Rhode Island Department of Transportation standards (Standard Specifications for Road and Bridge Construction), as appropriate. All such entrances and exits shall be located and designed to:
1. Conform with municipal sight requirements at corner and in accordance with the Rhode Island Department of Transportation, standards;
 2. Achieve maximum practicable distance from street intersections, from existing and proposed access connections from adjacent properties;
 3. Minimize left-hand turns and other turning movements; and
 4. Discourage the routing of vehicular traffic to and through local residential streets.
 5. Each lot shall be limited to one driveway per street frontage, and any lots created from the original lot shall be served by the single common driveway or curb opening. A second curb cut may be approved by the Planning Board as part of the plan approval, if the Board finds that the additional curb cut is necessary and would improve traffic flow on the main road, or is otherwise required by the Fire Chief for that district for emergency access.
 6. It is encouraged, and the Planning Board may require, that internal driveway and/or pedestrian connections are made between abutting commercial sites.

7. To the extent feasible, access to business shall be provided via one of the following:
 - i. Access via a common driveway serving adjacent lots or premises;
 - ii. Access via an existing side street where deemed appropriate;
 - iii. Access via a cul-de-sac or loop road shared by adjacent premises

- G. Traffic Effects - The site development proposal generally shall minimize adverse traffic effects on the road networks serving the area in question. A traffic study may be required to document the existing conditions and the potential impacts of the proposed development.

- H. Pedestrian Safety - Pedestrian and bicycle circulation shall be separated from motor vehicle circulation. Safe and convenient pedestrian circulation, including sidewalks, where appropriate, shall be provided on the site and its approaches. The pedestrian circulation plan shall be designed to minimize potential conflicts between vehicles, bicycles and pedestrians.

- I. On-Site Parking and Circulation - The location, width and layout of interior drives shall be appropriate for the proposed interior circulation. Location and layout of accessory off-street parking and loading spaces shall provide for efficient circulation and the safety of pedestrians and vehicles.

Landscaped areas within parking lots shall occupy a minimum of ten percent (10%) of the total parking area with fifty percent (50%) of the landscaping distributed throughout the parking area itself. Trees, shrubbery and other landscaping features shall be of a species and size necessary to provide for shade and for screening of unsightly or highly trafficked areas from public rights-of-way or adjacent uses. Additional perimeter screening and other buffer areas may be required.

The location of parking areas shall not detract from the design of proposed buildings and structures or from the appearance of the existing neighboring buildings, structures and landscape. Provision shall be made for access by police, fire and emergency vehicles.

Buffers and perimeter landscaping requirements are as specified in the Physical Design Requirements and Public Improvement Standards section of the Land Development and Subdivision Regulations.

- J. Utility Services - Electric, telephone, other wire-served utility lines and service connections shall be underground insofar as feasible and subject to State public utilities regulations. Any utility installations remaining above ground shall be located so as to have a harmonious relationship to neighboring properties and to the site.

SECTION 2. Submission Fees and Procedures

- A. Fees - refer to the Land Development and Subdivision Regulations for applicable fees
- B. Required Submissions - Refer to the Land Development and Subdivision Regulations for submission requirements and review procedure.

[NOTE: ALL OF THE REQUIREMENTS OF THE ABOVE DELETED SECTIONS HAVE BEEN ADDED TO THE LAND DEVELOPMENT AND SUBDIVISION REGULATIONS]

SECTION 3. Additional Submissions

Where, due to special conditions peculiar to a site, or the size, nature, or complexity of the proposed use or development of land or buildings, the Planning Board finds that additional information is necessary for proper review of the site plan, the Board may request additional pertinent information including:

- A. A survey of the subject property having an error of closure not in excess of one in twenty five thousand (1 in 25,000), indicating all lengths in feet and decimals of a foot, and all angles to the nearest ten (10) seconds, or closer if deemed necessary by the surveyor.
- B. A copy of any covenants or deed restrictions that are intended to cover all or any part of the tract.
- C. All proposed lots, easements, and public areas. All proposed streets with:
1. Profiles indicating grading.
 2. Cross-sections showing width of roadway, location and width of sidewalk; and
 3. Location and size of utility lines, according to the standards and specifications established or approved by the Town of West Greenwich.
- D. A copy of the reports of any environmental analysis performed on the development site which relates to the existence of hazardous substances.

- E. An erosion and sedimentation control plan.
- F. Environmental analysis reports of existing conditions and potential impacts.
- G. Groundwater Studies.

SECTION 4. Exceptions

For minor site development plans, or in other appropriate circumstances, the Planning Board may waive the provision of any items of information listed herein.

SECTION 5. Duties of Planning Board

[NOTE, DEADLINES FOR REVIEW ARE ALREADY INCLUDED IN THE LAND DEVELOPMENT REGULATIONS, AND ARE LIMITED BY STATE LAW.]

In reviewing the development plan, the Planning Board shall take into consideration the West Greenwich Comprehensive Community Plan, the public health, safety and general welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and shall set any appropriate conditions and safeguards in harmony with the general purpose and intent of these regulations, and according to the general criteria and standards set forth herein.

SECTION 6. Planning Board Initiative

The Planning Board may, on its own initiative, propose a general or specific site plan for a particular area where site development plan approval may be required in the future, using as a guide the requirements of this Local Law and the Comprehensive Community Plan.

SECTION 7. Compliance/Penalties

[NOTE: IT IS NOT PRACTICAL TO REVOKE A CERTIFICATE OF OCCUPANCY ONE YEAR AFTER GRANTING IT. BETTER TO USE THE COMPLIANCE AND PENALTIES OF THE LAND DEVELOPMENT REGULATIONS.]

As noted in the Land Development and Subdivision Regulations.

The applicant shall be required to post performance bonds in sufficient amounts and duration to assure that all provisions of the approved development plan are in compliance, and/or shall be required to complete all improvements prior to issuance of a Certificate of Occupancy. A performance bond must remain in effect in accordance with the provisions of the Land Development and Subdivision Regulations.

SECTION 8. Expiration

A development plan shall be void if a Building Permit is not issued within two (2) years of the date of the final plan approval, except that such development plan approval may be renewed by the Planning Board at their direction.

**REQUEST FOR VICTUALING LICENSE AND HOLIDAY/SUNDAY LICENSE
MARGARET VESKOVIC D/B/A PIER PIZZA, 45 NOOSENECK HILL ROAD, UNIT 10**
Margaret Veskovic was present.

Tourgee moved to approve the Victualing and Holiday/Sunday Sales License for Margaret Veskovic d/b/a Pier Pizza, 45 Nooseneck Hill Road. Woloohojian seconded.
VOTED: Waltonen – aye, Tourgee – aye, Butler – aye, Andrews – aye, Woloohojian – aye.

CONSERVATION DEVELOPMENT

Butler reported on meeting held by DEM on Conservation Development.

Town Planner Jennifer Paquet explained the concept.

Butler moved to send a recommendation to the Planning Board regarding Conservation Development. Woloohojian seconded. VOTED: Waltonen – aye, Tourgee – aye, Butler – aye, Andrews – aye, Woloohojian – aye.

SCHEDULE JOINT MEETING WITH SCHOOL ADMINISTRATION

Discussion was held on the effect of the School Budget on the Town's Budget.

A meeting was to be scheduled with the West Greenwich members of the School Committee and the School Superintendent, School Treasurer and Director of Administration.

A tentative date of October 6 or 7 was mentioned.

SCHEDULE JOINT MEETING WITH PLANNING BOARD AND ZONING BOARD

A joint meeting with the Planning and Zoning Board is to be scheduled.

SCHOOL BUILDING COMMITTEE CHARTER REVIEW

Butler suggested that the charter be reviewed. This matter was to be discussed at the meeting with the School Committee.

DISCUSSION ON POLL WORKER COMPENSATION AND OTHER ELECTION RELATED ISSUES

Discussion was held on the salaries of poll workers compared to that of other communities.

Discussion was held on providing meals.

Discussion was held on closing the Town Clerk's Office on Election Day.

Woloohojian moved to provide continental breakfast, lunch and dinner for the poll workers. Andrews seconded. VOTED: Waltonen – aye, Tourgee – aye, Butler – aye, Andrews – aye, Woloohojian – aye.

PROMOTION TO SERGEANT

Butler moved to promote Pietro Petrarca to the position of Sergeant. Woloohojian seconded. VOTED: Waltonen – aye, Tourgee – aye, Butler – aye, Andrews – aye, Woloohojian – aye.

HIRING OF PART-TIME DISPATCHERS

Butler moved to hire Michael Meehan and David Tremblay as part-time dispatchers at \$16.50 per hour with no benefits effective September 8, 2008. Tourgee seconded. VOTED: Waltonen – aye, Tourgee – aye, Butler – aye, Andrews – aye, Woloohojian – aye.

The following Correspondence that was removed from the Consent Agenda was considered:

3. REPORT OF TAX LEVY INCREASE ALLOWED THROUGH FY 2013/2014

Butler noted that this report provided the amount of tax levy allowed through FY 2013/2014.

5. FISCAL IMPACT STATEMENT OF WEST GREENWICH POLICE CONTACT

Butler noted the fiscal impact of the new Police Union Contract.

6. NEWSPAPER ARTICLE REGARDING PROFESSIONAL FIREFIGHTERS ORGANIZATION IN SUPPORT OF THE LAKE MISHNOCK FIRE & RESCUE COMPANY

A newspaper clipping taken from the September 4, 2008 edition of the Providence Journal indicated a recent Bootstrap Campaign was a fundraising effort by the West Greenwich Professional firefighters organization in support of the Lake Mishnock Fire & Rescue Company.

Butler moved to send a letter to Mishnock Fire Company regarding the use of funds raised by a recent boot drive. Andrews seconded. VOTED: Waltonen – aye, Tourgee – aye, Butler – aye, Andrews – aye, Woloohojian – aye.

7. MEMO FROM TOWN TREASURER COLLEEN DERJUE REGARDING FY 10 PROJECTION

Butler noted that this memo from the Town Treasurer regarding the FY 2010 illustrated how tight the budget would be for that year.

PUBLIC FORUM

Sandra Bockes commented on rabid bats.

Paul Kaltschnee suggested Joe Unsworth for Tree Warden.

EXECUTIVE SESSION – PURSUANT TO RIGL 42-46-5,A, 1, 2 - PERSONNEL & LITIGATION & COLLECTIVE BARGAINING

Andrews moved to go into Executive Session for matters of personnel pursuant to RIGL 42-46-5, a, 1 at 9:38 p.m. Butler seconded.

VOTED: Waltonen – aye, Tourgee – aye, Butler – aye, Andrews – aye, Woloohojian – aye.

Butler moved to come out of Executive Session and seal the minutes at 10:06 p.m. Andrews seconded. VOTED: Waltonen – aye, Tourgee – aye, Andrews – aye, Woloohojian – aye.

Butler moved to adjourn at 10:07 p.m. Andrews seconded. VOTED: Waltonen – aye, Tourgee – aye, Andrews – aye, Woloohojian – aye.

Janet E. Olsson, CMC
Town Clerk