

**WEST GREENWICH**  
**January 5, 2004**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on January 5, 2004. Present were: Chairman David Berry, Mark Boyer, Adrian Knott, and Michael Walker. Alternate Bill Bryan was late. Brad Ward and Alternate Bill Lepak were absent. Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy E. Giorgi were present. Consulting Town Engineer Shawn Martin, PE was also present.

Chairman Berry called the meeting to order at 7:06 p.m.

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**ADVISORY RECOMMENDATIONS**

**RAVEN CONSTRUCTION- GRAVEL BANK / ANNUAL INSPECTION:** AP 14, Lots 5, 7, 8, & 9.

-- Set date for site inspection in order to review application and make recommendation to Town Council

Mr. Mike McCormick of Alpha Associates was present in the audience. No one approached the Board for the applicant.

Miss Paquet noted that a site visit was conducted on December 13, 2003. She noted that the site looked good. She noted that the outstanding items are that the Board wants to see updated water table data and if Mr. Marsocci will be moving to a new location he will need to submit a new plan.

The Board asked Mr. McCormick, in the audience, if updated water table data was submitted last year. Mr. McCormick did not know.

Ms. Giorgi noted that a temporary permit can be issued.

The Board directed the Planner to provide a status report on the well table to the Planning Board for the May 3, 2004 meeting.

**Motion** to recommend to the Town Council renewal of the Extractive Industry Permit for the Raven Gravel bank for Norman Marsocci, located at AP 14, Lots 5, 7, 8, & 9 with the following conditions:

1. pay the fee
2. submit water table depths for both 2003 and 2004 for the file by May 1, 2004 (obtain during wet season , or after wet season)
3. if any more land is disturbed beyond what is currently on file with the Town, that a new plan has to come before the Planning Board for a recommendation to the Town Council prior to commencing any work in the new area.

Walker-Boyer. Motion carries 3-1 with Mr. Knott voting nay.

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**NEW BUSINESS**

Mr. Bryan arrived at 7:19 pm.

**K.S. HOLDINGS, LLC – INDUSTRIAL SITE PLAN/ PRE-APPLICATION:** AP 29, Lot 7-1  
--off Victory Highway; new garage proposed; Expansion of Use Variance; Owner/ Applicant: Ken Saccoccia- K.S. Holdings, LLC.

Mr. Boyer recused himself.

Mr. Ken Saccoccia, President of KS Holdings approached the Board.

Mr. Knott noted that he has had Mr. Saccoccia do some work on his house. Ms. Giorgi noted that that should have no bearing.

Mr. Saccoccia explained the need for the garage. He explained that on site is primarily an office building and he needs garage and storage space for his business, which is electrical contracting. He noted that he has two vans and a pick-up that stay outside at night. He noted that he wants to put the vehicles inside and also have additional storage. He noted that the building is 30 x 40, and will be free-standing with a connection of a covered walkway between the two buildings. He noted that it will be single story and that he will not be paving any additional area.

Ms. Giorgi explained that the Use Variance application from before will need to be amended, and that if the lot is non-conforming by Dimension she will need to look at it.

Mr. Knott noted that the buildings meet the setback requirements.

Motion that Planning Board directs Town Planner to handle the Preliminary and Final Site Plan reviews administratively, subject to the Zoning Board granting the expansion of the Non-conforming use and the dimensional requirements of the lot. Walker-Knott. All in favor (4-0).

**VALERIE DRIVE – MAJOR RESIDENTIAL SUBDIVISION / PRE-APPLICATION:** AP 6, Lot 21-1  
--On Valerie Drive; 2 house lots proposed on private road (requires waiver); Industrial A zone with restrictions and reversion; Owner/ Applicant: John Asselone- Exit Six Plaza, LLC

Mark Boyer rejoined the Board.

Mr. John Brunero, Jr., Attorney approached the Board. He noted that Carmine Oliveri, Principal of Exit 6 and engineer Mr. Curran are present in the audience.

Mr. Brunero stated that they are looking for guidance from the Planning Board, and that this is a pre-pre-app concept review. He stated that the property on Valerie Drive is about 2 acres and is zoned Industrial. He stated that there are houses across the street and with that in mind, they are

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looking at dividing the property into two one-acre lots. He noted that when the zone was changed to Industrial, that there was a self-destruct clause that allows them to go back to the Residential zone just by application.

Mr. Brunero raised the issue of Valerie Drive and ownership. He stated that his client's deed on Book 74 Page 611 and 612 is the legal description of the right to pass, and that his client does not own the road. He stated that Valerie Drive is maintained by the Town and that there is city water. There was discussion on a possible turn-around or easement at the end of Valerie Drive.

There was discussion on if the right-of-way includes Valerie Drive. It was decided that verification is needed on acreage and if it is included in the Right-of-way. The status of Valerie Drive needs to be researched.

The Fire Chief needs to review the 30 foot strip of lot 12-6 if he needs it for access, otherwise, it can be merged with lot 12-1.

It was decided that these lots would need to be designed for no net increase in water (roof and driveway, etc. needs to be contained on site.)

The Board noted that the applicant may proceed at their own risk. It was noted that this application needs a waiver because Valerie Drive is not a Town road.

### **EXIT 6 INDUSTRIAL DEVELOPMENT- INDUSTRIAL SITE PLAN / PRE-APPLICATION: AP 6, Lot 21-6**

--On Seth Way (private) off of Nooseneck Hill Road; 7 industrial condo units proposed on one lot with road extension; Industrial A zone with restrictions and reversion; Owner/ Applicant: John Asselone- Exit Six Plaza, LLC

Attorney John Brunero remained with the Board.

Mr. Brunero explained that the proposed use for this parcel is to keep it as one parcel and not divide it, and to put up about 7 buildings that would later come in for Site Plan Review.

Mr. Brunero noted that they want to come in for Master plan and then come in on each building for Preliminary review.

He stated that the proposed uses are equipment storage for businesses and vehicles.

Mr. Brunero noted that the detention pond will be done for the road, but that the drainage for each lot will not be known until each site come in for review.

Mr. Walker asked if the Master Plan is approved, how long the project has to be completed. Ms. Giorgi noted that the initial vesting is one year, and if in that one year they come back for a Preliminary plans, the original Master Plan is still current. Mr. Walker asked what happens if five years go by with no development and if the plan is still valid. Ms. Giorgi noted that

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limitations can be put on the project. It was noted that for this reason, all of the infrastructure improvements need to be done upfront.

Mr. Brunero noted that there will be a no-cut buffer between this development and the residential units proposed on Valerie Drive.

Mr. Walker brought up the issue of suitability of Seth Way to handle the type of traffic this development may produce.

Miss Paquet gave Mr. Brunero the approval letter for the zone change that listed what uses the site was limited to.

Maximum coverage needs to be referenced on the plans. The Board will want to know what the intensity of the use will be on the site.

Mr. Walker left the meeting at 8:16.

### **WEST GREENWICH TOWN PIZZA RESTAURANT – HIGHWAY BUSINESS MAJOR LAND DEVELOPMENT PLAN / PRE-APPLICATION REVIEW: AP 49, L 1**

--on Victory Highway and Barnett Lane; 2 structures proposed in Highway Business Zone;

Owner/ Applicant: Daniel Hebert

Mr. Boyer recused himself. (Board members left to hear this application: Berry, Knott, Bryan)

Mr. Jeffrey Campopiano, Civil Engineer approached the Board representing Dan Hebert, in the audience, owner of Town Pizza.

Mr. Campopiano explained the site. He noted that the applicant received a dimensional variance from the Zoning Board due to the need for a well buffer, which pushed the building up into the narrow part of the lot.

Mr. Campopiano noted that the building is designed to hold a capacity of 108 and that the septic system is designed accordingly, and that approval has been received on the septic system. He noted that the wetlands permit has been obtained and a location permit for the well has been received. He noted that the original DOT application was for grading, but that it also became an application for an access and that approval has been obtained. He noted that the driveway will remain private and give people a choice to use either the existing Barnett Lane or the new driveway.

Mr. Bryan noted that he did not like the configuration of the intersections. Mr. Berry asked about cutting off access from Barnett Lane. There was discussion on access with the driveway and with Barnett Lane, and with all the different scenarios that were considered. There was discussion on having the Town Council take a look at this. It was noted that even though the DOT approved the curb cut, the Board still has issues with it and would like to proposed that the Town Council look at the making the cut-through roadway the new access to Barnett Lane from

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Rt. 102, and closing off the Barnett Lane access to Rt. 102. The Planner was directed to have the Town Council review the situation to see if they would like to see Barnett Lane closed. Ms. Giorgi stated that the benefits of each situation and why each would be preferable needs to be known. Things to consider besides the number of curb cuts are site distance, traffic flows, etc.

The Town Council can make a consideration if they would like to abandon the current entrance to Barnett Lane. The Planning Board wants to see this come back to the Board in about 6 or 9 months after the Certificate of Occupancy for the actual traffic situation to be reviewed, in the mean time, the Town Council will work with the applicant about a possible relocated access to Barnett Lane.

It was noted that both sets of Mr. Martin's comments have been adequately addressed. It was noted that Miss Paquet's comments from her October 10, 2003 letter have been addressed, except for the items in the draft motion.

There was discussion on the proposed signs. It was noted that a variance may be needed. Also, it was noted that a small entrance sign at the driveway may be needed.

Mr. Knott asked why the driveway is an S-curve and not a U-curve. Mr. Campopiano stated that it is for aesthetics and to slow down the traffic. There was discussion. The Planner was directed to also ask the Town Council if they would like to see a re-design of the proposed road/driveway.

Chairman Berry went over the draft motion. Miss Paquet asked Mr. Campopiano if the DOT Physical Alteration Permit included the curb cut. Mr. Campopiano stated yes.

**Motion** to approve the Preliminary Site Plans entitled "Dan's Place: West Greenwich Town Pizza, Restaurant & Meeting Place" dated November 10, 2003, prepared by Jeffrey J. Campopiano, PE Prepared for Daniel Hebert with the following conditions:

1. Pay the application fee of \$107.38
2. Pay the Project Review Fees, which are replenishable, of \$4,000
3. Obtain current Zoning Board dimensional variance (previous one has since expired) and adhere to all conditions.
4. Town shall perform inspections on the site construction to ensure project is being constructed according to approved plan.
5. No Certificate of Occupancy shall be issued until the site has been constructed according to the approved site plans.
6. Pay fire suppression fee of \$1,500 as requested by Chief Hoxsie.
7. That the applicant install a Department of Health and Department of Environmental Management approved community well, and comply with all DOH and DEM community well rules and regulations, including testing.
8. That the applicant comply with the Department of Health conditions for granting a variance as stipulated in the Decision and Order A.H. File Number (DWQ) 2002-39 granted on October 16, 2002. If this approval has expired, the applicant must submit proof of renewal.

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9. That the applicant adhere to all rules, regulations, and conditions of DEM Wetlands Insignificant Alteration Permit Application No. 02-0216.
10. That the applicant adhere to all requirement and conditions of DOT Physical Alteration Permit approval, application number 030407 granted on September 2, 2003 for drainage tie-ins and driveway curb cut, as shown on the amended DOT submission received by DOT Division of Maintenance Engineering Section on August 28, 2003, latest revision date 7/25/03 (Highway Access) prepared by Jeffrey J. Campopiano, PE for West Greenwich Town Pizza
11. The roadway connector be reconfigured to reduce or eliminate the S-curve to Barnett Lane.
12. That all stumps will be removed off site and be properly disposed of.
13. Review signage for compliance with current regulations and apply for variance if needed.
14. That the applicant and Town Council discuss the re-configuration of the public highway access of Barnett Lane relative to the new driveway entrance and that the Planning Board is to review the traffic within 12 months of issuance of Certificate of Occupancy, and make a recommendation to the Town Council on if the existing intersection of Barnett Lane be closed. It would be a Town Project to close the road and it is an applicant project to build the 'driveway.'

This motion is based on the Following Findings of Fact:

The proposed restaurant site meets the criteria for Site Plan Review in the Zoning Ordinance.

The Planning Board took into consideration the Comprehensive Plan, (specifically the Future Land Use Map) 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 has set appropriate conditions and safeguards in harmony with the general purpose and intent of the Zoning Ordinance, and according to the general criteria and standards.

The applicant has previously received Zoning Board Approval on a Dimensional Variance request, however, this variance has since expired.

Bryan-Knott. All in favor (3-0)

**Motion** to make a recommendation to the Zoning Board to grant an extension of dimensional variance as previously granted by the Zoning Board on November 19, 2002.

Bryan-Knott. All in favor (3-0).

### **KNIGHT ESTATES – MAJOR RESIDENTIAL SUBDIVISION / PRE-APPLICATION:**

AP 28, Lot 26

-- on Stubble Brook Road; 16 lots proposed with road; Owner: Sarah Knight;

Applicant: Robert Woloohojian- Harow, LLC

Mr. Boyer rejoined the Board.

Attorney John DiBona approached the Board.

Robert Woloohojian- Harow, LLC and Mike McCormick of Alpha Associates were also present.

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Mr. DiBona explained that Mr. Woloohojian has a purchase and sales agreement with Sarah Knight subject to the subdivision approved. He stated that the proposal is to subdivide the 42 acre parcel into 16 lots, all of which would meet the Zoning requirements. Mr. DiBona explained that the size and shape of the lot dictates that the road be 2,500 feet in length and that they will be seeking a waiver from the Subdivision Regulations on maximum cul-de-sac length of 1,200 feet. He stated that the houses will be 4-bedroom units with a minimum of 2,500 to 2,700 square feet. He stated that the only relief needed is on the length of road.

Mr. McCormick stated that the grade changes 240 feet over 2,500 feet, which is approximately a 10 percent slope. He noted that they will be designing for an 8 percent slope on the road. He noted that the property slopes to a small wetland on the southern edge. He noted that verified water tables are at 2 to 6 feet throughout the area.

Mr. Boyer asked the applicant if he was aware of the Building Permit Cap. Mr. Woloohojian said yes.

There was discussion on the drainage on Stubble Brook Road. There was discussion on the fund for improvements to Stubble Brook Road.

It was noted that the waiver would be addressed at the Preliminary Public Hearing.

The applicant was directed to get comments from the Fire Chief, Police, Rescue, and Highway Department on the road length, and also to have the Fire Chief look at cistern location.

There was discussion on making the roads in this subdivision connect to Koszela and Regnaire properties.

The Board set a site visit for Saturday, January 10, 2004 at 8:00 a.m.

**LEYDEN HILLS – MAJOR RESIDENTIAL SUBDIVISION / PRE-APPLICATION: AP 37, Lots 7-8 & 8.**

--On Barnes Lane; 1 new house lot proposed for development on road not accepted by Town; Owner / Applicant: Robert A. Leyden

**POSTPONED TO FEBRUARY PER APPLICANT**

**VICTORY WOODS – MAJOR RESIDENTIAL SUBDIVISION / COMPREHENSIVE PERMIT ADVISORY REVIEW (MASTER PLAN): AP 14, Lot 15-6**

--On Victory Highway; 52 lot subdivision with Open Space and Roads; 57 total units; Owner: Rhode Island Housing; Applicant: SWAP, Inc.

No one was present for the applicant. Concerned residents were present.

The Board and Ms. Giorgi explained the process of a Comprehensive Permit to the audience.

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The Board went over Bill Landry's (attorney for the applicant) response for supplemental material requested by the Zoning Board dated December 31, 2003.

Helen Welmot, on the Board for Blueberry Heights, stated that Saturday, the Blueberry Heights residents had a meeting and voted unanimously not to partake of the proposed water district. She noted that they had been offered to share into the proposed water district for Victory Woods.

It was noted that Lots 36 through 39 do not meet the 200 ft setback for septic systems from a body of water, and that the applicant has not asked for a variance for this requirement.

It was noted that there is no indication if phasing applies to either infrastructure construction or house construction.

There was discussion on the plans needing to be certified as to what accuracy it is. The applicant's consultant needs to follow the technical and procedural standards by the Board of Registration.

The Board would like to see all of the proposed infrastructure on one plan.

The Planning Board went over the Fire Chief's comments. The Board agreed with the Chief's comments, but were concerned about the emergency access having to cross a wetland.

The Board noted that the proposed road should be wider because of the number of houses proposed. It was decided that 24 feet of travel is needed, so with the berms, the roads should be 26 feet wide, especially since there is the greater possibility of people parking on the streets.

Miss Paquet noted that the letter from Mr. Landry states that an additional sum of \$1,660 is enclosed, however no check was enclosed with the submission. It was noted that the project review fees can't be deferred, because money has already been spent on behalf of this application. The Board recommends getting half now and the other half prior to Preliminary plan submission.

It was noted that the Town consulting engineer needs to review and comment on the groundwater scope of study proposal.

**Motion** to appoint Dave Berry to be the Planning Board representative to the Zoning Board on this application. Knott-Boyer. All in favor (4-0)

The Board set a meeting date of Monday, January 26, 2004 to continue this review.

**Motion** to adjourn. Boyer-Bryan. All in favor (4-0). The meeting ended at 10:55 p.m.

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A regular meeting of the West Greenwich Planning Board was held on February 2, 2004. Present were: Chairman David Berry, Adrian Knott, Brad Ward, Michael Walker and Alternate Bill Lepak (late). Mark Boyer and Alternate Bill Bryan were absent. Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy E. Giorgi were present.

Chairman Berry called the meeting to order at 7:07 p.m.

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**RESCHEDULE MARCH REGULAR MEETING**

-- Regular meeting is night before election night.

Board decided to keep the same date, time, and place. The Board will meet 10 minutes early to rearrange the room for the meeting, and then rearrange it back.

**WEAVER HILL BUILDING ASSOCIATES, INC. : AP 2, Lot 1 / ZONE MAP CHANGE AND ZONING TEXT CHANGE**

-- on corner of Division Street and New London Turnpike; Request to change zone from I-B and RFR-2 to Industrial A, and request to add Recreational Vehicle Dealer to use code as permitted use in I-A & I-B. Applicant: William Miller-Weaver Hill Building Associates

Ms. Giorgi read a letter from the Town Council for the record regarding the Zone Change request. The Council noted in the letter that they are open to re-zoning the parcel, however that Highway Business would be a more suitable zone. Ms. Giorgi noted that the applicant has been amended to reflect Highway Business instead of Industrial A. She also noted that this application will also require a Comprehensive Plan amendment to the Future Land Use Map. Ms. Giorgi stated that a Public Hearing is needed to be scheduled.

Mr. Walker asked Mr. Pagliarini who his client is. Mr. Pagliarini stated that it is Weaver Hill Builders, and that his client is in a purchase and sales agreement with Arlington RV. Mr. Walker noted for the record that Arlington RV came to the RI Economic Development Corporation to access a parcel of land in another community, on which the RI EDC Board voted. Ms. Giorgi asked Mr. Walker if he is on the Board. Mr. Walker stated no, but that he is an employee of the body that took action. He noted that he doesn't see that there is a conflict, and to the best of his knowledge, the company is not doing any work with the EDC. Ms. Giorgi concurred.

Mr. John Pagliarini, Jr., Esq. approached the Board. He noted that the parcel has a split zone, RFR-2 along the road, and the rear is Industrial-B. He stated that they requested for the Town Council to change it to Industrial-A. He noted that Highway Business is more restrictive, but that is what the Council wants. He stated that Arlington RV is looking forward to moving into Town. He stated that the site is approximately 18 acres and is flat so there would be minimal disturbance and that it is serviced by public water and has highway access.

Ms. Giorgi noted that the Public Hearing needs to be set. It was noted that the application must come in for Pre-application for Site Plan Review, a Comprehensive Plan amendment, and the Zone Change advisory opinion.

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Motion to schedule Public Hearing for March 1, 2004 to amend the Comprehensive Plan Future Land Use Map and to make recommendation to the Town Council on the zone change. Ward-Walker. Motion carries 3-0 with 1 (Knott) abstention.

Mr. Walker expressed concern about removing Industrial Land out of the inventory to make it Highway Business.

**BARNES LANE - MAJOR SUBDIVISION/ STATUS OF BOND:** A.P. 37, Lot 7--Planning Board to consider bond and/or plan to complete and repair improvements.

Miss Paquet noted that she received correspondence from Sanford Resnick, attorney for Alex Petrucci, the developer of the Barnes Lane subdivision, asking for a continuance to the March meeting. She noted that the bond expires April 1, 2004. Ms. Giorgi noted that the preference is to have things resolved by March 1, 2004.

Kevin Morin, PE with DiPrete Engineering, explained that he spoke with Mr. Resnick and Mr. Petrucci and that Miss Paquet forwarded him the list of items from last spring. He noted that they (DiPrete Engineering) have not had a chance to get back out in the field to follow up on the deficiencies from last April. They would like to have a meeting to try to resolve the issues.

Mr. Walker asked if the developer is living up to his responsibility of keeping the roads open and clear while it is not a Town-owned road, or has the Town been maintaining the road. Miss Paquet stated that the Town has been plowing the road. Mr. Walker noted that there is no incentive on these subdivisions to get done, when it is not costing them anything. Mr. Walker expressed concern over why the Town is not billing the developers for plowing when the roads are not even in maintenance bond yet.

Motion to continue status of the Barnes Lane bond to March 1, 2004 and that the outstanding issues must be addressed prior to that date. Ward-Walker. All in favor (4-0).

### **AFFLICK- MINOR RESIDENTIAL SUBDIVISION / REQUEST FOR EXTENSION OF PRELIMINARY APPROVAL:** AP 18, Lot 10

--on Weaver Hill Road. 2 lots proposed with no road creation; conditional Preliminary approval granted by Planning Board on 07/07/03; side yard and frontage variances granted by Zoning Board on 08/19/03; Applicant: Robert and Linda Afflick

Mr. Afflick approached the Board.

Miss Paquet explained that the history of the recent subdivision proposals for this parcel. She noted that the first subdivision was not recorded, so it expired, but that it was later discovered that there was not enough frontage. The second time it came in for a subdivision with the frontage variance on July 7, 2003, the final plans were never submitted, so it too expired. She noted that this is an extension of the subdivision with the frontage variance.

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Mr. Afflick stated that nothing has changed on the plans, but that he just wasn't aware of the 90 day expiration.

Ms. Giorgi asked Mr. Afflick if he has made plans to extend the Zoning Variance. Mr. Afflick said no. Ms. Giorgi noted that he has to send correspondence to the Zoning Board.

Mr. Walker asked Mr. Afflick what is keeping him from recording. Mr. Afflick stated that it was a timeframe thing. Mr. Walker asked if he can record by Wednesday. Mr. Afflick said yes. It was noted that the Zoning approval expires February 19, 2004.

There was discussion on how long to grant an extension for.

Motion to grant extension of the Preliminary Plan revised 6/10/03 for the Afflick 2-lot Minor Subdivision for AP 18, Lot 10 as approved with conditions by the Planning Board on July 7, 2003, with the additional following conditions:

1. That the extension of approval shall expires March 1, 2004.
2. That all previous conditions, items 1-7 remain in effect
3. That the update to the plan must be done and that all structures, including the garage must be noted on the plans
4. A note that a side yard variance was obtained from the Zoning Board must be annotated on the plans.

This extension of approval is based on the following findings of fact, 1-5 as posted in the draft motion. Ward-Walker. Motion carries 3-1, with Knott voting nay.

Mr. Lepak arrived at 7:39 p.m.

## **FRY RIVER FARMS – PUBLIC HEARING**

**MAJOR RESIDENTIAL SUBDIVISION / PRELIMINARY PLAN:** AP 16 Lot 2-1  
-- on Fry Pond Road. 8 lot subdivision with road creation; Applicant: Robert Maguire

Attorney John Kupa approached the Board.

**Motion** to open the public hearing. Walker-Ward. Mr. Walker called for discussion. He asked Miss Paquet about the status of proposed Lot 8. Miss Paquet stated that the applicant is to demonstrate that the lot is buildable at tonight's hearing. Mr. Walker questioned if the Public Hearing should be opened without it being demonstrated ahead of time, because it is a determinate as to whether the application is complete, and if it is not complete, then the 120 day clock should not be ticking. He noted that Subdivision Suitability is required as part of the checklist, and that the one that was submitted is for 7 lots, not for the 8 that are depicted. He stated that he'd like this cleared up before they open the public hearing.

Mr. Ward stated that he recalls that the Board allowed the applicant to proceed providing that he demonstrate the approvals for Lot 8. Ms. Giorgi noted that it is appropriate to ask for

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information from the applicant by way of discussion on whether or not the suitability determination has been made.

Mr. Kupa, with law offices in North Kingstown, representing the applicant, stated that Lot 8 is basically the major parcel that this subdivision is cut out of, and it is land that Mr. Maguire is going to be maintaining as he has for many years and is going to continue to maintain it without putting any residences on it for the time being. He noted that the Board has an interest in determining whether or not it has buildability under the regulations, and that they have gone ahead and done some testing and obtained verification from RIDEM, and that Mr. Kevin Morin, their engineer with DiPrete Engineering, has that information and can provide it right now.

Mr. Morin stated that he has seven copies of the signed verified soil evaluation that was done at the end of November. He passed these out to the Board. He noted that the water table was verified at 8 feet, and the total depth of test hole is 9 feet. He noted that this is a very suitable area in terms of ISDS, and it exceeds the minimum standards that DEM has for water table and ledge depths. He noted that at the time they submitted the response, they hadn't received the actual signed copy from DEM, they got it sometime after the 8<sup>th</sup> of December.

Mr. Kupa asked Mr. Morin if, based on the data from the soil evaluation and the sign-off from DEM, could this lot support a single family ISDS system. Mr. Morin stated that, certainly, with the depths to water table and the depths to ledge and the soil types they encountered, which are very similar to the remainder of the project, they are superior water tables. Mr. Walker stated that that doesn't answer his question. Mr. Walker asked if it is in process for Lot 8 to get a Preliminary Determination done. Mr. Ward stated that he disagrees. Mr. Walker stated that it is to prove that it is a buildable lot, and that doing a soil evaluation does not prove it can be a buildable lot. Miss Paquet stated that the decision was that Lot 8 needs to have Site Suitability. Mr. Walker stated that that hasn't been asked for, nor has it been obtained, and just a soil evaluation has been done and submitted. Chairman Berry asked if it could be made contingent on tonight's potential approval. Mr. Walker said no, because he thinks it gets to the matter of whether or not it is complete. He stated that they have a lot before them tonight that hasn't had it determined and it is part of the checklist. Ms. Giorgi questioned if a waiver was being asked for.

Miss Paquet explained that this issue was brought up in relation to whether the application was complete for Preliminary plan submission, which the Board discussed at the November 3, 2003 meeting. She stated that the Planning Board then made a number of leeway's with the letter that was submitted by the applicant. She explained that she had submitted a letter of Incompletion with a list of a number of outstanding items, and that the applicant responded with a letter of what they are proposing to do, and the Planning Board had a meeting at which they decided that some items were acceptable and other items had to be done. Miss Paquet noted that this was resolved in her January 15, 2004 letter, which will be an exhibit. She stated that, though she disagrees with Mr. Walker in having this hold up completion of the application, she feels that it can be a condition of approval, but that it absolutely must be done, because it is not a question of whether or not Mr. Maguire is going to put a house on it, it is a question of whether the lot should exist in the first place. She noted that the Planning Board should not be creating lots if they don't know whether or not it is going to be able to have a building permit, because then the applicant, when they come to get a building permit, and they can't, then they claim hardship

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because the Town allowed the lot to be created in the first place, and that is what we are trying to avoid.

Mr. Berry noted that this will be made a condition of approval. Miss Paquet noted that the situation can be resolved very simply, if they just erased a lot line on the plan to eliminate proposed lot 8 on the final plan. Ms. Giorgi noted that they could either erase a lot line, or get the subdivision suitability determination before the final.

**Motion** is on the table. Motion carries (4-1) with Mr. Walker voting nay.

Attorney John Kupa submitted the return receipts for the public notice and noted that some letters were returned undelivered, but most of them were delivered. Mr. Kupa introduced Mr. Kevin Morin, PE.

Mr. Kevin Morin, PE with DiPrete Engineering approached the Board. He noted that this application was last before the Board in early November for a discussion on the Certificate of Completeness. Mr. Morin noted that the layout of the plan has not changed since the Master Plan and noted that it is still proposed as 7 house lots, with one remaining lot of 40 acres of the balance of the property. He noted that the lots are accessed from a cul-de-sac, and that at the end is an easement providing access to the detention area. He noted that there are some wetlands on the site to the east and the south of the project, and that the Nooseneck river is to the South. He noted that an RIDEM Insignificant Alteration Permit has been obtained for this project, and that some lots were reviewed by DEM for Site Suitability for the ISDS locations

Mr. Morin noted that the subdivision is proposed as one phase for both the road construction and the plat recording. Mr. Morin explained that the roadway is a 50 foot right-of-way proposed with a 22-foot pavement width, with one foot berms, for a total of 24 feet. He noted that the lots with frontage on Fry Pond Road would have access from the proposed new road. He noted that the detention pond is located off the road, and is buffered so that it is not seen from the road, and that it will have a gravel access road .

Mr. Morin went over the dry hydrant. He noted that it is off of Fry Pond Road, south of the proposed access, and that it was included in the wetlands' permit. He noted that there were some conditions from the Fire Department that it be done before the occupancies occur on the site.

Mr. Morin went over the landscaping plan. He noted that they have proposed grass shoulders throughout the right-of-way. He noted that the detention pond has some particular grasses associated with it that are specified in the plans and explained that the Town's consulting engineer had some suggestions which they are going to incorporate for the final stage on the plan. He noted that they are going to redesign the sediment forebay so that the pond shape doesn't change, but that they will now keep the sediments in the upper part of the pond as opposed to the farther part of the pond, in order to simplify maintenance.

Chairman Berry entertained questions from the Planning Board

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Chairman Berry asked about the administrative subdivision of the little triangle piece on Fry Pond road.

Mr. Morin explained that it is proposed to follow the existing stone wall. He noted the second area of administrative subdivision is a piece that is existing at the edge of the property at proposed lots 4 and 5 where the stone wall.

Ms. Giorgi noted to Mr. Kupa that at the time of recording, it would be cleaner for the title if the Administrative subdivision is recorded first, and then the Major, rather than both on one sheet. Mr. Kupa agreed that they should be two sheets. Ms. Giorgi further clarified that the two administrative line changes can be on one sheet. It was decided that there would be two separate recordings, one for the two Administrative subdivisions, and one for the Major subdivision.

Chairman Berry noted that on lot 4 the area suitable for building is around 60,000 square feet, which is roughly an acre and a half, and pointed out that the minimum building lot size is 1.4 acres of suitable land. There was discussion on a possible waiver as part of the public Hearing. It was decided that the lot line will be adjusted to get the additional square footage

There was discussion on the sediment forebay proposed for the detention basin. It was noted that this would make it easier for the Town to maintain.

There was discussion on moving the limit of disturbance to contain more of the existing vegetation on site. It was noted that the proposed tree line is shown on the plan, which is more conservative than that limits of disturbance.

Mr. Walker asked about the soil erosion control plan. There was discussion. Mr. Morin pointed out the hay bales and checkdams along the roadway, and the stone construction entrance. Miss Paquet noted that the Town's consulting engineer, Shawn Martin, PE, sent a letter that says that he's satisfied with everything except for the sediment forebay which he knows can be worked out with DiPrete Engineering.

Mr. Knott asked where the existing house is that is being constructed. Mr. Morin noted that it is on lot 6.

Mr. Knott asked how the applicant proposes to accommodate both the DEM alteration permit, requiring that no disturbance occur beyond the dry hydrant, versus the Fire Departments request for a turn-around and parking area for a truck to get off the road and utilize that dry hydrant.

Mr. Maguire explained that there is a little road that goes in right along side of the river between the wall and the river, and there is room to pull in on the corner of the road. He noted that there is room for a truck there. Mr. Maguire noted that it is less than 2,000 feet to the back of the cul-de-sac and that he owns the property. There was discussion on providing an access easement on AP 15, Lot 9. Mr. Kupa noted that he will work with Ms. Giorgi on this.

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Mr. Knott asked what the Board decided on for the utilities. Mr. Morin noted that above ground utilities are proposed.

Chairman Berry noted that each lot would have a well drilled and confirmed yield provided prior to the issuance of the building permit.

Mr. Walker asked for confirmation on the comment in DiPrete Engineering's letter of response dated December 9, 2003 on page 3, referring to the Town Planner's Comments November 14<sup>th</sup> item 5. Mr. Walker pointed out that the comments states, "A Site Suitability addendum currently pending at RI DEM for the remaining land of AP 16, Lot 2-1, not proposed for construction at this time." and asked the applicant if that is an accurate statement or not. Mr. Morin stated that it is incorrect. He noted that the Soil Evaluation was conducted prior to the date of this letter, and that they hadn't received the final sign-off. He noted that the letter should say that the soil evaluation review remained pending as of the date of the letter, and that they didn't have DEM sign-off on a concur with the water table. Ms. Giorgi asked Mr. Morin if there is a site suitability application currently pending? Mr. Morin stated that there is no application pending with DEM as of right now. Chairman Berry clarified that this is regarding proposed lot 8.

Mr. Kupa asked Mr. Morin if it is his testimony that based on the soil evaluation that there'd be no problem. Mr. Morin responded that that is correct, based on the ground water table and ledge results. Mr. Kupa asked Mr. Morin if this form has been executed by DEM as a verification of the groundwater table. Mr. Morin said yes.

Chairman Berry noted that the Board is still going to require that the site suitability for lot 8 be submitted, and noted that it would be a stipulation of approval.

Mr. Kupa discussed bonding. He stated that his client has no problem putting up a cash bond for this project, however, that he was approved at Master plan in March of '03, and that it is his understanding that sometime thereafter the Board changed the bonding requirements to reflect something different than what was originally in the bonding ordinance. Mr. Kupa stated that he is asking to be vested in the legislature as provided in the old bonding ordinance, and that his client wants to record his subdivision prior to what would be the case under the present ordinance. Mr. Kupa stated that his legal argument is based on the various reflections of the vested subdivision in the Rhode Island General Laws that can be found in 45-23-40, which is the Master plan for a major subdivision. He noted that it is also in the definitions of the subdivision rules and regulations and in the definitions of the Zoning Ordinance. Mr. Kupa stated that what vesting does is protect a developer or a property owner who has begun a project in good faith on the present ordinances, and protects him from a change in those ordinances. He stated that it is his understanding that there is only one other subdivision in this same predicament. Mr. Kupa noted that his client is willing to post a cash bond, as opposed to something else. There was discussion.

Ms. Girogi noted that she has already discussed this with the Planner and with Mr. Kupa. She noted that the section in the general laws that Mr. Kupa referenced regarding vesting, specifically states that Master Plan vesting shall include Zoning Requirements, conceptual layout, and all conditions shown on the approved Master plan drawings and supporting materials. Ms. Girogi

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pointed out that the process doesn't get into the details of infrastructure, and the amount of the cost of the infrastructure, until the Preliminary Plan review stage. She stated that, in her opinion, vesting provisions under Master Plan do not include the Subdivision requirements with regard to the improvements of the subdivision standards. She stated that what is vested is the underlying Zoning, the set backs, and the maximum number of lots shown on the initial layout, nothing more. She noted that things can change because of engineering that goes on, and, as a result, rights are not vested in the subdivision regulations, and particularly in the standards of the public improvements, and indirectly therefore, in the bonding, until Preliminary. Ms. Giorgi stated that the applicant is not vested under the old subdivision regulations with regard to the bond.

Chairman Berry opened the hearing to questions from the audience.

Peter Turlo asked if the utilities are going to be above ground, and noted that the utilities are below ground at Fellowship Court. He stated that the absence of telephone poles is very striking and that he would like to see this subdivision go underground. He noted that the town is planning a lot of nice houses and that in his opinion he thinks the poles would be trashy.

Chairman Berry explained that the Board generally requires underground utilities in locations such as out in the middle of a wide open former gravel pit. He noted that in this situation, where the development is going through a wooded area, the Board discuss it, and if the Board feels there is a need for it the Board requires it. He noted that in this situation, the Board didn't see the need. Mr. Ward noted that there was discussion and that in a previous presentation before the Board there was an agreement that they could go above ground. Miss Paquet noted that she searched the minutes for this discussion but did not find it. She noted that the Master Plan did state that above ground utilities would be proposed in this subdivision, and that the same note is on these Preliminary plans. She noted that because the Planning Board did not make that decision at Master Plan, to go with underground, that they are pretty much going to be above ground.

Mr. Maguire explained that in the other subdivisions that were referenced, the ground material in those two places is a fine gravel or coarse sand, with no stone or boulders. He stated that he considered underground utilities, but that he's got a boulder problem there. He stated that that was the reason he opted to go above ground, because there is a site problem.

Peter Turlo asked for clarification on the dry hydrant. He asked if they are referring to the area that is actually occupied by the old right-of-way right adjacent to the brook where the truck would be parked. Mr. Maguire said that was right. Mr. Morin pointed out the location of the dry hydrant. He stated that it is basically right where there is an existing drainage culvert that goes under the road, next to the swamp from the west to the river to the east.

Peter Turlo noted that sometimes he sees a pumper and that they park in the middle of the road, obstructing it. He noted that the road is very narrow at that point.

There was discussion.

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Peter Turlo noted that someone went off the road a couple days ago right in that spot and almost wound up in the brook.

Chairman Berry noted that the hydrant will be available for the neighborhood as well.

Mr. Walker asked Miss Paquet about the limit of disturbance and if the issue was addressed. Miss Paquet noted that the issue of moving the limit of disturbance to encompass the proposed tree line was not resolved. There was discussion. It was noted that the limit of disturbance is only useful during construction and that trees may get cut down when houses or ISDS are installed. It was decided that item 2 would be removed from the list.

The Board went over a few items in the draft motion. Ms. Giorgi modified number 1, to reflect that the two administrative subdivisions are to be recorded before the Major subdivision is recorded.

Mr. Maguire pointed out that in the parentheses down the bottom where it says 2.1 and 2.1, should read 2.1 and 2.2.

There was discussion on the Building Permit Cap. It was noted that this subdivision was submitted after the ordinance, but that whether it came in after or not, it is still under the cap.

Miss Paquet submitted the following exhibits for the record:

1. Legal Notice of Public Hearing Display Advertisement published in Providence Journal West Bay Section on Friday, January 16, 2004.
2. Certified Mail Receipts and Return Receipts for properties within 500 foot notification area.
3. Preliminary Plan entitled, "Fry River Farms, AP 16, Lot 2-1" dated March 2003, latest revision date 11/18/03; prepared by DiPrete Engineering Associates, Inc., prepared for Robert Maguire. 10 sheets total.
4. Soil Erosion and Sediment control & Stormwater Management Report prepared for Fry River Farms by DiPrete Engineering Associates, Inc. dated March 2003, revised June 2003.
5. RI DEM Insignificant Alteration Permit Application No. 03-0137
6. RI DEM Preliminary Subdivision Suitability Determination ID #: S37-58
7. Letter from Fire Chief Parkinson to Town Planner dated December 26, 2002 regarding Dry Hydrant
8. Letter dated October 6, 2003 from Town Planner to Robert Maguire regarding incomplete Preliminary Plan submission.
9. Letter dated October 21, 2003 from DiPrete Engineering to Town Planner regarding comments.
10. Memo from Consulting Town Engineer, Shawn Martin, to Jennifer Paquet, Town Planner dated November 3, 2003.
11. Letter from Town Planner to Robert Maguire dated November 14, 2003
12. Letter dated December 9, 2003 from DiPrete Engineering to Town Planner regarding comments.
13. Memo from Consulting Town Engineer, Shawn Martin, to Jennifer Paquet, Town Planner dated December 29, 2003.

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14. Certificate of Completeness for Fry River Farms Preliminary Plan dated January 8, 2004.
15. Comments from the Highway Superintendent, David Andrews, dated February 2, 2004.

Miss Paquet asked if the applicant wants to submit the Soil Evaluation form for the record. Mr. Kupa said yes.

Applicant's exhibit number 1.: Application number 0337-1070 (RIDEM Soil Evaluation).

**Motion** to close the public hearing. Ward-Walker. All in favor (5-0).

Mr. Walker asked about setting a time limit on site suitability with the concern that over time it won't happen. Miss Paquet explained that the application has to come back to the Board for Final review before it gets recorded so the Planning Board will see this issue again. It was decided to make this a condition for the Final submission to be complete.

Mr. Walker asked about the letter to the Fire Chief being followed-up on, because it needs to be added to the record. He noted that it should have been before the Board this evening. Mr. Morin stated that he plans to contact the Chief tomorrow to follow up on it.

**Motion** to approve the Preliminary Plan and construction drawings for the Fry River Farms Major subdivision, AP 16, Lot 2-1 prepared by DiPrete Engineering Associates, Inc. prepared for Robert Maguire, dated March, 2003, revised 11-18-03, with the following conditions:

1. That the detention basin be redesigned in conjunction with the Town engineer.
2. That the administrative subdivisions occur reflecting the two lot line changes prior to recording. (one between lot 2-1 & 2-2 and one between lot 2-1 & AP 15, Lot 9)
3. That the lot lines for Lot 4 be adjusted to obtain minimum suitability percent required.
4. The Suitability Determination be obtained for Lot 8 as part of the Final plan submission.
5. That the applicant install a dry hydrant, as required by the Fire Chief and that
  - a. The access to the hydrant must be year round and available to any and all fire apparatus for pumping purposes.
  - b. A safe area (pull off, turnout etc.) must be made available for the fill area to accommodate tanker filling if necessary.
  - c. In order to remain consistent with the other cisterns and hydrants in town, the final connection must be a six (6) inch male fire thread with a lockable cap to prevent vandalism to the unit. The Fire Company will provide the lock.
  - d. Completion of this hydrant must be done and approved by the Fire Chief before Final review.
  - e. That all of these above actions be subject to confirmation by the Fire Chief.
  - f. An easement must be prepared and recorded for access for the truck and that all improvements necessary for the truck to be pulled off be the responsibility of the developer.
6. That wells be installed and an acceptable Well Completion Report be submitted prior to issuance of any building permits for each lot.
7. That cash bonding be allowed on the Final coat of asphalt, in an amount to be determined at Final review.

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8. That at Final review, the cost of all improvements be submitted, and the cost of Final coat be submitted, so that the Board may set maintenance guarantee amount and performance guarantee amount.
9. that at Final review, the as-builts show monumentation for all lots and that each lot have property bounds installed.

This approval with conditions is based on findings of fact 1-7, as noted in the Draft Motion.

Ward- Walker. Mr. Knott called for discussion. He asked about the building permit cap for this application in relation to the Victory Woods subdivision. Ms. Giorgi explained that it depends on whether pulling the permits puts the Town in a period of very rapid growth. She noted it was complicated and that every developer would be affected either way.

Motion is on the table. All in favor. Motion carries 5-0.

### **ACCEPTANCE OF MINUTES**

Mr. Walker asked about the KS Holdings application and called for the Zoning Officer to confirm that there is only one use in the building, as stated by the applicant. He noted that the sign out side the business includes both the electric office and Theroux Properties.

Motion to approve the January 5, 2004 Regular Meeting. Walker-Knott. Motion carries 3-0 with Ward and Lepak abstaining.

### **ELECTION OF OFFICERS**

Motion to nominate Mr. Berry as the Chairman. Ward-Walker. All in favor (5-0)

Motion to nominate Mr. Boyer as the Vice Chairman. Ward- Walker. All in favor (5-0)

Motion to nominate Mr. Ward as the Secretary. Knott-Walker. All in favor (5-0)

The 2004 Planning Board Officers are as follows:

Chairperson- David Berry

Vice Chairperson- Mark Boyer, upon acceptance.

Secretary- Brad Ward.

### **VICTORY WOODS – MAJOR RESIDENTIAL SUBDIVISION / COMPREHENSIVE PERMIT ADVISORY REVIEW (MASTER PLAN) cont.:** AP 14, Lot 15-6

--On Victory Highway; 52 lot subdivision with Open Space and Roads; 57 total units; Owner: Rhode Island Housing; Applicant: SWAP, Inc.

Mr. Walker recused himself and left the meeting.

Carla DeStefano, developer, of SWAP approached the Board.

Cindy Baumann, PE of Crossman Engineering, Inc. approached the Board.

Jan Bagley, of Blueberry Heights, along with a few other residents were present in the audience.

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Ms. DeStefano and Ms. Baumann explained the project.

There was discussion on the water study, an emergency access, open space, and a buffer.

The Board went over the Planner's comments with the applicant.

Mr. Ward noted that the waterline needs to be looped for water quality. At the least, an easement should be left to allow for a looped line in the future.

It was noted that the strip of land above the entrance road needs to be clarified. It is to be made frontage for the Open Space, and not to be depicted as part of the right-of-way.

The Planning Board encouraged a Townhouse type of development, at least for a few of the lots. The applicant is not interested in this and wants to do single-family homes.

Ms. Giorgi will do a draft recommendation to the Zoning Board from the Planning Board and have it ready for the next Planning Board meeting.

The Board wants the Town Engineer to review the scope of work and to be present during testing for the groundwater study.

**SCHEDULE SPECIAL MEETING**

--Residential Compounds; Victory Woods, etc.

no meeting was scheduled.

Motion to adjourn. Ward-Knott. All in favor (4-0). The meeting adjourned at 10:55 p.m.

**WEST GREENWICH**  
**March 1, 2004**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on March 1, 2004. Present were: Chairman David Berry, Mark Boyer, Adrian Knott, Brad Ward, Michael Walker, Alternate Bill Bryan, and Alternate Bill Lepak. Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy E. Giorgi were present. Shawn Martin, PE (late), consulting Town engineer was also present.

Chairman Berry called the meeting to order at 7:05 p.m.

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**SCHEDULE SPECIAL MEETING**

--Residential Compounds; Victory Woods, etc.

**Motion** to schedule special meeting on March 22, 2004 at 7:00 p.m. for the following: Deer Run Estates, Finlandia Hollow, and Residential Compounds, contingent upon availability of the Council Chambers.

Boyer -Walker-. All in favor (5-0).

**ANTONUCCI: AP 23, Lot 101 / SPECIAL USE PERMIT FOR ACCESSORY FAMILY DWELLING**

-- --request for advisory opinion to the Zoning Board for a SUP for in-law apartment On Linden Lane;

Mr. Boyer noted that the applicant sent correspondence to the Planning Board stating that he could not be here and asking if someone should be present. Mr. Boyer noted that no one got back to Mr. Antonucci. Mr. Boyer expressed concern that it would not be fair to the applicant if the Board gave a negative opinion. The Board decided to hear the application to see the outcome.

Mr. Lepak noted that the application seems incomplete because no grounds for relief were stated. Ms. Giorgi noted that hardship is not a criteria for a Special Use Permit.

Mr. Knott noted that the square footage is within the 30 percent zoning requirements for accessory-family dwelling units. He noted that the unit is attached to the garage, and doesn't seem to be an integral part of the house, and that the plans don't show how the utilities will go through the garage to get to the addition.

**Motion** to recommend to the Zoning Board the approval of the Antonucci Accessory Dwelling Unit application with the following conditions:

1. that the unit be for family only, not rental as separate unit.
2. that at the change of title, the property needs to re-appear before the Board for another special use permit
3. need SSD from DEM
4. Follow all other rules and regulations for accessory family dwelling units.

Ward-Boyer. All in favor (5-0).

**WEST GREENWICH**  
**March 1, 2004**  
**PLANNING BOARD MEETING**

**ALLEN: AP 41, Lot 26 / DIMENSIONAL VARIANCE ON FRONT YARD SETBACK**  
--request for advisory opinion to the Zoning Board for front setback; on Bailey Pond Road

Louis Magiera, representing David Allen, owner of the lot, approached the Board. Mr. Mageira is a friend of the applicant.

Mark Boyer recused himself.

Mr. Walker asked Mr. Magiera why the applicant didn't go to the Town first, before going to DEM for relief? He stated that the Building Official told him to go to DEM.

There was discussion on the grading easement for this parcel's ISDS on the abutting property. Mr. Mageira noted that the easement is in place. It was noted that Mr. Mageira is the abutting property owner with the easement for the parcel under review.

Mr. Lepak asked who the applicant bought the property from. Mr. Magiera said that he sold it to Mr. Allen. There was discussion on if these two substandard lots in the same name were supposed to be merged. Ms. Giorgi noted that it is too far after the fact.

**Motion** to make a recommendation to the Zoning Board to approve the front-yard setback variance on the Allen application. Ward-Walker. Motion carries 4-1, with Mr. Knott voting nay and Alternate Bill Bryan voting.

Mr. Boyer rejoined the Board.

**BARNES LANE - MAJOR SUBDIVISION/ STATUS OF BOND:** A.P. 37, Lot 7--Planning Board to consider action on bond and/or plan to complete and repair improvements.

Mr. Alex Petrucci, developer approached the Board.  
Mr. Kevin Morin, PE with DiPrete Engineering approached the Board

Shawn Martin arrived at 7:40 p.m.

Miss Paquet explained that there was a meeting last week with herself, Dave Andrews from the Highway Department, Town consulting engineer Shawn Martin, and Mr. Morin to go over the list of outstanding items memo dated April 2003. She explained that it was determined that they needed to go back out in the field to double check things, but that most of the items need to be done. She explained that Mr. Martin and Mr. Morin then went out to the site to go over the list and that Mr. Petrucci met them out there.

Ms. Girogi explained the situation with the bond. She noted that the Town received a letter in October from the bonding company stating that they weren't going to renew the bond at the end of its term. She noted that the term expires on April 7, 2004 and that it would be to the Town's detriment if the Board doesn't vote tonight to pull the bond because it will expire around the time

## **WEST GREENWICH**

**March 1, 2004**

### **PLANNING BOARD MEETING**

of the next meeting. Ms. Giorgi noted that she drafted a letter from the Chair to sign, and that the letter has to come from the Chair of the Board. She noted that even though the bond is being pulled, things can still happen in the next month or two to correct the situation and to proceed towards the Town's acceptance of Barnes Lane as public improvements, but that the letter has to get in the mail. She recommended that the Town pull the bond this evening.

Mr. Martin noted that there were four items that he removed off the list dated April 14, 2003.

Mr. Petrucci explained his position. He stated that there was an issue of a pipe across the road where the neighbor complained that the pipe was holding water. He stated that he met with Dave Andrews who asked him to fix the pipe. Mr. Petrucci noted that he fixed the pipe and then put the finish coat on the road. He noted that he did extra drainage on the property and the engineers did extra work. He stated that he has a response letter of 6 items left to be done. He stated that someone recently kicked down the banks to make it look like there was a washout. He stated that he tried to finalize a list, and when it is finalized he will send his crew out there one more time, even though he feels he is not responsible for any of it. He stated that a lot of it is because the Town sanding flooded out his rip rap.

Chairman Berry noted that the only issue is that it is late in the game. Mr. Petrucci stated that when he got the letter in April, he went down there during the worst rain in April and May and walked the site and that there was nothing wrong, and the drainage worked perfect. He noted that he has not had one complaint from any neighbor.

Mr. Walker expressed concern that the Town got a letter saying the bond is not going to be renewed, and that the Board sees unresolved issues that could have been resolved a year ago. It was noted that there was no response to the Town on the April 2003 memo from the applicant.

**Motion**, based upon legal counsel's advice and Fuss & O'Neill's engineering statement, to pull the bond on the Barnes Lane subdivision with the request that the Town Council and Town Administrator consult with the Planning Board if there are issues. Boyer-Walker. Motion carries 4-1, with Mr. Knott voting nay.

It was noted that this doesn't mean that the matter can't be resolved in the interim.

### **VICTORY WOODS – MAJOR RESIDENTIAL SUBDIVISION / COMPREHENSIVE PERMIT ADVISORY REVIEW (MASTER PLAN) cont.:** AP 14, Lot 15-6

--On Victory Highway; 52 lot subdivision with Open Space and Roads; 57 total units; Owner: Rhode Island Housing; Applicant: SWAP, Inc.

Mr. Walker recused himself.

Mr. Boyer filled out a conflict of interest form, and did not recuse, noting 3B on the form.

Mr. Bill Landry, lawyer for the project approached the Board.

He introduced Carla DeStefano-developer, Ron Caniglia-construction manager, and Cindy Bauman-from Crossman Engineering.

**WEST GREENWICH**  
**March 1, 2004**  
**PLANNING BOARD MEETING**

Ms. DeStefano passed out copies of the groundwater testing protocol and draft of letters that were sent to the abutters.

Mr. Landry explained that water is the critical issue. He noted that they have engaged Paul Aldinger, Geo-technical Engineer Hydrologist to help them design a water testing protocol.

Miss Paquet explained that she walked the site at the site visit on Saturday.

Mr. Landry explained that the abutters were formally requested to participate in the groundwater study, by having a monitor placed in their well during the 7-day testing period. He noted that no one has agreed yet, but that there are 12 or 14 test holes that can be used for testing purposes.

There was discussion on the groundwater testing. Ms. DeStefano pointed out that there will simply be a monitoring device installed in abutters wells that will be read remotely. Mr. Bryan expressed concern about the impact during peak demand times. Mr. Caniglia explained that that will be covered through storage and the pump house.

Mr. Lepak asked the applicant if they have tried to incorporate any of the Board's recommendations?

Mr. Boyer stated that his biggest concern is safety, and that this is a horrible layout. He stated that he thinks the design can be changed and that different types of units can be proposed, where there wouldn't be so much land used or so much road area, that would still accomplish the same number of units.

Mr. Ward stated that he feels town houses would be better. He noted that the impacts of the density to the people on Victory Highway who have 2 acre zoning are 4 times the density, with 4 houses on what would be a 2-acre site. He noted that there would be 4 sets of dogs barking, 4 sets of kids, 4 sets of lights at night. Mr. Ward expressed that he feels a buffer zone is needed, because of the density. There was discussion on a no-cut buffer and maintenance responsibility.

Ms. DeStefano stated that they are waiting to get all comments from all Boards before they go about changing the plans. She stated that it would be difficult to do a buffer, but they are taking it into consideration. Mr. Ward pointed out that the condo style would allow for buffers. Ms. DeStefano stated that condos are not a good idea.

Mr. Bryan asked the applicant to try to come up with something more creative.

The Board went over the comments and recommendations from the Planner.

1. 26 foot road, 24 foot travel with 2-one foot berms
2. figure out way to eliminate septic systems from 200 foot stream buffer.
3. try to mitigate the steep slopes
4. landscaping plan and vegetated buffer at entrance
5. at least a 50 foot vegetated buffer with the Rt. 102 lots and 25 feet with Blueberry Heights

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### **PLANNING BOARD MEETING**

6. have the association be responsible for maintaining the common areas, landscape the stormwater areas.
7. provide emergency access
8. require groundwater study
9. require walking path to Robin Hollow
10. require house lots be staggered and setback depths vary
11. require underground electrical utilities
12. apply for waiver on road length.
13. get recommendation from fire chief on cistern placement
14. do not require sidewalks
15. try to work with the property owner to relocate the easement for Blueberry Heights.
16. try to incorporate townhouses into the development to provide a diversity of housing choices
17. try to shift development up and back to try to get the buffer for the Rt. 102 lots.

**Motion** to send advisory recommendations to the Zoning Board as stated, and to recommend approval with the stated recommendations. Knott-Bryan. All in favor (5-0). (Bryan voting, Walker recused)

Mr. Walker rejoined the Board.

### **BLUERIDGE ESTATES – MAJOR RESIDENTIAL SUBDIVISION / REQUEST TO UPDATE BOARD ON STATUS OF EASEMENT DISCREPANCY: AP 27, Former Lot 19-1.**

-- off of Stubble Brook Road; Developers: Josh Essex and Anthony Pimental III, Greenridge Development Corp.

Mr. John Pagliarini, attorney for the applicants, approached the Board.

Mr. George DuPont, PE approached the Board

Mr. Pagliarini explained that the level spreader encroaches on the abutter's property and that they have contacted the abutter, asking either to enlarge the easement to contain the structure, or to give permission to go on the site to restore what needs to be restored and put the structure within the easement area. He stated that he has not received a response from Mr. Kirk Andrews and that they are stuck. He stated that they are before the Board to try to get into maintenance bond. He stated that they have been seeking a final inspection and do not have a status, and that they have addressed everything from the last walk-through.

Mr. DuPont stated that the level spreader is beyond the easement by about 14 feet, but there is plenty of room within the easement to construct a new level spreader. He stated that this issue was brought up in 1998 and he doesn't know why it wasn't corrected then.

Mr. Kirk Andrews, in the audience, stated that he will not say that he hasn't given them permission. He stated that he has asked for from day 1, a plan showing him on paper what they are going to do to restore the property back to the original condition on both lots.

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Mr. John Pagliarini asked the Board what to do. He stated that they want permission to fix it in the existing easement and then dig out the portion on Mr. Kirk Andrew's property and loam and seed it, and plan some shrubs.

Ms. Giorgi told Mr. Pagliarini that he has to satisfy Mr. Kirk Andrews. Mr. Pagliarini noted that to fix the structure they will have to go onto the properties.

Mr. Ward asked if they have a plan for how to fix it. Mr. DuPont said he doesn't have a plan because they don't know what they are going to do yet.

Mr. Kirk Andrews stated that he gave the developer another 5 feet to make this work a few years back, and they still went another 27 feet, not 14 feet as the as-built plan shows. He stated that he needs a plan and proof of what is going to happen.

Ms. Giorgi suggested that they put a plan together and come back to the Planning Board with notice to Mr. Kirk Andrews so that he can know if the Board likes the plan.

Miss Paquet handed Mr. Pagliarini the latest inspection memo. Mr. Pagliarini stated that they will address the list and will be back at the April 1<sup>st</sup> meeting.

The Board directed the applicant to work it out with Mr. Kirk Andrews, and then to bring the plans to the Board.

**ARLINGTON RV- SITE PLAN REVIEW / PRE-APPLICATION:** AP 2, Lot 1  
-- on corner of New London Trnpk and Division Road; request also for zone change and Comprehensive Plan amendment; proposed RV Dealership.

Mr. John Pagliarini, attorney for the applicant, approached the Board.

It was noted that the Public Hearing for the Amendment to the Comprehensive Plan was not advertised for this evening, but that it will be held at a joint meeting with the Town Council on March 10, 2004. It was also noted that the advisory opinions on the zone change will be heard at that meeting also, instead of this evening.

Mr. Pagliarini introduced his clients, Mr. Miller, Mr. Steve Moran from Arlington Trailer, Kevin Hase(?) legal council from the office of Revens, Revens, & St. Pierre, and Mr. Kevin Morin, PE from DiPrete Engineering.

Mr. Pagliarini stated that the site is about 18.3 acres of land, currently zoned Industrial B and RFR-2. He noted that it was his intent to rezone it to Industrial A, but the Town Council asked them to modify the applicant and change it to Highway Business. He stated that the use will be for Arlington Recreational Vehicles. He state that the matrix item to be added would be 558, RV Dealers, New, Used, & Service.

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Mr. Pagliarini explained the site. He noted that it is flat and gravel. He stated that all of the salvage vehicles have been removed from the site, but that there are still parts and surplus available. He noted that the environmental aspects will need to be addressed prior to the transfer of the property to Arlington.

Mr. Morin, PE approached the Board. Mr. Knott expressed concern over the entrance to the site being a fifth intersection with New London and Division roads. Mr. Morin stated that they looked at a couple of layouts and that the preferred location was here. He noted that it will have to go to DOT and it may have to be moved. Mr. Miller of Weaver Hill Builders stated that the New London Turnpike is gated and that the State has no future use for it. He noted that it is all State land, and that the abutting residential land can get access through Carrs Pond Road. Mr. Morin noted that it will be studied further.

Mr. Knott expressed concern about the existing site distance at the intersections of New London Turnpike and Division Road. Mr. Boyer agreed that it is a bad intersection heading south turning from New London Turnpike onto Division. Mr. Miller noted that they will have to apply for a Physical Alteration Permit. It was noted that the Town can still ask for off-site improvements.

Mr. Morin stated they are proposing a building of just over 60,000 square feet, with the main building at the center of the site, with offices, service, parts, and some display as the main functions.

Mr. Morin noted that there is a 100 foot side setback to the adjacent properties for structures. He noted that there will be a paint booth, propane storage, dumping station. He noted that there would be site lighting for the parking areas. The Board noted that a lighting expert has to produce the lighting plan.

Mr. Knott asked why there is so much impervious surface. Mr. Morin explained that the inventory is in the parking lot, and that is like an outdoor warehouse. Chairman Berry expressed concern about the paving going all the way to the property line. He stated that there should be a buffer of a minimum of 25 feet vegetated. Mr. Morin noted that a landscape architect will be used.

Mr. Knott asked if Kent County Water Authority has wells within 2,000 feet of this property. Mr. Miller said no. Mr. Knott noted that it is a requirement for zone change notification.

Mr. Bryan asked if it is intended for overnight parking on the property for transients? Mr. Moran stated no. He explained that occasionally if someone breaks down and the parts don't come in that day that he does have them stay. Mr. Moran noted that they are on the towing list. Mr. Walker noted that people driving in on the weekend and hooking up to wait for services will be an issue he will raise. Mr. Moran stated that there is no intention of having hook-ups on the site.

Mr. Pagliarini asked Mr. Morin if he provided parking for people who come in off the road. Mr. Morin explained that the parking has been broken up into three components. He noted that there is visitor/ customer parking of about 66 spaces in the front of the building, employee parking is about 71 spaces proposed, and the balance is display and vehicles to be serviced, of about 349

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spaces total. Mr. Bryan asked if service includes seasonal storage. Mr. Moran explained that some of the motor homes are diesel, but that he doesn't expect to store any fuel except propane. Mr. Bryan asked about winterizing of vehicles and storing them on the property. Mr. Moran stated that it is not economically feasible for them to do that and the stuff that would be there would be in service vehicles or new and used inventory.

Mr. Walker asked Mr. Moran if there would be an area for someone pulling off where they can pull into the facility after hours to get off the road. Mr. Moran stated that they will possibly provide a gate at visitor parking for drop-offs with a drop-box.

Mr. Pagliarini stated that they will provide a schematic for signage. Chairman Berry asked about visibility from Route 95, such as a pylon sign. Mr. Moran stated that signage will be minimal, and there will be no visibility from Route 95.

It was noted that the site has public water, but no sewer, and that there are new fire hydrants out front.

The Board noted that the plans need to show the existing zoning and how it is split on the lot. It was noted that the parking calculations need to show the required and the proposed. It was noted that the percentage of impervious surface calculation needs to be added to the plan. Mr. Walker asked if the Water Resources Board is on board about this being on their property line. It was noted that the drainage design needs to be zero net increase in runoff volume in addition to peak flow rate.

### **NORTH COUNTRY FARMS –MAJOR RESIDENTIAL SUBDIVISION / PRELIMINARY PLAN: AP 30, Lot 17**

-- on West Log Bridge Road. 9 lot subdivision with road creation. Developer: Smiley Development, Inc.

-- for discussion of Preliminary requirements, including ground water study.

Michael Walker recused himself from this matter.

Mr. Andrew Smiley, developer, approached the Board.

Miss Paquet explained that one of the conditions of the Master Plan approval was that a groundwater study be done, but that the scope of work was not determined. She noted that the Preliminary plans have been submitted with no groundwater study proposed and that the Board needs to determine the extent of the study.

Mr. Smiley stated that he suggested at the last meeting to install the wells prior to the issuance of building permits. Chairman Berry asked if Mr. Smiley would be willing to install a couple of monitoring wells. Mr. Smiley stated that he doesn't have a problem putting wells on the lots, and that he doesn't think that there is an issue of water up there. He stated that his opinion is that it is an avenue available to the abutters to raise a stink to impede development and that he hasn't heard any of them crying about an issue with water since the last meeting. Chairman Berry

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asked Mr. Smiley if he had any issue with drilling wells prior to building permits. Mr. Smiley said not at all and that it protects everybody's interest.

Ms. Giorgi asked Mr. Smiley if he could put in a few of the wells at the beginning of the process and monitor them for a period of time. Mr. Smiley stated that he would like to have had them all in there right now, and he would like to go in there and cut the road in. Ms. Giorgi stated that the point she is trying to make is to monitor not only how they react over a period of time, but also the draw down and recharge just to make sure they are not drawing from the neighbors. Mr. Smiley said that is fine. He stated that the problem is getting the vehicle that is needed to drill the well on-site needs a road.

The Board went over the checklist of items needed to make the application complete, as set forth in the letter from Jennifer Paquet to Andrew Smiley dated February 11, 2004.

It was noted that items 1 and 2 have to be done. It was noted that item 3 has to be shown on the plans. Mr. Smiley stated that the Fire Tank location would be within the Town Right-of-Way and therefore no easement is needed.

It was noted that the letter requesting financial guarantee has been sent to the Planning Department. The ground water study was already discussed this evening. Mr. Smiley stated that he has no problem installing a cistern for the Fire Department. It was noted that the details are needed on the Preliminary Plan.

There was discussion on the boulder stump dump issues. Miss Paquet noted that the Subdivision Regulations call for stumps to be removed from the site. She also noted that the Master Plan condition of approval to delineate the existing stump / boulder spoil area was meant to delineate the boundary of the existing site on the plans to show where it is. Mr. Martin noted that the current practice is to grind stumps on site. It was decided that the stump dump issue would be determined at the Public Hearing. It was determined that if the Town consulting engineer is ok with the scale that the Board would be ok with the scale. Mr. Martin stated that there was adequate detail. It was decided that 1"=60' scale is ok for this plan. Mr. Boyer asked the applicant to ask for a waiver from this requirement.

Mr. Smiley stated that he has a dilemma because the Board asked him to install underground utilities. He stated that it requires Narragansett to do the design, and they won't do it until the plans are approved. It was noted that if there is a change between the Final plan and the Preliminary plan it is ok, as long as the Board knows about it. It was decided that the landscaping plan needs to be part of the Preliminary Plan and that it is understood that there may be changes due to the utility company.

Mr. Ward noted that he read a lot of articles about the people on Kimberly Drive complaining about dry wells and he remembers them out in the audience asking that their wells aren't impacted. He stated that he thinks they were given some sort of assurance that the well protection program was being enacted. He stated that when the people come to the meeting, they will be mandating some professional certification, whether through monitoring or through analysis, but that this is going to be an issue at the meeting. Mr. Boyer stated we should go back to the minutes of that meeting so that we know what was said. Mr. Ward stated that a

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hydrologist should be at the Public Hearing to answer questions. Mr. Smiley stated that he's sure he can have someone present to testify at the Public Hearing. He noted that at the Public hearing he will be represented by counsel and he will submit expert witnesses and testimony and documents. Ms. Giorgi stated that the hydrologist will have to address where the water source is coming from, if they can tell, and if it is a fracture, who is on it.

It was noted that the legal notice for the Master Plan has been reimbursed.

The Board recapped the following:

1. and 2. have to be added to the plan
3. the notes alone are not sufficient and they need to be on the plan in graphic form
4. legal documents have been submitted
5. done
6. Mr. Smiley will have an expert at the public hearing give a presentation on their findings.
7. cistern detail and easement needs to be on plans.
8. action plan for stump removal-have been shown on plan
9. reclamation plan- grading on plan is sufficient
10. street trees and landscaping have to be on plans
11. paid
12. engineering fees of \$3,000 has to be done

Mr. Smiley noted that he has to go over Mr. Martin's comments. Ms. Giorgi noted that revised plans have to be submitted.

Mr. Smiley asked Ms. Giorgi if the issue of the vested rights has been settled. He stated that his Master Plan was approved before the Subdivision Regulation amendments were adopted. Ms. Giorgi stated that she will get back to Mr. Smiley.

Miss Paquet asked the Board if they are giving her permission to set the public hearing. The Board said yes, after the application is deemed complete.

## **TOWN LINE**

--Town Council will be acting on an agreement on the Town Line within the Center of New England properties with the Town of Coventry. Plans prepared by : Caito Engineering.

Mr. John Pagliarini, attorney for the Centre of New England, approached the Board.

Mr. Pagliarini stated that the Centre of New England is getting ready to come in with a development plan. He stated that 3 or 4 years ago they were told not to come back until the Town line is established. He noted that the town line has been an issue for a while between Coventry and West Greenwich. He stated that the Centre of New England submitted a plan to the Town Administrator showing the lot lines of individual parcels. He stated that the Town Administrator said that the General Assembly would not go for it and would prefer a straight line starting at a fixed point. Mr. Pagliarini pointed out the fixed point at the axis of the East Greenwich line going up the center of the Centre of New England Boulevard and then to a point in the center of Hopkins Hill road, in a straight line connecting the two. He noted that some land

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goes to Coventry and some land goes to West Greenwich. He noted that both Town Council's have the same set of plans before them. Coventry is to adopt it on March 8<sup>th</sup>, and West Greenwich is to adopt it on March 10<sup>th</sup>. He stated that then it would go to the Legislature for immediate consideration.

Mr. Pagliarini stated that the Centre of New England Boulevard will ultimately be 44 feet in the Town of West Greenwich and 44 feet in the Town of Coventry. He noted that the West Greenwich Town Council is ready to enter an agreement with the Town of Coventry who will give their full time engineering staff the responsibility of all approvals, inspections and everything else on the road. He noted that Coventry will be in charge of the construction phase of the road. He stated that the agreement with the West Greenwich Town Council as it exists is that Mr. Cambio is to maintain the road. He noted that Mr. Cambio has a license agreement on the public right-of-way, and he has to plow it, sand it, pave it, etc.

Mr. Pagliarini noted that the road will straddle the Town line, and then break when it gets to the wetland and come out on Hopkins Hill road.

Mr. Knott noted that if Centre of New England doesn't get the approval to cross the wetlands, that it will be a very long cul-de-sac.

### **AMENDMENT TO GROWTH MANAGEMENT ORDINANCE-**

-- request for advisory opinion to the Town Council on amendment to ordinance to increase limit of building permits to 2 per quarter from 2 per year per entity.

Ms. Giorgi explained the proposed change to the Board.

**Motion** to recommend approval of the Growth Management amendment. Ward- Walker. Mr. Walker called for discussion.

Mr. Walker expressed concern over the ordinance being defected because it does not address the distribution of vacancies over the school district in the calculation for building permits.

**Motion** to recommend that the Growth Ordinance be abolished. Walker- Knott. Bryan called for discussion.

Mr. Bryan asked Mr. Walker what his issues are. Mr. Walker explained that the ordinance does not provide or guarantee that the person moving into the house will only fill the empty seats. He noted that they take up what ever slots there are, such as in the high school where there are no vacancies, or Kindergarten where the 1,200 vacancies exist.

Ms. Giorgi noted that the ordinance is designed so that the Town Council has to re-address the number every year, as part of the budget. She stated that the Planning Board can address this issue at that time, and asked the Board to make a recommendation on the proposed ordinance before them.

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There was discussion on who this amendment would apply to. It was noted that it would apply to developers.

**Motion** to recommend approval of the Growth Management amendment. Ward-Boyer. Ward-aye, Berry-aye, Knott-nay, Walker-nay, Boyer-nay. Motion failed.

No other motion was made.

**BUDGET- FISCAL YEAR 2004/2005**

-- discussion on proposed budget

Mr. Bryan noted that the Planning Board continues to be challenged by the volume of work and that they don't have adequate support. He wanted this to be reflected in the budget.

Ms. Giorgi encouraged the Board to write a letter or to make individual statements to the Town Administrator.

Mr. Bryan stated that the Board needs dedicated engineering support for the Planning Office. He stated that it is difficult not having a resource in the Town Hall to respond to applicants.

Miss Paquet explained that she put in last year for an Administrative Assistant or another Planner, and a Town Engineer. She stated that she will put in for the same this year.

**ACCEPTANCE OF MINUTES**

November 18, 2003 Workshop

November 18, 2003 Joint Town Council Special

November 22, 2003 Site Visit

December 1, 2003 Regular Meeting

December 13, 2003 Site Visits

February 2, 2004 Regular Meeting

Not done.

**Motion** to adjourn. Ward-Boyer. All in favor (5-0). The meeting ended at 11:07 p.m.

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A special meeting of the West Greenwich Planning Board was held on Wednesday, March 10, 2004. Present were: Vice Chairman Mark Boyer, Adrian Knott, Alternate Bill Lepak and Brad Ward (late). Chairman David Berry, Michael Walker, and alternate Bill Bryan were absent. Town Council members present: President Thaylen Waltonen, Robert Meehan, Richard Huntsman, and Robert Butler. Town Planner Jennifer Paquet and Town Solicitor Michael A. Ursillo were present. This meeting was held along with Town Council public hearings.

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**ADVISORY RECOMMENDATIONS**

**WEAVER HILL BUILDING ASSOCIATES, INC. : AP 2, Lot 1 / ZONE MAP CHANGE AND ZONING TEXT CHANGE/ and PUBLIC HEARING: COMPREHENSIVE PLAN AMENDMENT**

-- Request for advisory opinion to Town Council; on corner of Division Street and New London Turnpike; Request to change zone from I-B and RFR-2 to Industrial A, and request to add Recreational Vehicle Dealer to use code as permitted use in I-A & I-B. Request to amend Comprehensive Plan: Future Land Use Map accordingly; Applicant: William Miller-Weaver Hill Building Associates

Mr. Ursillo suggested to the Planning Board and the Town Council that they open the joint Public Hearings.

Council President Waltonen opened the Public Hearings of the joint session of the Town Council and Planning Board on the Comprehensive Plan amendment for the zone change.

Town Clerk, Mrs. Olsson, noted for the record that the Public Hearings were advertised in the Providence Journal on March 9, March 2, and February 24, 2004. Chairman Waltonen entertained a motion to accept the advertisement and green card receipts of the notification for the record. Huntsman-Butler. All in favor (4-0).

Items submitted for the record:

Letter from Assistant Town Solicitor, Nancy Giorgi, regarding draft motions. Motion to accept for the record. Huntsman-Butler. All in favor (4-0).

Attorney John A. Pagliarini, Jr., 35 Centerville Road, Warwick, RI approached the Boards.

Mr. Pagliarini explained that the application was before the Planning Board for Pre-application at their regular March 1, 2004 meeting. He noted that a lot of the issues and concerns were discussed, so that they can be incorporated in the Preliminary plan. He noted that the application is to re-zone the property know as the Piziack Salvage Yard and Auto Body at the corner of Division and New London roads, Assessors Plat 2, Lot 1. He noted that the parcel is approximately 18.3 acres, and is split zone—the first 300 feet from the road is zoned RFR-2, and the balance is zoned Industrial-B. He stated that the automobiles shown on the plan have been removed, however that the use has not been abandoned because there is still auto parts for sale on the site in the buildings that are there. He noted that there is still an active business on the site.

Mr. Pagliarini noted that his client originally petitioned for a re-zone of the entire 18 acres from the split zone to a less intensive zone of Industrial-A. He noted that it was the wish of the Town Council to rezone to Highway Business and noted that his client had no objection and amended the application to show

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Highway Business. He stated that they have also asked for an amendment to the Zoning Matrix to add the line item specifically authorizing Recreational Vehicle Dealers New and Used and Service Facilities as a permitted use.

Mr. Pagliarini stated this site will ultimately house Arlington Trailers. He introduced Mr. Steve Moran, owner of Arlington Trailers; legal counsel for Mr. Moran, Kevin Haas from Revens Revens and Soucier(?); and Mr. Miller, the applicant of Weaver Hill Building Associates.

Mr. Pagliarini submitted for the record a copy of the first page and the last page of the purchase and sales agreement with the Piaziac family. He noted that on the middle page the seller authorizes the purchaser to file applications in the name of the seller. He noted that the applicant has the endorsement of the seller on this application. The plan was submitted as Applicant's exhibit 1 and the purchase and sales agreement was submitted as applicant's exhibit 2. Mr. Pagliarini submitted Applicant's exhibit 3, a statement of Comprehensive Plan consistency.

Mr. Pagliarini stated that Industrial-B land is for heavy duty use, and noted that someone can use, as a matter of right, the property for a more offensive use than what he is proposing. He introduced Kevin Morin, PE from DiPrete Engineering. He note that on the easel is a drawing of the building of 60,000 square feet that they are proposing on the site. He stated that the Planning Board asked them to re-draw the building. He noted that his client changed it from a metal building and made it softer, more in the rural character. He stated that the next step with the Planning Board will be Preliminary submission. He noted that the greatest concern is traffic safety and that it will be addressed, possibly moving the entrance. He noted that one of the greatest concerns for the neighbors is lights. He noted that he will have a lighting plan, and all the lighting will be directed downward, not outward, not towards the residential neighborhood. He noted the lighting plan will pass the muster of the Planning Board.

Mr. Pagliarini noted that the land is level and that there are not many trees left on the site. He stated that the asphalt will be considerable, and that they will have to present drainage plans and that they can not increase runoff. He noted that there has to be protection to Big River. He noted that there is public water and a fire hydrant, and that there will be an individual septic system that will have to go through the DEM process.

Councilman Meehan asked if the plan shows a buffer zone. Mr. Pagliarini stated that what is shown on the plan is not a buffer zone and that it is the 200 foot radius for zoning abutters. He stated that under the zoning ordinance, the building can not be within 100 feet of the residential zone. He noted that the Planning Board asked them to show a buffer zone. He noted that the Planning Board asked them not to asphalt to the property line.

Mr. Pagliarini noted that a parcel on the other side of the road on Division Street is already zoned Highway Business.

Council President Waltonen spoke favorably of re-zoning the parcel something other than Industrial-B for environmental reasons and noted that the area off the highway was being developed. He noted that he was concerned with a buffer, lighting, public safety and access.

There was discussion on site distance. Mr. Pagliarini noted that his client is thinking of 'adopting' the DOT land and landscaping it. There was discussion on relocating the access to the site.

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Town Administrator Breene asked how much traffic this type of business generates. Steve Moran, owner of Arlington Trailers, stated that including employees, a busy day would be about 250 people. President Waltonen noted that for his own business, approximately 600 people come in on a busy day.

Mr. Meehan asked what the hours of operation are. Mr. Moran stated that maximum hours are Monday through Friday from 8 am to 9 pm, and Saturday's 8 am to 5pm, closed on Sundays. He noted that these hours are seasonal and in the winter the hours are shorter. He noted that in Rhode Island, Motor Vehicle Dealer Licenses require that they be closed on Sunday.

Mr. Bryan noted that at the Planning Board meeting, the applicant stated the use of the site will not involve overnight hookups or seasonal storage.

Mr. Knott noted that he was concerned about the description for recreational vehicles, and asked that it be more restrictive to exclude off-road motorcycles or dirt bikes or other ATV's. Mr. Pagliarini noted that he has no objection because that is not the intention. Mr. Ursillo pointed out that on page 8 of the memo from Ms. Giorgi under paragraph 2 conditions of approval defines 'Recreational Vehicle.' Mr. Knott stated that the definition is even more restrictive because he did not consider boats or boat trailers. He noted that his concern was that it would be contradictory to restrict ATV's from Town, yet allow them to be sold in Town. Mr. Ursillo asked the applicant and the Boards to go over the definition. Mr. Ursillo read the definition in the draft motion, "Recreational Vehicle Dealership will be defined as, the sale of new or used campers and trailers and like vehicles, together with the service and repair of the same, and excluding motorcycles, motor bikes, automobiles, trucks, boats, boat trailers, and the like." Mr. Moran noted that he has no intention of being in the boat business or boat trailer business. He noted that on occasion trucks are taken as trade and sold as a package with the trailers, like a fifth-wheel. It was noted that trucks would be struck from the language of the definition. It was noted that ATV's and tractor trailers would be added as an exclusion, and trucks would be removed. Mr. Ursillo read the revised definition, "excluding ATV's, motorcycles, motor bikes, automobiles, tractor-trailers, boats, boat trailers, and the like."

Mr. Kevin Morin, PE from DiPrete Engineering Associates approached the Boards.

Mr. Morin noted that the plan shows the 60,000 square foot building proposed about midway into the site. He noted that building holds offices and service area. He noted that there are designated parking areas for the various uses of employee, service parking, and display parking. He noted that the site functions as a warehouse for RV's sale purposes. He noted that there are about 349 display/ service parking spaces and most of the area along Division Road would be display parking. He noted that service parking and additional display would be towards the rear of the building and 71 employee parking spaces are shown to the west. He noted that there are about 66 spaces for visitor and customer parking in front.

Mr. Morin noted that they are going to look at the entrance location with the traffic engineer, in conjunction with DOT. He noted that the site is laid out so that it is gated off from the majority of the site, with a limited area for visitor parking, and the balance of the property would be through gated access. He noted that most of the site is cleared, and stormwater management is going to be a critical component due to the pavement. He noted that there is a proposed ISDS area and that it has to go through ISDS permitting with DEM.

Mr. Morin noted that there will be a paint booth, a repair / service floor, propane area, and a dump station. He noted that the propane station will have to follow State regulations. Mr. Bryan asked if the dump station is a pump out station for the ISDS. Mr. Morin noted that the dump station is a holding tank that

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would be pumped out later, and permitted through DEM. He noted that these amenities would be along New London Turnpike. It was noted that abutting property runs uphill.

Mr. Morin stated that the building will be 34 feet high in two levels, with a service area on the ground floor, and service in the back of the building, parts storage, office and display in the front, and additional office space on another level.

Mr. Brad Ward arrived at 8:16 p.m.

Mr. Breene asked what is going to happen to the houses and the garage on the site. Mr. Morin stated that they would be moved or removed from the site.

Mr. Waltonen asked if they are seeking relief from impervious surface. Mr. Pagliarini noted that in Highway Business there is no impervious surface maximum. Mr. Lepak noted that it was always a loophole that was meant to be addressed years ago. He noted that the highway business zone is the only one that doesn't have the percent impervious surface covered by a percentage calculation and theoretically it can be paved over 100 percent. Miss Paquet noted that there are minimum landscaping requirements and that some of the landscaping is required to be distributed throughout the parking area.

Mr. Breene noted that there have been several proposals for projects on this site. He stated that this proposed project is one of the better proposals he has seen, and that it looks like something that would be beneficial to the Town.

Mr. Bryan noted that the proposed parcel is 18 acres whereas the current business in Warwick is located on 7 acres.

Mr. Moran stated that his family has been in the business for 56 years and that this is a second generation business and he hopes it is going to be a third generation business. He noted that he intends to run one of the top RV dealerships in the eastern half of the country and they want to do it right. He noted that they are landlocked now and can't grow, and that in order to service their customers better they have to grow. He stated that they are landlocked on Route 2 and there is no where to go, and they want to make this a class facility and they want to be environmentally correct. He noted that they want to be extremely cooperative with the Town. He noted that he brings vehicles to tax, a 5 million dollar facility and building to tax, land to tax, and inventory to tax. He stated that he pays a lot of taxes, but he brings no students. He stated that he is not looking for anything special such as a tax break, and that he is willing to pay his fair share and is looking forward to being an asset to the Town.

Mr. Knott noted a typo on the draft motion that places Arlington RV in West Warwick, when it is in Warwick. It was noted to scratch the word 'West' from the draft motion.

Mr. Boyer noted for the people in the audience that this isn't a final plan and that the Planning Board will be working with the applicant to try to make sure that the residential property to the east is protected. He noted that the Board is trying to make them lose some of the impervious area, have some greenery on the property, and try to ensure the safety.

Mr. Knott noted that the Planning Board will be seeing a housing development behind this property soon.

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There was a discussion on junkyards around Town. Councilman Meehan stated that this proposal seems like a win-win situation for the Town, the businessman, and for the neighbors. He noted that it gets rid of something that could go worse than what it is now.

Council President Waltonen opened the hearing up to comments from the audience.

Richard Stromm, 95 Carrs Pond Road stated he has well water and it is fed by Carrs Pond. He stated that he has a concern of propane contamination in the ground or exploding. Mr. Waltonen stated that propane is safe and he sells it at his business, and you have to be licensed by the State to dispense it, and it has to be fenced in and secure. Mr. Waltonen noted that there is access now for public water on Carrs Pond Road. Mr. Ward noted to Mr. Stromm that there is less of a chance of being contaminated from propane than from the junkyard with all the oils. Mr. Waltonen noted that there will be detention ponds to control the runoff and that the grade is going towards Division Street. Mr. Bryan noted that the question of fuel storage should be asked for the record.

Mr. Bryan asked the applicant if they intend to have any fuel storage such as diesel. Mr. Moran stated that they store about 10 gallons of gas and 10 gallons of diesel for when vehicles run out of gas. Mr. Bryan asked if they were going to have above ground tanks. Mr. Moran stated that there will be not tanks and that they go to the gas station. Mr. Bryan noted that there should be a restriction. It was noted that this application still has to apply for a special use permit.

Vivian Peasely, 64 Division Road stated that she has lived there for 25 years and that her biggest concern is that her well is 50 from the property line. She stated that she had an agreement with Mr. Piazic that he never park any vehicles near there at that end of his property, or store any tanks. She stated that she would like to see this continued that she does not intend to hook-on city water and wants to keep her well. She stated that there are trees along that boundary and she would like to see them stay there. It was noted that she lives on Lot 2.

Dale Williams, 75 Division Road, stated that she is concerned with lighting. Mr. Boyer noted that the lighting will be dealt with at the Planning Board with Site Plan Review. Ms. Williams asked about security. Mr. Waltonen stated that he imagines that there will be some sort of security.

Sally Peckham, abutter to the property. Mrs. Peckham stated that she has 20 acres abutting the property. She stated that her husband wanted a rural community and she doesn't want this in her back yard. She stated that she objects to this. She stated that she went to the applicant's property to see what kind of a facility they have. She noted that it was very busy, with a lot of trucks in and out of the site, and that she thinks they are going to have a lot more traffic than they say they are going to have. Mr. Waltonen noted that at some point, something has got to go there, and there are a lot worse things.

Richard Stomm, stated that there should be a traffic light at the intersection because you can't see the cars coming.

John St. Owers, 11 Carrs Pond Road asked if the whole 18 acres will be lighted 24 hours a day. Mr. Moran stated that he'd anticipate that when closed, there would be more dimly lit security lights, not display lights.

Sally Peckham, stated that when she was at the facility she heard loudspeakers. Mr. Waltonen noted that he uses 3 of them at his business, and that they really can't be heard more than 25 feet away.

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Gary French, Coventry, stated that he is a tax payer in this Town and a business owner in this Town and that you are not going to stop progress and it is better than what was there. He stated that this is a very good proposal because they are going to pay taxes and they are not going to use the facilities in the Town. He noted that they are not bringing in kids to go to the schools, which is costing 75 cents on every dollar paid in taxes. He stated that this is a very good, clean facility.

Vivan Peasley stated that she does not object to Arlington coming in. She stated that Mr. Piaziac and her were good neighbors and he had respect for her concerns and that she wants to be good neighbors with the future land owners.

Linda St. Owers, 11 Carrs Pond Road stated that her concern is lighting. She stated that she is putting faith in the Board to look into the lighting. She stated that she supports the business and that they did a wonderful job explaining what the business proposal is. Mr. Butler stated that the Planning Board has stringent requirements on lighting and noise and that the Board does a diligent job.

Dale Williams, stated that in front of the existing site is a dirt area and that customers used to park there to go into Joe's lot. She stated that she has a concern about the dirt where cars like to test out their 4-wheel drive. Mr. Pagliarini stated that they are going to ask the State to adopt that area because it is their gateway and they don't want to see the gravel there.

Mr. Bryan stated that signage was discussed at the Planning Board meeting and that the applicant confirmed that they do not intend to have large signage. Mr. Pagliarini stated that the site is a destination, and that people will know, based on Arlington's number of years in business, where they are located. He stated that there may be a state highway sign, but no pylon sign. He pointed to the sign on the building on the rendering and noted that over a certain size, it requires a Special Use Permit.

Motion to close the Public Hearing on the Comprehensive Plan amendment. Bryan-Knott. Motion carries (4-0), with Ward abstaining.

The Town Council voted to close the public hearing on the Comprehensive Plan amendment and the zone change hearing.

Motion to change Assessor's Plat 2, Lot 1 from the current designation of Industrial-B and Rural Farming Residential to Highway Business, based on the six findings of fact, the three findings of consistency with the Comprehensive Plan, and the two conditions of approval required by State Law as given in the motion submitted as an exhibit. Miss Paquet asked Mr. Ursillo about finding of fact number 1 which states that use of the property as an auto salvage yard has been discontinued. She stated that Mr. Pagliarini stated that the use has not been abandoned, and asked Mr. Ursillo if it should be stricken from the findings of fact. Mr. Ursillo stated that there is a difference between 'discontinued' and the legal phrase of 'abandoned.' He stated that as long as the inventory has been abandoned, that the term 'discontinued' works in the motion. Mr. Pagliarini noted that there are no vehicles on the site, but that there are parts in the buildings and that once the buildings are removed the parts will be removed.

Motion made by Knott-Bryan. Motion carries (4-0) with Mr. Ward abstaining.

The Town Council made the same motion to approve the Comprehensive Plan amendment.

Motion on the advisory opinion to the Town Council on the amendment to the Zoning map and Zoning Use Category Matrix, as stated in the draft motion submitted as an exhibit, with 6 findings of fact, 3

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findings of consistency with the Comprehensive Plan, 4 findings of consistency with the purposes of Zoning, and 4 conditions of approval, with condition number 2 as amended. Bryan-Lepak. Lepak called for discussion.

Mr. Lepak noted that it was wise to re-zone to Highway Business and not Industrial because it coincides with Section VII on page 50 of the Comprehensive Plan. Mr. Lepak asked Mr. Pagliarini if the applicant is also requesting that the use be a permitted use at this time. Mr. Pagliarini stated that it was the original request to the Town Council. Mr. Ursillo noted that the motion before the Board is to make the use a Special Use Permit in a Highway Business zone. Mr. Lepak pointed out that the use matrix in the Zoning Ordinance specifies for similar uses, such as under Motor Vehicle Dealers, that they be Special Use Permits in Highway Business district. Mr. Lepak suggested, for consistency purposes, that this be submitted as a Special Use Permit in Highway Business, and also in Industrial-A and Industrial-B. There was discussion on if it should be a Special Use Permit. It was decided to strike the word 'permitted' from the last sentence in the motion, to read 'special use permit in the Highway Business zoning district and in the Industrial-A and Industrial-B zoning districts.'

Motion as amended. Bryan-Lepak. Motion carries (4-0) with Ward abstaining.

Motion to adjourn. Bryan-Ward. All in favor (5-0). The Planning Board meeting ended at 8:55 p.m..

**WEST GREENWICH**  
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**SPECIAL PLANNING BOARD MEETING**

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A special meeting of the West Greenwich Planning Board was held on Monday, March 22, 2004. Present were: Chairman David Berry (late), Mark Boyer, Adrian Knott, Brad Ward, Michael Walker, and Alternate Bill Lepak (late). Alternate Bill Bryan was absent. Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy E. Giorgi were present.

Vice Chairman Boyer called the meeting to order at 7:00 p.m.

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**DEER RUN ESTATES – MAJOR RESIDENTIAL SUBDIVISION / PRE-APPLICATION: AP 2, Lots 13, 15, 16-6 & 18**

--On Deer Run Drive off Carrs Pond Road. 24 lot subdivision with road creation. Developer: G. Johnson Builders, Inc.

Sanford J. Resnick, attorney for G. Johnson Builders, approached the Board.

Board member Mr. Lepak arrived at 7:01 p.m.

Mr. Resnick explained that his party either owns or has site control over the site.

Mr. Kirk Andrews, PLS and Mr. Joe Casali, Project Engineer, approached the Board. Mr. Casali stated that he is a Registered Professional Engineer, licensed to practice engineering in the State of Rhode Island.

Mr. Gary Johnson, developer, approached the Board.

Mr. Andrews explained that the site is 52 acres west of Carrs Pond Road, bounded on the south and west by Big Reservoir and on the east by several homes. He noted that the entrance goes through the Landmark Estates subdivision. He noted that there is a right-of-way out the back. He stated that the project proposes 24 single family homes of 3 and 4 bedroom. He stated that there are no wetlands on the site. He stated that there is a water line on Carrs Pond road and it is his party's intention to apply to connect into Kent County water. It was noted that the people on Deer Run Drive all still all on wells. Mr. Andrews noted that there would be 24 single family house lots with approximately 3,500 linear feet of road.

Board Chairman Mr. Berry arrived at 7:05 p.m. and assumed the role of Chairman.

Mr. Walker asked the applicant to talk about the right-of-way in the north corner of the property. Mr. Andrews stated that there is an existing 20 foot wide right-of-way that goes onto the old New London Turnpike. He explained that it was part of the access to the middle parcel. He noted that there is another right-of-way that goes through some lots and over a house, which they are going to abandon since it is occupied. Mr. Walker asked the applicant if they have looked at utilizing the right-of-way in the northwest corner out to New London Turnpike so that they can have a circular flow instead of dead-ends. Mr. Boyer stated that they will have to present this plan to the Water Resources Board to see if they would give them the opportunity to use the access, maybe even with a break-way gate. Mr. Boyer noted that the issue is safety because the cul-de-sacs are so long and there is only one point of ingress/ egress proposed. Mr. Walker

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suggested asking the Water Resources Board to widen the right-of-way to add circular through access.

Mr. William Miller, of Weaver Hill Builders, noted that the right-of-way is on property that he owns, not the State land. He stated that by deed it is 22 feet and is only the right to cross and re-cross, so they wouldn't be able to widen it or improve it or put utilities on it. There was discussion on New London Turnpike. Mr. Boyer noted for the applicant that the issue is that there is only one entrance.

Mr. Walker asked the applicant where they will handle drainage, because none is shown on the plan. Mr. Casali stated that there are no perc tests yet but that his preliminary idea is to do infiltration and take the rooftops into drywells and the roadways into swales, or other subsurface discharge, which would require permitting through DEM UIC (Underground Injection Control).

Mr. Andrews stated that he has done several test holes on the site and the water table is way down.

Mr. Gary Johnson stated that the slopes on the site are very gentle.

Chairman Berry asked about fire suppression. Mr. Andrews stated that they are going to apply to Kent County for water and that they are willing to do whatever Kent County says they have to have.

There was discussion on the road. It was noted that the applicant has to submit an application for a waiver on the road length. Mr. Andrews noted that he stated in the narrative that they will be requesting a waiver. Ms. Giorgi asked if that was the only waiver they are seeking. Mr. Andrews stated that he believes that is the only waiver.

Mr. Ward asked if any testing was done to see if there is any groundwater contamination from the junk yard. Mr. Andrews stated that they are not planning on doing wells.

Mr. Boyer noted for the applicant that the abutting site is being developed for commercial use and that they may want to think about lighting and how it will impact the house lots. Mr. Johnson stated that they are going to do quite a big no-cut zone, like 150 feet.

Mr. Johnson stated that utilities will be underground and that they are underground on Deer Run.

There was discussion on a landscaping plan. Mr. Johnson noted that they are not going to do an entrance because there already is one for Deer Run Drive at Carrs Pond Road. He stated that he doesn't want to clear much area and that he wants to keep it as rural as possible.

Mr. Walker asked if the existing cul-de-sac is going to be abandoned. Mr. Francis Boulanger, abutter to the cul-de-sac, in the audience, stated that he does not want more front yard and asked to have it left the way it is. The Board noted that that may not be an option. Mr. Boulanger

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stated that he doesn't want to have to restore it. It was noted that it would be the responsibility of the developer.

Mr. Johnson stated that the no-cut zones will be shown on the Master Plan.

The Board directed the applicant to research if Water Resources will enlarge the right-of-way for access, to have 22 feet on Mr. Miller's property and the rest on the State land.

Mr. Miller noted that he is proposing to move the gate on New London Turnpike up to Division Street to shut the Turnpike off.

The Board asked for comments on the road length issues from the Highway Superintendent, the Fire Chief, and the Police Chief.

Mr. Resnick asked to have the Master Plan and Preliminary Plan combined. The Board did not combine the meetings. It was noted that the waiver would be heard at the Master Plan stage, and that the Master Plan meeting will also be a public hearing due to the waiver.

It was noted that the Master Plan must show cisterns and a situation that involves wells, because it is not known if the applicant will be having wells or public water.

### **FINLANDIA HOLLOW – MINOR RESIDENTIAL SUBDIVISION / PRELIMINARY REVIEW: AP 12, Lot 13-1**

--on Robin Hollow Road. 3 lot subdivision w/o road. Owner: Paul St. Martin

Mark Boyer recused himself from the voting, but will be participating in the discussion.

Mr. John Cook, PE and PLS; Mr. Benjamin Addy, PLS, and Mr. Paul St. Martin, owner, approached the Board.

Mr. Cook described the location of the subdivision. He stated that it is on Robin Hollow Road about one half mile from Route 3 and about one half mile from the overpass of Interstate 95, on the southerly side of Robin Hollow Road. He noted that Mr. Saint Martin wishes to subdivide the parcel in to three parcels. He noted that each of the proposed lots conform to the Subdivision Land Development Regulations and the Zoning Ordinance.

Mr. Cook explained that ISDS approval has been obtained on all the lots, there is a wetlands approval for all the lots and that each lot satisfies the minimum buildable area requirement. He noted that there is a small wetland on the back of the property many hundreds of feet away from the proposed structures. He also noted that Lot number one has some slopes that exceed 15 percent, but that it still satisfies the requirements of the regulations.

Mr. Cook explained that no public improvements or roads are proposed.

Mr. Knott asked about the strip of land left between the proposed lot 1 and the existing lot 12, and if it was going to be a road. Mr. St. Martin explained that he wants to keep his options open.

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Mr. Knott asked about the steep ditches on the side of the road, and how the applicant proposes to get rid of them. Mr. Cook explained that they don't propose to get rid of the ditches. He stated that he spoke with Mr. David Andrews, the Highway Superintendent, who corresponded with DEM, and that DEM has permitted them to put cross culverts at the crossings. Mr. Cook explained that the ditch is existing and that piping the entire length would change the natural character of the runoff from the road, and would perhaps require a formal wetlands permit. Mr. Cook stated that he presented these plans to Mr. Andrews, and that Mr. Andrews wrote a letter on their behalf to DEM permitted them to build the appropriate driveway crossings.

Mr. Knott asked about why the applicant thinks the driveway location for proposed lot 1 is good at the blind right-hand curve. Mr. Cook explained that there is a knob and some trees there, and that they have proposed to remove the vegetation to enhance the site visibility. He stated that they went out there to see it and determined that removal of vegetation and some shoulder work would greatly enhance the site visibility for the driveway. He noted that they do not intend to make it an unsafe driveway.

Chairman Berry noted that there would be the same issue with the strip to the side of lot 1. Mr. Cook noted that it could happen for the future, but that Mr. Martin wants to keep the tongue right now. Mr. Ward stated that he does not like the tongue, and that the Board should try to clean up the lot lines, and noted that access could still be derived from Finlandia Boulevard. Mr. Walker expressed that there is an opportunity to have more than one way to get into the parcel. Mr. Addy noted that Finlandia is not a well traveled road, and that he has a hard time getting through in his car.

Mr. Walker stated that the tongue should be made to be 50 feet wide and the rest of it should be merged with lot 1. It was noted that the 50 feet strip should run along the existing lot and that the lot 1 driveway should come off of the proposed future road, to eliminate the curb-cut on Robin Hollow Road. Ms. Giorgi noted to the applicant to be sure to orient the house so that it meets the front yard setback on the future reserved roadway.

Mr. Cook corrected that there is Site Suitability on all of the lots, not ISDS approval. He noted that they are not asking for any waivers.

Mr. Cook stated that they will gladly implement the suggestions. He asked the Board if the Final plan could be reviewed by the Administrative Officer.

Mr. Walker noted that the applicant has to go back to DEM for the Insignificant Alteration because they have changed the plan that was before DEM. He noted that the applicant will also have to redesign the culvert on Robin Hollow for moving the roadway or the driveway onto the future roadway. He noted that this is to be presented to the Town and the engineer.

Miss Paquet asked if the new driveway for lot 1 is off of the future roadway, then it would be across someone else's property, and asked if there should be a temporary easement until the road becomes a road. Ms. Giorgi noted that it would be a permanent access easement, and that Lot 3 needs to give Lot 1 an access easement.

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Miss Paquet noted that she will be looking for a statement regarding historic cemeteries. She stated that an abutter expressed concern that there was an easement on her property, and language in her deed about access to a cemetery that she believed was on this property. Mr. St. Martin stated that it is not on his property but that there is a cemetery way in the corner of another lot. Miss Paquet stated that the woman's name was Anderson. Mr. Addy stated that at one time, this used to be one parcel, and the mention of the cemetery is the one over in the corner.

Mr. Walker asked Mr. Saint Martin what he proposes that the lots are worth. Mr. Saint Martin replied \$130's, \$140's.

There was discussion on requirements such as fees and comments from Fire Chief and Public Works Director. Miss Paquet noted that she did not receive comments from the Fire Chief and that the Public Works Director requested that the applicant follow the engineering shown on the plans for the driveways culverts.

It was noted that the parcel has further possibility of being subdivided.

**Motion** to approve the minor subdivision of Finlandia Hollow prepared for Paul Saint Martin, revised 2-5-04 with the following stipulations:

1. that a dedicated 50-foot wide access easement that runs parallel on the westerly side of AP 12, Lot 12 now or formerly owned by John Arthur and Sharyn Dexter be adjusted to eliminate the 120 foot tongue of land that is an abnormal shape, and that the remained of that parcel be merged with lot 1 and that the alterations be handled by the Town Planner as an administrative action.
2. that all recreation and open space fees and any fire suppression fees be assessed per regulations and that the applicant understand that the Fire Marshall may require dedicated easements for cisterns and that any easements or cisterns must be annotated on the plan prior to recording.
3. That the Final approval of all discussed changes be administratively handled by the Town Planner.
4. That any permits that need to be revised be revised prior to submission of the Final plan.

Ward-Walker. Motion carries (5-0) (Lepak voting, Boyer recused)

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There was discussion on the Subdivision Regulation checklists. Mr. Boyer expressed concern that notation regarding stone walls and historic cemeteries does not make sense because nobody walks the property to check on these things. He noted that the reason why towns like Scituate ask for this is because they have a wall policy of replacing knocked down walls. It was noted that it doesn't mean anything for West Greenwich. There was discussion on some items on the

checklist not applying to West Greenwich. Ms. Giorgi suggested keeping note of all the items in the Subdivision Regulations and the Zoning Ordinance that need changes so that they can be addressed during amendments. She noted that in the mean time, we need to be willing to overlook them.

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Mr. David Andrews, Highway Superintendent and Public Works Director, arrived. There was discussion on length of roads and islands in cul-de-sacs. Mr. Andrews noted that long roads are a problem for snow removal and that landscaped islands are not good because people complain that the Town ruins the plantings during snow removal. Mr. Walker told Mr. Andrews that the Board needs to hear from him, and the Fire Chief and the Police Chief because the Board relies on comments to make their decision and encouraged Mr. Andrews to provide input on whether they want the Board to support them or not. Ms. Giorgi recommended to Mr. Andrews to put the answer in writing once, so that when the question is asked for a specific application, he can just attach it to his comments. Mr. Walker suggested putting it in writing to the Town Administrator and make it written policy.

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**RESIDENTIAL COMPOUNDS**

--review proposed ordinance and make recommendation to Town Council

Mr. William Miller was in the audience with questions and comments on this issue.

Ms. Giorgi noted that the Board has gone over this many times. She noted that she made revisions and that she gave the Board a clean copy.

There was discussion on alternative zoning techniques. Ms. Giorgi stated that basically residential compounds are 5-acre zoning with relaxed road standards in order to provide a more rural type of development with private roads. She noted that residential compounds are different than conservation design subdivisions. It was noted that the Town Council did not approve the proposed interior building lot ordinance.

The Board went through the proposed ordinance line by line.

F.1.a. eliminate the question on two-family units. It was decided that two-family units would not be allowed in residential compounds.

Mr. Boyer noted that one of the biggest problem with residential compounds in other towns is that they allow 10 lots. He noted that the roadways cannot handle the traffic and the inhabitants want the road improved and trash pick-up. He also noted that if the road is steeper than 6 percent, it should be paved.

F. 1. b. add to second line, after the word 'town,' "through land management practices that minimize the development of land.."

F. 2. a. change to read, "The subdivision must create at least two, but shall not result in the creation of more than five lots and be located entirely..."

There was discussion on if it should be 5 lots or less. The Board decided not to decide on this now.

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F.2. c. There was discussion on the width of the roadway. It was decided that it should be 50 feet.

F.2.d. There was discussion on a possible loophole allowing more than one compound off of a new road. There was discussion on how far back to go for lots in common ownership. There was more discussion on a possible loophole allowing more than one compound off of a residential compound road, if the road was installed on the line between two properties not in common ownership. Ms. Giorgi suggested making sure that there is a conservation buffer along the side so that there can not be further subdivision off of the private right of way. There was discussion on a possible loophole allowing a residential compound on a lot that is part of a new subdivision, that contained environmental constraints making it economically infeasible to develop as part of the conventional subdivision.

F3. Ms. Giorgi explained that the 99 year restriction gets accepted by the Town Council and recorded as part of the Land Evidence Records. She noted that it also goes in the title of all the properties that are subdivided off of it.

There was discussion on private roads, keeping them open to fire trucks, and liens if the Town has to go in and maintain it. Ms. Giorgi stated that it will be difficult and that it will have to be a policy that it is a private road and that the Town is not going to do anything on it. She noted that it is the landowners who are responsible for the private road and it is their liability, not the Town's.

F.3.a. Ms. Giorgi noted that phasing has to be clearly designated on the plan.

F.3.b. Miss Paquet asked why a density calculation is needed. Ms. Giorgi explained that it is because the Zone is RFR-2, but we are making it maximum of 5 lots. Mr. Walker expressed concern about, for example, a 25 acre lot with a 10 acre pond on it, and there is a nice feature on the land to preserve that can't be used as part of the density calculation. Miss Paquet asked if it is meant to be 5 acres of buildable land or 1.4 acres of buildable land for the density calculation. Mr. Boyer noted that there are two separate issues of the buildable land for the density calculation and the minimum buildable land for the lot.

It was decided that the Board would end at bottom of page 2 (F.3.b.1) tonight in review of this proposed ordinance.

It was decided to add Residential Compounds and Land Development Projects to the April meeting for discussion.

Motion to adjourn. Ward-Boyer. All in favor (5-0). The meeting ended at 9:44 p.m.

**WEST GREENWICH**  
**April 5, 2004**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on April 5, 2004. Present were: Chairman David Berry, Mark Boyer, Adrian Knott, and Michael Walker. Brad Ward, and alternates Bill Bryan and Bill Lepak were absent. Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy E. Giorgi (late) were present.

Chairman Berry called the meeting to order at 7:02 p.m.

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**CORBETT: AP 44, Lot 3/ DIMENSIONAL VARIANCE ON FRONTAGE**

--request for advisory opinion to the Zoning Board for frontage; on Escoheag Hill Road

Rebecca and Carl Corbett approached the Board.

Mr. Boyer clarified that this was a vacant piece of property with a proposal for a single family house. The applicant stated that they are to go before the Zoning Board because the parcel has no frontage. Mr. Boyer noted that it is a non-conforming lot of record and that he doesn't think the applicant needs to be before the Board. Mr. Walker asked if anyone else uses the private right-of-way. The applicant said no. Mr. Walker stated that in essence, it is basically a driveway from Escoheag Hill Road to the property that is otherwise landlocked. The applicant stated yes. The applicant noted that the property was about 37 acres. Mr. Walker asked if they have any plans for subdivision. The applicant said no. Mr. Knott noted that there has to be access for a rescue vehicle for the fire department. The applicant stated that they will be improving the roadway.

Motion to give a positive recommendation to the Zoning Board, based on the fact that it is a lot of record prior to zoning regulations with an existing right-of-way with a condition that the access is made passable for rescue and fire vehicles . Boyer-Walker. All in favor. Motion carries (4-0).

**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) : 2004 GRANT ROUND**

-- CDBG Community Development Consortium Coordinator, Geof Marchant, to introduce the CDBG applications for this year.

Mr. Geof Marchant approached the Board.

Mr. Marchant explained that this is the FY '04 Small Cities Community Development Block Grant and that the process requires certification from the local Planning Board that says, "that a meeting held on – at the Planning Board of the Town of West Greenwich reviewed the proposals contained in this application and has been give an opportunity to comment on said proposals. The Planning Board certifies that to the best of its knowledge the activities proposed are not in conflict with the general policies set forth in the Comprehensive Community Plan of the Town of West Greenwich."

Nancy Giorgi arrived at 7:08 p.m. Ms. Giorgi and Mr. Boyer left the room at 7:08.

Mr. Marchant explained that the proposals for this year are Housing Rehabilitation, which we have had every year since 1988, except for a few times when it did not get funded; South County Community Action is asking for \$37,500.00 to help pay down a land acquisition of

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**April 5, 2004**

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\$315,000.00 in South Kingstown; Housing Information Program is asking for \$2,500.00 to do their Fair Housing Education Program, which is an activity that furthers the goals of Fair Housing that is required of any community that accepts Federal funding under the Block Grant Program; and \$3,000.00 for administration for a total application of \$63,000.00.

Mr. Walker asked if anything was recommended by the Town of Exeter that would have benefited the joint school district that wasn't matched by West Greenwich. He noted that there is a project at the high school for improvement of facilities for the track, and that the whole school complex gets used 7 days a week by the residents of both communities. Mr. Marchant noted that there needs to be a low-mod benefit, and that the Town is not eligible. Mr. Walker expressed concern that the Town is not applying for the full amount it is allowed to apply for. Mr. Walker suggested that the Board prioritize the applications.

Motion that the Board finds that there is a no-conflict determination with regard to the projects being submitted for the Town Council to consider with a preference for funding to go to

1. Housing Rehabilitation
2. Housing Information Program
3. Administration of the program
4. South County Community Action buy-down of mortgage

Walker-Knott. All in favor (3-0). (Boyer not present)

### **REGINA ESTATES- PUBLIC INFORMATIONAL MEETING**

**MAJOR SUBDIVISION/ MASTER PLAN REVIEW:** AP 23 Lots 50, 45-5 & 109-1

--on Regina Drive; 6 frontage lot residential subdivision proposed; Applicant/Owner: Domenic Lombardi Realty, Inc. and MPDR Construction Co., Inc.; Advertised in March 24, 2004 Providence Journal West Bay Edition

Mark Boyer recused himself.

Mr. Robert Boyer approached the Board. Mr. Ron Maggiacomo, applicant, and Ms. Tia Priolo, attorney for MPDR construction, approached the Board.

Miss Paquet explained that the comments she passed out to the Board this evening has the draft motion in it. Mr. Boyer gave an overview of the proposal. He explained that the subdivision is off of Linden Lane, and that there are 5 new residents proposed, with an existing residence off of Robin Hollow Road. He explained that Linden Lane was constructed and the property line on the original parcel was in error, which left a sliver along Linden Lane. He noted that a re-survey showed that they could develop the back portion of the land along with the slivers that were left, and create 5 lots. Mr. Knott asked about the survey that was in error. Mr. Boyer noted that the original monuments were all in place, and that he found all of them. He noted that they were all called-out specifically. Mr. Boyer noted that there is no question now. Mr. Boyer referred to sheet 3 of 6 and explained that the shaded area is actually owned by the owner of the proposed subdivision, but that it will be deeded off to the present owners, so that the shaded area will not be part of the subdivision, but will be part of the existing properties. He noted that it is to avoid adverse possession.

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Mr. Boyer noted that the 5 lots will have wells, that there are concerns about the availability of water, and that they do not want to injure the existing land owners. Mr. Boyer went over the comments to the Board from Miss Paquet, that were handed to him this evening. Mr. Boyer noted that normally these comments are addressed during technical review. Chairman Berry said that the Board can talk through them at this Master Plan so that they can be addressed for the Preliminary Plans, and noted that the Board will probably have some questions and comments, such as the water supply. Mr. Boyer noted on the water supply that he spoke to an engineering firm in New Hampshire and they will entertain the idea of finding out if water is available. Mr. Maggiacomo stated that they would consider, if the Town puts water down the road, to hook the houses up. Mr. Bill Duckworth, in the audience, Chairperson of the Water Board, noted that the Water Board is far away from obtaining financing for the well and that whether they are done in time for these lots is unknown. He noted that the line will end at the property to the right of the first house. He noted that he and Mr. Breene will be going to Clean Water Financing next week. Mr. Boyer noted that it will be which ever comes first, but at this time, he thinks that it will probably be wells. Chairman Berry noted that the Board has been requiring that the applicant drill a well before they get a building permit to ensure that there is enough yield. He noted that in this area the water is scarce and this subdivision has the potential to make it even more scarce, so the Board will be looking for something more stringent for this situation. Mr. Boyer stated that they understand.

Mr. Boyer noted that for the Lot 2, they can adjust the property line to make it meet the requirement of the 1.4 acres of buildable area. Ms. Giorgi noted that it is not necessary to record an administrative subdivision plan to merge the 3 existing lots into one. She noted that the plans need to clearly show that they are taking three lots, and that they are changing it into six lots under the new configuration. Ms. Giorgi noted that there is public access, and that whether or not the Town has accepted responsibility for the Linden Land and Regina Drive is not an issue. Chairman Berry noted that the Town is asking for improvements to Regina Drive to bring it up to standard. Ms. Giorgi stated that that makes sense because it will determine the adequacy of the road to service the additional five lots, and noted that that is something that can be considered as a condition of approval. Mr. Walker asked for clarification on the Planer's Comments that, "the Town is holding back on the final coat until the water line is installed." Miss Paquet explained that it is not only this section of the subdivision, but the whole subdivision that doesn't have the final coat of pavement, and that the Town is not going to install the final coat until the water line is in. Mr. Knott asked who is paying for the final coat. Ms. Giorgi noted that the Town does not own the road yet, and stated that this is the area that was the subject of litigation and problems, and that neither she nor the Town Planner know all the details on it. She noted that if there is some information that the Board needs prior to making a decision, that the staff can get that information for them.

Mr. Knott asked about lot 109-1. Mr. Maggiacomo explained how the slivers were created. He explained that he was involved with the previous subdivision with Mr. Cortellesso. He stated that when they went in for Phase III of Linden Lane, the Board asked them to buy the surrounding land so that they could extend the road through. He noted that they bought a property and engineered to connect the two roads. He noted that at the time, he told the Board that he would do it, but that if he couldn't get the lot he wasn't going to put the road on it. He stated that he bought the land and resurveyed it and it ended up being the sliver on the side. Mr.

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Knott stated that he understood that for lot 45-5, and asked about lot 109-1 again. Ms. Giorgi stated that as long as the sliver wasn't needed to make the lot a legal lot, she doesn't see how it is affected, because this proposal, by creating frontage for the lots, is actually a corrective action.

It was noted that a cistern is shown on sheet 3, but that an easement document is needed for Preliminary plan, and that the Fire Chief will need to approve it.

Mr. Maggiacomo asked for clarification if the Town wants \$35,000.00 plus all the work done. There was discussion. It was decided that clarification on this is needed. Mr. Walker suggested that when the Preliminary Plan comes in, that the plans reflect what the agreement is between the applicant and the Town. Mr. Boyer went over the draft motion. It was noted that number 1. doesn't apply. 2. and 3. will be done. 4. will be changed to read that the applicant and the Town will have reached agreement on that payment, and give the Planning Board some clarification for the Preliminary Plan submission. On 5., Mr. Boyer expressed concern of losing time when the application goes to the Conservation Commission and asked how to address this. Ms. Giorgi suggested submitting it as soon as possible, and it won't stop the submission of the application, but the Board will expect the comments soon thereafter. Item 6. and 7. will be done. Number 8. a, b, and c will be done. Item d. will be confirmation from the Fire Chief in writing, and the agreement with the Town in writing. It was noted that 9. does not apply.

Mr. Knott asked about contamination from a transformer problem. Mr. Boyer noted that it has been taken care of in Federal court and that it has been remediated by EPA and DEM. Mr. Knott asked the Board about bounds for the property, because there are wetlands. Mr. Boyer suggested that they aren't necessary because no one is going to walk out there. There was discussion on bounds. Chairman Berry pointed out to the applicant where bounds should be. Chairman Berry asked about the slopes on proposed lot number 6. Mr. Boyer stated that they are under the 15 percent. Chairman Berry asked the Planner to have the Preliminary Plans reviewed by the Town Engineer. Mr. Walker asked to have any questions resolved before it gets on the agenda for Preliminary.

Artie Tefft, 150 Regina, (lot 45-7) stated that he has a water situation that is better than other people on Regina, and asked the Board what kind of reassurance he is going to get that if there is a water issue. He also noted minor concerns that he would rather not have a house right in front of his house, he'd like some slow children signs put up because he has children and he noted that at the corner, there are some trees that make it difficult to see when you are going around the corner.

Faith Debroska, 170 Regina, responded that it is a rural community and didn't want to see more trees come down if people don't go slow.

Ms. Giorgi explained that in terms of water, the only thing the developer, or any developer, has to do is prove that there is going to be a sufficient water supply for the properties that they are building. She stated that water is finite and that when it comes to using a well, everyone is drawing off the same reserve of water, and that nobody owns the water. She stated that people have a right to try to drill down and get to it, but it could be that a fissure that one person is drilling into is the same fissure that someone else has, and there is nothing we can do about it.

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Alan Richardson, 448 Robin Hollow Road, asked if all the lots have 200 feet of frontage. The Board noted that they do, except for the existing lot on Robin Hollow Road.

Rick Murphy, 127 Regina, asked if the driveways will be staggered. Mr. Boyer showed him where the driveways will be. Mr. Maggicomo stated that staggering the driveways is not an issue, and they will just shift them.

Dwight Taylor, 435 Robin Hollow Road, noted that he abuts the gray shaded area. He asked if the triangle is on the Robin Hollow Road side. Mr. Maggicomo noted that it is the property lines on the Heather Hollow Road side.

It was noted that number 4 in the motion on the EIS should remove language on studying the surrounding area.

**Motion** to approve the Regina Estates Master Plan for AP 23, Lots 50, 45-5, & 109-1, dated Nov. 17, 2003, revised 3/4/04 prepared for MPDR Construction Co., Inc., prepared by Robert B. Boyer, PLS with the following conditions:

1. That the applicant reimburse the Town for the cost of the Master Plan Public Informational Meeting advertisement in the Providence Journal.
2. That proposed lot 2 must be made to conform to the requirement of 1.4 acres of buildable land.
3. That the applicant come to agreement with the Town, the Highway Supervisor and Town Administrator, as to the extent of improving the existing road and the application of the \$35,000.00 that is being requested by the Town, and that that agreement must be finalized prior to Preliminary plan review.
4. That the applicant prepare an Environmental Impact Statement of a groundwater study in order to determine the impact that the proposed lots will have on this subdivision, and to determine if there is adequate water available for this subdivision. This study is due at Preliminary Plan submission and the application will not be complete until this study is provided. The scope of study shall be reviewed by the Town's consultants prior to commencement of any proposed testing. The EIS shall be referred to the Conservation Commission for review and comments.
5. That the house lots be designed for zero net increase in runoff volume and that infiltration design be shown on the Preliminary Plan.
6. That the driveways maintain the current drainage infrastructure and culverts with details included on the Preliminary Plans.
7. The for the Preliminary Plan, the following are required:
  - a. Landscaping plan
  - b. Drainage plan
  - c. Groundwater study (EIS)
  - d. Letter from the Fire Chief confirming the location of the cistern and any specifics relating to the cistern, including easements, not including but limited to any thing else that may be called for in the subdivision regulations.

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- e. Letter from the Town Highway Supervisor and Town Administrator on the roadway improvement agreement.
  - 8. That the Preliminary Plan be reviewed by the Town engineer.
- Walker-Berry. Motion carries (2-1) with Mr. Knott voting nay.

### **LEYDEN HILLS – MINOR RESIDENTIAL SUBDIVISION / PRELIMINARY: AP 37, Lots 7-8 & 8.**

--On Barnes Lane; 1 new house lot proposed for development on road not accepted by Town; Owner / Applicant: Robert A. Leyden

Mark Boyer recused himself.

Mr. Robert Boyer, PLS; Mr. Peter Ruggiero, Esq. representing the applicant; and Mr. Robert Leyden, applicant, approached the Board.

Mr. Ruggiero explained the proposal. He explained that it is an existing roadway, and that Lot 8 has a house and that Lot 7-8 is undeveloped. He explained that the proposal is not to create any additional lots and noted that they are two lots now. He noted that there was a question because Barnes Lane is a platted subdivision and that the road is a public road, but it has never been accepted by the Town for maintenance purposes, and the road was not properly improved by the developer. He noted that he wrote a letter to the Planner who conferred with the Solicitor and noted that it is a public road for the purposes of subdivision, and that this was classified as a Minor subdivision. He stated that the proposal is to reconfigure the lot lines to be perpendicular to Barnes Lane. Mr. Ruggiero noted that there was a requirement on the Barnes Lane plat that the area (lot 7-8) remain undeveloped and that there was supposed to be an easement recorded along with the plat, but it was never done. He stated that his client is willing to put an easement in the area as part of the approval as a condition, because he has no intention of building in that area, and the original intent of the Board could be met. Mr. Ruggiero noted that both proposed lots are conforming and they both have in excess of 200 feet, they both meet the frontage and area requirements, and he noted that the house can be located in a way within the setbacks of the building envelopes, so no dimensional variance will be necessary. There was discussion on Mr. Leavitt's drainage problem. It was noted that the pipe was fixed. Ms. Giorgi asked the applicant to look into this drainage problem to see if he has a problem with it. Mr. Ruggiero noted that a DEM non-jurisdiction letter has been issued. Mr. Walker asked about the status of Barnes Lane, and if this was the same situation as Regina Drive. Ms. Giorgi stated that the status is the same as the last meeting and that it is the same situation as Regina Drive. There was discussion on lot 7-8, as it was created during the Barnes Lane subdivision. Ms. Giorgi asked the Board if the conservation restriction is necessary now. There was discussion. It was noted that it does not seem necessary.

Miss Paquet read the comments from the Public Works Director, David Andrews. She noted that Mr. Andrews is asking for a culvert across Barnes Lane for the driveway, and is asking for the stormwater to be re-directed into the right-of-way. Miss Paquet explained that she and Mr. Andrews went out there to look at it and noted that there is a cut under the guardrail in the curbing that allows the water to pour down and it is eroding the area behind the headwall and the sediment from the erosion has landed in the sump area. She noted that the sediment needs to be replaced from the sump back up behind the headwall and stabilized. She note that there was not

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a lot of backup onto the property when there was all the heavy rain. She noted that Mr. Andrews is also asking for a 10 foot asphalt apron at the new driveway. There was discussion on fees. It was noted that because the lot is a new 'developable' lot, it would be subject to the fees. There was discussion on Barnes Lane maintenance bond versus off-site improvements for this applicant. It was noted that the Town and the applicant should work together on the dirt replacement and stabilization. The Board went over the draft motion. Mr. Walker asked Ms. Giorgi if the Board can change a piece of property that was supposed to be deeded for conservation restriction and undo it at a meeting that is not a public hearing. There was discussion. It was decided that the Board can do this.

Motion to approve the Leyden Hills Minor Subdivision for AP 37, Lots 7-8 and 8, prepared for Robert A. Leyden, prepared by Boyer Associates, dated July 17, 2003, revised 11/10/03, with the following conditions:

1. That per the Town Highway Supervisor's recommendation, that a 10 foot asphalt apron be constructed at the driveway entrance of the new lot of Parcel B.
2. That the meet with the Town Highway Supervisor and cooperate with the Town to address the stabilization, loaming and seeding of the headwall area and sump for the drainage cross culvert at the frontage of this parcel B.
3. That the applicant provide a drainage easement for the area where stormwater runoff accumulates at the cross culvert on this parcel.
4. That the Final plans may be reviewed administratively and that the Planner shall assess the Open Space/ Recreation fee and the Fire Suppression fee.

Knott-Walker. All in favor (3-0).

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Mr. Boyer returned to the Board and informed them that he is leaving and that he has a problem with the way applications have been handled. He stated that he thinks that we do not do the taxpayer or the applicant justice by repeatedly putting them before the Board unprepared, and that being handed stuff at the meeting is wrong. He noted that there are things that the Board should have in their hands ahead of time, and that handing staff reports to the Board and the other applicants as they walk in is wrong. He stated that the Planner and the engineer are leaving the Board in a position to get sued. He stated that the Board should have adequate time to review the information and it is not being done. Ms. Giorgi stated that when communication is given to the Board there is a responsibility from the public officials to get it out to the applicant as well, because it becomes public document at that point in time.

### **ACCEPTANCE OF MINUTES**

November 18, 2003 Workshop-no quorum

Motion to approve the minutes of November 18, 2003 Joint Town Council Special. Walker-Berry. Motion carries 2-1 with Knott voting nay.

November 22, 2003 Site Visit-no quorum

Motion to approve the minutes of December 1, 2003 Regular Meeting. Walker-Knott. Motion carries (3-0).

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December 13, 2003 Site Visits- don't need to be approved because only 2 members were present at site visit, as Planning Board designees. It was noted that the second site visit was not planned and there was not quorum.

February 2, 2004 Regular Meeting- The Board wants the minutes to not be like a transcript. The Planner will reformat the minutes and put in abbreviated minutes reflecting the important information.

There was discussion on staff comments. Ms. Giorgi stated that staff comments need to get in the hands of the applicant prior to the meeting so that they know what the Board will be referring to and what questions they might have for the applicant. She noted that the draft motion should also be provided to the applicant so that they can say if they agree with them and they are prepared. Ms. Giorgi stated that comments should go out to the applicant when the packets go out and that packets should go out two weeks before the meeting. There was discussion on technical review. Ms. Giorgi noted that if comments are going to be sent to the applicant, that there should be some format for the comments, to be clear that they are cc'd to the applicant, the date they are mailed out, page numbers, etc. There was discussion.

Mr. Knott expressed concern that there is too much politics and that too many meetings with the applicants are getting done outside the Board that don't come to the Board.

Motion to table the remaining old business on the agenda and to adjourn. Walker-Berry. Motion carries (3-0). The meeting ended at 9:14 p.m.

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**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on May 3, 2004. Present were: Chairman David Berry, Brad Ward, Adrian Knott, Michael Walker, and alternate Bill Lepak. Mark Boyer and alternate Bill Bryan were absent. Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy E. Giorgi were present. Consultants Shawn Martin, PE (late) and John Chambers, CPG, both of Fuss & O'Neill, Inc. were also present. Chairman Berry called the meeting to order at 7:10 p.m.

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**WOODBURN: AP 4, Lot 67/ DIMENSIONAL VARIANCE ON SIDE YARD AND SPECIAL USE PERMIT TO EXPAND USE**

--request for advisory opinion to the Zoning Board for setback variance and expansion of use; on Mishnock Road

Robin Woodburn and Ronald Lindquist(?) approached the Board.  
Michael Walker recused himself.

Ms. Woodburn talked about the septic system, and her permit with DEM. She stated that she would like to demolish the existing cabin and construct a new house similar to what is across the street. It was noted that the septic system is a special design of a bottomless sand filter. There was discussion on the dimensional variances needed. It was noted that in this RFR-1 zone, three variances are needed—two side yard and one front yard setback. Mick McCormick, from Alpha Associates, approached the Board to discuss the drainage and explained the septic system.

Diane Blaquiere, 205 Mishnock Road, and member of the Mishnock Beach Association, raised concerns of drainage. Ms. Blaquiere noted that there is no drainage infrastructure on Mishnock Road. Mr. McCormick noted that there will not be any increase in runoff. Ms. Blaquiere noted that the corner lot floods every time it rains and that the flooding in front of the cabin is so severe that parked cars freeze into the ground in the winter.

There was discussion on drainage issues. There was discussion on relocating the driveway. There was discussion on yearly ISDS inspections.

**Motion** to recommend approval for the dimensional variances for AP 4, Lot 67 with the conditions that the drainage from the contour changes is diverted to Mishnock Road or Bailey Road, that the driveway is relocated to the rear, that septic system inspections are made according to DEM regulations, and that the front yard be loamed and seeded. The variances are: 40 feet required front yard, 30 feet requested; 20 feet required side yard, 12 feet and 10 feet requested. Ward-Lepak. All in favor (4-0).

Shawn Martin arrived at 7:15 pm.  
Michael Walker returned to the Board

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**ALLEN: AP 41, Lot 26 / DIMENSIONAL VARIANCE ON FRONT YARD SETBACK**  
--Zoning Board request for review by the Planning Board of drainage issue; on Bailey Pond Road

Louis Magiera, partner, representing David Allen approached the Board.  
Peter Lockwood, professional wetland scientist with Mason & Associates, approached the Board.

It was noted that this application was referred to the Planning Board from the Zoning Board to look at a drainage issue. Mr. Lockwood explained what the potential problem could be. He passed out photos of the property and wetland. There was discussion. Mr. Lockwood noted that the potential increase in runoff from a disturbance in residential development would be negligible. Mr. Martin noted that he walked the site today and evaluated the drainage on Bailey Pond Road and Niantic Trail. He stated that his conclusion is that a development of this size would have a negligible affect on the wetland surface elevations for flooding. Mr. Martin also discussed water quality measures. Mr. Walker asked Mr. Martin if any of his recommendations alter the Determination of Non-Jurisdiction. Mr. Martin noted that it doesn't. He noted that he hasn't suggested any alteration or increase in scope of the project. There was discussion on the distance between the wetland and the septic system.

**Motion** to recommend to the Zoning Board the following stipulations:

1. That at least 3 concrete boundary markers be established 10 feet away from the wetland edge according to the plan by Flynn Surveys November 19, 2003, to delineate that this 10 foot area be a natural no-mow zone buffer. (at the lot lines and one in the middle)
2. That low-nitrate fertilizers be used on the property
3. that the gutters on the rear of the property be placed in infiltration beds
4. that the plantings be installed according to the plan and in accordance with the Town's consulting engineer's comments dated May 3, 2004.

Ward-Knott. All in favor (5-0).

**ZARLENGA-ADMINISTRATIVE AND MINOR RESIDENTIAL SUBDIVISION/  
PRELIMINARY: AP 3 Lots 35-2 & 35-3**

--On Mishnock Road; one new lot proposed for development after relocation of lot line with abutter. Applicants/Owners: Johan A. Zarlenga and Karen A. Zarlenga; and Kenneth A. Breene and Gail D. Breene

John Zarlenga, land owner approached the Board.  
John Mensinger, PLS, Scituate Surveys, approached the Board.

Mr. Mensinger explained the subdivision as a dual application for an Administrative and a Minor subdivision. Mr. Mensinger explained that there is 1.6 acres of buildable land on the proposed lot, and that the small existing lot has not land unsuitable for development. There was discussion on extent of wetlands on the remainder of Lot 35-3.

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**Motion** to approve the plan entitled Zarlenga Plat for AP 3, Lots 35-2 & 35-3, dated February 23, 2004, prepared by Scituate Surveys, Inc. with the following conditions:

The Land Development and Subdivision Regulations provide for the following conditions:

1. That the Open Space and Recreation Fee be assessed for the new lot.
2. That the applicant follow the requirements of the Fire chief.
3. That the preliminary approval shall expire 90 days from date of approval, unless the final plan is submitted within that time; and that extensions of approval may be granted by the Administrative Officer if no applicable amendments have been made to the Regulations within one year of Board approval. Any request for extension of approval for longer than one year shall be heard by the Board.
4. That the Final Plan state the calculated area suitable for development of proposed Parcel A.
5. That the Planner review the Final Plans administratively
6. That the final review include checking to make sure the ISDS meets the 200 foot setback requirement of the Zoning Ordinance.

This approval, with conditions, is based on the 7 findings of fact as listed in the draft motion. Ward-Walker. All in favor (5-0).

**EBERLE- MINOR RESIDENTIAL SUBDIVISION/ PRELIMINARY:** AP 36, Lot 8 --on Plain Road; one new lot proposed for development. Applicant/Owner: Henry and Judith Eberle

Henry Eberle approached the Board. Mr. Eberle explained the subdivision. There was discussion on lot angles.

**Motion** to approve the plan entitled Preliminary Plan for Minor Lot Subdivision AP 36, Lot 8 dated February 11, 2004, revised 3-16-04, prepared by Coventry Survey Co., Inc. with the following conditions:

1. That the Open Space and Recreation Fee be assessed
2. That the applicant follow the requirements of the Fire Chief
3. That the preliminary approval shall expire 90 days from date of approval, unless the final plan is submitted within that time; and that extensions of approval may be granted by the Administrative Officer if no applicable amendments have been made to the Regulations within one year of Board approval. Any request for extension of approval for longer than one year shall be heard by the Board.
4. That the Planner review the Final Plan administratively
5. That concrete (or granite) bounds be located that the new property points.

This approval, with conditions, is based on the 7 findings of fact as stated in the draft motion. Ward-Walker. All in favor (5-0).

The Board took a break from 8:09-8:17.

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**PLANNING BOARD MEETING**

**PROPOSED AMENDMENT TO LAND DEVELOPMENT AND SUBDIVISION REGULATIONS**

-- proposal to allow for a Technical Review Committee; set Public Hearing Date

Motion to set a public hearing date of June 7, 2004. Walker-Ward. Motion carries 4-1, with Mr. Knott voting nay.

**AFFORDABLE HOUSING PLAN-  
RESIDENTIAL COMPOUNDS**

The Board set a special meeting for Monday, May 24, 2004 at 6:00 pm to go over the Affordable Housing Plan and the proposed Residential Compound Ordinance.

Mr. Walker left the meeting at 8:24 pm

**NORTH COUNTRY FARMS –PUBLIC HEARING**

**MAJOR RESIDENTIAL SUBDIVISION / PRELIMINARY PLAN:** AP 30, Lot 17

-- on West Log Bridge Road. 9 lot subdivision with road creation. Developer: Smiley Development, Inc.

Motion to open the Public Hearing. Ward-Lepak. All in favor (4-0).

Attorney Jim Sullivan, representing Smiley Development, approached the Board.

Andrew Smiley of Smiley Development approached the Board.

Mr. Smiley explained the Preliminary Plan. He stated that it has received approval from DEM ISDS and Wetlands.

Mr. Sullivan introduced the following expert witnesses:

Mike McCormick of Alpha Associates

Richard Dietz, PE for drainage

Patricia Walker, PE for traffic

Dr. Ann Veeger, hydrogeologist

Mr. Sullivan submitted Mrs. Walker's resume for the record. Mrs. Walker explained the site distances.

There was discussion on chip sealing West Log Bridge Road. Mr. Smiley stated that he would consider chip sealing the whole of West Log Bridge Road in lieu of underground utilities. There was discussion on underground utilities. Mr. Knott raised a concern about the alignment of the stub access with the center line of the proposed road. There was discussion. The Board went over the comments from David Andrews, Highway Superintendent/ Public Works Director. Mr. Smiley stated that they proposed a swale at the entrance to trap the water from West Log Bridge road.

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Mike McLaughlin, 160 Kimberly Drive, asked how many lots are possible with the proposed access to the land locked parcels. Chairman Berry noted the acreage and that there is a cul-de-sac limit regulation, unless a waiver is sought.

Rhonda McLaughlin, 160 Kimberly Drive, asked if the addition of 12 more houses would change the traffic recommendations. Mr. Sullivan stated that this is a speculative question and that it is not a matter before the Board. Ms. Giorgi noted that the only thing before the Board now is the subdivision of this parcel.

Tim Leyden, officer and member of Plain Lane Acres, LLC, asked if cul-de-sac that is going to go into Mr. Gallagher's land and Plain Lane Acres, if it is an accessible road when the subdivision is done and if Plain Lane Acres becomes a buildable lot. Mr. Smiley noted that he will have access. Mr. Ward noted that it would be buildable for one house.

Dr. Veeger approached the Board. Mr. Sullivan submitted Dr. Veeger's resume for the record, and she was recognized as an expert witness. Dr. Veeger explained that she was hired by Mr. Smiley to perform a background hydrogeologic assessment of the site with attention to potential impact that withdrawal associated with the proposed development would have on the overall hydrologic budget of the area. She noted that she investigated the geologic setting of the area and that it is characterized as unconsolidated materials over fractured bedrock. She noted that the industry standard is to complete wells into the underlying fractured bedrock, and that fractured bedrock wells have a highly variable yield, depending on hitting interconnected fractures and the size and number of the fractures encountered by the well. Dr. Veeger explained the investigation and analysis of the site. She noted that the water budget for this site is about 26.5 to 27 million gallons per year of water recharging the ground. She stated that the estimated withdrawal for this site, based on a total of 36 bedrooms and 150 gallons per day per bedroom, results in about 1.9 million gallons per year, which is about 29 percent of the total recharge. Dr. Veeger noted that about 85 percent of the withdrawn water is returned to the ground by the septic systems, so that the net withdrawal is about 0.3 million gallons per year. She also noted that 2 acre zoning is protective of water quality. Dr. Veeger explained the fractures encountered in the two test wells. It was noted that one of the wells produced 10 gallons per minute.

John Chambers, hydrogeologist with Fuss & O'Neill, explained that he reviewed this report and noted that in general, he agreed with the report. He noted that the issue in West Greenwich is if the water can get to the houses, and that the numbers used in the report could apply anywhere in West Greenwich and are not specific to the site. He recommended that the Town's new well ordinance be followed for yield tests on the individual wells.

Mr. Sullivan asked Dr. Veeger if she studied this site. She said that she studied this site and noted that the precipitation number is a Rhode Island number and that the infiltration number is a regional number. Mr. Sullivan asked Dr. Veeger if she is familiar with this site in relation to the wetlands that surround it. Dr. Veeger said yes. Mr. Sullivan asked Dr. Veeger if she feels that this particular site would not have an adverse impact on the surrounding properties. Dr. Veeger stated that that was correct. Chairman Berry asked what type of impact the wells in this development might have on nearby wells. Dr. Veeger stated that there is a high probability that this won't have an impact. She noted that the houses are spread a considerable distance apart on

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standard two-acre zoning and that the separation provides a protective buffer between each well and surrounding wells. Dr. Veeger answered questions from the Board.

Rhonda McLaughlin asked if this subdivision has to follow the new well ordinance. Ms. Giorgi noted that it does. Mrs. McLaughlin asked if each lot has to have a suitable well prior to obtaining a building permit. The Board noted that that they do. Mrs. McLaughlin asked who does the yield test. Ms. Giorgi noted that the applicant's engineer does the testing and that the Town reviews the reports.

Steven Johnson, 94 West Log Bridge Road, asked what kind of bedrock is in the area. Dr. Veeger stated that it is fractured granite and explained the sets of fractures in this area. Mr. Johnson asked what the yield was in the other test well. Mr. Smiley noted that the other well was supposed to be flow tested today, but wasn't. It was noted that the driller was getting about a gallon per minute.

Mike McLaughlin, asked if there was talk of testing existing wells. Mr. Chambers noted that he would request existing well logs, but they have not requested a pumping test.

Mr. Chambers stated that the applicant should provide yield tests with the West Greenwich Yield Test Procedure to ensure that the wells can provide water for the houses. He stated that they are going to look at the surrounding well logs to see what that will show. He noted that what the applicant has done won't quantitatively measure impacts to surrounding wells. He stated that he is hoping to get a good idea of what kind of yield the wells will provide, and that it sounds like there may be sufficient water there. Chairman Berry noted that Mr. Chambers will give a summary and what additional information is needed.

Mr. Sullivan submitted the resume of Mr. Richard Deitz, PE for the record, and Mr. Deitz was accepted as an expert witness by the Board. Mr. Sullivan explained that there were numerous dealings with RIDEM on the drainage calculations, beginning January 10, 2003 with Wetlands verification. He explained that the drainage has been reviewed by Mr. Pisani, a Professional Engineer at DEM. Mr. Sullivan explained that Mr. Deitz responded to Mr. Pisani's 30 comments in September 22, 2003. Mr. Sullivan submitted DEM Correspondence dated 7/15/2003 by Pisani representing the State, and Mr. Deitz's reply dated September 22, 2003 for the record. Mr. Sullivan stated that the Insignificant Alteration Permit was obtained on November 12, 2003. Mr. Sullivan explained that the Town also reviewed the drainage and had comments and that there has been correspondence between Mr. Deitz and Mr. Martin, but that they have not had a chance to resolved them. Mr. Deitz explained his work experience. He explained the review by the State and stated that the State is satisfied. He explained that this analysis, after State approval, was turned over to the Town's engineer. Mr. Deitz explained that there is disagreement and that if the numbers that the Town engineer suggests are used to recalculate the drainage, that the plans would be different. Mr. Ward suggested that the two engineers work together to come to an agreement, with written confirmation from Mr. Martin. Mr. Smiley agreed. Mr. Martin noted that most issues have been resolved and that there is still an issue with the size of the stormwater system. He noted that specific technical matters have to be resolved. There was discussion on the pond being on Town property versus an easement.

## **WEST GREENWICH**

**May 3, 2004**

### **PLANNING BOARD MEETING**

Chairmen Berry opened up the meeting to questions from the audience regarding drainage or groundwater runoff.

Ralph Pratt, 900 Hopkins Hollow Road in Greene, asked about the nature of the drainage easements and the grassy swale. Mr. Smiley explained the easement drainage.

Chairman Berry opened up the issue of utilities to the audience. He noted that currently it is proposed as underground, and that Mr. Smiley will also be chip sealing the last 750 feet of the road as an off-site improvement. Chairman Berry explained that Mr. Smiley is asking to chip seal all of West Log Bridge Road, in lieu of underground utilities. Mr. Ward agreed with the chip sealing of the entire road, noting that it was a big off-site improvement and that West Log Bridge Road has overhead lines, and noted it is a benefit for the Town.

Steve Johnson, asked what Mrs. Walker said about the improvements to the road, because he could not hear her. The Board explained that the off-site improvement is the last 750 feet of West Log Bridge Road. Mr. Johnson asked to see a copy of Mrs. Walker's traffic study.

There was discussion on chip sealing West Log Bridge Road versus underground utilities in the proposed subdivision. The Board deliberated this issue.

Ralph Pratt, asked what the surface will be on Donald Davis Drive. Mr. Smiley answered that it will be two coats of asphalt with a Cape Cod Berm.

It was noted that the feel of the Board is to go with above ground utilities and that Mr. Smiley will bear the cost of chip sealing the entire length of West Log Bridge Road.

Tom O'Loughlin, 27 West Log Bridge, asked if there is a difference in value of the properties if the utilities are underground, because if it increases the property values, then the Town could get more tax money. Mr. Smiley stated that he doesn't think it affects the assessment.

Steven DeMello, 70 West Log Bridge Road, stated that the beginning of the proposed road is flat land and stated that it doesn't bother him either way if the electricity is up or down. Miss Paquet noted that street trees are also proposed.

Tim Leyden, Plain Lane Acres, asked about the land locked parcel, and noted that it doesn't look like there is an easement. He stated that it sounds like the letter from Mr. Gallagher will allow this to happen and that as long as that is in place and part of the record, he is ok with it.

The Board went over the proposed conditions of approval in the draft motion. Mr. Smiley submitted the green card return receipts for the record.

Motion to close the Public Hearing. Ward-Lepak. All in favor (4-0).

**Motion** to approve the Preliminary Plan for the proposed North Country Farms Major Subdivision dated June 2003, revised 3/04, prepared by Alpha Associates for Smiley Development Inc. with the following conditions:

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1. That the applicant reimburse the Town for the cost of the Public Hearing Legal Notice upon receipt of the bill.
2. That the applicant chip seal the entire length of West Log Bridge Road as an off-site improvement, in lieu of underground utilities.
3. That the following items may be financially guaranteed: Final pavement and final landscaping.
4. That stumps are allowed to be properly buried on site in the designated areas.
5. That the substandard lot of the 'Future Access' be made one continuous dedication and be part of the description with "Donald Davis Drive," providing that access is granted from Mr. Gallagher to Mr. Leyden, Assessor's plat 30, lots 5 and 4.
6. That the applicant adhere to the provisions of the West Greenwich Well Ordinance, including yield testing.
7. That the applicant receive written verification on the placement of the fire cistern as required, and that all standard construction guidelines be followed for the installation.
8. That the applicant's engineer meet with the Town's consulting engineer to address the drainage concerns of the Town and come to a consensus, and that Mr. Martin is to respond in writing to the Town Planner.

This approval, with conditions, is based on the 7 following findings of fact as in the draft motion. Ward-Knott. All in favor (4-0).

**PINE ESTATES- MINOR RESIDENTIAL SUBDIVISION/ PRE-APPLICATION: AP 53**  
**Lot 6-1**

--on Hopkins Hill Road; 5 lots with road construction. Applicant/ Owner: William Pine

William Pine and Karen Pine approached the Board.

Michael McCormick, Alpha Associates, approached the Board.

Mr. McCormick went over the plans. He explained that the current site is vacant, wooded parcel of about 61 acres. Mr. McCormick explained the proposed subdivision. There was discussion on site distance and drainage. It was noted that the next time this comes to the Board, it will be for a Preliminary Public Hearing, and that the engineering issues should be worked out in time for the public hearing.

**ACCEPTANCE OF MINUTES**

Motion to approve the November 18, 2003 Workshop minutes. Ward-Knott. (4-0)

Motion to approve the November 18, 2003 Joint Town Council Special. Ward-Knott. (4-0)

November 22, 2003 Site Visit- no quorum

Motion to approve the February 2, 2004 Regular Meeting-revised minutes. Ward-Lepak (4-0)

Motion to approve the March 1, 2004 Regular Meeting. Ward-Knott. (4-0)

Motion to approve the March 10, 2004 Special Meeting. Ward-Knott. (3-0) with Berry abstaining.

Motion to approve the March 22, 2004 Special Meeting. Ward-Knott. (4-0)

April 5, 2004 Regular Meeting- no quorum

Motion to adjourn the meeting. Ward-Lepak. All in favor (4-0).

The meeting ended at 10:46 p.m.

## **WEST GREENWICH**

**June 1, 2004**

### **PLANNING BOARD SPECIAL MEETING**

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A special meeting of the West Greenwich Planning Board was held on Tuesday, June 1, 2004. Present were: Chairman David Berry, Brad Ward (late), Adrian Knott, and Mark Boyer. Michael Walker, alternate Bill Lepak, and alternate Bill Bryan were absent. Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy E. Giorgi were present.

Chairman Berry called the meeting to order at 6:05 p.m.

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#### **ZARLENGA-ADMINISTRATIVE AND MINOR RESIDENTIAL SUBDIVISION/ Discussion: AP 3 Lots 35-2 & 35-3**

--On Mishnock Road; one new lot proposed for development after relocation of lot line with abutter. Applicants/Owners: Johan A. Zarlenga and Karen A. Zarlenga; and Kenneth A. Breene and Gail D. Breene

Miss Paquet asked the Board if they waive the Open Space and Recreation fees, if only one new lot is cut out and it is to go to a family member. The Board concurred with assessing the fee, as was part of the conditions of the Preliminary approval. The Board noted that it is equality and is same for everyone.

#### **AFFORDABLE HOUSING PLAN-**

-- discussion on this plan and it's context in Comprehensive Plan

Ms. Giorgi explained the history of the development of the draft Affordable Housing Plan and the Regional Housing Plan by B.C. Stewart and Associates. She noted that there is a distinction between an affordable housing program, which covers housing that would be affordable to people with an income at or below 80 percent of median income, and a 10 percent plan, which only covers subsidized housing. She noted that the B.C. Stewart plan in a 10 percent plan. Ms. Giorgi explained that every community needs to report to the State on the progress of an affordable housing program by June 30, 2004, and again by December 31, 2004. She noted that now, the Planning Board has to put together a package to send to Statewide Planning and the General Assembly. Ms. Giorgi noted that the package to the State should recognize and refer to the work that B.C. Stewart did for the Town, and should note that these plans will be incorporated into an affordable housing program. There was discussion on affordability and the changing legislation. Ms. Giorgi explained that if the Town does not have an affordable housing program in place, that anyone can come in with an application for a Comprehensive Permit, but that they would be heard before the Planning Board, not the Zoning Board, and that there will be requirements and standards for review. There was discussion on the Comprehensive Plan update and perhaps hiring a consultant.

Brad Ward arrived at 7:05 p.m. The Board explained to him the reporting for the affordable housing program.

#### **RESIDENTIAL COMPOUNDS**

--review proposed ordinance and make recommendation to Town Council

The Board reviewed the draft, as revised by Legal Counsel dated 3/16/04. The review was completed and scheduled to be on the July 12<sup>th</sup> agenda for a recommendation to the Town Council.

The meeting ended at 8:40 p.m.

**WEST GREENWICH**  
**June 7, 2004**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on June 7, 2004. Present were: Chairman David Berry, Brad Ward, Adrian Knott, Michael Walker, and alternate Bill Lepak. Mark Boyer and alternate Bill Bryan were absent. Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy E. Giorgi were present. Chairman Berry called the meeting to order at 7:05 p.m.

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**DIMENSIONAL VARIANCE ON FRONTAGE: AP 28, Lots 21 & 22**  
**SCENIC VIEW ESTATES- MAJOR SUBDIVISION**

-- on Plain Meeting House Road and Stubble Brook Road; 9 lot residential subdivision proposed with road; Request for advisory opinion to the Zoning Board for relief from frontage requirement and previous Zoning Board approval with conditions;  
and

**SCENIC VIEW ESTATES- PUBLIC INFORMATIONAL MEETING & PUBLIC HEARING**  
**MAJOR SUBDIVISION/ MASTER PLAN: AP 28, Lots 21 & 22**

-- on Plain Meeting House Road and Stubble Brook Road; 9 lot residential subdivision proposed with road; Request for waiver; Owners: Brian & Nancy McCoy, and Timeless Properties, Inc.

Secretary Brad Ward read correspondence from the attorney for Scenic View Estates to the planning Board dated June 7, 2004 asking to withdraw the Master Plan application without prejudice and that the Public Hearing be cancelled, at the request of the applicant.

Motion to accept the withdrawal for Scenic View Estates, as withdrawn by the applicant without prejudice. Ward-Walker. All in favor (5-0).

**CHIPY'S L'IL RHODY II ICE CREAM – SITE PLAN REVIEW / PRELIMINARY:**

AP 6, LOTS 41-1 & 41-3

--On Nooseneck Hill Road and Mishnock Road; Expansion of deck to existing structure, add rear parking lot and curb cut.

Motion to TABLE Preliminary Site Plan Review for Chippy's Ice Cream to the next meeting at the applicant's request. Ward-Knott. All in favor (5-0).

**DIMENSIONAL VARIANCE ON SIDE YARD: AP 58, Lot 1-16**

--request for advisory opinion to the Zoning Board for setback variance; on Squirrels Run  
Application by Mark A. & Kim Peterson

Kim Peterson and Richard Elliot (father of Kim Peterson) approached the Board. Ms. Peterson noted that the barn was built within the roping that was left by the original builder. Mr. Elliot noted that the barn is 24 feet by 32 feet and bolted on a slab. He noted that the use of the structure is as a hobby blacksmith shop. There was discussion on remedying the situation of the barn being partially over the property line.

Motion to recommend approval for the side yard variance for AP 58, Lot 1-16, predicated on the proposed improvements being done by the applicant to cut away the encroachment across the property line. Ward-Walker. Motion carries (4-1) with Mr. Knott voting nay.

## **WEST GREENWICH**

**June 7, 2004**

### **PLANNING BOARD MEETING**

#### **SPECIAL USE PERMITS: AP 6 Lot 31-3**

--request for advisory opinion to the Zoning Board for a Special Use Permit; on Nooseneck Hill Road (Route 3.) proposed use of indoor sports complex and oversized sign.

Application of Hungry Hill Development Inc.

Attorney John A. Pagliarini, Jr. approached the Board.

Mr. Pagliarini noted that this application was before the Planning Board and Zoning Board last year and that the approved permit has since lapsed. Mr. Pagliarini noted that the structure size has changed from 60,000 square feet as stated in the application to 45,000 square feet, and that the application will be amended for the Zoning Board. He noted that they would like to reserve the 15,000 square feet as Phase 2, and noted that the drainage calculations are being done based on a 60,000 square foot building. Mr. Pagliarini noted that they are proposing an overflow parking lot of gravel, which is not noted on the plan. He noted that the Zoning Board required a vegetated buffer on the Valerie Drive side and that they incorporated a connecting driveway to the hotel. He noted that there will also be a subdivision cutting out a parcel fronting on Nooseneck Hill Road. Mr. Pagliarini noted that they have an ISDS permit and that the Physical Alteration Permit will be submitted next week. He noted that a UIC permit is not required based on the design and that a RIPDES permit will be applied for. Mr. Knott expressed concern about the proposed lot line change and the location of the septic system. Mr. Pagliarini explained that they need an alternate location for a septic system for the hotel due to the administrative subdivision. Mr. Knott asked about the sign and what it is to look like. Mr. Pagliarini noted that it is because the proposed sign meets the regulations and does not need relief. He noted that second sign will need relief, and that they are asking for a floating envelope on the building of 100 square feet, with a height from foundation no more than 25 feet above grade, but that the size of the sign is unknown at this point. Mr. Knott expressed concern about the proposed subdivision that is not shown on the plan. There was discussion. Miss Paquet noted that this project still has to come back to the Planning Board for Site Plan Review.

Motion to make a favorable recommendation to the Zoning Board of Review from the Planning Board for the application by Hungry Hill Development, Inc. for a Special Use Permit to construct an indoor recreational sports arena in Highway Business zoning district, as well as to allow for an expansion of the sign requirement for an additional sign with an envelope not to exceed 100 square feet in area, to be placed on the façade of the proposed structure, with the stipulation that the not-to-exceed 100 foot sign come to the Planning Board for design review and approval during the Site Plan Review process. Further, it is moved that the that the applicant shall revise the application to the Zoning Board of Review prior to the hearing to amend item 6. to reflect 45,000 square foot of space, in lieu of 60,000 square feet, as is presently presented and is consistent with site plan that is before the Planning Board. Motion to also reflect the applicant's desire to seek relief to place the attached sign not more than 25 feet above grade of the building foundation, and with the condition that the planning Board can limit the size of the sign during the review process. Walker-Ward. All in favor (5-0).

#### **SPECIAL USE PERMIT and SITE PLAN REVIEW/ PRE-APPLICATION & PRELIMINARY STAGES: AP 49, Lot 4-1**

--request for advisory opinion to the Zoning Board for Special Use Permit for Wireless Communication Pole and Facility; on Arnold Farm Road

Application of Omnipoint Holdings, Inc., subsidiary of T-Mobile USA, Inc.

Attorney Ricardo Sousa on behalf of the applicant, and Elijah Lutu of T-Mobile approached the Board. Mr. Sousa noted that a gap in coverage for Omnipoint (T-Mobile) has been identified on Route 95 and Route 102 in West Greenwich. He noted that the proposed monopole will fill the gap in coverage. He noted that T-Mobile also has an installation on the Fire Station pole at Plain Road. He noted that there is a good chance that other carriers will need this tower, and that it is proposed within a Highway Business

## **WEST GREENWICH**

**June 7, 2004**

### **PLANNING BOARD MEETING**

zone. There was discussion on the needed variances for distance from the side yard. The applicant will confer with the property owner on a solution. Mr. Sousa noted that the tower can structurally accommodate a fourth carrier, and that they would be amenable to amending the plans to show four carriers.

Motion to recommend approval for a Special Use Permit in a Highway Business zone for a 150 foot monopole with 4 carriers. Walker-Ward. All in favor (5-0).

### **THE CLUB AT WICKABOXET – MAJOR RESIDENTIAL SUBDIVISION/**

**PRE-APPLICATION, cont.:** AP 34, LOTS 2, 2-8, & 2-9

--On Plain Meeting House Road; Revised concept of 154 lot subdivision proposed plus 46 condo units and roadways; Applicant/ Owner: Wickford Junction Associates, LLC

Attorney Peter Ruggiero, representing Wickford Junction Associates, approached the Board. Mr. Ruggiero explained that the plans have been revised, and that they are also talking with the Nature Conservancy. He noted that the revised plan for what they would like to do is either a cluster or a conservation development concept, which would all be private. He stated that they would develop it so that it could be marketed to people who would have the lowest impact on the community, and also to make it a private community to further reduce some of the impacts. He noted that this idea would have to go to the Town Council who would have to develop an ordinance to allow for this. Ms. Giorgi noted that if the Nature Conservancy is interested in the property that there must be valuable natural resources there. She noted that if the property can't be preserved, that perhaps it would be in the Town's interest to discuss moving forward with a conservation development ordinance, and noted that this opportunity might help the Town to visualize and understand the conservation design process. A meeting was set for 6 p.m., just before the Planning Board meeting on July 12, 2004, to discuss conservation design concepts in the context of the Club at Wickaboxet.

The Board took a 5 minute break.

### **DEER RUN ESTATES – PUBLIC INFORMATIONAL MEETING & PUBLIC HEARING**

**MAJOR RESIDENTIAL SUBDIVISION / MASTER PLAN :** AP 2, Lots 13, 15, 16-6 & 18

--On Deer Run Drive off Carrs Pond Road. 24 lot subdivision with road creation; Request for Waiver. Developer: G. Johnson Builders, Inc.

Motion to open the public hearing. Walker-Ward. All in favor (5-0).

Sanford J. Resnick, attorney for the developer, and Joe Casali, PE, representing Gary Johnson Builders, approached the Board.

Mr. Resnick stated that the property consists of approximately 52.64 acres and is zoned RFR-2. He noted that the sole means of ingress and egress from a public road is through Deer Run Drive, which was developed as Landmark Estates. He noted that Landmark Estates showed a future road at the end of the cul-de-sac. He stated that at the Pre-application meeting there was discussion on another means of ingress and egress and that there is an area available for an emergency ingress and egress which is a driftway. He stated that the owner of that property was present and indicated that the property could not be used as another means of ingress and egress, but that he would have no objection to an emergency access.

Mr. Casali gave an overview of the property. He noted that they intend to have Kent County Water for both fire protection and domestic uses. Mr. Casali submitted a letter from himself to Kent County Water Authority dated April 1, 2004 for the record as Exhibit 1. Mr. Casali stated that there will be no increase in runoff leaving the site, and that all of the peaks will be attenuated, water quality will be accounted for,

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### **PLANNING BOARD MEETING**

and each basin will be designed to handle the 10-year sediment volume. He noted that a RIPDES permit will be needed. Mr. Casali went over the comments from the Planner and Garofalo. Mr. Casali submitted a letter from himself to Mr. M. Paul Sams of RI Water Resources Board for the record as Exhibit 2. The comments from Dave Andrews, Public Works Director dated June 4, 2004 were read. Mr. Casali stated that he disagreed with the detention basins near the road. He stated that catchbasins can be done, and galleys can be installed to allow infiltration. There was discussion on the detention basins needing easements for access. Ms. Giorgi noted that the drainage easements need to be removed from the area suitable for development because it is a utility easement.

Paul Bannon, transportation engineer, with RAB Professional Engineers approached the Board and noted that he was hire to assess the impact of the traffic, specifically the waiver on the cul-de-sac length. He noted that they will be doing a full study for the next review phase, including traffic data collection, accident data collection, capacity analysis for before and after, and impact assessments. He noted that for the Master plan meeting, they reviewed the sites, access roads, and the plans for the development, and coordinated with the police and fire on the cul-de-sac length. Mr. Bannon gave an overview of residential streets.

Mr. Resnick read the letters that he wrote, all dated April 20, 2004, to the Police Chief, the Highway Supervisor, and the Fire Chief and submitted the letters for the record as exhibits 3, 4, and 5, respectively.

Chairman Berry asked if any conceptual plans have been done showing a loop system. There was discussion on the 20 foot wide right-of-way going out to New London Turnpike. The Board asked to have Dave Andrews clarify what he means by his comments, and to be present at the next meeting. The applicant then presented a layout showing a looped road. The applicant was directed to present the loop road plan to Dave Andrews. There was discussion on cul-de-sac lengths. Ms. Giorgi noted that making the spur on Deer Run was to allow for further development of the property, but without any idea in mind as to how the road with the access was to take place, and that the Board knew that without the spur, there wouldn't be any access.

Chairman Berry opened the hearing up to comments from the Public.

Richard Sousa, 73 Carrs Pond Road noted that his property abuts lot 18 and that the plan shows his tennis court going over the property line. The Board encouraged the developer to work with the existing landowners to work this out.

Charles Hirsch, 30 Deer Run Drive, presented pictures of the right-of-way and gate at New London Turnpike to the Board. The pictures were submitted collectively as Exhibit 6. Mr. Hirsch expressed concern of access and the cul-de-sacs in the event of an emergency. Mr. Hirsch presented a "P" shaped road layout for reasonableness and safety. The "P" shaped layout plan was submitted as Exhibit 7. There was discussion on speed bumps and humps. Mr. Hirsch raised consideration for a continuous loop.

Tracy Baran, attorney with Partridge, Snow and Hann, representing Robert and Diane Chito of 42 Deer Run Drive, had questions for the traffic expert, and expressed concerns of the traffic report and trip generation. Mr. Bannon explained trip generation to her. Ms. Baran asked for what the current speed that can be reached on Deer Run Drive is, and what it will be when the extension is built. Ms. Baran asked about public water, and noted that the people on Deer Run Drive were denied public water. She asked if water testing would assess the impact to the abutters. Chairman Berry noted that there is an ordinance in place the has people demonstrate that they have water and present a yield test before they can get a building permit. Ms. Baran asked if the testing shows impact to the abutters. Ms. Giorgi noted that there is no way to predict it, and that the Town has determined that what can be analyzed is the availability of water to a home site prior to its construction. Gary Johnson, developer, stated that they lot at the end of

## **WEST GREENWICH**

**June 7, 2004**

### **PLANNING BOARD MEETING**

the cul-de-sac has 13 gallons of water per minute. Mr. Belanger noted that he actually has 30 gallons a minute, but that he is the only one.

George Jubilee, 80 Carrs Pond Road, noted that the regulations have a 1,200 foot limit for cul-de-sacs and asked what constitutes a proper waiver. He also objected to the letters being submitted as evidence because he has not had an opportunity to cross-examine a letter. He noted that he should be able to ask questions to the actual person. Ms. Giorgi noted that the discussion now is whether a waiver is needed, because they are considering a looped road.

Bill Teoli, 88 Carrs Pond Road, expressed concern of water. He noted that he needs a pump for his public water. He asked about fire hydrants and water availability. Mr. Ward noted that the availability of water is outside the purview of the Planning Board and is up to the private water authority. Mr. Casali noted that they have to demonstrate to the water authority that they have a certain amount of water and that they have to prove that they have the domestic demand to Kent County Water Authority. He noted that pumps are needed when pounds of pressure are lost due to height and meters.

Richard Loring, 59 Carrs Pond Road, asked who pays if his well is affected. It was noted that he would have to pay. Chairman Berry noted that there is a well ordinance in place. He then expressed concern of the speed of cars on Deer Run Drive.

Kay Loring, 59 Carrs Pond Road, expressed concern of the sharp corner of Carrs Pond Road.

Gail Barnes, 103 Carrs Pond Road, noted that Deer Run Drive is 30 feet wide and that Carrs Pond Road is narrow, and noted the jog in the road to the north. She indicated that people crash into her stonewall. She stated that Carrs Pond Road is a narrow country road with a lot of truck traffic, especially garbage trucks and landscaping trucks. The Board noted that the applicant will do a report and that the reports from the applicant are reviewed by professionals hired by the Town. Mrs. Barnes expressed concern of what happens if she loses her water. She asked about the access easement and noted that should be where the access is.

Paul Kaltschnee, 81 Carrs Pond Road, asked if the traffic issue is going to be resolved before the Master Plan is approved. He asked if the issue of water is going to be resolved before the Master Plan. He asked if every possible option has been looked at for getting other access such as off of New London Turnpike. The Board noted that the first two questions will be addressed at the Preliminary meeting. It was noted that Mr. Miller will not sell the access and that Arlington will be leasing the property there.

Robert Zonfrillo, 65 Carrs Pond Road, asked about 2 acre lots and the proposed lot 18.

Motion to continue the Public Hearing and the Master Plan Public Informational Meeting to the July 12, 2004 meeting at 7 p.m. Ward-Walker. All in favor (5-0).

### **AFFORDABLE HOUSING PLAN-**

-- make recommendation to Town Council

The copy of the letter to be sent to the State was passed out to the Board. Ms. Giorgi explained the requirements of the current State Law. The original letter was signed by Secretary Brad Ward and Chairman David Berry.

Motion to forward the letter giving a status report on progress of an affordable housing plan to the State, signed by Mr. Ward and Mr. Berry, addressed to Senator Caprio, Representative Kennedy, and John P. O'Brien of the State Planning Council. Ward-Walker. Motion carries (4-1) with Mr. Knott voting nay.

**WEST GREENWICH**

**June 7, 2004**

**PLANNING BOARD MEETING**

**PROPOSED AMENDMENT TO LAND DEVELOPMENT AND SUBDIVISION  
REGULATIONS-PUBLIC HEARING**

-- proposal to allow for a Technical Review Committee;

Motion to open the Public Hearing. Ward-Lepak. All in favor (5-0).

Ms. Giorgi passed out excerpts from the South Kingstown Planning Board and Technical Review Committee comments and consent agenda, as an example for West Greenwich to follow. There was discussion on if a Planning Board member is needed on the Technical Review Committee.

Motion to continue the Public Hearing on the Technical Review Committee proposed amendment to the July 12, 2004 meeting. Ward-Walker. All in favor (5-0).

**ACCEPTANCE OF MINUTES**

November 22, 2003 Site Visit

April 5, 2004 Regular Meeting

May 3, 2004 Regular Meeting

Tabled to next meeting.

Motion to adjourn. Ward-Walker (5-0). The meeting ended at 10:55 p.m.

**WEST GREENWICH**  
**July 12, 2004**  
**PLANNING BOARD MEETING**

Approved August 2, 2004

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A regular meeting of the West Greenwich Planning Board was held on July 12, 2004. Present were: Chairman David Berry, Mark Boyer, Adrian Knott, Michael Walker, and alternate Bill Lepak. Alternate Bill Bryan was absent. Brad Ward arrived at 7:10 p.m. Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy E. Giorgi were present. Consulting Engineer, Nick Piampiano, PE from Garofalo was also present.

Chairman Berry called the meeting to order at 7:05 p.m.

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**SITE PLAN REVIEW/ PRE-APPLICATION & PRELIMINARY STAGES:**  
**AP 49, Lot 4-1 (cont.)**

--Site Plan for Wireless Communication Pole and Facility; on Arnold Farm Road  
Application of Omnipoint Holdings, Inc., subsidiary of T-Mobil USA, Inc.

Ricardo Sousa, Attorney for Omnipont Holdings, approached the Board.

Mr. Sousa explained that the compound has been moved to meet all the setbacks, and that they have added a fourth carrier. He noted that they have also located an area within the compound for a generator, as required by the Zoning Board. Mr. Boyer noted that the applicant should provide a Certificate of Authorization to Practice in the State of Rhode Island. Mr. Sousa noted that the applicant will also make space available at no cost for emergency service antennas.

Brad Ward arrived at 7:10 pm.

The applicant was directed to work with the Planner to finalize the details for the Tower Removal Bond.

**Motion** to approve the Site Plan application for the proposed communications tower and associated equipment cabinets at AP 49, Lot 4-1, as shown on the plans entitled, "Adams, 21 Arnolds Farm Road Site Number: 4PR-0137-C" prepared for Omnipoint Holdings, Inc., prepared by TerraSearch revised 6/22/04, with the following conditions:

1. post a bond adequate to cover the cost of dismantling and removal of a tower no longer in use (to be posted by owner and lessor)
2. Towers must be structurally inspected by a registered engineer every 10 years and a certificate of such inspection shall be filed with the Building Inspector.
3. that the Final plan state the zoning district
4. That space be reserved on the monopole for public safety communications equipment.
5. That the applicant provide a Certificate of Authorization through the State Board of Registration for Professional Engineers.

Based on the 3 findings of fact as in the draft motion. Boyer-Knott. All in favor 5-0, with Mr. Lepak voting in place of Mr. Ward.

**WEST GREENWICH**  
**July 12, 2004**  
**PLANNING BOARD MEETING**

Approved August 2, 2004

The following two Public Hearings were heard together.

**ZONE MAP CHANGE and PUBLIC HEARING: COMPREHENSIVE PLAN AMENDMENT:**

AP 3, Lot 16

-- Request for advisory opinion to Town Council; on Hopkins Hill Road; Request to change zone from RFR- 1 to Industrial A. Request to amend Comprehensive Plan: Future Land Use Map accordingly; Owner: Clifford Albro; Applicant: Jeff Butler-GansettAssociates, LLC

**ZONE MAP CHANGE and PUBLIC HEARING: COMPREHENSIVE PLAN AMENDMENT:**

**AP 3, Lot 18**

-- Request for advisory opinion to Town Council; on Hopkins Hill Road; Request to change zone from RFR- 1 to Industrial A. Request to amend Comprehensive Plan: Future Land Use Map accordingly;

Owner: The Albro Family Revocable Trust; Applicant: Howard Albro.

Motion to open the public hearings. Boyer-Walker. All in favor (5-0).

Kristen Gardener, attorney for both applications, and Jeffrey Butler, of Gansett Associates, approached the Board. Ms. Gardener noted that there is a history of trying to re-zone the properties, but that the property owner was not supportive of a zone change because of tax issues. Ms. Gardener pointed out the locations of the park-and-ride, Centrex, G-Tech, Amgen, and I-95. She noted that there is an existing residence on Lot 18, which will remain. Chairman Berry noted that a 100 foot vegetated buffer will be needed to protect the residential zone, and that the Board will be looking at lighting on a site plan. Mr. Walker asked if there are any plans for development of the parcels. Ms. Gardener noted that there are no plans at this time. Charles H. Vernon, a professional planner, was called to the Board as a planning expert. Mr. Vernon's resume (Exhibit 1) and report (Exhibit 2) were submitted for the record. The Board agreed to accept Mr. Vernon as a Professional Planner. There was discussion on the lack of frontage of one of the parcels.

Mr. Vernon explained the uses in the area and noted that the proposed zone change would be consistent with the Comprehensive Plan. Mr. Vernon noted that the zone change will promote the public health, safety, and welfare, will provide for a range of uses and intensities of use appropriate to the character of the town and reflect current and expected future needs, and will provide for orderly growth and development, which recognizes the goals and patterns of land use contained in the Comprehensive Plan adopted by the Town of West Greenwich. Mr. Vernon noted that 5 citations were found in the plan which specifically relate to this particular site. Mr. Vernon discussed the Future Land Use Map.

The Board asked for clarification on the Tax Assessor's letter about if the tax rate stays the same or if the assessed value remains the same. There was discussion on abandoning the residential use if the property is used for industrial purposes.

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Bill Miller, in the audience, noted that Howard Albro's taxes are frozen and asked if they will remain frozen. It was noted that it is a question for the Tax Assessor.

Motion to close the public hearing. Boyer-Walker. All in favor (5-0).

**Motion** to amend the West Greenwich Comprehensive Plan, Future Land Use Map, as requested in the application of Gansett Associates, LLC, to reclassify AP 3, Lot 16 from 'High-Medium Density Residential' to 'Industrial A' based on the following findings of fact, consistency with the Comprehensive Plan, and conditions of approval: Findings of Fact 1 through 3, Consistency with Comprehensive Plan Economic Development Goal #6 and Policy 10, Conditions of Approval 1 and 2.

Walker-Boyer. All in favor (5-0).

**Motion** to recommend that the Town Council approves the Zoning Map Change amendment to the Zoning Ordinance for the application of Gansett Associates, LLC for the property of AP 3, Lot 16, to change the zone from Rural Farming Residential 1-acre to Industrial A, based on the following findings of fact, findings of consistency with the Comprehensive Plan, and findings of consistency with the purposes of zoning: Findings of Fact 1 through 3, Consistency with Comprehensive Plan Economic Development Goal #6 and Policy 10, Findings of Consistency with the Purposes of Zoning 1 through 3.

Walker-Boyer. All in favor (5-0).

**Motion** to amend the West Greenwich Comprehensive Plan, Future Land Use Map, as requested in the application of Howard Albro, to reclassify AP 3, Lot 18 from 'High-Medium Density Residential' to 'Industrial A' based on the following findings of fact, findings of consistency with the Comprehensive Plan, and conditions of approval: Findings of Fact 1,2, and 3, Consistency with Comprehensive Plan Economic Development Goal #6 and Policy 10, Conditions of Approval 1 and 2.

Boyer-Ward. All in favor (5-0).

**Motion** to make a recommendation of approval to the Town Council for the Zoning Map Change amendment to the Zoning Ordinance for the application of Howard Albro for the property AP 3, Lot 18, to change the zone from Rural Farming Residential 1-acre to Industrial A, based on the following findings of fact, consistency with the Comprehensive Plan, and findings of consistency with the purposes of zoning: Findings of Fact 1, 2, and 3, Consistency with Comprehensive Plan Economic Development Goal #6 and Policy 10, Findings of Consistency with the Purposes of Zoning 1,2, and 3, and the following Conditions of Approval:

That the residential use be abandoned at the time an industrial plan is proposed for the parcel, and

That clarification be obtained by the applicant from the Tax Assessor with regard to the Tax Assessment.

Ward-Walker. All in favor (5-0).

**DEER RUN ESTATES – PUBLIC INFORMATIONAL MEETING & PUBLIC HEARING**

**MAJOR RESIDENTIAL SUBDIVISION / MASTER PLAN cont.: AP 2, Lots 13, 15, 16-6 & 18**

--On Deer Run Drive off Carrs Pond Road. 24 lot subdivision with road creation; Request for Waiver. Developer: G. Johnson Builders, Inc.

Miss Paquet explained that at the last meeting, the Board has asked for Dave Andrews to be present, and that Mr. Johnson was also asked to show the looped road concept to Dave Andrews. It was noted that Dave Andrews was not present. Mr. Johnson noted that Dave Andrews only concern was the cul-de-sacs, and that he made them 10 feet wider to accommodate.

The loop road plan was submitted for the record, Master Plan Concept B. Sanford Resnick, attorney for the developer, approached the Board. Joseph Casali, PE, for the applicant, approached the Board. Mr. Resnick stated that the comments from the Fire Chief, the Police Chief, and Public Works all indicated that there were no problems with the original plan. The Board reviewed and discussed the Concept B plan with the loop road.

Francis Boulanger, Lot 16-3, noted that his concern is that his house is set back as far as it can go, and there is about 50 from the deck to the property line, and if a house went in on the proposed lot behind him, the new house would be directly in his back yard, and there won't be any buffer because there are no trees to the property line.

Charles Hirsch, 30 Deer Run, noted that the loop road is needed for maintenance and safety.

The Board decided to wait for Dave Andrews. Break on this agenda item until Dave Andrews arrives.

**CHIPY'S L'IL RHODY II ICE CREAM – SITE PLAN REVIEW / PRELIMINARY:  
AP 6, LOTS 41-1 & 41-3 (tabled from june)**

--On Nooseneck Hill Road and Mishnock Road; Expansion of deck to existing structure, add rear parking lot and curb cut.

George Dupont, PE and PLS approached the Board. Charlie Porino, applicant, approached the Board.

Mr. Dupont addressed the consulting engineer's comments regarding parking, septic, drainage, lighting, and screening. There was discussion on the septic system. Mr. Dupont noted that there is a 1000 gallon septic tank and a row of galleys, which is not adequate. He noted that he went to DEM and a grease trap is needed. Mr. Dupont stated that they have provided a 1,000 gallon grease trap and another row of galleys, which would be adequate for 20 seats plus 4 employees. It was noted that there is no seating in the building. Mr. Dupont noted that a construction entrance is proposed with filter fabric and stone to trap silt during construction before reaching Mishnock Road. There was discussion on lighting. It was noted that the Chiropractic Center site next door is proposing a stockade fence. There was discussion on screening for the residency

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adjacent to the parking lot, without infringing on the site lines. Mr. Walker expressed concern about how people are going to know there is parking in the back, and about the current parking situation. There was discussion on signage for parking. Bill Miller, in the audience, representing Sherri Morrisett of the Chiropractic Center, expressed concern about if the business is now year-round or if it is still seasonal. Mr. Miller expressed concern about overflow parking, the dumpster, and the State overflow drainage.

Motion to approve the plan entitled Chippy's L'il Rhody II Ice Cream Site Plan: AP 6 Lots 41-1 & 41-3, revised 07/12/04, prepared by Dupont Engineering, with the following conditions:

1. That the applicant pay the cost for engineering review (estimated at \$43.72)
2. That the applicant post a bond in the amount of \$1,500 for the new parking lot entrance curb cut on Mishnock Road
3. Provide two handicapped parking spaces per ADA requirements, one of which shall be van accessible, in the existing parking area.
4. That a fence be provided where the property abuts Lot 40.
5. Provide a durable, slip-free surface walkway from the rear parking area to the building.

This approval, with conditions, is based on the 3 findings of fact as stated in the Draft motion. Ward-Knott. All in favor (5-0).

**VALERIE DRIVE- MINOR RESIDENTIAL SUBDIVISION/ PRELIMINARY REVIEW:  
AP 6, Lot 21-1**

--On Valerie Drive; 2 lots proposed for residential development. Applicant: Exit Six Plaza, LLC

John Brunero, attorney for the applicant, and Robert Curran, PLS, approached the Board. There was discussion on the strip of land and it was decided that it would depend on what the Fire Chief says. Mr. Brunero stated that they want to wait to record until after they have Master plan approval on the industrial project. There was discussion on buffers. Mr. Brunero stated that they are proposing pavement on Valerie Drive only in front of the two proposed lots. It was noted that drainage design will need to be submitted. There was discussion on Valerie Drive as a private road. Mr. Lepak discussed Exit 6 as a Special Area Management Plan.

Motion to approve the plan entitled "Valerie Drive- Minor Residential Subdivision" AP 6, Lot 21-1 dated May 6, 2004, prepared by Robert J. Curran PLS., with the following conditions:

1. That a letter be provided from Kent County Water Authority stating that they can supply water to the proposed subdivision.
2. That each proposed lot receive a RIDEM ISDS approval
3. That the Open Space and Recreation Fee be assessed based on 1 acre lot size.
4. That the applicant follow the requirements of the Fire Chief
5. That the preliminary approval shall expire 90 days from date of approval, unless the final plan is submitted within that time; and that extensions of approval may be granted by the Administrative Officer if no applicable amendments have been made to the Regulations within one year of Board approval. Any request for extension of approval for longer than one year shall be heard by the Board.

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6. That the present zoning hereby reverts back to Residential 1 acre zoning, as conditioned by the Town Council in their decision dated November 2, 1989, and recorded in the Town Council Minutes Book 18, Pages 283-285
7. That the Planner review the Final Plan administratively
8. Submission of pavement and drainage plan, which satisfies the Town's consulting engineers, for Valerie Drive at the time of Final plan submission

This motion is based on the 7 findings of fact as noted in the draft motion. Ward-Boyer. All in favor (5-0).

**DEER RUN ESTATES – PUBLIC INFORMATIONAL MEETING & PUBLIC HEARING**

**MAJOR RESIDENTIAL SUBDIVISION / MASTER PLAN cont.: AP 2, Lots 13, 15, 16-6 & 18**

--On Deer Run Drive off Carrs Pond Road. 24 lot subdivision with road creation; Request for Waiver. Developer: G. Johnson Builders, Inc.

Mr. Boyer recused himself again.

There was discussion on the loop road. The Board noted that they want compliance with the regulations. Mr. Piampiano, PE stated note that this is the first time he is seeing the loop road and explained that there are two separate issues. He noted that for internal circulation, the loop road is more beneficial. He noted that for external circulation, there is no benefit, but that there is an extra 600 feet of pavement. He noted that it is easier to plow a loop road, than all the cul-de-sacs, which Public Works should decide on. Mr. Charles Hirsch, in the audience, noted that there is still only one way in and one way out. Mr. Knott stated that the 1,200 foot cul-de-sac length should be adhered to, and expressed concern for emergency situations. Mr. Knott stated that there should be more connection between roads, to make sure that there is always at least two ways in and two ways out.

At 9:17 p.m., Dave Andrews, Highway Superintendent arrived. Dave Andrews stated that a loop road is better than the cul-de-sacs, because there is still another way out and there is a choice. There was discussion on the emergency access. It was noted that the new loop plan does not require the waiver.

Traci Barron, representing Robert and Diane Chito, Lot 16-2 on 42 Deer Run Drive. Ms. Barron noted concerns of the availability of water and urged the Board to condition approval on public water supply. Ms. Barron also noted concern that neither plan seems to address the fact that the current road serves 5 or 6 homes, and the service is going to be increased to 24 homes. Ms. Barron also noted concern with the Carrs Pond Road intersection and limited visibility, and urged the Board to condition approval on the substantial reduction on the amount of houses in the subdivision. Ms. Barron noted that it is a very quiet street and a very quiet neighborhood, where children and people are free to walk and play in the street, and they would like to continue that nature of the community.

Mr. Hirsch seconded the remarks of Ms. Barron.

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Mr. Francis Boulanger expressed that he was upset about the way the Board viewed his concerns his buffer in the back, and how now he is a corner lot where he would loose more buffer and that it seems like the Board didn't care about what he had to say. He stated that the road impacts him the most out of everybody, because he'll end up seeing someone's backyard. Chairman Berry stated that the Board does take his comments very seriously. Mr. Ward noted that it is very difficult to have easements or buffer zones over private property, and that no-cut zones are difficult to enforce.

There was discussion on the removal of the existing cul-de-sac. Mr. Boulanger noted that the cul-de-sac is higher than his curb. He requested that the area be landscaped, not grassed. Ms. Giorgi noted that the Town Council would have to abandon that portion of the right-of-way, and deed it to Mr. Boulanger at the same time the Council accepts the other streets.

Motion to close the public hearing. Walker-Ward. Motion carries (5-0).

Miss Paquet went over the staff comments with the Board. The Board noted that stumps and boulders could be buried on site and marked on the plans, and for the engineer to review the location; a landscaping plan is required, utilities shall be underground, a traffic study is required with a site distance analysis; building envelopes and the calculation of area suitable for development shall be shown on the Preliminary Plan; drainage locations will be looked at for Preliminary review; and that lot boundary markers will be required.

There was discussion on reconfiguring lots 21 and 22 for Mr. Boulanger's buffer. The Board decided to entertain further comments from the Planner, and all the other staff reviewers, on the new plan.

**PINEWOOD ESTATES- MAJOR SUBDIVISION/ PRE-APPLICATION REVIEW:**

AP 48, Lot 8-1

-- on Breakheart Hill Road; 9 lot residential subdivision proposed with road; Owners: Russell & Noelline Michaud.

Miss Paquet noted that the application has been withdrawn and read the letter dated July 9, 2004 from Richard A. Greene, PLS, to the Town Planner for the record.

**CARPENTER ESTATES- MINOR SUBDIVISION/ PRE-APPLICATION REVIEW:**

**AP 21, Lot 4-1**

--On Sharp Street; 3 lot residential subdivision; Applicant: Dorothy M. Carpenter

George Geisser, PE from Geisser Engineering Corporation, Michael Artisani, and Patricia Carpenter approached the Board.

Mr. Geisser explained the proposed subdivision. There was discussion on the 1.4 acres of required buildable land. The applicant will re-work the plan lot lines to meet the requirement.

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**SUNDELIN- MAJOR SUBDIVISION/ PRE-APPLICATION REVIEW:**

**AP 15, Portion of Lot 12;**

--on Fry Pond Road; 3 lot residential subdivision, 2 new lots proposed for development;  
Applicant/Owner: Ann Sundelin

Peter Suorsa, PLS from Coventry Survey and Mrs. Sundelin approached the Board. Mr. Suorsa explained the proposed subdivision. He noted that both proposed lots meet the area suitable for development. There was discussion on the wetlands, the stream, ISDS setbacks, and future access. Motion to combine the Master and Preliminary plan review stages for this project. Ward-Walker. All in favor (5-0).

**PROPOSED AMENDMENT TO LAND DEVELOPMENT AND SUBDIVISION  
REGULATIONS-PUBLIC HEARING cont.**

-- proposal to allow for a Technical Review Committee;

Ms. Giorgi explained that a technical review committee is an opportunity for all staff members to meet together, along with the applicant, to review the plans and put comments into a record. She noted that there are certain matters that can be approved by the TRC subject to confirmation by the Planning Board, and other matters that the TRC would form an advisory recommendation to the Planning Board, such as things that require a public hearing. She noted that the TRC can also defer to the Planning Board. The Board wanted to know if the staff would be willing to stay after hours to accommodate the Planning Board members' schedules. There was discussion on a Consent Agenda. There was discussion on if a Planning Board member should be required to serve on the TRC. Mr. Lepak, Mr. Knott, and Mr. Walker did not feel that a Board member should serve on the TRC, because there is paid staff to review plans. Motion to continue the public hearing. Ward-Boyer. All in favor (5-0).

**AMENDMENT TO GROWTH MANAGEMENT ORDINANCE-**

-- request for advisory opinion to the Town Council on amendment to Zoning Ordinance to set new limit on building permits.

Mr. Boyer left the meeting at 10:53 pm. Mr. Lepak voting.

Ms. Giorgi explained that there are two issues the Town Council is looking at, the number of building permits issued to any one entity to be changed from per year to per quarter, and also the number that the cap is set at. There was discussion. The Board disagreed with changing the quota arbitrarily by resolution. Motion to recommend changing the ordinance to allow no more than ten percent of the permits to any single entity per quarter, changed from per year. Ward-Berry. Motion carries 4-1, with Knott voting nay.

Motion to keep the current system of number of building permits. Ward-Knott. Motion carries 4-1, with Walker voting nay. Mr. Walker noted for the record that 21 permits is arbitrary because the growth management study did not consider that seating capacity is at 100 percent in the high school, yet the ordinance bases the cap on the whole school district.

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**RESIDENTIAL COMPOUNDS**

--review proposed ordinance and make recommendation to Town Council  
tabled to next meeting

**ACCEPTANCE OF MINUTES**

November 22, 2003 Site Visit  
April 5, 2004 Regular Meeting  
May 3, 2004 Regular Meeting  
June 1, 2004 Special Meeting  
June 7, 2004 Regular Meeting  
Tabled to next meeting

Motion to adjourn. Ward-Walker. All in favor (5-0). The meeting ended at 11:03 p.m.

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A regular meeting of the West Greenwich Planning Board was held on August 2, 2004. Present were: Chairman David Berry, Mark Boyer, Michael Walker, and alternate Bill Lepak. Brad Ward and Alternate Bill Bryan were absent. Mr. Knott has resigned. Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy E. Giorgi were present. Consulting Engineers, Nick Piampiano, PE from Garofalo, and Shawn Martin, PE from Fuss & O'Neill were also present.

Chairman Berry called the meeting to order at 7:07 p.m.

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**RESIDENTIAL COMPOUNDS**

--review proposed ordinance and make recommendation to Town Council

**PROPOSED AMENDMENT TO LAND DEVELOPMENT AND SUBDIVISION REGULATIONS-PUBLIC HEARING cont.**

-- proposal to allow for a Technical Review Committee;

Motion to move Residential Compounds and Technical Review Committee discussions to next month. Boyer-Lepak. All in favor (4-0).

**DEER RUN ESTATES – MAJOR RESIDENTIAL SUBDIVISION / MASTER PLAN REVIEW cont.:** AP 2, Lots 13, 15, 16-6 & 18

--On Deer Run Drive off Carrs Pond Road. 24 lot subdivision with road creation;  
Developer: G. Johnson Builders, Inc.

Mr. Boyer recused himself.

Sanford Resnick, Esq., Gary Johnson, developer, and Kirk Andrews, PLS approached the Board. Nick Piampiano, PE from Garofalo for the Town was at the Board.

Chairman Berry noted that there are a few outstanding items for discussion, of the loop road, the location of the detention ponds, and the irregularly shaped lots.

There was discussion on a loop road versus no loop road. Mr. Lepak noted that he was leaning toward not granting the waiver. Mr. Walker noted that he defers to Dave Andrews, the Public Works Director, because he will maintain the road and that Dave Andrews wanted a loop road. Miss Paquet noted that she spoke with both the Police Chief and the Fire Chief and that they both noted that the loop road was better, but that they didn't have a chance to see a loop road. It was decided to move forward with the loop road. Ms. Giorgi noted for the applicant that the Planning Board would like to see the loop road, and that the Planning Board has previously asked for a reconfiguration of lots 21 and 22.

There was discussion on the irregular lot shapes. Mr. Johnson noted that Lots 5, 6, and 12 have plenty of buildable area. Ms. Giorgi noted that the concern is how the lots are monumented to clearly identify the boundary of the lots. Miss Paquet noted that the Board should not be setting up a situation where the lot owner will need a variance for a deck or a pool in the back yard. It was decided that house foot prints, with driveways and ISDS locations will be required on the

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Preliminary Plan and that the issue of lot shapes will be left open for discussion at the Preliminary stage.

There was discussion on the location of the drainage basins. It was noted that Dave Andrews would like to see them at the road. Mr. Resnick stated that the engineer said they would be better placed in the rear of the lot than on the street, but that there is not enough information yet. It was decided to have the Town's consulting engineer confer with the applicant's engineer during the designing of the drainage, before the Preliminary review. Miss Paquet noted that Dave Andrews took her out to see subdivisions in East Greenwich, all which had drainage in the front at the road. It was noted that the applicant should confer with Nick Piampiano, PE and Dave Andrews on the drainage.

The Board went over the comments from the Consulting engineer. It was noted that the dimensions of the lots are not on the Concept B plan.

Francis Boulanger noted that he would like a no-cut zone. Mr. Johnson stated that he had no problem making the setback a no-cut-zone. Mr. Boulanger noted that the drainage easement on his property is full of sand and is not working and that water pours out the back. Mr. Johnson stated that they will be taking it out. He also pointed out that there are deep sinkholes on his property where boulders were buried.

Robert Chito noted that the road is caving in and there are sinkholes in the road near the cul-de-sac where boulders were buried.

It was noted that the applicant will have to address the sinkhole areas in the cul-de-sac.

Robert Chito noted that he has landscaped and maintained the property at the end of the road and he is concerned of damage to the landscaping at the utility box area. Mr. Johnson mentioned doing a no-cut zone. It was noted that the applicant will need to re-landscape the area that is disturbed.

There was discussion on the emergency access. Ms. Giorgi stated that the loop road seems to eliminate the need for it. Chairman Berry stated that he was under the impression that the Board still wants a break-away fence. Miss Paquet noted that there is still only one way in and out.

There was discussion on the total number of lots based on traffic generation. It was noted that a traffic report will be done for Preliminary.

There was discussion on the letter from Traci Barron, attorney for Mr. and Mrs. Chito. It was noted that the letter was received prior to the close of the public hearing. The concerns enumerated in the letter involved requiring a traffic analysis, which will be required for Preliminary. Mr. Chito expressed concern about lack of capacity at the Transfer Station, and asked what is being done about it. Mr. Walker noted that it is an issue for the Town Council. Mr. Chito asked about the Planning Board allowing permits, even though there is a problem at the Transfer Station, or with water. It was noted that these are different issues. Ms. Giorgi gave Mr. Chito her business card to discuss the issues. Chairman Berry explained that the Board does

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ask for reports on groundwater. Mr. Chito stated that his concern is that there is a Board that can make a decision that hurts the Town because it is not the Board's jurisdiction.

Ms. Giorgi noted that in order to have a decision of approval with conditions on the Master Plan, the Board will either need a special meeting to meet the 120 day deadline, or the applicant will have to agree to waive the deadline. The applicant submitted the revised plans for the record. It was noted that this plan is slightly modified from the plan that the consulting engineer has reviewed.

Mr. Resnick stated that they agree to extend the date of the hearing. It was noted that the next meeting is September 13, 2004. Ms. Giorgi stated that there will be a motion for approval based on the conditions that have been discussed.

The applicant requested a withdrawal of the waiver request. Motion to accept withdrawal of waiver request on cul-de-sac length. Walker-Lepak. All in favor (3-0).

### **CHIROPRACTIC CENTER OF WEST GREENWICH- HIGHWAY BUSINESS/ SITE PLAN REVIEW –AMENDED/ REVISED PRELIMINARY PLAN: AP 6, Lot 41-2**

--On Nooseneck Hill Road; 5,000 s.f. Commercial building with two units for office/ retail.

Applicant/Owner: Sherri Morrisette & Robert Campbell

Mr. Boyer rejoined the Board. Mr. Walker recused himself. Mr. Martin, PE with Fuss & O'Neill, consulting engineer for the Town sat with the Board.

Mr. John Pagliarini, Esq. approached the Board. Mr. Pagliarini noted that Mrs. Walker could not be here this evening, but that she is working on a response to the comments of the Town engineer. Mr. Pagliarini noted that the plan has changed as a result of the engineers comments, and the building has been moved to the other side of the site.

Mr. Pagliarini submitted the landscaping and lighting plan. He noted that there is a question of a boundary line dispute, and noted that the plantings are definitively on his client's property, even if the dispute was in the abutter's favor. There was discussion on the landscaping plan. Mr. Bill Miller, contractor for the Chiropractor approached the Board. He explained that the plantings at the back property line are scotch pines, and that 4 inch caliper trees will be planted to provide immediate screening. Mr. Miller noted that the lights are not high-density lights.

It was noted that the curb cut has remained the same as the previous plan. Mr. Pagliarini stated that the owners of the property need to be out of their existing building by November, and that the applicant would like the Board's blessing to move forward to get a foundation permit prior to the Final Plan approval. There was discussion on the engineer's comments on the ISDS and the drainage method. There was discussion on labeling the parking area with the loading area, instead of asking for a waiver. Miss Paquet noted that this revised plan does not include a fence along the property line like the previous plan did, but that she contacted Chippy's L'il Rhody Ice Cream and noted that they did not have a problem with that. There was discussion on the dumpster location. The Board requested that the applicant try to get a later pick-up time. There was discussion on signage.

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Mr. Robert Murray, Esq. of Taft & McSally, representing the rear abutter's Mr. and Mrs. Cartier, approached the Board. Mr. Murray noted that the concerns of the Cartiers are an on-going issue with the boundary, which he noted is a civil matter. He noted that the house is very close to the property line and that there is an encroachment. He noted that there are issues of grading and the location of the Cartiers' cesspool. Mr. Murray noted that the screen vegetation is desirable. Mr. Murray asked to not have the Final plan be administrative, and that it come back to the Board. He stated the concerns are the operation of the lighting, the dumpster, and the general use of the property to the rear, and asked that they be as unobtrusive as possible, given the proximity of the Cartiers' house. Mr. Pagliarini noted that the applicant has tried to account for the issues. He noted that the building has been moved 20 feet closer to Nooseneck Hill Road, they went with larger staggered vegetation, and with more expensive less incandescent lighting system that will need more poles. Mr. Pagliarini stated that they need to get going because they are out of the building in November. There was discussion. Mr. Murray noted that they are opposed to the issuance of any permit until Final approval and would be inclined to file an appeal if a permit is issued. The Board noted that it is not their authority to grant permits, only the Building Official. There was discussion on if Final approval will be administrative or not.

Motion to approve the amended Preliminary Site Plan for the Chiropractic Center of West Greenwich with the following conditions:

1. Town Engineer confirm PAP for revised site layout
2. Town Engineer confirm ISDS for revised site layout
3. submit lighting plan and landscaping plan by a Landscape Architect, with shade trees for parking area, vegetative buffer to residential use, landscaping for front of property and drainage area, to the Town Engineer, for review.
4. have Town Engineer and applicant's engineer finalize the engineering.
5. application be handled administratively for Final plan
6. Re-align the dumpster and request late pick-up
7. label the area on the plan for shared loading area and employee parking
8. Zoning Officer to review the sign plan.

Boyer-Lepak. All in favor (3-0).

**FRY RIVER FARMS – MAJOR RESIDENTIAL SUBDIVISION /  
FINAL REVIEW/ As-built drawings: AP 16 Lot 2-1**

-- on Fry Pond Road. 8 lot subdivision with road creation; Applicant: Robert Maguire

Mr. Maguire, and Kevin Morin, PE from DiPrete Engineering approached the Board. Shawn Martin, PE with Fuss & O'Neill, consulting engineer with the Town sat with the Board.

Mr. Boyer asked Mr. Martin if he has an opportunity to review the material prior to the meeting. Mr. Martin indicated that he has reviewed the plans before the Board. Mr. Morin explained that he received comments on the as-builts from Mr. Martin and that he responded to them, and revised the plans to reflect what was needed. Mr. Morin explained that the drainage easement was moved during construction to save a significant oak tree. Mr. Morin noted that the drainage berm needs to be raised. Mr. Morin went over the Planner's comments. Mr. Morin noted that

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the dry hydrant has been installed, and that the Fire Chief has signed off on it. There was discussion on a pull-off area and easement. Miss Paquet noted that the Fire Chief should be asked if he needs an easement for a pull-off area. There was discussion on bounds. Mr. Martin noted that he has read Mr. Morin's response memo and the revised plans and noted that he was satisfied. He noted that the cost punch-list has been revised as well and that it seems accurate.

Motion to approve the Final As-Built Plans for the Fry River Farms Major subdivision, AP 16, Lot 2-1 prepared by DiPrete Engineering Associates, Inc. prepared for Robert Maguire, dated June, 2004, revised 07-29-04, with the following conditions:

1. Pay Final Plan filing fee of \$500.00.
2. Pay cost of Preliminary Hearing Display Advertisement
3. Replenish Project review account with \$2,000.00
4. That the two administrative subdivisions occur prior to recording the Final Major plan, and that the administrative subdivision application fee is waived.
5. That right-of-way bounds be installed in the field and located on the recorded plan.
6. Open Space and Recreation Fee of \$2,825.00 per new lot be assessed. (Total of \$19,775.00)
7. Show dry hydrant location and easement on recorded plan.
8. Conveyance deeds / easements and descriptions for public improvements are to be submitted in advance of request for Town Acceptance of improvements so they may be reviewed by legal counsel.
9. That outstanding construction issues be handled administratively through Town Staff.
10. that the record plan be reviewed by the Administrative Officer
11. Post the Performance Guarantee of \$22,360.00 for the remaining improvements.

Based on the 7 findings of fact as noted in the Draft motion.

Boyer-Walker. All in favor (4-0)

### **THE CLUB AT WICKABOXET – MAJOR RESIDENTIAL SUBDIVISION/ PRE-APPLICATION, cont.:** AP 34, LOTS 2, 2-8, & 2-9

--On Plain Meeting House Road; Revised concept of 154 lot subdivision proposed plus 46 condo units and roadways; Applicant/ Owner: Wickford Junction Associates, LLC

Town Council members Robert Butler and Richard Huntsman were present.

Peter Ruggiero, Esq., attorney for the applicant approached the Board.

Mr. Robert Cioe and his two sons were present in the audience.

Mr. Ruggiero explained the proposed ordinance is for the Zoning Ordinance and would need Town Council action. He noted that the proposed ordinance is a blend of conservation design and cluster concepts. He discussed the provisions of the proposed ordinance, including a floating zone, provisions for a community center with small scale incidental retail. Mr. Ruggiero noted that the ordinance is a discussion point to see if it is something that the Town is interested in. There was discussion on the provisions of the proposed ordinance. There was discussion on the opportunity for affordable housing. There was discussion on Zoning Ordinance and

**WEST GREENWICH**

**August 2, 2004**

**PLANNING BOARD MEETING**

Comprehensive Plan amendments. There was discussion on doing an inventory of all parcels in Town greater than 50 acres, to have as information for a possible work session.

A meeting date was set for a joint workshop with the Planning Board and the Town Council for Monday, August 23, 2004 at 6:00 p.m. Ms. Giorgi and Mr. Ruggiero will work on the draft together.

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There was discussion with the Planning Board and the two Town Council members on the August 4, 2004 meeting for Centre of New England. Councilman Butler explained that the Town Council is looking for direction.

There was discussion on the Technical Review Committee idea, and if there should be a Planning Board member on it.

Motion to approve the minutes of the July 12, 2004 Regular Meeting. Walker-Boyer. All in favor (4-0).

Motion to adjourn. Boyer-Walker. All in favor (4-0). The meeting ended at 10:45 p.m.

**WEST GREENWICH**  
**August 23, 2004**  
**PLANNING BOARD MEETING**

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A special joint workshop meeting of the West Greenwich Planning Board and Town Council was held on August 23, 2004. Present from the Planning Board were: Chairman David Berry, Brad Ward, Michael Walker, and alternates Bill Lepak and Bill Bryan. Mark Boyer was absent. Present from the Town Council were: Council President Thaylen Waltonen, Robert Meehan, Robert Butler, and Richard Huntsman. Councilman Robert Smith was absent. Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy E. Giorgi were present.

The meeting began at 6:00 p.m.

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**6:00 p.m.:**

Joint Planning Board and Town Council Workshop

**THE CLUB AT WICKABOXET – MAJOR RESIDENTIAL SUBDIVISION/  
PRE-APPLICATION, cont.:** AP 34, LOTS 2, 2-8, & 2-9

--On Plain Meeting House Road; Concept of 154 lot subdivision proposed plus 46 condo units and roadways; discussion on conservation development Applicant/ Owner: Wickford Junction Associates, LLC

Peter Ruggiero, Esq., was present to explain the proposed concept of Rural Design Development ordinance. Mr. Ruggiero explained that his client sees the current regulations as an impediment, and the cluster concept would be in the best interest of the Town and the applicant. He explained that there would be two levels of review, one before the Planning Board and one before the Town Council for a zone change for each application.

The concerns expressed by the Town were: how to ensure that the open space remains open space, and does not get developed later on; how the building permit cap comes into play; buffers to existing residents; how this particular type of development would limit impact to the schools; balancing the property rights of the developer with the community; mixing in of affordable housing; the type of review procedure; management of private infrastructure; and how and if this fits into the Comprehensive Plan.

There was discussion on ways to ensure open space in perpetuity such as deeding it to a land trust or other conservation entity. There was discussion on ways of ensuring that there is little to no impact on the schools, such as the type and price of housing, and pacing development based on number of school children in the development. There was discussion on incorporating affordable housing and possible density bonus. There was discussion on Land Development Project review process, with submission of both a conventional and a cluster master plan for an appropriate yield plan, a special checklist, and a floating zone.

It was noted that the consensus is to pursue the conservation zoning, and Town Council President Waltonen noted that he is keeping an open mind, but that he doesn't want to mislead anyone, because he has reservations about it. The staff will work on a polished draft and the applicant will work on an application. The Planning Board requested that this be put on the September 13, 2004 regular meeting agenda for comments on the draft. This discussion ended at 7:20 p.m.

**WEST GREENWICH**  
**August 23, 2004**  
**PLANNING BOARD MEETING**

The Town Council members left the meeting.

7:30 p.m.: This presentation began at 7:22 pm  
Planning Board only

**CENTRE OF NEW ENGLAND- PRESENTATION ON PROPOSED ZONING  
DISTRICT CHANGE/ COMPREHENSIVE PLAN AMENDMENT-**

--Developer to present vision for Centre of New England. Concept of rental units included in retail park. (This is not a public hearing.)

John Pagliarini, Esq., handed out a draft amendment to the Comprehensive Plan, Growth Management Ordinance, and Zoning Ordinance. He also handed out a narrative from his client's Landscape Architect, and showed pictures of similar shopping developments and the proposed residential units. Ms. Giorgi explained that this is a new zone, with it's own dimensional and use requirements. Mr. Pagliarini note that this would also include the existing uses and would apply to the whole 70 acres in Wet Greenwich. He also explained that the Town line has been made official and was signed by Governor Carcieri. He explained that Coventry will inspect the road and that all the drainage will be in Coventry. He noted that they think the silting to Lake Tiogue is caused by I-95 drainage pipes, which they are planning on tying into the drainage on site. There was discussion on the proposed residential component. Concerns expressed by the Board were, accommodating Special Needs citizens; if property owner would be willing to accept vouchers; how to capture the pictures shown this evening into a zoning ordinance; how to ensure the commercial development occurs prior to or along with the residential; impacts to the school; water availability; the current curb cut problems; and the problem of truckers parking on the median. There was discussion on the Building Permit cap; police, fire, and rescue and other public services and off-site improvements; traffic lights; and connecting Centre of New England Boulevard through from New London Turnpike to Hopkins Hill Road.

The meeting ended at 8:53 p.m.

**WEST GREENWICH**  
**September 13, 2004**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on September 13, 2004. Present were: Chairman David Berry, Mark Boyer, Michael Walker, Brad Ward and alternate Bill Bryan. Alternate Bill Lepak was absent. Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy E. Giorgi were present.

Chairman Berry called the meeting to order at 7:00 p.m.

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**DEER RUN ESTATES – MAJOR RESIDENTIAL SUBDIVISION / MASTER PLAN  
REVIEW cont.: AP 2, Lots 13, 15, 16-6 & 18**

--On Deer Run Drive off Carrs Pond Road. 24 lot subdivision with road creation;  
Developer: G. Johnson Builders, Inc.

Mr. Boyer recused himself.

Mr. Sanford J. Resnick, attorney; Mr. Kirk Andrews, PLS; and Mr. Gary Johnson, developer approached the Board. Mr. Resnick explained the concerns in the draft motion of if emergency access is needed, if the lots are supposed to be marked with boundary markers by the developer, and if underground utilities are required. There was discussion and it was decided that these issues would be revisited at the Preliminary review. Mr. Johnson stated that he had no problem fixing sprinklers if damaged during road removal and construction at the existing residences. Mr. Boulanger expressed concern of drainage when the cul-de-sac is removed. The engineer is to look at re-engineering the end of the cul-de-sac.

Motion to approve the Master Plan for Deer Run Estates, AP 2, Lots 13, 15, 16-6, & 18, prepared for G. Johnson Builders, Inc., prepared by K. Andrews Associates, dated June 2, 2004, with the following conditions:

1. That the applicant reimburses the Town for the cost of the Master Plan Public Informational meeting advertisement in the Providence Journal. (\$199.12)
2. That boulders and stumps are allowed to be properly buried on site, and that the proposed burial locations be shown on the Preliminary Plans.
3. That a landscaping plan, prepared by a registered landscape architect, be submitted as part of the Preliminary Plan.
4. That underground electric utilities be pursued for the entire subdivision, and that underground connections be provided to each house in the subdivision.
5. That a traffic report be submitted, including, but not limited to, analysis of site distance and recommendations before Preliminary plan submission.
6. That building envelopes and all proposed building footprints with driveways and ISDS locations be shown on the Preliminary Plans, along with calculations of area suitable for development for each lot, and that all slopes greater than 15% be shaded on the plan. Drainage easements shall be subtracted from the area suitable for development.
7. That the drainage be designed for zero net increase in volume of water leaving the site, in addition to zero net increase in peak flow rate, in order to minimize flooding.

## **WEST GREENWICH**

**September 13, 2004**

### **PLANNING BOARD MEETING**

8. That the drainage design include catch basins (not swales) and that the applicant work with the Town's consulting engineer and public works director on the location of the proposed drainage basins during the design, before the Preliminary plan submission.
9. That emergency access provision at the access easement on the North side of the property will be revisited at the Preliminary Plan, based upon written input from the Police Chief and the Highway Superintendent.
10. That the applicant addresses the remediation of the sinkholes and the blocked drainage at the end of the existing Deer Run Drive cul-de-sac for the Preliminary Plan.
11. That existing landscaped areas that are disturbed during construction are re-landscaped at the end of the existing Deer Run Drive cul-de-sac at AP 2, lots 16-2 and 16-3.
12. That a no-cut setback buffer be imposed along the proposed lots that abut existing lots.
13. That the requirement of lot boundary markers be revisited at the Preliminary review.

This motion is based on the 8 findings of fact in the draft motion.  
Ward-Bryan. All in favor (4-0).

### **NORTH COUNTRY FARMS – MAJOR RESIDENTIAL SUBDIVISION / FINAL REVIEW/ As-built drawings: AP 30 Lot 17**

-- on West Log Bridge Road. 9 lot subdivision with road creation; Applicant: Smiley Development (Andrew Smiley)

Michael Walker recused himself; Mr. Boyer rejoined the Board.

Mr. Andrew Smiley approached the Board and the Board went over the comments in Mr. Shawn Martin's memo. The Board directed to have the consulting engineer check the silt levels in the drainage basins. The applicant is to post a \$25,000.00 cash performance bond that can roll over into a maintenance bond at the time of Maintenance bond. Rhonda McLaughlin asked about the cistern. There was discussion on a request to pay Open Space and Recreation fees at time of building permit. Mr. Bryan noted that it was a reasonable request.

Motion to approve the Final Plans for the North Country Farms Major subdivision, AP 30, Lot 17 prepared by Alpha Associates, Ltd. prepared for Smiley Development, Inc., dated August, 2004, with the following conditions:

1. Pay Final Plan filing fee of \$600.00.
2. Pay cost of Preliminary Hearing Display Advertisement in amount of \$248.90
3. Replenish Project review account with \$3,500.00
4. That road bounds be installed in the field and located on the recorded plan.
5. Open Space and Recreation Fee per new lot be assessed and collected at time of building permit, and that a written statement be added to the plan to this effect, and that the fee be based on the then current rate.
6. Install cistern and receive sign-off from Fire Chief.
7. Show cistern and drainage basin location on recorded plan.
8. Conveyance deeds / easements and descriptions for public improvements are to be submitted in advance of request for Town Acceptance of improvements so they may be reviewed by legal counsel.

**WEST GREENWICH**

**September 13, 2004**

**PLANNING BOARD MEETING**

9. That outstanding construction issues be handled administratively through Town Staff.
10. that the record plan be reviewed by the Administrative Officer

This approval with conditions is based on the 7 findings of fact in the draft motion. Ward-Boyer. All in favor (4-0).

**KNIGHT ESTATES – PUBLIC INFORMATIONAL MEETING AND PUBLIC HEARING**

**MAJOR RESIDENTIAL SUBDIVISION / MASTER PLAN: AP 28, Lot 26**

-- on Stubble Brook Road; 16 lots proposed with road; request for waiver; Owner: Sarah Knight;

Applicant: Robert Woloohojian- Harow, LLC

Mr. Walker recused himself.

Attorney John DiBona, applicant Robert Woloohojian, and Mike McCormick of Alpha Associates approached the Board. Motion to open the public hearing. Boyer-Bryan. All in favor (4-0). Mr. DiBona explained the application is now for a 15 lot subdivision, and that the plan now shows two points of future access. It was noted that the major issue on this subdivision is the request for the waiver on the length of road, for a 2,600 foot long road. Mr. DiBona explained that the waiver is needed because there is no opportunity for a loop and there is no opportunity for any other access at this time. Mr. DiBona stated that it would be ok to go back to using the name "Knight" in the name of the subdivision. There was discussion on the proposed future access roads. Mr. McCormick noted that the general slope from Stubble Brook road is at 9%. He noted that they may need to request for a waiver from the maximum 8 % slope on the road. Mr. McCormick discussed that a straight road is proposed because a curve would not make up for the slope issues. He explained that because of the 9 % slope of the lot, and in order to facilitate the drainage for the entire road, they would need to construct the entire road in order to get the drainage basin at the bottom of the cul-de-sac. He noted that phasing probably would not be an option without large temporary detention basins. He stated that if the road was ended with a temporary cul-de-sac, they would still have to maintain all the drainage which would be roughed in and gravel and there would be erosion problems. Mr. Boyer asked for the Highway Superintendent's feedback on snow removal. There was discussion on meandering the road.

Brian Goslin, 28 Stubble Brook Road, expressed concern on the drainage from Brian McCoy's right of way going on to Stubble Brook Road, and how it will add to this subdivision. The Board noted that everyone has to handle their own water on their own site with engineering. Mr. Goslin asked why the last lot is 10 acres. Mr. McCormick noted that there are wetlands on the last lot.

Steve Johnson asked why it matters if the developer loses lots in order to sweep the road, and expressed that the long stretch is a speedway. The Board noted that it doesn't matter. Mr. Johnson asked how catch basins work and if they are a burden on the taxpayers.

## **WEST GREENWICH**

**September 13, 2004**

### **PLANNING BOARD MEETING**

There was discussion on the abutting property and if the future access road would impact a house. Mr. Koszella, the owner of the abutting property, noted that nobody lives there. Linda Regnaire, daughter of the other abutting property owner asked how the future access road affects her property. She noted that her mother's property has not been divided yet and is still in probate. There was discussion on the future access roads. Mr. William Regnaire asked if three accesses could be provided to the Regnaire property. Miss Paquet explained that the intent of the access is not to provide access to the Regnaire property, but to provide another future means of egress to the Harow Hill subdivision which is under review now. There was discussion on drainage issues.

Julie Negry, 39 Stubble Brook Road, asked about why a waiver is considered if the ordinance is there for a reason. Ms. Giorgi noted that the regulations can be waived if the Board finds that there is compelling reason to waive the requirements according to the State law, and if the Board makes findings that it is in the interest of good planning. Mrs. Negry stated that there are problems with water supply in the area and asked what happens if the new subdivision takes all her water. Mr. Boyer noted that there is a well ordinance in effect where building permits can not be pulled until they prove that they have adequate water. It was noted that that the Board can also ask for a hydrogeology study.

Brian Goslin asked if there is a provision where if the existing residents run out of water in 6 months if they will get reimbursed. Ms. Giorgi noted that there are no guarantees on the provision of water.

Marie Henessy, lot 17, noted that the road is directly opposite her driveway and asked about the activity once the houses are built and expressed concern about traffic. She noted that her house is not near Stubble Brook Road. She asked if the subdivision road could be moved to the side.

Mrs. Plante, 88 Stubble Brook Road, noted that she has multiple wells and noted that there is a bad water availability situation on Stubble Brook Road.

Motion to continue the Public Hearing to October 4, 2004. Ward-Boyer. All in favor (4-0).

### **SUNDELIN- COMBINED PUBLIC INFORMATIONAL MEETING AND PUBLIC HEARING**

#### **MAJOR SUBDIVISION/ MASTER PLAN AND PRELIMINARY PLAN REVIEW: AP 15, Portion of Lot 12;**

--on Fry Pond Road; 3 lot residential subdivision, 2 new lots proposed for development;  
Applicant/Owner: Ann Sundelin

Mr. Walker rejoined the Board. Motion to open the public hearing. Ward-Boyer. All in favor (5-0).

Peter Suorsa, PLS from Coventry Survey, and Ann Sundelin approached the Board. Mr. Suorsa explained the subdivision proposal.

Nick Parente and JoAn Parente expressed concerns of water availability.

## **WEST GREENWICH**

**September 13, 2004**

### **PLANNING BOARD MEETING**

Kathy Swann (Ms. Ann Sundelin's daughter) approached the Board.

Motion to approve the combined Master Plan and Preliminary Plan for the Major subdivision application submitted by Ann Sundelin for the property located at AP 15, Portion of Lot 12, prepared by Coventry Survey Co., Inc, dated August 4, 2004 with the following conditions:

1. That the applicant reimburse the Town for the cost of the Providence Journal public hearing notice (approximately \$200)
2. That the Open Space and Recreation fee be assessed per new lot (2 lots @ \$2,825.00 per lot is \$5,650.00)
3. That the Final Plan may be reviewed administratively.

This approval, with conditions, is based on the 7 findings of fact in the draft motion.

Ward-Walker. Mr. Walker called for discussion. There was discussion on the Fire Suppression Fees. It was noted that the Subdivision Regulations state that the Fire Chief must state in writing that a need exists. Mrs. Sundelin asked about the Open Space and Recreation Fees and the Farm Forest and Open Space Act and penalty fees. The Board explained that they are two different fees. Motion is on the table. All in favor (5-0).

There were residents in the audience asking about the Rural Residential Design Ordinance. There was discussion.

### **CENTRE OF NEW ENGLAND- PUBLIC HEARING -PROPOSED AMENDMENT TO COMPREHENSIVE PLAN/ ADVISORY OPINION TO TOWN COUNCIL ON PROPOSED ZONING ORDINANCE AMENDMENT: AP 1, Lots 4-1, 4-2, 4-3, 4-4, 4-5, 4-6, and 3-1**

---Proposed creation of an Exit 7 Special Management District (SMD)

Applicant/ Owner: Commerce Park Realty, LLC

Mr. John A. Pagliarini, Jr. Esq. approached the Board. Motion to open the public hearing. Ward-Boyer. All in favor (5-0).

Mr. Pagliarini explained that there are three things being proposed, an amendment to the Comprehensive Plan, an amendment to the Growth Management ordinance, and an addendum to the Zoning code to create an Exit 7 Special Management District.

Ms. Giorgi explained that the proposed Comprehensive Plan amendment is to the Land Use Element, Section 4 to establish the Exit 7 Special Management District. She stated that the intent of the District is to promote planned development as opposed to piecemeal development, and to allow for a district-wide Master Plan and to allow mixed development of commercial and residential. She noted that the conditions are further described in the proposed zoning ordinance amendment. Mr. Walker expressed concern that there isn't a comprehensive Master Plan for the entire 400 acres that has been adopted by the three communities. He noted that the only way this is going to be beneficial is if the entire plan of what is going to take place and how it is going to take place is known. Ms. Giorgi noted that the problem with that is that the Town of West Greenwich doesn't have jurisdiction over the property in the other Towns. There was discussion

## **WEST GREENWICH**

**September 13, 2004**

### **PLANNING BOARD MEETING**

on this. There was discussion on the proposed Comprehensive Plan amendment. Mr. Bryan suggested clarifying the low and moderate income act reference as a Rhode Island act. Mr. Pagliarini explained Tax Increment Financing District.

**Motion** to amend the West Greenwich Comprehensive Plan Land Use Element Section II F. to add item number 4, and to amend the Future Land Use Map, as requested in the application of Commerce Park Realty, LLC, to create the Exit 7 Special Management District and to reclassify the area of AP 1, Lots 4-1, 4-2, 4-3, 4-4, 4-5, 4-6, and 3-1 from 'Highway Business' to 'Exit 7 Special Management District' based on the following findings of fact, consistency with the Comprehensive Plan, and conditions of approval: as in the draft motion- Findings of Fact items 1 through 3; Consistency with the Comprehensive Plan Housing goal 2, policy 2, goal 3, goal 5, policy 13, goal 8, Circulation Element goal 10, Economic Development goal 1, goal 2, policy 2, implementation 1, policy 15; Conditions of Approval required by State Law 1 and 2; and Other Conditions of Approval:

1. That the applicant reimburse the Town for the costs of Public Hearing meeting notice requirements (3 notices in Providence Journal totaling \$896.04)

Boyer-Walker. Motion carries 4-1, with Mr. Walker voting nay.

There was discussion on the proposed Zoning Ordinance amendments. The Board went over the proposed changes to the Growth Management section of the Zoning Ordinance and made changes. **Motion** to recommend to the Town Council, the proposed amendment to the Growth Management section of the Zoning Ordinance with changes. Walker-Bryan. All in favor (5-0).

The Board went over the proposed Exit 7 Special Management District language. Changes were discussed and made. **Motion** to continue the review and discussion to a special meeting at 6 p.m. September 22, 2004, before the Town Council public hearing. Ward-Boyer. Motion carries 4-1, with Walker voting nay.

### **PROPOSED AMENDMENT TO LAND DEVELOPMENT AND SUBDIVISION REGULATIONS-PUBLIC HEARING cont.**

-- proposal to allow for a Technical Review Committee;

There was discussion on a Planning Board member as part of the TRC.

**Motion** to approve as amended the Technical Review Committee amendment to the Land Development and Subdivision Regulations and the appropriate checklist changes. Ward-Boyer. All in favor (5-0).

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Mr. Ward was designated as the Planning Board representative to the Housing Task Force for the development of the Affordable Housing Plan.

Mr. Boyer was designated as the Planning Board representative to the Residential Compound Commission for the development of the Residential Compound Ordinance.

**WEST GREENWICH**  
**September 13, 2004**  
**PLANNING BOARD MEETING**

**RESIDENTIAL COMPOUNDS**

--review Final Draft of proposed ordinance and make recommendation to Town Council

There was discussion on the proposed Residential Compound Ordinance. A maximum of 3 lots per compound was decided on, with a 5 acre minimum density. It was decided that there would be no open space requirement, and it was noted that the road must be taken out of the density calculation. It was decided that underground electrical utilities would be required, and that fire access roads need to be complied with.

Motion to recommend to the Town Council approval of the proposed Residential Compound amendment to the Subdivision Regulations and to the Zoning Ordinance. Ward-Boyer. All in favor (5-0).

**PROPOSED RURAL DESIGN DEVELOPMENT ORDINANCE-**

--Discuss/ submit comments on proposed ordinance (ordinance initiated from proposed Club at Wickaboxet Major Subdivision)  
Not discussed.

**ACCEPTANCE OF MINUTES**

November 22, 2003 Site Visit  
April 5, 2004 Regular Meeting  
May 3, 2004 Regular Meeting  
June 1, 2004 Special Meeting  
June 7, 2004 Regular Meeting  
August 2, 2004 Regular Meeting  
August 23, 2004 Special Meeting

Tabled to next month.

Motion to adjourn. Ward-Boyer. All in favor (5-0). The meeting ended at 10:55 pm.

**WEST GREENWICH**  
**September 13, 2004**  
**PLANNING BOARD MEETING**

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A special meeting of the West Greenwich Planning Board was held at 6:30 p.m. on September 13, 2004. Present from the Planning Board were: Chairman David Berry, Mark Boyer, Brad Ward, Michael Walker, and alternate Bill Bryan. Alternate Bill Lepak was absent. Town Planner Jennifer Paquet was present.

The meeting began at 6:30 p.m.

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The Board met with Planning Board candidate Tom O'Loughlin.

The meeting ended at 6:56 pm

**WEST GREENWICH**  
**September 22, 2004**  
**PLANNING BOARD MEETING**

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A special meeting of the West Greenwich Planning Board was held at 6:00 p.m. on September 22, 2004. Present from the Planning Board were: Brad Ward, Michael Walker, Mark Boyer (6:25pm) and alternate Bill Lepak. Chairman David Berry, and alternate Bill Bryan were present for the second part of the meeting at 7:45 pm.

Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy Giorgi (6:44pm) were present.

Secretary Bran Ward called the meeting to order at 6:11 p.m.

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**CENTRE OF NEW ENGLAND- ADVISORY OPINION TO TOWN COUNCIL ON  
PROPOSED ZONING ORDINANCE AMENDMENT, cont.:**

AP 1, Lots 4-1, 4-2, 4-3, 4-4, 4-5, 4-6, and 3-1

--Proposed creation of an Exit 7 Special Management District (SMD)

Applicant/ Owner: Commerce Park Realty, LLC

Attorney John A. Pagliarini, Jr. approached the Board. Miss Paquet went over the recommended changes. There was discussion on percentage of landscaping. There was discussion on Special Use Permits and liquor licenses. Mark Boyer arrived at 6:25 pm. There was discussion on size restrictions. Ms. Giorgi arrived at 6:44 pm. There was discussion on percentage of commercial, residential, and landscaping and if that means ground coverage. Mr. Boyer left at 6:47 p.m. There was discussion on low and moderate income housing. Mr. Pagliarini stated that it would be near a deal breaker if they had to add 75 low-mod units, and that it changes the concept of the development of being "luxury." He stated that his estimate on the demands on the school is based on high-end units. There was discussion on trying to make a good development that works for the developer and for the Town. There was discussion on density, and that no more than 25% of the gross floor area of the commercial development shall be consumed by any one unit, not to exceed 60,000 square feet. Section g. on maximum building height was revised to be 60 feet for all except for a hotel at 90 feet. The Board took a recess at 7:25 to reconvene with the Town Council.

The meeting reconvened at 7:45 pm, and the Town Council Public Hearing was opened. Planning Board members now present are: Berry, Bryan, Lepak, Ward, and Walker. Mark Boyer was absent. The Planning Board sat in the front of the audience. Mr. Pagliarini went over the proposed Comprehensive Plan amendment. There was discussion on Land Development Projects and the review process. There was discussion on Tax Increment Financing. There was discussion on the completion of the road through to Hopkins Hill Road. Mr. Bryan suggested adding language to the phasing section speaking to public safety, to "ensure public safety is not compromised." The Planning Board agreed with this as did the Council. Dianne Blaquiere, in the audience, noted that Mishnock is supposed to be a special management area and noted that it is environmentally sensitive and needs sewers. Mr. Pagliarini went over other developments and noted how many children there are in them. He noted that they are projecting 40 school age children in the 300 market rate units. It was noted to add to the October 4<sup>th</sup> Planning Board meeting the acceptance of the changes to the Comprehensive Plan amendment. There was discussion on the proposed changes to the Growth Management section of the Zoning Ordinance.

**WEST GREENWICH**  
**September 22, 2004**  
**PLANNING BOARD MEETING**

The Town Council noted that they do not want more than 500 residential units, and that they do not want school age children in this development. Motion to continue the Planning Board review at the October 4, 2004 meeting. Ward-Bryan. All in favor (5-0). Motion to adjourn. Ward-Bryan. All in favor (5-0). The meeting ended at 10:10 pm.

**WEST GREENWICH**  
**October 4, 2004**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on October 4, 2004. Present were: Chairman David Berry, Mark Boyer, Michael Walker (late), Brad Ward, alternate Bill Lepak and Alternate Bill Bryan (late). Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy E. Giorgi were present.

Chairman Berry called the meeting to order at 6:00 p.m.

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**CENTRE OF NEW ENGLAND- PROPOSED AMENDMENT TO COMPREHENSIVE PLAN/ ADVISORY OPINION TO TOWN COUNCIL ON PROPOSED ZONING ORDINANCE AMENDMENT, cont.:** AP 1, Lots 4-1, 4-2, 4-3, 4-4, 4-5, 4-6, and 3-1

---Proposed creation of an Exit 7 Special Management District (SMD)

Accept further revisions to Comprehensive Plan Amendment made by Town Council, continue advisory opinion.

Applicant/ Owner: Commerce Park Realty, LLC

Attorney John A. Pagliarini, Jr. approached the Board for the applicant. The Board went over the proposed ordinance. There were questions and discussion on a Fiscal Impact Analysis. Mr. Pagliarini passed out a break-down of the estimated number of children and tax revenue of the proposed residential portion of the SMD. There was discussion on trying to achieve 25% of the residential development as qualifying for low and moderate income households. The applicant is to try more schemes. There was discussion on parking spaces and if the garage spot counts towards the parking. There was discussion on the residential signage. Mr. Pagliarini noted that Mr. LeCesse needed a 60 foot tall sign of 300 square foot of content for the residential. Mr. Walker arrived at 6:34 pm. The Board requested that the applicant present renderings for the signs depicting the heights and the view from the highway for October 18<sup>th</sup>. Mr. Walker expressed concern about the content of the sign changing to advertise for something else. There was discussion on traffic studies and other off-site improvements. There was discussion on lighting. It was noted that a lighting plan is to be done by an electrical engineer. There was discussion on sidewalks. Mr. Ward left at 7:00 pm. There was discussion on Phasing and timing. Mr. Bryan arrived at 7:10 pm. There was discussion on fees. There was discussion on the location of the low and moderate income units within the development. Ms. Giorgi suggested incorporating by reference into the Zoning Ordinance the conceptual plan that the applicant presented to show this proposed development because it shows things like the quality of the development, amount of greenery, parking, a visual of the amount of commercial and residential, etc.

It was noted that the following issues are to be discussed further on October 18<sup>th</sup>:

1. Percentage of Low and Moderate Income units
2. Number of parking spaces per unit.
3. Sign dimensions need to be worked out, the applicant will present renderings depicting heights and sizes of the signs, as viewed from the highway.
4. What the Zoning Ordinance regulates for sign content and sign content changing.
5. Sections 17 and 18.
6. Does Coventry have a bond on the road? Need documentation.

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Motion to continue this discussion until October 18, 2004. Bryan-Boyer. All in favor (5-0).  
The Board took a ten minute recess from 7:30 to 7:40 pm.

**VICTORY WOODS – MAJOR RESIDENTIAL SUBDIVISION / COMPREHENSIVE PERMIT ADVISORY REVIEW (MASTER PLAN) cont.:** AP 14, Lot 15-6

--On Victory Highway; 52 lot subdivision with Open Space and Roads; 57 total units;  
Regarding street width and sidewalks on revised plan, issue advisory recommendation.  
Owner: Rhode Island Housing; Applicant: SWAP, Inc.

Mr. Walker recused himself. Present for the applicant were Attorney Bill Landry and Cindy Bauman, PE. Shawn Martin, PE was present as the Town's consulting engineer.

Ms. Giorgi explained that the Zoning Board has requested additional information on sidewalks if the road was narrower than recommended. There was discussion on road width and sidewalks, and children walking to the bus stop. Ms. Bauman noted that there will be Cape Cod berms and at least 3 off-street parking spaces will be provided per house. Ms. Bauman explained that some of the buffer may be compromised in order to provide a sidewalk.

Motion to recommend that a sidewalk be provided on one side of the access road, and that a staging area for a school bus stop and street light be provided at the intersection of Route 102 on the same side as the sidewalk. Also, that the access road have a 24 foot travel way with two 1-foot berms, and the rest of the plat may have a 22 foot travel width with two 1-foot berms and no sidewalk. Additionally, that there be notice, by a tasteful sign, that there be no parking on the roadway and that a covenant be added to the homeowners' documents for no on-street parking, and that the homeowners are to maintain the sidewalk and bus stop. Bryan-Berry. All in favor (4-0).

**KNIGHT ESTATES – PUBLIC INFORMATIONAL MEETING AND PUBLIC HEARING**

**MAJOR RESIDENTIAL SUBDIVISION / MASTER PLAN, cont.:** AP 28, Lot 26

-- on Stubble Brook Road; 15 lots proposed with road; request for waiver; Owner: Sarah Knight;  
Applicant: Robert Woloohojian- Harow, LLC

Mr. Walker recused himself. Attorney John DiBona, and Michael McCormick and Harry Miller of Alpha Associates approached the Board for the applicant. Mr. DiBona recapped the previous meeting and stated that the applicant needs relief from the requirement of a maximum 1,200 feet long road. He explained that they provided access to the east and west lots, and stated that the nature of the parcel, shape and conditions, does not provide for anything else. Mr. McCormick noted that there were concerns with the access on Stubble Brook Road and issues with the straightness of the road. He noted that they incorporated a serpentine design in the shape of the road and off-set the location of the entrance to the west. He noted that the lot is unique in that it is long and narrow and that they are limited with what they can do. He stated that the slope is roughly at 9 percent. Mr. McCormick stated that if they had to go with an 8 percent slope, that the fill would be in excess of 25 feet. There was discussion on the road ending at 1,200 feet. It

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was noted that the slopes would still be the same. Mr. Miller passed out and went over slope graphs showing profiles of 8 percent and 9 percent roads. Mr. Lepak stated that besides the safety factors, enforcing the 1,200 foot regulations is prudent from a growth management perspective. He stated that a 2,600 foot road is a self-inflicted hardship and expressed that the applicant should follow the existing regulations, and that there is no reason why the Planning Board should grant a waiver based on this configuration. Mr. DiBona stated that the Board should look at the unique nature of the lot. Mr. Lepak noted that no one is depriving the applicant of use of the lot, and that 6 or 7 lots could be made with a road at 1,200 feet.

Mr. Robert Woloohojian, the applicant, spoke about the other parcels abutting the property. He noted that his parcel does not stand alone, and noted that his is the first to be developed and is taking all of the burden of the design approach. He noted that if it could be developed in conjunction with another parcel that there wouldn't be an issue now, and that loops would be expected at 1,200 feet. He noted that it is just a matter of time when the other parcels get developed. Miss Paquet clarified for the Board that the applicant is requesting two waivers-one on the length of the road and one on the slope of the road. Mr. Miller stated that they are not requesting a waiver at the Master plan for slope, because nothing has been designed, but that they are letting the board know that they will be requesting waivers for the slope. Mr. Lepak asked if the applicant has had negotiations with the other property owners to acquire additional land to allow a loop system. Mr. Woloohojian stated that they haven't. Mr. DiBona noted that the applicant doesn't own the land yet. Chairman Berry noted that the Board has been holding to the regulations. He noted that the Highway Superintendent has concerns of the slope of the road and commented that the road should end at 1,200 feet to eliminate further problems. Chairman Berry noted that maybe in the future the land to the east and west could be developed, and potential tie-ins to those properties to eliminate the cul-de-sac length. Mr. Martin noted that he expressed in his memo concerns of exacerbating the problems of this design by making the cul-de-sac longer. He stated that there is a grade issue that needs to be overcome. He noted that he suggested that the applicant retain a parcel of land in the back until the abutting parcels are developed. Mr. Bryan expressed that he is particularly concerned with the slope of the road and is not comfortable with the waiver from a safety issue.

Julie Negry, 39 Stubble Brook Road, noted that it is a strange area because there are flooded basements and dry wells, and noted concerns of water availability to support all the new houses.

Melissa Brown, Plain Road, had a question on the slope of Plain Meetinghouse Road, and noted that she can't get out if the roads are not plowed yet or are slushy.

Ms. Girogi asked Mr. McCormick if they think they can meet the 8 percent slope requirement. Mr. McCormick stated that they can't effectively serve the lots. Ms. Girogi noted that the slope also needs to be part of this discussion now, and advised the Board to make the determination now on the slope, and not wait. There was discussion. Mr. Boyer asked the applicant if there is a design that could meet the 8 percent slope and leave the length at 1,200 feet that the applicant could accept. Mr. DiBona noted that the applicant will have to go back to the owner to discuss that issue. Mr. Martin noted that the difference between an 8 percent and a 9 percent slope is a linear change, and that the standard is there for a reason. He noted that over 8 percent it is more and more difficult for trucks and vehicles to make the hill, especially coming down the hill for

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the grade at that length, and noted that it is a bad combination. He noted that even at 1,200 feet, 9 percent is pushing it. There was discussion on the slope waiver. Mr. Bryan noted that this is a unique property, in physical configuration as well as natural features. He noted that trying to create a density based on acreage of the land, which is not going to work, and stated that the applicant needs to be a little more creative. He stated that he'd like to find a way that the parcel could be developed within the regulations, and noted that it is a tough piece of land, and that just because it is a piece of land does not mean that it is developable to the extent proposed. The options of withdrawing, voting to deny, or granting an extension of the deadline were discussed.

Mr. DiBona stated that the applicant is willing to extend the deadline for Master Plan review to the November meeting. Motion to continue the Master Plan review to the November 1, 2004 meeting. Boyer-Bryan. All in favor (4-0).

### **SADDLE RIDGE (THE CLUB AT WICKABOXET) –**

#### **MAJOR RESIDENTIAL SUBDIVISION/ REVISED PRE-APPLICATION, cont.:**

AP 34, LOTS 2, 2-8, & 2-9

--On Plain Meeting House Road; Revised concept of 177 lot subdivision proposed with roadways; Applicant/ Owner: Wickford Junction Associates, LLC

Mr. Bryan left the meeting at 9:09 pm. Mr. Walker rejoined the Board.

Peter Ruggiero, attorney for the applicant, and John Cioe, member of LLC approached the Board. Mr. Ruggiero explained that the applicant is pursuing two concurrent applications—they are moving forward with the conventional application, which is before the Board now, and also simultaneously seeking the alternative development. He noted that the conventional plan will also be useful for a yield plan. Mr. Cioe explained that the plan is based on current regulations, and will decide after Master Plan on which direction they want to go in, but that the intention is to develop the property. Miss Paquet noted that in order to move forward to Master Plan, a full complete application is needed, not something supplemental to what was submitted 10 years ago. Ms. Giorgi asked that information on land suitable for development be calculated for lots in areas where it is questionable. Mr. John Cioe stated that they will add a table with regard to buildable area of the lots. Mr. Bob Cioe approached the Board and noted that there is also question on the riverbank wetland and septic systems and noted that they will provide that also. He explained that there are also 140 test pits that were dug in 1992. Ms. Giorgi noted that the applicant stated that they are not seeking any waivers, and asked that they note lengths on the cul-de-sacs where it is close. She noted that there is now a Technical Review Committee which will first meet in November. There was discussion on phasing and bonding. It was noted that the wetlands have been flagged and verified.

### **PROPOSED RURAL DESIGN DEVELOPMENT ORDINANCE-**

--Discuss/ submit comments on proposed ordinance (ordinance initiated from proposed Club at Wickaboxet Major Subdivision)

Miss Paquet and Ms. Giorgi recommended that the Board pursue a true conservation design subdivision ordinance. Ms. Giorgi noted that it can be done in-house, but that it will take some time. Mr. Walker noted that the Board should be having special meetings to discuss policy

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issues and long range planning, and that regular business should not be conducted at these meetings.

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**Motion** to recommend to the Town Council that Tom O’Laughlin be appointed to the Planning Board as an alternate and to make Bill Lepak a full member. Boyer-Walker. All in favor (4-0).

Mark Boyer was designated for the TRC organizational meeting.

Set Public Hearing Date for Amendment to Land Development and Subdivision Regulations to incorporate Land Development Projects. It was decided to add this for discussion to November 15, 2004 special meeting, and to set the Public Hearing date to December 6, 2004.

### **ACCEPTANCE OF MINUTES**

November 22, 2003 Site Visit (receive and file)

Motion to approve the minutes from April 5, 2004 Regular Meeting. Walker-Boyer. (4-0)

Motion to approve the minutes from May 3, 2004 Regular Meeting. Walker-Lepak. (3-0) with Boyer abstaining.

Motion to approve the minutes from June 1, 2004 Special Meeting. Walker-Boyer (4-0)

Motion to approve the minutes from June 7, 2004 Regular Meeting. Walker-Lepak (3-0) with Boyer abstaining.

Motion to approve the minutes from August 2, 2004 Regular Meeting, as amended to reflect that Mark Boyer recused himself on the Deer Run Estates item. Boyer-Walker (4-0)

Motion to approve the minutes from August 23, 2004 Special Meeting. Walker-Lepak (3-0) with Boyer abstaining.

Mr. Boyer left the meeting at 10:02 p.m.

### **HUNGRY HILL DEVELOPMENT, INC. – MINOR AND ADMINISTRATIVE COMMERCIAL SUBDIVISION/ PRELIMINARY REVIEW: AP 6, Lot 31-3; Zoned Highway Business**

-- Nooseneck Hill Road; Subdivision of land – no specified use.

Attorney John A. Pagliarini, Jr. approached the Board representing the applicant. Mr. Pagliarini explained that they would like to cut 1.13 acres off the front of the parcel, and that there is no intended use at the moment. He stated that there is no problem with a stipulation that there be no curb cut on Nooseneck Hill Road and that the access should come in from the access road for the soccer dome. He noted that the proposed lot was not taken into account for the Physical Alteration Permit, and asked that a stipulation be added that it be required at Site Plan Review for the lot. There was discussion on how this property ties in to the other property and the issue of the curb cut. Miss Paquet noted that the proposed lot may have some grading issues for the access. A decision with conditions will be drafted for next month’s meeting.

Motion to adjourn. Walker-Lepak. All in favor (3-0). The meeting ended at 10:20 pm

**WEST GREENWICH**  
**October 18, 2004**  
**PLANNING BOARD MEETING**

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A special meeting of the West Greenwich Planning Board was held at 6:30 p.m. on October 18, 2004. Present from the Planning Board were: Chairman David Berry, Mark Boyer, Brad Ward (6:48), Michael Walker, and alternate Bill Lepak. Alternate Bill Bryan was absent. Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy Giorgi were present.

The meeting began at 6:43 p.m.

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**Joint meeting with Town Council**

**CENTRE OF NEW ENGLAND- ADVISORY OPINION TO TOWN COUNCIL ON PROPOSED ZONING ORDINANCE AMENDMENT, cont.:**

AP 1, Lots 4-1, 4-2, 4-3, 4-4, 4-5, 4-6, and 3-1

--Proposed creation of an Exit 7 Special Management District (SMD)

Applicant/ Owner: Commerce Park Realty, LLC

Attorney John A. Pagliarini, Jr. approached the Board and the Council.

Motion to open the discussion of the Planning Board. Walker-Boyer. All in favor (4-0).

Miss Paquet explained that the Council and the Board have before them the latest version of the proposed amendments, including everything that has been agreed on thus far, and a list of outstanding discussion items that still need to be decided. It was noted that Fiscal Impact Analysis needs to be added to the list. Mr. Ward arrived at 6:48 pm. Mr. Pagliarini went over a breakdown of estimated number of children. He passed out and went of a Fiscal Impact, noting that he used Coventry data to estimate the numbers. There was discussion on percentage of Low and Moderate income units there should be. Ms. Giorgi explained that the Planning Board can look at floor plans during the review process to ensure that the units are one bedroom units. There was discussion on going into the percentage conservatory, but to leave it open to increase it later. There was discussion on allowing residential units within the commercial component, other than above the commercial units. There was discussion on parking spaces. A section G. was added, and noted that it does not preclude a park and ride. Michael Weremay, Landscape Architect for the applicant, passed out and discussed a photo depicting the sign heights. There was discussion on fees and on Section 18. Mr. Pagliarini passed out a handout of proposed language for phasing. There was discussion on the Coventry road bond. Mr. Pagliarini submitted the agreement between the Town of West Greenwich and the Centre of New England on Centre of New England Boulevard to Miss Paquet. It was noted that they will submit information on Coventry inspection agreement at the Master Plan stage. There was discussion on Land Development Projects, which is an amendment to Article VII of the Zoning Ordinance. They will address the boulders at the top of the hill at the day care center. Motion to recommend approval of the Special Management District development as amended along with the growth management section and the Land Development Project section. Ward-Boyer. All in favor (5-0).

Motion to adjourn. Walker-Ward (5-0). The meeting ended at 8:51 p.m.

**WEST GREENWICH**  
**November 1, 2004**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on November 1, 2004. Present were: Chairman David Berry, Mark Boyer (arrived at 7:30), Michael Walker, Brad Ward, and alternate Bill Lepak. Alternate Bill Bryan was absent. Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy E. Giorgi were present.

Chairman Berry called the meeting to order at 7:05 p.m.

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There was discussion on the Technical Review Committee. Miss Paquet explained who was present at the first meeting and what was discussed. Mr. Walker expressed concern that if should be a set time each month so that the applicant knows when it will be. There was discussion.

**HUNGRY HILL DEVELOPMENT, INC. – MINOR AND ADMINISTRATIVE COMMERCIAL SUBDIVISION/ PRELIMINARY REVIEW:** AP 6, Lot 31-3; Zoned Highway Business  
-- Nooseneck Hill Road; Subdivision of land – no specified use.

Mr. John Pagliarini approached the Board. Mr. Pagliarini noted that there is no intended use at this point for the new lot and that the traffic report will need to be updated or make a new Physical Alteration Permit submission when the use is known at Site Plan Review. Mr. Pagliarini submitted a check in the amount of \$3,000.00 to reimburse the Planning Board for engineering services for the sports arena. There was discussion on the easement and the lack of engineering details for the access road. Mr. Pagliarini noted that the easement will go all the way to Route 3 and that there will be an engineering detail on the Preliminary Plan for the sports arena.

**Motion** to approve the proposed minor and administrative subdivision for AP 6 Lots 31-2 and 31-3, prepared for Hungry Hill Development, Inc. dated August 18, 2004, prepared by Boyer Associates with the following conditions:

1. Change title block to read Minor and Administrative Subdivision
2. That there be no access to the proposed Parcel A from Nooseneck Hill Road, and that a restriction be noted on the Final Plan and Tax Assessor's plat maps.
3. That an easement be shown on the Final Plan granting the parcel access over AP 6, Lot 31-3, from a future curb cut which is currently proposed for an indoor sports arena.
4. That an easement document for permanent access and temporary construction be reviewed and recorded along with the Final plan.
5. That the Physical Alteration Permit for the back lot be updated with information for the proposed use on the proposed parcel at time of Site Plan Review on the new parcel, or that a separate PAP be sought for the proposed lot when a use is proposed.
6. Replenish engineering account with \$3,000.00
7. That the Final plan may be reviewed by the Administrative Officer.

This motion is based on the 8 findings of fact in the draft motion.

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Ward-Berry. Mr. Lepak called for discussion. There was discussion on the timing of the subdivision and when the sports arena will be constructed. Mr. Lepak asked about amount of lot coverage. There was discussion on restricting uses on the site.

Miss Paquet noted that the motion should clarify the easement as going to route 3 and including a construction easement. The motion was amended so by Mr. Ward and seconded by Mr. Berry. Motion carries 3-1, with Mr. Walker voting nay.

**TECHNICAL REVIEW COMMITTEE**

-- Designate Member of Planning Board to first TRC review meeting.

Mr. Boyer arrived at 7:30 pm. Mr. Boyer was designated as the November Technical Review Committee member.

**HAROW HILL (aka KNIGHT ESTATES) – PUBLIC INFORMATIONAL MEETING AND PUBLIC HEARING**

**MAJOR RESIDENTIAL SUBDIVISION / MASTER PLAN, cont.:** AP 28, Lot 26

-- on Stubble Brook Road; 15 lots proposed with road; request for waiver; Owner: Sarah Knight;

Applicant: Robert Woloohojian- Harow, LLC

This agenda item is added on for discussion purposes.

Mr. Walker recused himself. Mr. John DiBona, attorney for the applicant approached the Board. Mr. DiBona explained that there was an extension from the last meeting and that waivers on the road are being requested for length and slope. He noted that they did not withdraw the application because of the purchase and sales agreement with the owner. He noted that this revised proposal is for a 10 lot subdivision now, but that they are still asking for a 9 percent slope. Mr. Miller from Alpha Associates passed out reduced copies of the revised plan being introduced tonight. He also passed out a profile of the existing and proposed road grades at both 8 and 9 percent slopes. The applicant consented to an extension for the Planning Board decision to December meeting. Mr. Miller explained that there are 8 lots at 2 acres and two large estate lots, and that the road is proposed now at 1,364 feet long. Mr. Miller noted that putting the road at 8 percent, which would require 15 feet of fill at the end of the road, would be a safety hazard and that guardrails would be needed, and that at 9 percent it would be more in line with the existing contours. Chairman Berry noted that the engineer should look at the safety and drainage implications and the difference between 8 and 9 percent. There was discussion on the shape of the estate lots and the option of interior building lots. This item will continue at the December 6<sup>th</sup> Planning Board meeting and will go to the Technical Review Committee meeting on November 10, 2004 if plans are submitted.

**WEST GREENWICH**  
**November 1, 2004**  
**PLANNING BOARD MEETING**

**AMENDMENT TO LAND DEVELOPMENT AND SUBDIVISION REGULATIONS TO INCORPORATE LAND DEVELOPMENT PROJECTS**

- discuss draft and set public hearing date.

Mr. Walker rejoined the Board. There was discussion on the Land Development Project amendment. Motion to set a public hearing date for December 6, 2004. Ward-Boyer. All in favor (5-0).

**CONSERVATION DESIGN SUBDIVISIONS and DISCUSSION ON ADDITIONAL PLANNING TOPICS**

There was discussion on Interior Building Lots and Residential Compounds. The Board asked what the status is on the Residential Compound Ordinance. Miss Paquet explained that the Town Council has created a Residential Compound Committee and that the ordinance has been sent to this committee. Mr. Boyer expressed concern that the committee wants to make residential compounds under the Zoning Board's jurisdiction, not the Planning Board's. Ms. Giorgi explained that it is a subdivision and has to go to the Planning Board, unless it is 4 houses on one lot, which is something different than a residential compound. The Board questioned the authority and purpose of this committee. Ms. Giorgi noted that any changes would still have to come back to the Planning Board for an advisory opinion to the Town Council. Miss Paquet explained that before the Planning Board decides to do anything, that the ideas should be run by the Town Council to see if they are interested first. Mr. Boyer expressed concern about how other towns make conservation design mandatory, and noted that there should be options. There was discussion on the Affordable Housing Plan and the Comprehensive Plan. There was discussion on choosing consultants and the Planning Board's budget. Ms. Giorgi left the meeting at 8:18 p.m. It was noted that there would be no special meeting this month.

**ACCEPTANCE OF MINUTES**

Motion to approve the September 13, 2004 Regular Meeting minutes as amended to clarify the Deer Run Estates condition of approval number 13. Ward-Boyer. 4-0, with Lepak abstaining.

Motion to approve the September 22, 2004 Special Meeting minutes. 4-0, with Boyer abstaining.

Motion to approve the October 4, 2004 Regular Meeting minutes. Boyer-Walker. 4-0, with Ward abstaining.

Motion to approve the October 18, 2004 Special Meeting minutes. Ward-Boyer. 5-0.

There was further discussion on the Planning Board's expenses, and the Board requested to know what is being spent and what revenue is being generated. Mr. Ward left the meeting at 8:43 p.m. There was discussion on the Comprehensive Plan update. There was discussion on a survey.

Motion to adjourn. Walker-Lepak. All in favor (4-0). The meeting ended at 9:05 pm.

**WEST GREENWICH**  
**December 6, 2004**  
**PLANNING BOARD MEETING**

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A regular meeting of the West Greenwich Planning Board was held on December 6, 2004. Present were: Chairman David Berry, Mark Boyer, and Brad Ward. Michael Walker and alternates Bill Bryan and Bill Lepak were absent. Town Planner Jennifer Paquet and consulting engineer Shawn Martin, PE of Fuss & O'Neill were present.

Chairman Berry called the meeting to order at 7:35 p.m.

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**NEW ENGLAND WATER CONDITIONING: AP 12, LOT 46- PRELIMINARY SITE PLAN REVIEW**

-- replace trailer with metal storage building

This item was taken off the consent agenda. Mr. St. Jean, PE was present. Miss Paquet explained the comments and concerns that came up at the TRC meeting. She noted that the only change from the TRC meeting was that Mr. Martin noted that the DOT should make the determination on a Physical Alteration Permit. She noted that the other concerns have either already been addressed, or can be addressed on the Final plan submission. There was discussion on Mr. Martin's memo and the conditions of approval.

Motion to approve the Preliminary Site Plan for New England Water Conditioning , AP 12, Lot 46, prepared by St. Jean Engineering, LLC, dated 7/20/04, revised 9/20/04, with the following conditions:

1. That the applicant pay an application fee, in the amount of \$45.
2. That the applicant reimburses the Town for the cost of the engineering review, and that a project review account be set up for this project in the amount of \$1,000.00, which shall be administered in accordance with Article XI, Section D of the Land Development and Subdivision Regulations. This fee is replenishable and refundable.
3. That dimensions of parking spaces be added to the final plan
4. That the final record plan and final construction plans be stamped and signed by the appropriate design professional.
5. That MSDS updates and hazardous materials be submitted to the Fire Chief Hoxsie of West Greenwich No. 1.
6. That inkberry be used in place of the winged euonymus for the landscaping.
7. That the Final Plan may be reviewed administratively by the Planner.
8. That the applicant obtain a PAP from DOT or letter from DOT stating that no PAP is required for the work proposed.
9. That the Town has engineering inspections of the site prior to issuance of a Certificate of Occupancy to confirm that the site has been constructed according to the proposed plans.
10. That Mr. Martin's memo dated November 29, 2003 regarding NEWCo is herein included as conditions of approval.

This motion is based on the 5 finding of fact as noted in the draft motion. Boyer-Ward. Motion carries 3-0.

**WEST GREENWICH**  
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**PLANNING BOARD MEETING**

**KNIGHT ESTATES – PUBLIC INFORMATIONAL MEETING AND PUBLIC HEARING**

**MAJOR RESIDENTIAL SUBDIVISION / MASTER PLAN, cont.:** AP 28, Lot 26  
-- on Stubble Brook Road; 10 lots proposed with road; request for waiver; Owner: Sarah Knight;  
Applicant: Robert Woloohojian- Harow, LLC

Mr. John DiBona, Esq., Mr. Robert Woloohojian, and Mr. Harry Miller of Alpha Associates approached the Board.

Mr. DiBona discussed concerns with conditions of approval number 2 and number 10 in the Draft motion. He noted that his applicant would like to bury the stumps on site. There was discussion and the condition was amended. He expressed concern of a restriction of no further subdivision on the large lots. There was discussion and the conditions were amended for both the waiver and the master plan. There was discussion on the slope of the road. Mr. Martin noted that the 1 percent vertical difference accounts for 10 feet of additional fill if 8 percent were constructed. He noted that there have been attempts to zig zag the road, but there was no benefit in this case. He noted that 9 percent is not ideal, but that in this situation 8 percent slope would be more detrimental to the lots. There was discussion on the slopes of the driveways and requiring site plans on the lots.

Motion to grant a waiver from the requirement of Article XIII Section 7 pertaining to length of dead-end road for the proposed Knight Estates Major Subdivision, AP 28, Lot 26, as requested in letter from Harry Miller (revised date 7/19/04), and further revised as shown on plans revised 11/2/04, including the 9 percent slope. This motion is based on the 2 exhibits and 3 findings of fact in the draft motion. Ward-Boyer. Motion carries 3-0.

Motion to approve the Master Plan for Knight Estates, AP 28, Lot 26, prepared for Harow, LLC, prepared by Alpha Associates, Ltd., dated April, 2004, revised 11/02/04, with the following conditions:

1. That the applicant reimburses the Town for the cost of the Master Plan Public Informational meeting advertisement in the Providence Journal.
2. That notation be made on the Preliminary Plans that stumps are to be properly removed from the site, and that a copy of the receipt for removal be submitted to the Town as proof of such; or properly buried on site and noted on plans, and approved by Public Works and Town consulting engineer.
3. That boulders are allowed to be properly buried on site and that the proposed boulder burial locations be shown on the Preliminary Plans.
4. That a landscaping plan, prepared by a registered landscape architect, be submitted as part of the Preliminary Plan. This plan shall include street trees if extensive grading is needed for the road shoulders.
5. That underground electric unities be installed in the entire subdivision, and that underground connections be provided to each house in the subdivision.

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### **PLANNING BOARD MEETING**

6. That building envelopes and all proposed building footprints, driveways, and ISDS and alternative location footprints be shown on the Preliminary Plans in order to show how these items can be situated on the lots.
7. That the drainage be designed for zero net increase in volume of water leaving the site, in addition to zero net increase in peak flow rate, in order to minimize flooding. Also, impact to abutters must be addressed.
8. That the drainage design include catchbasins, as proposed on Master plan, not swales.
9. That road design addresses frost heaving.
10. That item 4 from Shawn Martin's memo dated November 29, 2004 regarding site plans for lots be herein included as a condition of approval. Site plans are required for a building permit on proposed lots 4, 5, and 6.

Ward-Boyer. Boyer called for discussion on requirements for Preliminary plan submission. There was discussion on requiring a drawdown test for Preliminary plan. It was noted that research will be done by the Town to see if there is a groundwater problem in this area. The following additional conditions were added to the motion.

11. Site Distance analysis is required for Preliminary plan submission
12. Cistern be required as stipulated by the Fire Chief
13. Planning Board reserves the right at the Preliminary review stage to ask for a groundwater study/ drawdown testing on each well within the subdivision.

This motion is based on the 8 findings of fact in the draft motion.

Ward-Boyer, as amended. Motion carries 3-0.

### **RAVEN CONSTRUCTION- GRAVEL BANK : AP 14, Lots 5, 7, 8, & 9.**

-- Set date for site inspection in order to review application and make advisory recommendation to Town Council on permit renewal.

A site visit was scheduled for Saturday, December 18, 2004 at 8:30 a.m. meeting place at Centerville Bank.

### **HOPKINS HILL SAND & STONE, LLC (CARDI) - GRAVEL BANK: AP 55, Lot 6 & AP 56, Lot 3.**

-- Set date for site inspection in order to review application and make advisory recommendation to Town Council on permit renewal.

No action taken. To be handled administratively.

### **KOSZELA- GRAVEL BANK : AP 38, Lot 8-1**

-- Set date for site inspection in order to review application and make advisory recommendation to Town Council on permit renewal.

No action taken. To be handled administratively.

**WEST GREENWICH**  
**December 6, 2004**  
**PLANNING BOARD MEETING**

**REGINA ESTATES- PUBLIC HEARING**

**MAJOR SUBDIVISION/ PRELIMINARY PLAN REVIEW:** AP 23 Lots 50, 45-5 & 109-1  
--on Regina Drive; 6 frontage lot residential subdivision proposed; Applicant/Owner: Domenic Lombardi Realty, Inc. and MPDR Construction Co., Inc.

This matter was postponed to 6:30 p.m., December 8, 2004 (prior to the joint meeting with the Town Council on the Affordable Housing Plan). It was noted that no abutters were present.

**DISCUSSION ON ADDITIONAL PLANNING TOPICS**

There was no discussion.

**TECHNICAL REVIEW COMMITTEE**

-- Designate Member of Planning Board to TRC meeting.  
Mark Boyer was designated for the December TRC meeting.

Motion to adjourn. Ward-Boyer. Motion carries 3-0. The meeting ended at 8:16 p.m.

**WEST GREENWICH**  
**December 8, 2004**  
**SPECIAL PLANNING BOARD MEETING**

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A special meeting of the West Greenwich Planning Board was held on December 8, 2004. Present were: Chairman David Berry, Bill Lepak, Michael Walker, and Brad Ward (6:34pm). Mark Boyer and alternate Bill Bryan were absent. New Planning Board alternate, Tom O'Loughlin was sworn in during the recess and sat as a Planning Board member for the Affordable Housing Plan public hearing. Town Planner Jennifer Paquet was present.

Chairman Berry called the meeting to order at 6:30 p.m.

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**REGINA ESTATES- PUBLIC HEARING**

**MAJOR SUBDIVISION/ PRELIMINARY PLAN REVIEW:** AP 23 Lots 50, 45-5 & 109-1 --on Regina Drive; 6 frontage lot residential subdivision proposed; Applicant/Owner: Domenic Lombardi Realty, Inc. and MPDR Construction Co., Inc.

Mr. Robert Boyer, PLS and Attorney Americo Scungio approached the Board. Mr. Ronald Maggiacomo was also present.

Miss Paquet announced that this agenda item was on the December 6, 2004 regular Planning Board meeting, and that the public hearing was properly advertised and the applicant sent notice to the residents in the notification area. She noted that at the December 6, 2004 meeting, there was no quorum for this item and that it was announced at the meeting that it would be postponed to December 8<sup>th</sup>. She noted that no one was present in the audience for this item, and that she posted the new date that evening in the Town Hall.

Motion to open the public hearing. Walker-Lepak. 3-0.

Mr. Ward arrived at 6:34 p.m.

Mr. Boyer went over Mr. Martin's memo. For item 1, he explained that the driveways and grading will be done for the building permit. He noted that they are trying to keep an 8% slope by switching back the driveways. It was noted that a stipulation is needed on this. Mr. Boyer went over item 2, and there was discussion on the cultex systems. He noted that they want to keep at least 25 feet away from the ISDS. Mr. Walker raised concern that the homeowner should have other options if they doesn't want to infiltrate. There was discussion and it was decided that if the homeowner wants to deviate from the cultex system that it would have to be reviewed by the Town's consulting engineer. There was discussion on the well testing. Mr. Maggiacomo stated that the well more than meets the state's minimum standard. The Board members noted that they are ok with the well on lot 6 because it meets the state's minimum standard, as pointed out by Mr. Maggiacomo. The Board went over the 9 conditions of approval. Chairman Berry opened the hearing up to the audience. There was no one present in the audience to comment on this application. Motion to close the public hearing. Walker-Ward. All in favor (4-0).

Motion to approve the Preliminary Plan for Regina Estates, AP 23, Lots 50, 45-5, and 109-1, prepared for MPDR Construction Co., Inc., prepared by Robert B. Boyer, PLS, dated November 17, 2003, revised 11/01/04, with the following conditions:

**WEST GREENWICH**  
**December 8, 2004**  
**SPECIAL PLANNING BOARD MEETING**

1. That the applicant reimburses the Town for the cost of the Preliminary Plan Public Hearing advertisement in the Providence Journal.
  2. That an easement document be provided for the cistern and that this be reviewed by the Solicitor.
  3. That the driveways be constructed as shown on the plans with the berms to contain the water, and that the driveway slopes be evaluated during the roughing in stage, and that a maximum slope of 12% or less try to be attained. The Building Official may call on the consulting engineer to inspect the sites, if he deems so needed. The applicant will be responsible for reimbursement of all costs, prior to issuance of Certificates of Occupancy.
  4. that the size of the cultex infiltration systems be reviewed at the time of building permit application, as per Shawn Martin's memo dated December 1, 2004; any deviation must be reviewed administratively.
  5. that all disturbed areas be properly loamed and seeded, and that grass must be stabilized prior to issuance of certificates of occupancy.
  6. That the applicant pay the fee-in-lieu of land dedication on the 5 new lots, which is \$2,825.00 per lot.
  7. That Mr. Martin's memo Dated December 1, 2004 is herein included as conditions of approval.
  8. That the applicant pay the Town \$35,000.00 for the expenses on the unfinished section of Regina Drive.
  9. That the Final plans be reviewed administratively.
- This approval is based on the 7 findings of fact in the draft motion. Ward-Walker. Motion carries 4-0.

The Board had a brief recess at 6:59 pm.

**PUBLIC HEARING**

**Joint meeting with Town Council, cont. from November 22, 2004**

**AMENDMENT TO COMPREHENSIVE PLAN- AFFORDABLE HOUSING PLAN:  
--to incorporate proposed affordable housing plan into Comprehensive Plan Housing  
Element;**

--Advisory recommendation to Town Council, and Adoption of Affordable Housing Plan

The meeting reconvened as a joint public hearing with the Town Council for the continuation of the Comprehensive Plan Amendment and adoption of the Affordable Housing Plan. Members present were: Chairman David Berry, Brad Ward, Michael Walker, Bill Lepak, and alternate Tom O'Loughlin. Members absent were: Mark Boyer and alternate Bill Bryan. Consultant from Daylor Consulting, Todd Ford and Erika Johnson were present. Miss Paquet went over the changes that were made to the document since the last meeting. There was discussion on negotiating comprehensive permits and limiting density increases. There was discussion on the consultants suggested densities of 10 units per acre and it was noted that this should be for areas with water and sewer only. There was discussion on creating new village centers and other areas were noted to mention in the plan. There was discussion on the Exit 7 SMD and that a previous ordinance has set that all apartments above retail be affordable. It was noted to change the suggested 20 percent affordable to 100 percent affordable for this area. There was discussion on the maps. It was noted that the land use map does not accurately reflect the density, and that a note should be added to this effect. Miss Johnson noted that she used the State RIGIS data layers. There was discussion on the Build-out analysis. Councilman Butler noted that it is outdated and that current data should be used. It was noted that this information would be sought to include in the plan. Miss Paquet then went over the proposed changes to the rest of the Housing Element, to incorporate

**WEST GREENWICH**

**December 8, 2004**

**SPECIAL PLANNING BOARD MEETING**

the Affordable Housing Plan. Motion to adopt the Affordable Housing plan dated December 8, 2004 as amended. Walker-Ward. All in favor (5-0). Motion to recommend to the Town Council to incorporate the amendments to the Housing Element of the Comprehensive Plan. Ward-Walker. All in favor (5-0).

Motion to adjourn. Walker-Ward. Motion carries 5-0. The meeting ended at 8:45 p.m.

**WEST GREENWICH**  
**December 18, 2004**  
**PLANNING BOARD SITE VISITS**

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A site visit by the West Greenwich Planning Board was held on Saturday, December 18, 2004. There was no quorum. Planning Board members present were: Chairman David Berry and Michael Walker. Town Planner Jennifer Paquet was present. Visit occurred between 8:30 am and 9:30 am.

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**RAVEN CONSTRUCTION- GRAVEL BANK / ANNUAL INSPECTION:** AP 14, Lots 5, 7, 8, & 9.

-- Inspection

David Berry, Mike Walker, and Jennifer Paquet met Norman Marsocci, owner, and Mike McCormick of Alpha Associates out at the Raven Gravel Bank site.

Norman explained the work he has been doing on the site. He noted that he purchased the abutting gravel bank owned by Mr. Marandola, and is cleaning it up. The berm between the two sites has been leveled. No new areas have been opened for excavation. They have just been cleaning up the site. There were neat piles of various materials on the site. One pile was recycled asphalt, another pile was loam, and there was a pile of fine white sand. There was also a neat pile of junk from the Marandola property. There were some piles of boulders.

Mr. Marsocci has been working on cleaning up the site and grading it down, getting ready to come in with a project. Mr. Marsocci noted that boulders from previous years have been crushed. It was noted that the site has a gentle grade.

It was noted that water table data needs to be submitted for the June meeting.

It was noted that there is a drainage issue with water coming from the former owner's site, where the water originates from the Blueberry Heights site. This water flows in a channel.

Mr. Marsocci discussed his plans for the site. He stated that he would like to work with the Town. The site visit ended at 9:30 a.m.