

WEST GREENWICH
January 10, 2005
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on January 10, 2005. Present were: Chairman David Berry, Mark Boyer, Michael Walker, Bill Lepak, Brad Ward, and alternate Tom O'Loughlin. Alternate Bill Bryan was absent. Town Planner Jennifer Paquet and consulting engineer Shawn Martin, PE of Fuss & O'Neill (7:35 pm) were present.

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

TECHNICAL REVIEW COMMITTEE

-- Designate Member of Planning Board to first TRC review meeting.

Mark Boyer was designated to the TRC for this Wednesday's meeting on January 12, 2005.

OWL RIDGE – PUBLIC HEARING

MAJOR SUBDIVISION/ PRELIMINARY PLAN REVIEW: AP 51, Lot 7-1

-- on Henry Brown Road and Fox Run; 13 lot subdivision proposed with road; Waiver requests on road length and reverse curve. Applicant/Owner: Michael Lemme

Motion to open the Preliminary Public Hearing. Ward-Boyer (5-0)

David Carlen, developer, approached the Board.

Nick Piampiano, PE from Garofalo, approached the Board.

Michael Lemme, owner, was present in the audience.

Mr. Carlen noted that the Master Plan approval was in December of 2003, and gave an overview of the project and went over the memo from the Planner. He noted that a third cistern has been added, that the cul-de-sacs have been widened to 60 foot radius, and that the accesses to the drainage easements are now 14 feet wide. He noted that they widened and leveled off the shoulders of the proposed roads. He explained the roads and waivers. He noted that a request from DEM to avoid a vernal pool resulted in a reverse curve, and that they are requesting a waiver for the tangent distance between the two reverse curves. He noted that there was also a request at the Master plan for a waiver on cul-de-sac length. He noted that the extension of Fox Run is about 300 or 400 feet longer than the 1,200 feet requirement and that the new road meets the 1,200 feet requirement. He stated that they would like to phase the roads and Mr. Lemme's house. He stated that they will build the roads and that the Planner recommended that the final asphalt be financially guaranteed. Mr. Piampiano noted that the lots on the cul-de-sacs do meet the 150 foot frontage requirement at the setbacks, but that they haven't been labeled on the plan. He also noted that there is a note on the plan to remove the existing cul-de-sac, and to loam and seed the area. Miss Paquet explained that the existing Fox Run cul-de-sac is a temporary easement and that the right-of-way goes all the way to the property line. She noted that the Town would need to do a Relinquishment of Easement. Mr. Carlen noted that there will be underground utilities on the new road, and above ground utilities on the Fox Run extension, in keeping with what is there now, also for the curbing.

Chairman Berry asked about the site distance. Mr. Piampiano explained that he profiled the site line at the intersection of Henry Brown Road to the west. He noted that this is shown on Sheet 8 of the plan. He stated that they looked at stopping site distance and intersection site distance, and that the stopping site distance is easily met at 250 feet, but that they could not meet the intersection site distance. There was discussion on the site distance. The Board expressed their

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concerns about the site distance in this area. Mr. Piampiano noted that the existing conditions are worse than what is being proposed, and he pointed out that there will be a grade cut in front of Mr. Lemme's house to allow greater site distance than there is now. There was discussion. It was noted that there is a concern of a telephone pole in the area of the proposed re-grading, and Mr. Piampiano stated that he would look into it. The Board asked for Mr. Martin and Dave Andrews (Highway Superintendent) to review the revised plans and proposed reconstruction at Henry Brown Road, for taking out the curve and the hump. The Board asked for the revised plans to go back to the TRC for review. There was discussion on Mr. Martin's memos. The Board noted that they want the applicant to address Mr. Martin's January 6, 2005 memo. Mr. Boyer asked if the covenants have been reviewed by the Town Solicitor. Mr. Carlen stated that they were and that the comments were that the easements need to be separate documents. Mr. Boyer noted that the TRC requested that the stub extend to the property line, and noted that this issue was discussed by the Planning Board at the Master Plan. He stated that at the time, the abutter did not want access. The Board went over Mr. Martin's January 6, 2005 memo.

Shawn Martin arrived at the meeting at 7:35 p.m. Mr. Martin explained the reverse curve and why it is ok in this instance. He noted that it is at the end of the cul-de-sac and that we are not looking at a design speed issue. He noted that aesthetically it works, and also it works from a technical standpoint. He stated that the main issues on a reverse curve are safety, with people crossing lanes, especially on a higher speed road. It was noted that it is not an issue in this instance. The Board continued to go over the January 6, 2005 memo. Mr. Martin explained that lots 7, 8, 9, 10, & 13 present issues with slope and that they should be looked at before getting a building permit to make sure the driveways aren't over 15% and that the drainage isn't going to be an issue to the houses or to the roadways. It was noted that this could be reviewed by the Building Inspector with consultation of the Town Engineer.

Chairman Berry asked Mr. Piampiano to go over the building lot envelopes and the area suitable for development. Mr. Piampiano went over the building setback lines and the proposed limits of disturbance and noted that some lots have wetlands on them. Chairman Berry asked Mr. Martin to verify all the areas suitable for development on each lot.

Sandra Andrews, 320 Henry Brown Road asked questions about the area suitable for development and building envelopes. She asked where the ISDS setback has to be. It was noted that the ISDS needs to be 10 feet off the property line.

Mr. Boyer asked the Board if they are going to require a stub access to the abutting property, because it will have an impact on the calculations for the areas on the lots. There was discussion on if this would be an easement or a right-of-way. Miss Paquet noted that it would be the right-of-way, not an easement. Mr. Ward clarified that it would be a paper street. There was discussion. Mr. Lemme noted that the abutter was his sister and that she is impartial on if it is extended or left short. It was noted that the lot has access through Exeter from Widow Sweet Road. There was discussion on if there should be a stub or not.

Kathy St. Martin, 39 Fox Run asked about frontage requirements.

Mr. Ward asked if the land beyond the cul-de-sac has been evaluated if it is wetlands. It was decided to check with the Town of Exeter on the stub issue. The Board continued to go over the

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Jan. 6, 2005 memo. Mr. Martin discussed the site distance on Henry Brown Road. Mr. Martin noted that the proposed mitigation does not provide intersection site distance, which is desirable, but noted that the stopping site distance is the minimum standard. He noted that the intersection site distance can't be achieved without altering the existing roadway such as by changing the grade or alignment. He noted that another possibility is to do significant earthwork on Mr. Lemme's lot, to create a valley instead of leveling it. He noted that he has concerns about how this would function. It was noted that moving the new road farther to the east would not solve the problem, and that it would be moving the road into the wetlands. Mr. Walker expressed concern about what sort of liability this poses to the Town. Mr. Martin noted that it does meet the standards, but that it does not meet the AASHTO recommended standards. There was discussion. It was noted that there may be an enforcement issue with the proposed easement and that the land should be dedicated to the Town. This poses an issue of the proposed lot 6 meeting the 2 acre zoning. There was discussion.

Tom St. Martin, 39 Fox Run, asked how far the house has to be from the road. It was noted that the setback is 50 feet.

Mr. Ward noted that boundary markers will be needed to mark where the new configuration is. There was discussion on the easement, the grading, and the site distance. It was noted that the section between the street and the grading will be dedicated to the Town, and that the easement will include the rest of the area as shown on the plan. There was discussion on maximizing the intersection site distance.

Chairman Berry opened the meeting up to comments from the audience.

Connie Persson, 38 Fox Run, asked how the road can be extended if the Town has an ordinance that limits cul-de-sacs to 1,200 feet, and what is preventing it from being even further extended. Mr. Boyer explained that an applicant can ask for anything, and that the Board originally asked for this to be a loop road, but the wetlands made that prohibitive. He noted that the applicant has to prove why the Board should grant the waiver. She noted that she is also concerned she was told that it was a true cul-de-sac.

There was discussion by the Board on putting a restriction on the last two lots, 11 and 13, on the new road limiting to one house, and to make this a condition of approval. Mr. Lemme and Mr. Carlen stated that they have no objection to this.

Nicole LaPorte-Murray, 20 Fox Run, noted that the reverse curve is ok as long as the road ends where it is proposed, but if it continues, it would become a safety problem. She noted that she wants the road to be safe. She noted that she was told that there was a provision to put in a few houses in the future, but not to extend the road. Chairman Berry noted that it was a good point about the reverse curve.

Tom St. Martin, stated that he doesn't see how many compromises can be made on the frontage. The Board explained that the regulation is met for 150 feet at the setback on the cul-de-sac.

Ms. LaPorte-Murray, asked about frontage requirements if the road was extended.

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Eugenia Marks, Audubon Society, asked about drainage, and asked if the December 4, 2004 and December 23, 2004 memo's from Fuss & O'Neill have been addressed. She noted that she is concerned about nutrient runoff to sensitive wetland areas. She asked what Town Ordinances there are on keeping animals. It was noted that the Town does not restrict livestock, and that it is two acre zoning called Rural, Farming, and Residential. Ms. Marks asked if the drainage calculations have considered farm animal use, and she noted that she is concerned about a future extension of the new road into the two lots, which would most impact the abutting Audubon land. Chairman Berry noted that the Board is discussing putting a restriction on the two lots so they could not be further developed and the road could not be extended. Mr. Walker noted that the proposed covenants for the development state, "no animals, livestock, or poultry of any kind or description shall be kept, maintained, or boarded on any lot with the exception of household pets not to exceed 3 in number."

Kathy St. Martin (owner of property with temporary cul-de-sac) asked what is going to happen on Lot 3. The Board noted that the TRC recommended that a stub road connect to the abutting property. Mrs. St. Martin asked what rights do the property owners have about what the developer does in front of her property. She noted that she has had a lot of loam dumped in her front yard, and had her driveway tarred. She stated that she assumes that they are going to tar her driveway when they take the cul-de-sac away. Mr. Piampiano noted that they are proposing to saw-cut the existing pavement and remove it and, pave the piece that connects to the existing driveway, and loam and seed. The Board noted that the applicant won't be able to record it until it is fixed.

Sandy Andrews asked what kind of guardrails is proposed. It was noted that steel-backed timber guardrails, shown on sheet 9, are proposed. Ms. Andrews asked why no open space is proposed. The Board noted that the Town was not interested in open space in this subdivision. She asked if there was going to be blasting because there are a lot of hills on the property. Mr. Piampiano stated that they didn't encounter ledge, but there were a lot of boulders, and noted that the configuration of the road is to stay with the contours. Ms. Andrews asked about preventing erosion on the slopes. Mr. Piampiano noted that they will be 3:1 and loamed and seeded.

Peggy Cotrone, 31 Fox Run, asked if there is a fire department water holding tank. The Board noted that there are 3 cisterns.

Eugenia Marks noted a concern of erosion during construction. Mr. Piampiano replied that erosion control measures are incorporated in the plan and that they will also be maintained during construction. Mr. Martin noted that this project is required to have a Stormwater Pollution Prevention Plan, and that the Notice of Intent to DEM has been approved through the issuance of a Wetlands Permit. He noted that the Town monitors during construction.

Motion to close the public discussion. Walker-Boyer. (5-0)

Mr. Walker had some questions. He asked about item 6 on the 'response to comments' from the applicant, undated, regarding slopes and site distance. Mr. Walker asked if it is adequate site distance. Mr. Piampiano noted that he did not calculate what the greater site distance is, but that it is something he can look at. Mr. Walker asked about comment number 8 regarding trees, and asked if this is the only area where trees are proposed in the subdivision. Mr. Piampiano said

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yes. Mr. Walker noted that the site should be looked at post-disturbance to make sure that areas that should be re-treed are looked at before acceptance. Mr. Boyer expressed concern about Mountain Laurel being used at the intersection because of maintenance, and asked that it be looked into. Mr. Walker expressed concern of the Day Lilly's and noted they should be a salt-tolerant species.

Mr. Walker asked what the homeowners' association property would be that the fees are being collected for. Mr. Carlen stated that there probably would be no association, because there is no property. Mr. Walker expressed concern that this may become a problem to the Town Hall.

The Board asked for the revised plans and the comments from the public to go back to the TRC for review. It was noted that this would be on the February TRC meeting. There was discussion on continuing to the March meeting, but the Board decided the February meeting can be used to ask the Solicitor legal questions on this project, and to continue it again when legal counsel will be available.

Mr. Walker asked how many affordable housing units they are proposing. Mr. Carlen first stated that all of them would be affordable in his view, then stated that they are not proposing any. Mr. Walker suggested that they may want to think about this before next month's meeting before the Board votes.

Motion to continue the public hearing to the February 7, 2005 regular meeting. Walker-Boyer. (5-0).

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

-- make advisory recommendation to Town Council on permit renewal. Site visit was on December 18, 2004

Miss Paquet noted that Chairman Berry, Michael Walker, and she met Mr. Marsocci and Mike McCormick from Alpha Associates out at the site on Saturday morning, December 18, 2004. She noted that Mr. Marsocci has purchased the Marandola property to the south, and cleared the berm between the two properties, so that they are both at the same grade. She noted that he has done a lot of clean-up on the Marandola site, and that there is a pile of junk metal. She noted that there is also a pile of asphalt that Mr. Marsocci is crushing, and a pile of loam and a pile of fine white beach sand. She noted that he hasn't disturbed any new areas and is getting ready to move on to development. Chairman Berry noted that Mr. Marsocci wants to work with the Town and share ideas for developing the site. Mr. Walker noted that he saw that Mr. Marsocci is taking care of the gravel bank, hasn't disturbed any areas other than has been shown on previous plans, and has been cleaning up the property between the two sites. He noted that every year the site looks better than the year before. He asked if the historical water table data has been submitted. Miss Paquet noted that they have. Chairman Berry noted that Mr. Marsocci has been asked to submit water table data through May 2005.

Motion to give the Town Council an advisory opinion to renew the application for the Mr. Marsocci's gravel bank for the 2005 calendar year, with the stipulation that the new water table data readings be submitted for the May Planning Board meeting. Ward-Walker. (5-0)

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**AMENDMENT TO LAND DEVELOPMENT AND SUBDIVISION REGULATIONS TO
INCORPORATE LAND DEVELOPMENT PROJECTS- PUBLIC HEARING
OLD BUSINESS**

Motion to open the public hearing. Walker-Boyer. (5-0). There were two members in the audience interested in this hearing—Adrian Knott and John Pagliarini, Jr. Esq.

Miss Paquet noted that even though the Land Development and Subdivision Regulations refer throughout the document to Land Development projects, it is not officially incorporated into the regulations. She noted that there is a section entitled, “Land Development Projects” that is reserved, and that a paragraph is needed stating that Land Development Projects are authorized. There was discussion on the proposed checklist changes. Mr. Walker expressed that he would like to make sure that the proposed changes to the checklists are complete. There was discussion. Mr. Walker asked if there are any special requirements for Affordable Housing applications that should be on the checklists.

Mr. Knott stated that his concern is the statement in the notice that Land Development Projects includes the Exit 7 Special Management district and asked if the Board was aware with that has been going on in Coventry with this project. Mr. Ward expressed caution in entertaining discussion on Centre of New England without legal counsel. Mr. Knott submitted Providence Journal and Kent County articles regarding Centre of New England and off-site improvements. He noted that he is concerned about the ability or inability of requiring off-site improvements, if the improvement is in another Town. He asked the Board if they can ask for off-site improvements, if they would be in another Town, and how strong can the Board enforce it. Mr. Ward noted that this should be discussed with legal counsel.

Mr. Pagliarini noted that the Exit 7 SMD may also have special requirements and that there should be a checklist for it. Mr. Martin noted that certain items that should be submitted aren't known until it gets to the Board. Mr. Lepak asked a question for legal counsel, if having ‘cluster’ referenced in the definition means the Town now has to allow cluster residential development. Mr. Boyer noted that he would also like to have more time to go over the checklist requirements. **Motion** to continue to the February 7, 2005 meeting. Ward-Boyer. (5-0) This is to be reviewed by the TRC also.

CONSENT AGENDA

Acceptance of Minutes

September 13, 2004 Special Meeting
November 1, 2004 Regular Meeting
November 22, 2004 Special Meeting,
December 6, 2004 Regular Meeting
December 8, 2004 Special Meeting

Motion to approve the consent agenda. Ward-Boyer. (5-0).

Motion to adjourn. Ward-Boyer. (5-0).

WEST GREENWICH
February 7, 2005
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on February 7, 2005. Present were: Chairman David Berry, Michael Walker, Bill Lepak, Brad Ward, and alternate Tom O'Loughlin were present. Mark Boyer and alternate Bill Bryan were absent. Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy Giorgi were present.

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

MARCH MEETING DATE:

--currently set at March 14. Consider changing date in order to have legal counsel present.

The March meeting date was set for February 28, 2005.

OLD BUSINESS

OWL RIDGE – PUBLIC HEARING, cont.

MAJOR SUBDIVISION/ PRELIMINARY PLAN REVIEW: AP 51, Lot 7-1

-- on Henry Brown Road and Fox Run; 13 lot subdivision proposed with road; Waiver requests on road length and reverse curve. Applicant/Owner: Michael Lemme

--Request for extension of Master Plan approval, set Public Hearing continuation date (need to set March Meeting date).

Miss Paquet noted that the Preliminary Plan application was submitted in November, before the Master Plan expiration date in December. Motion to approve extension of Owl Ridge Master Plan for 1 year. Ward-Lepak. Discussion called by Walker. There was discussion on letter requesting extension. Ms. Giorgi explained that since the Preliminary Plan application was submitted prior to the Master Plan expiration, that this is a mere formality. Motion is on the table. 5-0 all in favor.

Motion to continue the public hearing for the Owl Ridge preliminary plan to February 28, 2005. Ward-Walker. All in favor 5-0.

AMENDMENT TO LAND DEVELOPMENT AND SUBDIVISION REGULATIONS TO INCORPORATE LAND DEVELOPMENT PROJECTS- PUBLIC HEARING, cont.

Miss Paquet explained that the Board requested that everyone thoroughly review the checklists to make sure any additional requirements from special items such as a Comprehensive Permit were included. She noted that it is recommended to just add a simple statement on the checklist of "any other items as required by the Zoning Ordinance or these regulations" with an example of the Exit 7 SMD, see the addendum of October 18, 2004 in the Zoning Ordinance. Ms. Giorgi noted that the second part of the memo should be disregarded. Mr. Walker discussed his concern of something being missed, especially if the Zoning Ordinance is amended. It was decided to add the language, "on or after February 7, 2005."

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Motion to amend the West Greenwich Land Development and Subdivision Regulations, Article IV Section E, to incorporate 'Land Development Projects,' based on the following findings of fact:

1. That the proposed amendment is consistent with the West Greenwich Zoning Ordinance and Comprehensive Plan
2. That the Public Hearing for the proposed amendment was properly advertised in the West Bay Edition of the Providence Journal on the following Mondays, December 20, 2004; December 27, 2004; and January 3, 2004.
3. That Land Development Projects are enabled by RIGL's 45-24-47 and 45-23-49.

This motion includes evidence as submitted, the draft motion from the January Planning Board meeting, and with all the amendments discussed from the memo dated February 7, 2005 meeting. Ward-Walker. Walker called for discussion. Mr. Walker asked about the comment in the January minutes asking about off-site improvements, and where that fits in to this. Ms. Giorgi noted that it has nothing to do with the discussion on Land Development Projects amendment to the Subdivision Regulations. She noted that she would be happy to discuss the issue, but not in the context of the Subdivision Regulation amendment. Mr. Walker asked if anything should be included for special requirements for affordable housing. Ms. Giorgi noted that there will be coming an amendment to the Zoning Ordinance and a large and detailed amendment to the Subdivision Regulations. There was no further discussion, motion on the table. All in favor (5-0).

Ms. Giorgi addressed the news articles regarding Centre of New England that were submitted at the last meeting. She stated that she reviewed the articles, and noted that the relevance to the West Greenwich side of the development has to do with the question on if the Board can require off-site improvements. She stated that yes, the Board can require off-site improvements if they are justified. She also noted that requiring off-site improvements in another community needs the cooperation of the other community.

GANSETT ASSOCIATES, LLC - PRE-APPLICATION REVIEW / MAJOR INDUSTRIAL DEVELOPMENT : AP 3, Lot 16

--Major Mixed-use Industrial Land Development Project on Hopkins Hill Road

Kirk Pickell, developer; Jeff Butler, developer; and Kevin Morin, PE with DiPrete Engineering, approached the Board. Mr. Morin explained the history of the zone change and noted the abutting properties, including Centrex and Smith's Trucking. Jeff Butler explained the phases of the site. He noted that they are proposing retail in front, office, industrial office, and mini storage in back. Mr. Berry expressed concern on the location of the septic systems near the property line. He also expressed concern on the queuing at the Dunkin' Donuts shop. Mr. Butler note there will be commercial condominium parking. Mr. Lepak expressed concern of the queue in the middle of the parking lot. It was noted that the coffee shop queue needs to be looked at and needs a designated lane. Ms. Giorgi noted there should be sidewalks. She noted that she wants to see the documents on the maintenance of the infrastructure-curbs, roads, drainage, landscaping, etc. Mr. Butler noted that there will be an association. There was discussion on ISDS. Miss Paquet noted that the regulation is 10 feet from the property line. Mr. Walker asked about extending the Town sewer down for these commercial areas. There was discussion. The Board recommended to set up a meeting with the applicant and Town Administrator, Kevin

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Breene on extending the sewer line down Hopkins Hill Road. There was discussion on phasing the project. Mr. Walker expressed concern on the abutting curb cuts and the bend in the road. He noted that any impending traffic problem needs to be addressed. Mr. Walker noted that the other development should be noted in the application for the PAP, not just the donut shop. Chairman Berry noted to reserve the ability for this lot to derive access through the abutting lot when and if the abutting lot gets developed, in order to eliminate the curb cut. There was discussion on keeping a strip of land to the abutting property for this 'future access.' There was discussion on hours of operation of the donut shop, and if the bathroom will be a public restroom. There was discussion on signage. Chairman Berry asked about the décor of the buildings. Mr. Butler noted it will be something a little higher end, but market driven. Mr. Walker suggested that the applicant try to talk to RIDOT to obtain the remnant of land in front of the property. Jeff Butler asked about Kent County Water. It was noted to discuss this with the Town Administrator also. It was noted that the applicant may come in for another pre-application before the Preliminary plan if they wish.

TECHNICAL REVIEW COMMITTEE

-- Designate Member of Planning Board to first TRC review meeting.

Chairman Berry called Mark Boyer on the phone. Mr. Boyer will attend the February 16th TRC meeting.

Acceptance of Minutes

January 10, 2005 Regular Meeting

Mr. Walker stated that he wants his question on Affordable Housing to be considered as part of this subdivision, to be noted in the minutes, along with Mr. Carlen's response. Motion to approve the minutes of January 10, 2005, as amended. Ward-Walker. All in favor (5-0).

There was discussion on roads, waivers, cul-de-sacs, and points of access. It was noted that this should be discussed at a work session.

FY 2005-2006 Budget

Mr. Walker noted general comments that the Planning Department is not adequately funded. He noted that the Town needs mapping, data, and to hire consultants. Ms. Giorgi noted that a new zoning ordinance is needed. The Planning Board directed the Planner to sent the Town Council a memo with a bulleted list of recommended items: Comprehensive Plan update, Zoning Ordinance re-write, mapping and data resources for the Town, build-out analysis, inventory of existing resources, request staff of administrative resources.

Motion to approve the budget submitted with Planner to attach a letter to the Town Council with the recommendations. Ward-Walker. All in favor (5-0).

Motion to adjourn. Ward-Walker. All in favor (5-0). The meeting ended at 8:44 p.m.

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February 28, 2005
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on February 28, 2005. (This meeting is the March regular meeting, as rescheduled.) Present were: Chairman David Berry, Mark Boyer, Bill Lepak, Brad Ward, Michael Walker (7:03 p.m.) and alternate Tom O'Loughlin (7:04 p.m.) were present. Alternate Bill Bryan was absent. Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy Giorgi were present.

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

Miss Paquet noted that the February 7, 2005 minutes are not ready yet.

Minor Subdivisions:

Preliminary Plan: AP 34, Lot 3

--On Plain Meeting House Road and Plain Road; 1 30-acre lot proposed

Applicant: Carlos P. Jr. & Kendra L. Deus

This application was removed from the consent agenda for discussion. It was noted that Mark Boyer is abstaining from this discussion. Andy Edwards from Boyer Associations was present as consultant for the applicant. There was discussion on if the application would restrict the parcel to no further subdivision.

Motion to approve the proposed Minor subdivision plan for AP 34, Lot 3 dated January 19, 2005, revised 1-20-05, prepared by Boyer Associates, with the following conditions:

1. That the Open Space and Recreation Fee be assessed
2. 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.
3. That the Planner review the Final Plan administratively
4. That the applicant submit an affidavit from a qualified wetlands biologist regarding any wetlands on the subject site.
5. That the Final plans note in the title block that this is a subdivision of land, not a survey.

This motion is based on the 7 findings of fact as noted in the draft motion. Ward-Lepak. Motion carries 3-0, with Boyer abstaining.

Mr. Walker arrived at 7:03 p.m.

OWL RIDGE – PUBLIC HEARING, cont.

MAJOR SUBDIVISION/ PRELIMINARY PLAN REVIEW: AP 51, Lot 7-1

-- on Henry Brown Road and Fox Run; 13 lot subdivision proposed with road; Waiver requests on road length and reverse curve. Applicant/Owner: Michael Lemme

David Carlen, developer; Nick Piampiano, PE; and Timothy Kane, Esq., approached the Board. Planning Board member Tom O'Loughlin arrived at 7:04 p.m.

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Miss Paquet went over the memo from the TRC meeting notes, beginning with intersection site distance. Mr. Piampiano addressed the site distance. He stated that the current plans show a site distance of 335 feet. It was noted that the stopping site distance is 250 and the intersection site distance is 335. Mr. Piampiano explained that at first he was apprehensive to do more grading, but when he went through the analysis, he was able to maintain an adequate shoulder on Henry Brown Road and achieve the intersection site distance. He noted that at the TRC meeting, they thought they might need a wire guardrail, but when he ran the profile, it graded out greater than 3:1, and it is adequately safe. Mr. Walker asked to have a revised plan that is stamped by an engineer for the Board to act on. Mr. Boyer asked to have Mr. Martin provide a memo on his review of this grading. Mr. Piampiano noted that the drainage would fall back on the road and continue in the same path. He passed out an 8 ½ x 11 sheet of the revised grading. There was discussion on what the new grading is. There was discussion on stabilizing the slope for the grading. The Planning Board noted that they are looking for words on the plan on how this will be stabilized during and after construction. Miss Paquet recapped that the Board wants to see a full size copy of the plan, stamped by the engineer, Mr. Martin's written approval of the re-grading, and the note on the plan on how the regarded area will be stabilized during and after construction.

There was discussion on the telephone pole. Mr. Piampiano noted that it is not in the line of site, and is close enough to the roadway, that there is no grading near it. He noted that the pole is also not in the line of site for either stopping site or intersection site distance. The Board asked the applicant to send a letter to the pole owner about possibly re-locating the pole, and the utility needs to send a letter back in response.

There was discussion on the areas unsuitable for development. Miss Paquet noted that Mr. Martin is working on this. The Board noted that this is needed for the next meeting. There was discussion on the stub extension to the abutting parcel. Miss Paquet noted that the TRC always wants to encourage through roads, but that in this situation, the abutting parcel is not landlocked, and Mr. Martin is ok with the proposed reverse curve because it is at the end of the cul-de-sac, but if the road continued, the reverse curve would become a problem. She noted that the TRC recommends not allowing any further extension and that no stub be provided. There was discussion on nutrient runoff to wetlands areas. Miss Paquet explained that the TRC recommends a deed restriction putting the homeowners on notice that they abut wetlands and to practice conservation. Mr. Walker and Mr. Boyer expressed concerns that this is unenforceable. Ms. Giorgi noted that it is a deed declaration letting the owners know that the area is of natural habitat concern and that they should use best practices when it comes to pesticide and fertilizers. She noted that it is not enforceable but it puts them on notice. Ms. Giorgi also noted that the septic concerns will be addressed by DEM. Mr. Walker asked about denitrification systems, and if the Town can request a more stringent application. Mr. Boyer asked what makes this a sensitive area. It was noted that the Board would defer to DEM. Mr. Lepak discussed the Composite Constraint Map in the Comprehensive Plan and noted that it calls to adopt more stringent regulations for projects that fall within the constraint area. He noted that this project falls in an area of severe constraints to development.

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There was discussion on a condition on proposed lots 10 and 11 that no further subdivision be allowed and that this be noted as deed restrictions. Mr. Carlen stated that he didn't have a problem with this. Miss Paquet noted that in addition to environmental sensitivity as noted by Chairman Berry, that the subdivision restriction also has to do with the proposed cul-de-sac which is at 1,200 feet maximum. Miss Paquet noted that for the proposed landscaping plan the TRC recommends that that the Planning Board leave this to staff during construction prior to Final approval, to see if there is a need for additional landscaping due to erosion or aesthetics or any other reason. Miss Paquet noted that the TRC had some concern about the Mountain Laurel and recommends rhododendron, but that the applicant run this by their landscape architect. Also that the TRC does not have any issue with Day Lilies. It was decided that the applicant's landscape architect is to respond on Mountain Laurel or something low maintenance.

Chairman Berry opened the Public Hearing to the audience.

Connie Persson, 38 Fox Run, asked about how far from the end of her driveway the new road will start. She asked how wide the new road will be. She expressed concern that she won't be able to see if cars are coming while she backs out of her driveway. There was discussion on trees and site distance. It was decided that Mr. Piampiano will address this concern, and is to coordinate with Mrs. Persson's surveyor and Dave Andrews to ensure that anything within the right-of-way is cut down to provide maximum site distance. It was noted that if trees need to be cut down in the right of way, it will be the developer's expense if there is a site distance issue. Mrs. Persson asked about 200 foot frontage requirements and the cul-de-sac. She asked about affordable housing and what types of housing the applicant is proposing. Ms. Giorgi noted that there is no requirement that this subdivision include affordable housing. Mrs. Persson asked about the telephone pole in the cul-de-sac. It was noted that it may need to be moved, depending on where it is now.

Connie Persson, 38 Fox Run, asked what happens if there isn't enough land to put the road in. It was noted that it would be a private issue. Mrs. Persson asked what happens if they encroach on her property. It was noted that this would become a civil, legal issue.

Mr. Walker asked if the February 15, 2005 letter from Mr. Carlen has been resolved. Mr. Carlen noted that his letter was addressed at the TRC.

Motion to close the public hearing. Ward-Boyer. All in favor (5-0). The Board noted to have everything ready for the April 4, 2005 meeting.

TECHNICAL REVIEW COMMITTEE

-- Designate Member of Planning Board to TRC meeting.

Mark Boyer was designated to the March 16, 2005 TRC meeting.

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THE PRESERVE AT WEST GREENWICH (formerly The Club at Wickaboxet)

Master Plan- Major Subdivision: AP 34, Lot 2

--On Plain Meeting House Road; 172 lots with road network proposed

Owner: CIOEWG, LLC

Peter Ruggiero, Esq. attorney for the applicant; Mark Conboy, PE and David Gardner, PE from Garner Associates approached the Board. Mr. Ruggiero explained that the owners name has changed to CIOEWG, LLG.

Miss Paquet recapped the TRC meeting. She explained that the biggest concerns were the traffic circulation, both internal and external, and the impact on Plain Meeting House Road. She noted that there are two access points presented on Plain Meeting House Road and one on Welch Hollow Road. She noted that the TRC is concerned about the feasibility of the Welch Hollow Road access. She noted that the Narrow Lane has been abandoned by the Town of Coventry. There was discussion on the road abandonments. Mr. Ruggiero noted that they found two orders of abandonment. He explained that Narrow Lane was abandoned in 1989 from the northerly point on Welch Hollow up to 150 feet south of Roaring Brook. He noted that the second order of abandonment was a portion of Welch Hollow, done last year, that was very poorly worded. He noted that it needs to be researched, but that they think it is in the vicinity of Narrow Lane, and notes that they were never notified. There was discussion. Mr. Ruggiero explained that there will be a full traffic impact analysis. Miss Paquet noted that the TRC discussed having a more central collector road, instead of a bunch of local roads, to have something more organized through the parcel. There was discussion. Miss Paquet noted some of the other concerns such as reducing the amount of cul-de-sacs, some of the cul-de-sacs possibly exceeding the 1,200 foot maximum.

Mr. Ruggiero asked if the Board would prefer open space in this subdivision, or to pay the fee. There was discussion passive and active open space. There was discussion on wetlands are the areas unsuitable for development. Mr. Conboy noted that they made sure that each lot has the minimum amount of suitable area required. It was noted that the wetland have been verified with the 1993 application, but that it will have to be updated. There was discussion on the new name of the proposed subdivision. Mr. Walker asked if they are proposing any affordable housing or age-restricted. Mr. Ruggiero said no. He noted that there could be restrictive covenants. There was discussion on advertising for the public informational meeting. It was noted that the traffic study will be updated again to look at other impacts. There was discussion on phasing.

The Board set the Master Plan Public Informational meeting for April 4, 2005. Miss Paquet discussed the TRC's position on cul-de-sacs and loop roads. She noted that cul-de-sacs are a burden on the Public Works Department. She noted that loop roads are requested by the Fire Chief because when filling the tankers, the flow of the road helps them to just keep going around in a circle, instead of going to the end and turning around in cul-de-sacs. There was discussion on access to the existing pond for fire suppression water source. It was noted that at the April meeting, the Board would set a date for a site walk. Mr. Lepak asked about the Piccillo pig farm.

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Mr. Ruggiero noted that a complete Phase I has been done, and that nothing showed up. There was discussion on community wells versus private wells. There was discussion on using the term “development zones” instead of phases. The Planning Board asked for some ‘bigger picture’ plans showing a wider area of Plain Meeting House Road.

**RESIDENTIAL COMPOUNDS -ADVISORY FINDINGS AND RECOMMENDATIONS
TO TOWN COUNCIL**

-- Proposed Zoning Ordinance Amendment to include Residential Compounds

The Planning Board requested additional time to review the ordinance and referred the ordinance to the TRC. This is to be back on the April 4, 2005 agenda.

Miss Paquet announced that the Open Space and Recreation fee is now \$3,033.00, based on an average 2-acre lot selling price of \$121,333.33.

Motion to adjourn. Ward-Walker. Mr. Lepak called for discussion. There was discussion on the proposed budget. Mr. Lepak expressed concern that there is no money in the proposed budget for the Comprehensive Plan or mapping. Miss Paquet noted she was concerned about funding for implementing the Affordable Housing Plan and the Stormwater Management Plan. Mr. Walker noted that Councilman Butler was concerned about inadequate mapping. Motion is on the table. All in favor (5-0). The meeting ended at 8:45 p.m.

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A regular meeting of the West Greenwich Planning Board was held on April 4, 2005. Present were: Chairman David Berry, Mark Boyer, Bill Lepak, Brad Ward, and Michael Walker. Alternates Tom O'Loughlin and Bill Bryan were absent. Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy (Giorgi) Letendre were present. R.J. Dowling, PE, of Fuss & O'Neill was present.

Chairman Berry called the meeting to order at 7:08 p.m.

CONSENT AGENDA

1. Acceptance of Minutes

February 7, 2005 Regular Meeting

February 28, 2005 (rescheduled March meeting)

2. Minor Subdivisions:

Minor Subdivision/ Preliminary Plan: AP 19, Lot 18

--on Sharp Street; one frontage lot proposed; Applicant/Owner: Charlotte B. Jolls

Minor and Administrative Subdivision/ Preliminary Plan: AP 21, Lot 4-1

-- On corner of Sharp Street and Fry Pond Road; two new frontage lots proposed;

Owner: Edward G. & Dorothy M. Carpenter

Motion to dispense with minutes until the end of the meeting. Ward-Lepak. All in favor (5-0) There was discussion on the Jolls minor subdivision. The Board expressed concern on the Zoning Board's action of creating a substandard lot. Mrs. Letendre explained that the Zoning Ordinance had been amended to give the Zoning Board the option of requesting an advisory opinion from the Planning Board, instead of all applications automatically going to the Planning Board first, by changing the word "shall" to "may." Mr. Walker suggested that the Board not make a decision on this application and allow the 65 day deadline to lapse. The Board decided to act on the consent agenda. It was noted that the Carpenter subdivision meets the 1.4 acres of buildable land.

Motion to approve the consent agenda for the two minor subdivisions. Ward-Boyer. Motion carries 4-1, with Mr. Lepak voting nay.

OWL RIDGE – PUBLIC HEARING, cont.

MAJOR SUBDIVISION/ PRELIMINARY PLAN REVIEW: AP 51, Lot 7-1

-- on Henry Brown Road and Fox Run; 13 lot subdivision proposed with road; Waiver requests on road length and reverse curve. Applicant/Owner: Michael Lemme

Mrs. Letendre explained that the Public Hearing was closed at the last meeting. She explained that there is a motion for approval with conditions, including a condition that the Town's consulting engineer verify that certain lots meet the 1.4 acres of buildable land requirement. She stated that it was discovered that five of the lots came into question, and 3 of the lots do not meet the 1.4 acre requirement for land suitable for development. She noted that this results in a situation where an additional waiver for this application is necessary in order to approve the plan

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as presented. She noted that the waiver requires a public hearing and an amendment to the current preliminary plan application. She noted that the applicant will discuss the situation, and that the public hearing on the waiver will be advertised for May, so that the applicant gets all the relief they need, and everything is considered at the same time.

Timothy Kane, attorney with office in Greenville, representing the applicant, approached the Board. Mr. Kane explained that in the verification process, it was discovered that lots 6, 7, and 8 do not make the 1.4 acre requirement. He noted that the Planner sent him out a memo giving options. He noted that the third option was to ask for waivers, which would need a new public hearing and additional time. He noted that they also looked at a fourth option, to reconfigure the lots in the plan, which was submitted to the Town. He noted that the feedback from the Town on that plan was that the Town officials could not support the plan, and that they want to withdraw that plan. He noted that they want to come back and formally ask for waivers on lots 6, 7, and 8, and would like to come back after it is re-advertised for the Planning Board to vote on the Preliminary Plan from last month. He explained that their engineer will explain what happened in the verification process. Mrs. Letendre asked to clarify if it is lots 1, 7, and 13 that they are talking about. Mr. Nick Piampiano, PE from Garofalo Associates, explained that there is a drainage easement on Lot 1, and he is looking for clarification on if the drainage easement can be used in the calculation for buildable area. There was discussion. Mr. Piampiano noted that he had questions on how to calculate steep slopes. He stated that the method he used was averaging the slopes on the lot, and that Mr. Martin used a method of measuring just the steep slopes, not averaging the other parts of the lot. He noted that this was the difference between the two methods, and that that was how he arrived at the original steep slope areas. He noted that going back to the original plan, the lots have buildable areas of 1.14 for lot 6, 1.32 acres for lot 7, and 1.29 acres for lot 8. He stated that they are proposing to ask waivers for those three lots. He noted that lot 6 is already developed and that there won't be any construction for lot 6. He noted that for lot 7 and 8 they are proposing to put the house, ISDS, and driveways in areas that don't have any existing steep slopes, and maybe restrict the building envelopes. Chairman Berry expressed concern about lot 13, and asked to eliminate lot 13 and to move the road over to make all the lots have suitable land. Mr. Piampiano stated that lot 13 meets the buildable area. There was discussion. Miss Paquet clarified if lot 13 meets the requirement. Mr. Piampiano noted that the lot lines have been adjusted. It was noted that some of the lots would have site plan review. It was noted that the March 19, 2005 plan received on March 25th is being withdrawn. Mr. Lepak asked about making a decision on the cul-de-sac waiver. There was discussion. **Motion** to act on previous waivers at next meeting. Boyer-Ward. All in favor (5-0).

It was noted that the Home Owner's association documents would be reviewed administratively for the Final plan. It was noted that the alternative plan included in the Board's packages tonight is being withdrawn, and the original application is still in place; and that the applicant is amending the application to include a request for waivers on lots 6, 7, and 8. It was noted that a written request for the waivers is needed, including a statement for a 90 day extension of the preliminary plan review.

There was discussion on Lot 1 again. It was determined that the drainage easement can be considered part of the buildable land. Mr. Dowling, PE from Fuss & O'Neill left the meeting.

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Zone Change Advisory Opinion, AP 55, Lot 6 and AP 55, Lot 7, portion from RFR-2 to Industrial A-

--Proposed Administrative subdivision between AP 55, Lots 6 and 7. Proposed Zoning District change on portion of land proposed for conveyance to Lot 7 from Lot 6, to make entire proposed Lot 7 Industrial A. Off Hopkins Hill Road.

Mark Boyer recused himself from this matter.

Maryanne Pezzulo, attorney with Petrarca and McGair, Inc. representing the applicants, approached the Board. She explained the area being re-zoned, and what the land swap is. She explained that the Hendricksons are picking up Parcel B and Hopkins Hill Road Realty LLC is picking up Parcel A, in order to resolve a boundary issue. John Caito, PE approached the Board to explain the administrative subdivision. Mr. Caito explained that Lot 7 is presently a split zone lot with Industrial A and RFR-2. He explained that the proposal is to blend Parcel B with AP 55, Lot 7 and to make the entire new lot 7 Industrial A. He explained that they are also asked for a little sliver of Parcel A to be rezoned also. Ms. Pezzulo explained the Hendrickson's have an existing excavating business. Mr. Walker asked what the intention is with the change of zone by adding Industrial A. Miss Paquet asked why the sliver at Parcel A is being rezoned. Mr. Caito explained that the reason is to make it clear where the zoning boundary line is, to follow the old survey line.

(Albert) Hendrickson, Vice President of Hendrickson and Sons, approached the Board. He answered questions about the property for the Board.

Mr. (younger) Cardi approached the Board. He noted that he has no plans to expand the excavation business up into the area next to Parcel B.

Motion to recommend approval of proposed change of Zoning District as noted in application by Hopkins Hill Realty, LLC with the following conditions:

1. Zone change is contingent upon proposed administrative subdivision
2. that the administrative subdivision include a condition that gravel excavation of proposed Parcel A be reviewed by the appropriate boards in Town. Also it shall remain consistent with the court order.
3. that any future expansion of the existing use on AP 55, Lot 55-7 to "Parcel B" be reviewed by the Planning Board and any other appropriate Board.

Based on the following findings of fact:

1. That an industrial use, and industrial zoning exist currently on the majority of existing AP 55, Lot 7.
2. That the proposed zone change would add Industrial Land, associated with a known use, to the States' inventory of Industrial Zoned Land.
3. That the proposed Zone change from residential to industrial is consistent with the Comprehensive plan, specifically, Economic Development Goal # 3, "Encourage compatible economic activities that complements the rural character of the Town based on the independent principle of self-reliance."

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

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Mr. Boyer rejoined the Board.

Centre of New England Boulevard Road Abandonment

-- Advisory opinion to Town Council

Mr. John A. Pagliarini, Jr. Esq., representing Centre of New England, approached the Board. He noted that there were two maps, one being the minor subdivision from 4 years ago showing the current state of the Centre of New England, and also a proposed plan showing the re-alignment of the road based on the General Assembly relocating the Town line last year. He noted that the Technical Review Committee made a favorable recommendation. He noted that the right of way is 88 feet and runs from the center point of the East Greenwich / West Greenwich line near the Wendy's and runs to a point at the center line of Hopkins Hill Road at the intersection of Mishnock. He noted that the line runs in the center of the road and is straight. He noted that it has been surveyed and that the granite bounds are established. He noted that 44 feet of the ROW are in the Town of West Greenwich and 44 feet are in the Town of Coventry.

He noted that there was a question on the metes and bounds description. He noted that it was given to the Town Clerk and advertised 3 times. He noted that it abandons the entire Centre of New England Boulevard as it exists in the Town of West Greenwich. He noted that the portion of the Centre of New England Boulevard that is in East Greenwich is a private road and in Coventry it is required to be a private road, and noted that West Greenwich is the only public portion of the road. He noted that this abandonment without a re-dedication will create a parcel for the road as a private right-of-way. There was discussion on the history of the Centre of New England Boulevard and the minor subdivision that was done 4 years ago.

Mr. John Caito, PE, and Mr. Nick Cambio were also present.

Motion to recommend to the Town Council the abandonment of Centre of New England Boulevard in its entirety, to become the ownership and maintenance of Universal Properties Group, Inc., based on the following findings of fact:

1. That the proposed abandonment will facilitate the realignment of Centre of New England Boulevard with the agreed upon Town boundary line between Coventry and West Greenwich.
2. That abandonment of the road by the Town will not negatively impact the lots with frontage on Centre of New England Boulevard.
3. That the Centre of New England Boulevard is partially constructed, and serves the commercial development called "The Centre of New England."
4. That privatization of the portion of the road in West Greenwich will bring the road into full private ownership by a common owner, as it is currently private in Coventry and East Greenwich.

Ward-Walker. Mr. Boyer called for discussion. There was discussion on the lots being served by Centre of New England Boulevard, and asked what the ownership was. Mr. Pagliarini note

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that they own a portion of the Cracker Barrel parking lot, that Denny's is owned by Denny's and that they own the day care and the other vacant parcels. Mr. Boyer asked what happens with the Town abandoning the road for Denny's. Mr. Pagliarini noted that Denny's will be given a new right-of-way over the new road. He noted that the title company is researching now if releases are needed. All in favor (5-0)

Administrative Subdivision-

-- proposed for Centre of New England

Mr. John Pagliarini explained that there are 4 existing parcels that they are re-configuring. It was noted that the order needs to be 1) abandon road, 2) record Town line, 3) record administrative subdivision. It was noted that no action is needed by the Board on the administrative subdivision, it is just to bring to the Board's attention.

Request from Centre of New England for a Special Meeting on April 18 or 25

--for Exit 7 SMD Master Plan Submission

Mr. Pagliarini requested a special meeting and noted that the Master Plan is expected to be submitted within 48 hours. There was discussion. It was decided to have it at the May 2, 2005 regular meeting, but to start the meeting at 6:30. The Public Informational meeting will be at 7:30, and Owl Ridge will be on for 6:30.

TECHNICAL REVIEW COMMITTEE

-- Designate Member of Planning Board to TRC meeting.

Mark Boyer was designated for the next TRC meeting at 2 pm on April 13, 2005.

THE PRESERVE AT WEST GREENWICH (formerly The Club at Wickaboxet) PUBLIC INFORMATIONAL MEETING

Master Plan- Major Subdivision: AP 34, Lot 2

--On Plain Meeting House Road; 172 lots with road network proposed

Owner: CIOEWG, LLC

Mr. Peter Ruggiero, Esq., representing the applicant, CIOEWG LLC, approached the Board. He submitted the Green card notices along with an affidavit for the record. Mr. Ruggiero gave a brief introduction to the parcel and explained the history of the meetings. Mr. Ruggiero explained the issues. He noted the roadway circulation network and the question on the status of Narrow Lane and Welch Hollow Road. He noted that Narrow Lane was abandoned by the Town of Coventry, and later, Welch Hollow Road was abandoned by the Town of Coventry. He noted that there are issues with the status of these two roads, one being a question of where is the Town line, and where does Coventry's jurisdiction lie, and noted that his client was not notified for the abandonment of Welch Hollow Road. He noted there are the same issues for Narrow Lane, but noted that it appears that Narrow Lane was abandoned to the Northerly side of Welch Hollow Road, and his client may not have been entitled to notice, but depending on where the Town line is the Town of West Greenwich may have been entitled to notice. He noted that they are not proposing access through there at this point because they don't know if it is available. He noted

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that they are willing to, if the Board sees fit as a condition of Master Plan approval, further investigate this and determine the options available.

Mr. Ruggiero introduced John Cioe, a share holder in the company, David Gardner, PLS from Gardner and Associates, Mark Conboy, PE, and Paul Bannon.

Mr. Ruggiero noted some of the issues raised at the TRC meeting are access, traffic impacts to Plain Meeting House Road and other connecting roads, building envelopes, fire access to the water sources, road grading and drainage, water supply, buffering to existing homes, and larger scale plans. Mr. Ward stated his objection to the proposed name of 'Preserve at West Greenwich' due to nothing being preserved.

It was noted that the plans are color coded red, yellow, and orange. Mr. Gardner explained the 3 phases, phase 1 is yellow, phase 2 is orange, and phase 3 is red. He explained that they have determined all of the unsuitable areas, and the hatched areas are the steep slopes, the pond is in blue and the green is wetlands. He noted that the wetlands were flagged and verified by DEM in the early 1990's. He noted that they eliminated some cul-de-sacs and made loops, in response to TRC. He noted that they are proposing access to the pond, which is man-made with a dam. He noted that there is a roadway that goes to the pond and they are thinking of creating something there with a dry hydrant. He noted that they are proposing individual wells for each lot, and will install wells to do a study. Mr. Boyer noted to have a scope of study available to the Town to review beforehand. There was discussion on phase 1 and building permits. Mr. Ruggiero noted that they haven't made any request at this point for building permits. He stated that the intent of tonight's meeting is not to seek approval from the Board, but to be charged with more research. He noted that Mr. Bannon's traffic report is not complete, and he would like to find out from the Board what the issues are and what they would like him to address.

Mr. Gardner explained that they are proposing a section of the main road from the intersection, possibly being a boulevard with 16 foot travel lanes. He stated that they'd like to make other connections, but the crossings over the wetlands might not be favorable to DEM.

There was discussion on buffer to the lots on Plain Meeting House Road. There was discussion on recreational areas. It was noted that the Board would like to see 2 recreational areas, one somewhere in the first phase and another up between phases 2 and 3. Mr. Ruggiero stated that they are proposing above-ground utilities.

Mrs. Letendre asked if any waivers are being requested. Mr. Ruggiero stated no, and noted that all the cul-de-sacs comply with the roadway layout. Mrs. Letendre asked about the change to the wetland crossing. Mr. Gardner noted that they tried to smooth the road out, and that this crossing is smoother and over a narrower piece of wetland. Mr. Walker asked about the lots at the site entrance and if the developer is proposing a grand entrance. Mr. Ruggiero noted that for this proposal, they would be house lots.

Mrs. Letendre asked if any waivers are being requested. Mr. Ruggiero stated that the only one may be for the building permits, but none for the design standards of the subdivision.

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Mark Conboy, Registered Professional Engineer from Gardner Associates, approached the Board. He explained that they have not done any profile work yet, and noted that they kept the roadways out of the areas of steep slope that are shaded. He noted that there is a section of a high point or a knoll, where the road goes, but it is probably going to be a source of gravel for the site. He noted that there are several areas that they would like to use for drainage, mainly low points that discharge to the wetlands. He noted that they are trying to spread it out as much as possible to maintain the natural characteristic of the property for drainage. He noted that they are going to use retention basins, and if needed, mechanical device such as a vortex unit to maintain water quality. Mr. Walker asked if they have been out there in the last week since all the rain came to see what it looks like today. Mr. Conboy noted that they haven't been out there lately. Mr. Lepak asked Mr. Conboy about road slopes.

Mr. Paul Bannon, Vice President of RAB Professional Engineers, approached the Board. Mr. Bannon noted that he is just getting involved in the project, and noted that a brief report by BETA Group was submitted to the Town that just provided a brief background of historical information. He noted that he has recommended an expansion of the study area to include the major routes of Plain Meeting House Road, Welch Hollow, Stubble Brook Road, Route 102, and all the main intersections. He noted that they are going to be collecting additional traffic data over 24 hour/ 7 day counts along all those roads, and doing peak hour and turning movement counts at a minimum for the main intersections leading up to this development.

There was discussion on Welch Hollow Road. Mr. Ruggiero submitted a topography map showing old roads for the public to look at. Mr. Ward asked about site distance. Mr. Bannon noted that the BETA study confirmed sufficient site distances. The Board asked that the study include all of Plain Meeting House Road and Stubble Brook Road. Mr. Bannon noted it will address all points of access from the main servicing routes from 102. Mr. Ward asked that the study include different times and address blinding effects from the sun. Mr. Ward noted the road has an east-west orientation, but that he didn't know of a specific location that is blinding on Plain Meeting House Road. Mr. Walker asked if the study will address where the traffic is expected to go and where it comes from. Mr. Bannon noted that they will use journey-to-work information on a town-wide basis. Mr. Berry asked if they make recommendations on the conditions of the roads and surfaces. Mr. Bannon noted that they will evaluate the widths and the general condition of the road. Mr. Lepak noted that a traffic consultant was hired to do the Comprehensive Plan Circulation Element, and that they noted that Plain Meeting House road is a collector road in poor to fair condition. Mr. Lepak noted that the roadway width averages 22 feet wide. Mr. Lepak expressed concern of the applicant's traffic study addressing the Town's needs. Mr. Lepak asked Mr. Bannon to look into Welch Hollow Road, which is a minimum maintenance road, which may have to be a possible scenario to make the link to phase 3. Mr. Ward noted to have an internal traffic study, addressing the wetland crossing if it poses a problem for internal traffic, and to look at any improvements to make access to Welch Hollow Road. Mr. Boyer noted for the Board that the Master Plan stage is when the Board lets the applicant know of any studies that will be required. Mr. Lepak asked for the Public Works Director to look into if any off-site improvements are needed. Mr. Walker asked to have trip generation addressed so that the Board can see if a recommendation for a convenience store or a zone change is needed, which would have the potential to decrease the traffic volume numbers. Mr. Bannon noted that the highest volume periods are the morning commute and evening

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commute. He noted that trips to conveniences are interrelated and are dual purpose trips, especially for rural communities. It was noted that there is a period of more intense trips on Plain Meeting House Road from around Halloween through Christmas for Leyden's tree farm. Mr. Walker noted that people are bound to use Rts. 165 or 49 or 14 to get into Connecticut to take I-395.

Mr. Lepak raised discussion on the Fiscal Impact Analysis. He urged the Board to change the Fiscal Impact multiplier of 0.6 children per household, and noted that the Comprehensive Plan recommends 1.0 student per dwelling unit, and that the Affordable Housing consultant recommends 1.2 students per dwelling unit. Mr. Berry asked how many of the units are proposed as affordable. Mr. Ruggiero noted that there are none. Mrs. Letendre noted that there are none required, because the Town doesn't have an ordinance requiring affordable housing. Mr. Ward noted that he would like a buffer between this proposed development and the existing lots on Plain Meeting House Road. There was discussion.

Chairman Berry opened the meeting to Public Comment:

Ron Hubelbank, 627 Plain Meeting House Road, asked what happens to the tax rate when the (Town) has to build more schools, and there is increased snow plowing, and need for fire and police protection. It was noted that the Board can't deny a plan based on the Fiscal Impact statement. Chairman Berry noted that the Board will look at potential upgrades to the fire company.

Ralph Pratt, 4 Victory Highway, asked why access is needed through Narrow Lane or Welch Hollow Road. Mr. Lepak noted that the sheer magnitude of this project dictates that there be emergency access. Chairman Berry noted that it is typical to look for alternate ingress and egress points. Mr. Boyer noted that it is a matter of safety and the Planning Board doing due diligence in investigating every avenue, and that if it is not feasible it is not feasible.

Steve Flood, 677 Plain Meeting House Road, asked about the two lots at the western entrance and if they are going to be house lots. Mr. Ruggiero noted that these lots already exist, and that there would be a house on each lot.

Warren Stevenson, 635 Plain Meeting House Road, had a question on the construction and heavy equipment traffic on Plain Meeting House Road. He noted that there have been a number of accidents at the bottom of the hill on Plain Meeting House Road. He asked that the Board look at this as well. Mr. Paul Bannon noted that he probably wouldn't look at construction specifically because it is short term, but due to the magnitude of this, he noted that the big equipment would be on site for periods, not going in and out on a daily basis. He noted that once they get started building the infrastructure that all the heavy equipment is site contained. There was discussion on housing construction traffic.

Steve Flood expressed concern about the curve on the road at the first access point where there is a hill, and noted it would be hard to stop and make a turn. He also asked about water quality and water quantity. He asked if there are provisions to monitor what is there now to ensure it does

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not get degraded for the people who live there now. Chairman Berry noted that typically we just require that the wells be drilled and to demonstrate proof of adequate supply. He noted that for something larger like a major subdivision, the Board requires that the applicant get a hydrologist to do a study of the whole area. Mrs. Letendre noted that there is no legal mechanism for the Town to regulate whose fault it is if someone's well goes dry. She noted that it is a civil matter between individuals. She noted that it would be a good idea for people to have their wells checked and to make those records for themselves.

Mr. Flood asked if the development abuts Wickaboxet and if the houses are outside the 500 foot setback for hunters. Mr. Ruggiero noted that it is the responsibility of the hunter, not the homeowner, so the houses do not have to be set back that distance.

Motion to continue the informational meeting to May 2, 2005. Boyer, no second. Mr. Ruggiero noted that they don't think they'll have the information ready for the TRC. Mrs. Letendre expressed concern of the 120 days running out in June, and noted that an extension may be needed. Mr. Ruggiero asked to continue to June, in case the traffic report isn't done. There was discussion on having the subsequent meetings focus on the phases. Motion to continue to June 6, 2005. Boyer-Ward. All in favor (5-0).

RESIDENTIAL COMPOUNDS -ADVISORY FINDINGS AND RECOMMENDATIONS TO TOWN COUNCIL

-- Proposed Zoning Ordinance Amendment to include Residential Compounds (RC's)

Mr. Lepak had comments. There was discussion. RC's would apply to all Town accepted "public" roads, and not specify off of cul-de-sacs. The Board recommends no more than 3 lots. The Board went over all other changes and typos. There was discussion on the land unsuitable for development and the roadway. It was noted that the Board recommends that the road would be part of the lot, not a separate parcel. The Planning Board recommends that no Open Space be designated as part of RC's.

Motion to recommend to the Town Council that they approve the Residential Compound ordinance as amended by the Planning Board in the interest of public safety. Ward-Boyer. All in favor (5-0).

Motion to table the minutes to the next meeting. Ward- Boyer. All in favor (5-0).

Motion to adjourn. Boyer-Walker. All in favor (5-0). The meeting ended at 10:39 p.m.

WEST GREENWICH
May 2, 2005
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on May 2, 2005. Present were: Chairman David Berry, Mark Boyer, Bill Lepak, Brad Ward (6:50 pm), and Alternate Bill Bryan. New member Tim Regan and Alternate Tom O'Loughlin were absent. Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy (Giorgi) Letendre were present. Shawn Martin, PE, of Fuss & O'Neill was present.

Chairman Berry called the meeting to order at 6:35 p.m.

Mr. Lepak suggested having a slot on the agenda for "Planning Discussion" similar to public forum at the Town Council meetings. Mrs. Letendre noted that it can be done for discussion, as long as there are no votes taken.

CONSENT AGENDA

1. Acceptance of Minutes

February 7, 2005 Regular Meeting

February 28, 2005 (Regular, rescheduled March meeting)

April 4, 2005 regular meeting

Motion to approve the minutes of the February 28, 2005 meeting. Boyer-Lepak. All in favor (4-0).

No action was taken on the February 7 or April 4 minutes.

6:30 pm

OWL RIDGE – PUBLIC HEARING

MAJOR SUBDIVISION/ PRELIMINARY PLAN REVIEW: AP 51, Lot 7-1

-- on Henry Brown Road and Fox Run; 13 lot subdivision proposed with road; Waiver requests on road length, reverse curve, and minimum land suitable for development. New Public hearing due to new waiver request. Applicant/Owner: Michael Lemme

Motion to open the public hearing. Boyer-Lepak. All in favor (4-0).

Attorney Timothy Kane, Developer David Carlen, and Engineer Nick Piampiano, PE were present.

Miss Paquet gave the Board an overview on where the application left off from the last meeting. It was noted that the applicant is seeking waivers on the length of the cul-de-sac on Fox Run, the reverse curve on Fox Run, and on lots 6 and 7 because they do not meet the 1.4 acres of suitable land. Chairman Berry read Mr. Martin's memo dated April 29, 2005, for the record. It was noted that the items in the memo need to be incorporated into the conditions of the subdivision. Mr. Piampiano discussed Lot 7 and the constraints, and explained that they are proposing a limited building envelope for the house so that the area to be developed can be controlled, without impacting the steep slopes or the wetland. He noted that the building envelope would be smaller, there would be a 100 foot front setback, and the wetland would not be in the envelope. It

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was noted that the restricted building envelope and 100 foot front setback would need to be in the motion as a condition.

Mr. Ward arrived at 6:50 pm

Chairman Berry called the Board for discussion on the 1.4 acres of suitable land requirement. Mr. Bryan noted that he isn't so concerned with lot 6, but that he is concerned with the implications of granting a waiver. Mr. Lepak asked if the Town has ever granted a waiver on this before. Mr. Bryan asked what the premise is for doing it, other than providing more buildable lots. Mr. Lepak noted that the regulations should be supported. Mr. Boyer noted that it is a case by case basis, and he agreed with Mr. Bryan noting that it is a dangerous precedent to grant it simply to get an additional lot. He noted that if there were other reasons, it might have more weight. Mr. Ward noted that the applicant had a different calculation than what the Town uses and it was not found out until the final hour, and that this circumstance could be argued to justify the approval without creating a precedent situation. Mr. Kane noted that legal precedent is not being created because each subdivision is unique and each piece of land is unique. He asked the Board to consider the public policy behind the regulation, and noted that you don't want people building on steep slopes and wetlands, and that you do want minimum upland. He stated that he thinks the things they are proposing would address that public policy concern. He also asked the Board to consider Mr. Ward's comments, and noted that the lot was shown from the beginning, and that the applicant's engineer used a different methodology for calculating steep slopes than the Town's engineer. He noted that they are not arguing the methodology, but noted that they did start from the beginning with this number of lots and general configuration. He also noted that there is some give and take in the planning process and that they are asking for waivers and that the Board has asked for some things for public safety, and restrictions on lots 10 and 11, and that he asks the Board to keep those things in mind in considering this waiver. Mr. Piampiano noted that he used an average steep slope method which is looked at over the size of the lot, and noted that from the point where it becomes greater than 15% slopes, there is actually more buildable land. Chairman Berry noted that Mr. Kane was referring to stipulation number 5 in the draft motion that proposed lots 10 and 11 be restricted to no further subdivision. Mr. Boyer noted that those lots can't be further subdivided without more waivers for the length of the cul-de-sac. Mrs. Letendre noted that the condition of approval for no further subdivision means no further subdivision. Mr. Boyer pointed out that even without the stipulation, the lots can't be further subdivided because they can't build the road without a waiver. Chairman Berry noted that his issue is creating the irregular shaped lot 13. Mr. Piampiano explained that he looked into that when he was trying to come up with more area for the two lots, but that the problem was that by moving the road, it will sit on a flatter piece, but it would be impossible to catch on the property line because the slopes run steep, and the condition gets worse as the road is pushed over. He noted that he tried to see if he could salvage enough area, but he couldn't come up with enough area to give to lot 7, which was not enough to meet the requirement.

Chairman Berry opened the hearing to the audience for comment.

Sandy Andrews, had a question on lot 7 and asked how close it is to the wetlands. Mr. Piampiano noted that the house and the ISDS are 200 feet from the wetland, per the Town's

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regulations. Ms. Andrews made a comment about the calculations not being the same as the Town's calculations not being found out until recently, and expressed concern about others trying to get away with this if they deliberately don't calculate right. Chairman Berry noted that it shouldn't be an excuse to grant a waiver.

Chairman Berry asked the Board to comment on the shape of lot 13. There was discussion on Lot 13.

Eugenia Marks, Audubon Society, stated that her interest in the development is where the land abuts on the southeast side. She asked if lot 7 is in the Fisherville Brook watershed, and asked if there would be an opportunity to put a comment in the deed that there are sensitive wetlands in the area and that the lawn should not be extended into the wetland. She noted that future owners might not realize what the situation is. It was noted that this deed restriction could not be enforced by the Town. Mr. Boyer suggested installing posts with a sign indicating the buffer, like in Hoxsie Farms. There was discussion. It was noted to add in the Homeowner's Association documents that Fisherville Brook watershed is nearby, and to have low-nitrate fertilizers apply.

Nicole LaPort Murray, 20 Fox Run, asked about how enforceable the homeowners' association will be. It was noted that it will really be left to the people who live there.

Chairman Berry polled the Board on the suitability waiver. It was noted that the vote would be 2 to 3 to approve, so, the Board would deny the waiver on 1.4 acres of suitable land for the 2 lots. There was discussion on merging the two lots, or splitting lot 7 to have a portion go to lot 6 and the rest to lot 8. There was discussion by the Board members on the waivers. Mr. Lepak noted his opposition to extending cul-de-sacs, and then discussed the composite constraint map and cited numerous goals and policies from the Comprehensive Plan in support for denial of the minimum suitable land waiver.

Mr. Boyer noted that he was against the slope waiver, and mixed on the cul-de-sac waiver. He noted that the applicant looked into a loop road system, but he was still undecided on the waiver. Mr. Bryan asked why the Town has the regulations. Mr. Ward stated that it should have been done at the Master Plan. There was discussion on waivers in general, and when they should be heard. Mrs. Letendre stated her position that the cul-de-sac issue was a defacto waiver approval at the Master Plan.

Nicole LaPorte Murray, 20 Fox Run, stated that the Town makes laws, and since they are best for the Town, they shouldn't cut corners.

Motion to grant a waiver from the requirement of Article XIII Section 7 pertaining to length of dead-end road for the proposed Owl Ridge Major Subdivision, AP 51, Lot 7-1, extending the existing Fox Run to 1,500 feet; and for the minimum tangent between reverse curves, both as shown on the Preliminary plan revised 04/11/05.

These waivers are granted based on the following findings of fact:

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1. that the waiver requests are both reasonable and within the general purposes and intents of the Land Development and Subdivision Regulations, given that the extension of road at the end of Fox Run compensates for the extent of un-useable road frontage on the new proposed road, due to environmental constraints at the entrance of the parcel.
2. that the waiver on the length of dead-end cul-de-sac is in the interest of good planning practice or design, as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance.
3. the reverse curve is at the end of a dead-end street, where it should not pose a problem.

Ward-Boyer. There was discussion. The motion was amended to include a condition that the old cul-de-sac will be abandoned in accordance with the plans. Mr. Lepak noted that the Board acted in good faith on granting the extension of the Master Plan approval. Amended motion is on the table. Motion passes 3-2, with Lepak and Bryan voting nay.

Motion to DENY the request for a waiver from the requirement of Article III Section C pertaining to minimum amount of land suitable for development per lot for the proposed Owl Ridge Major Subdivision, AP 51, Lot 7-1, for proposed lots 6 and 7, as shown on the Preliminary plan revised 04/11/05.

This denial is based on the following findings of fact:

1. that the waiver request is not reasonable nor within the general purposes and intents of the Land Development and Subdivision Regulations;
2. that the waiver on the minimum requirement of land suitable for development is not in the interest of good planning practice or design as evidenced by inconsistency with the Comprehensive Community Plan and the Zoning Ordinance. Specifically, the request is inconsistent with the Comprehensive Plan "Composite Constraint Map" and following goals, policies, and implementation items: Element I, page 39, Goal 1, Policy 11; Element I, page 41, Goal 2, Policy 1; Element II, page 36, Goal 2, Policy 2, Implementation 1; Element III, page 29, Goal 4; Element VII, page 45, Goal 1; Element VII, page 47, Policy 7, Implementation 2; Element VII, page 48, Goal 4, Policy 22; Element VII, page 51, Goal 8. (ref. the Town of West Greenwich Comprehensive Plan, December, 1995)

Boyer-Bryan. Motion carries 4-1, with Mr. Ward voting nay.

There was discussion on adding two more conditions to the draft motion for plan approval.

Nicole LaPort Murray asked if there can be something for the Town to enforce conservation easements. It was noted that there could not.

Kathy St. Martin, 39 Fox Run, had a question on 200 feet of frontage. It was noted that frontage can be 150 feet at the 50-foot front yard setback only on a cul-de-sac.

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Sandy Andrews asked if the open space fee applies. It was explained that there is a difference between the Open Space and Recreation fee, and the Farm Forest and Open Space Tax Program penalty.

Frank Colantonio, Fox Run, asked why the Board requires buffers on other projects, but not on this one. The Board noted that there are other consideration such as distances between existing houses and the development property lines.

Motion to approve the plans dated January 22, 2004, revised through April 11, 2005, and including the stipulations on the waivers, for the Owl Ridge Major Subdivision AP 51, Lot 7-1 prepared by Garofalo & Associates, prepared for Michael & Barbara Lemme, with the following conditions:

1. That the applicant reimburses the Town for the costs of the meeting notices for the Master Plan and the two Preliminary Plan advertisements.
2. That site plans be required for proposed lots 8, 9, 10, & 13, to be reviewed by the Town, prior to issuance of a building permit; and that the cost of review be born by the applicant at the time. And that a note be added to the record plan stating that site plans are required for these lots, prior to issuance of a building permit. Site plans must show house location, grading, and driveways.
3. that proposed lot 1 obtain and ISDS approval from RIDEM prior to final plan review.
4. that a note be added to the Final plans indicating the 200 foot stream buffer for ISDS's and that the RIDEM ISDS Permit Applications depict and conform to this local regulation.
5. that proposed lots (10 and 11) be restricted to no further subdivision, and that a note be added to the record plans and the deeds of these lots stating such, as a condition of Planning Board approval for the Owl Ridge Major Subdivision.
6. that phasing, as proposed by the applicant, be allowed for this subdivision
7. that the Minor subdivision may occur administratively and that a note be added to the substandard parcel noting that it is subject to a Major Subdivision and that no building permit may be obtained until the infrastructure improvements have been completed to the satisfaction of the Planning Board.
8. that the applicant reimburse the Fire Company for the costs to fill the 3 required cisterns with water.
9. That the cisterns be installed prior to final approval, including all pipes and fittings, and that the Fire Suppression easements and/or locations be shown on the record plans.
10. that final asphalt is permitted to be financially guaranteed, and that cost estimates be submitted at final (as-built) review.
11. That drainage easement, cistern, and roadway documents, all with metes and bounds descriptions, be submitted for Final plan review.
12. Landscaping to be assessed by staff after construction, prior to Final review.
13. That Rhododendron be substituted for the Mountain Laurel.
14. That the name of the new road be changed to Orion View Drive.
15. That underground electric is required on the new road, and that above ground electric may be installed at the extension of Fox Run.

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16. that the applicant verify that the frontage requirements have been met for proposed lots 9 & 12.
17. That the existing Fox Run cul-de-sac be removed and the land be properly graded, loamed and seeded and/or landscaped, and that a note on this be added to the final construction documents.
18. that measures be taken to ensure no construction work or damage occur to existing lots on the cul-de-sac during road construction. If any damage does occur, the developer shall be responsible for quality repairs.
19. That a site distance easement be dedicated to the Town over proposed lot 6, and that this easement be noted on the Minor subdivision.
20. That the Project Review Fee account be replenished with \$3,000.00 prior to the start of construction, and continue to be replenished as needed throughout the duration of the project, in accordance with the Land Development and Subdivision Regulations.
21. That the applicant pays the Open Space and recreation fee per lot, as assessed at Final Plan.
22. That the Homeowner's Association Documents are to provide notice to the residents of the Fisherville Brook Watershed and abutting conservation land, and require low nitrogen fertilizers and low impact landscaping within the development.
23. That a portion of Lot 7 be added to Lot 6 to meet the 1.4 acres of suitable land requirement, leaving the remainder of lot 7 to be either added to lot 6 or lot 8, and the plans are to be amended to indicate this.

Ward-Boyer. There was a call for discussion. It was noted to add condition 24, that the Town's Well testing ordinance applies, and to Leave condition 13 up to the choice of the Landscape Architect, and that for condition 16, the applicant needs to revise the plans and resubmit. Ward-Boyer, as amended. Motion carries 4-1, with Mr. Lepak voting nay.

KNIGHT ESTATES – MINOR CHANGE

MAJOR RESIDENTIAL SUBDIVISION / MASTER PLAN.: AP 28, Lot 26

-- on Stubble Brook Road; 10 lots proposed with road; request for additional waiver on road slope; Owner: Sarah Knight; Applicant: Robert Woloohojian- Harow, LLC

Attorney John DiBona, Harry Miller from Alpha Associates, Richard Concord from Gordon Archibald and Rob Woloohojian, applicant, were present.

Mr. DiBona explained to the Board that the applicant is now looking for a revision to the 9 percent waiver to go up to 10 percent. There was discussion. Mr. Concord explained that shoulder slopes for the roadway at 9 percent would extend out 20 to 30 feet from the road. He explained that the 10 percent slope concept consists of 4 percent, 10 percent, 8 percent, 10 percent, 6 percent, and then 4 percent slopes over the length of the road. Mr. Martin explained to the Board that the 8 percent slope is instantaneous, not over any distance. Mr. Miller explained that they looked at other road layouts and went over one showing the road starting farther to the west. He noted that this concept has issues such as a 90 degree turn, and said the

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lots would be long and thin if the road was closer to the side property line. He noted that they can keep more wooded areas with this concept. There was discussion. It was decided that alternatives should be presented and that Mr. Martin is to discuss the alternatives with the applicant. Motion to continue the request on the waiver to the next Planning Board meeting. Ward-Boyer. All in favor (5-0).

7:30 p.m.

CENTRE OF NEW ENGLAND – PUBLIC INFORMATIONAL MEETING
MAJOR LAND DEVELOPMENT PROJECT/ MASTER PLAN REVIEW:

AP 1, Lots 3-1, 4-3, 4-4, and 4-5

--on Centre of New England Boulevard; Commercial retail and rental residential multifamily proposed. Applicant/ Owner: Commerce Park Realty, LLC

John Pagliarini, Jr. Esq., John Caito, PE, Paul Bannon, PE (traffic) approached the Board. Mr. Cambio was present in the audience.

Mr. Pagliarini introduced the project. He noted that Coventry has been inspecting the road and that someone from West Greenwich went out too. He noted that the Town Council abandoned Centre of New England Boulevard, and that the town line will be recorded within 2 weeks, and then the administrative subdivision will be recorded.

It was noted that the Board is approving the uses, not the footprints on this plan. Mr. Pagliarini went over the Fire access and noted that Mishnock Fire has signed off on the site layout. He explained that they are proposing 220 acre restricted with 70 low-mod units, retail square footage, and 300 market rate units. He noted that the drainage will be in Coventry, and 50 percent of the road is in West Greenwich. Mr. Caito went over the residential components of the site plans, and showed architectural renderings, drainage, and the DEM Order of Approval on the sewer.

Mr. Ward expressed concern on timing during construction that there is access to the fire lanes at all times. The applicant will address this. There was discussion on the number of parking spaces. Mr. Pagliarini noted that they designed for 2.5 spaces per unit, but that the applicant says they don't need it.

There was discussion on the Master Plan and it was noted that this review and approval is on the concept, involving the use and distribution of uses on the lots. There was discussion on water, fire hydrants, Master plan and Kent County Water Authority.

Paul Kaltschnee, in the audience, had a concern of water availability at the Master Plan level, and asked the Board not to forget the need for water for the commercial areas.

Mr. Lepak had concerns with the Fiscal Impact Analysis, and noted that it should be done by an appraiser. There was discussion. The Planning Board asked to have a third party independent to review the Fiscal Impact Analysis. There was further discussion on the Fiscal Impact Analysis.

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Mr. Caito went over the parking garage.

Paul Kaltschnee asked about what else the applicant can present for visuals, other than artists renditions of actual product that the developer (LeCesse) has built. Mr. Caito said that he can provide that information.

Paul Bannon, Vice President of RAB Engineers, went over the traffic and roadway improvements. He noted that he has been working with Mr. Cambio since 1999 on upgrading New London Turnpike for the Centre of New England. He noted that in cooperation with Rizzo Associates they have completed the Master Plan for the entire development between Coventry and West Greenwich. He noted that for the Master Plan they are planning on monitoring the growth and the assumptions on the distributions on an on-going basis with the communities and with the DOT. He noted that as the communities see fit, he will verify the recommendation of improvement if threshold volumes are met. He noted that they have approvals through the Physical Alteration Permit process with DOT to widen the lanes of New London Turnpike to the interchange. He noted the improvements will include signalization to the New London Turnpike and Centre of New England Boulevard, which will include double left turns. He noted that they are also doing signals at the Arnold Road intersection, and also re-aligning the I-95 ramps. He noted that this will be an on-going process and that they hope to do this within 3 to 5 months. Mr. Bannon noted that this site entrance improvements will handle the entire development even without the connection to Hopkins Hill Road. It was noted that each Preliminary plan will need an update on the traffic analysis.

Mr. Boyer asked about the liability of an approval and asked what the Master Plan is vested in. Mrs. Letendre answered and that she will put in the draft decision that the footprints are not locked in. There was discussion on the Master Plan decision letter.

Paul Kaltschnee noted that the original concept presented during the zone change has changed and that there is no longer a hotel proposed. He asked why the applicant separated the residential with the commercial in the center.

Motion to continue the Master Plan review to June 6, 2005 meeting. Boyer-Ward. All in favor (5-0). Also to set a special meeting of June 20, 2005 for the market rate Preliminary review, after the TRC reviews it.

At 10:30 pm, Mr. Martin and Mrs. Letendre left the meeting.

ARLINGTON RV-SITE PLAN REVIEW/ REVISED PRE-APPLICATION: AP 2, Lot 1
--on Corner of New London Turnpike and Division Street; zoned Highway Business

Kevin Morin, PE of DiPrete Engineering, and Steve Moran, Arlington RV, were present. Mr. Morin went over the changes of the orientation of the building and the proposed access curb cut relocated farther up New London Turnpike. The applicant is proposing to building and maintain the road. There was discussion on the status of New London Turnpike. The applicant will look at site distance on Division Road. There was discussion on a buffer for the residential areas. Mr. Moran noted that the only fuel they do on site is propane, and that they have storage for emptied

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toilets but no treatment on site. The sewage is pumped and sent away. There was discussion on Deer Run emergency access and the need to preserve the integrity of the easement. There was discussion on landscaping at Division Street and it was noted that there is no landscaping proposed within the parking lot. The Board noted that they will be looking for landscaping and buffering. Mr. Boyer asked what standards the road will be built to and who will plow and maintain it. There was discussion on drainage and the applicant will do a detention and infiltration system, and that the applicant still needs to work with the Water Resources Board on this.

Mr. Bryan had concerns on how this is going to look from Division Street, and noted that this isn't Route 2 where visibility would be desired. Mr. Ward suggested sliding the building around to address the concerns of the Board.

Mary Kaltschnee asked if there will be overnight parking. It was noted that there will not be overnight accommodations.

Mr. Lepak asked why there is isn't any landscaping in the extensive parking lot to break it up. Mr. Moran explained that stuff like leaves can get tracked into the RV's and that they actually vacuum the pavement.

The applicant will do renditions to give the Board a visual on what it would look like.

Mr. Morin asked the Board if they can submit the Preliminary plans with the permits pending on the state level. The Board was ok with making the Preliminary subject to state permits.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) : 2005 GRANT ROUND

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

Miss Paquet noted that Geoff Marchant might not be able to make it tonight. She went over the proposed CDBG funding projects. None of the projects seemed to conflict with the Comprehensive Plan. Miss Paquet suggested also applying for the remainder of what the Town is eligible for, which is about \$150,000.00 , to go towards an Affordable Housing Trust Fund in accordance with the Affordable Housing Plan.

Motion that the Board finds that there is a no-conflict determination with regard to consistency with the West Greenwich Comprehensive Community Plan, for the following projects:

1. Bayside Family Healthcare
2. South County Community Action
3. Housing Information Program
4. WARM Shelter
5. Housing Rehabilitation
6. Blueberry Heights Septic Systems
7. Administration of the program

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In addition, the Planning Board recommends, and finds consistency with the Comprehensive Plan, specifically the Affordable Housing Plan, to use the remainder of the funds for which West Greenwich is eligible to apply, to go towards the foundation of a Housing Trust Fund for the Town of West Greenwich.

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

Engineers for Preserve at West Greenwich-

-- Discussion on hiring additional engineering firm to conduct independent Traffic Study

Engineers for Centre of New England-

-- Discussion on hiring additional engineering firm review project.

These two items were discussed together. The Board wants someone with construction experience to review the Centre of New England site. For the Preserve at West Greenwich, the Board wants to send letters to 3 or 4 companies to see if they'd do a separate traffic study.

There was also discussion on firms to review the Fiscal Impact Analysis. Mr. Bryan noted PFM, Public Financial Management, who does a lot with Providence.

TECHNICAL REVIEW COMMITTEE

-- Designate Member of Planning Board to TRC meeting.

No one was designated.

Motion to adjourn. Bryan-Ward. All in favor (5-0). The meeting ended at 11:15 p.m.

WEST GREENWICH
June 6, 2005
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on June 6, 2005. Present were: Chairman David Berry, Mark Boyer, Bill Lepak, Brad Ward, Tim Regan and Alternate Tom O'Loughlin (7:10 pm). Alternate Bill Bryan was absent. Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy Letendre were present. Shawn Martin, PE, of Fuss & O'Neill was present.

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

CONSENT AGENDA

A. Acceptance of Minutes

- February 7, 2005 Regular Meeting
- April 4, 2005 regular meeting
- May 2, 2005 regular meeting

Miss Paquet explained that there were no minutes included in the Planning Board packages this month and that they should be removed from the consent agenda.

B. Minor Subdivisions:

1. Minor Subdivision- AP 34, Portion of Lot 3
--on corner of Plain Meeting House and Plain Road; one new lot proposed
2. Minor Subdivision- AP 29, Portion of Lot 3-1
--on West Log Bridge Road; one new lot proposed
3. Reinstatement of Minor Subdivision-AP 6, Lot 31-3
--on Nooseneck Hill Road

Motion to approve the consent agenda. Boyer-Ward. All in favor 5-0.

KNIGHT ESTATES – MINOR CHANGE

MAJOR RESIDENTIAL SUBDIVISION / MASTER PLAN, cont: AP 28, Lot 26

-- on Stubble Brook Road; 10 lots proposed with road; request for additional waiver on road slope; Owner: Sarah Knight; Applicant: Robert Woloohojian- Harow, LLC

Attorney John DiBona approached the Board. Harry Miller from Alpha Associates, Todd Ravenelle, PE from Gordon Archibald Inc., and Robert Woolohoojian, applicant, were present.

Mr. DiBona gave a history of the request to change the slope. He noted that there was a memo from Mr. Martin at the previous meeting asking to see alternatives. Mr. Martin noted that there are two memos, on dated June 3, 2005 and one dated June 6, 2005. He gave a recap of his June 3, 2005 memo, which was a review of alternative number 5. He noted that this alternative was requested to be shown by the applicant to show a different alignment to see if there were any improvements that could be obtained regarding to the amount of fill for road construction. He noted that the applicant presented the alignment in profile (alternative 5) and that there was not a difference in the amount of fill that would be required from Alternative 2. He noted that he proposes conditions to the applicant's alternative number 2. Todd Ravenell noted that they have not revised the Alternative 2 with the recommendations, but that they agree with the

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recommendations. He noted that it does not give all the relief that they are looking for, but that it will improve the situation and will reduce the amount of fill.

Mr. Boyer noted that if they can improve everything, and the Board can give a little on the slope, in order to avoid fill going onto private lots then he would be in favor of granting the waiver. Mr. Ward stated that he would concur, based upon Mr. Martin's recommendation in reviewing the plans. **Motion** to grant a minor change to the Master Plan approval for the Knight Estates subdivision in granting a waiver for the slope of the road, in accordance with Alternative 2, with the conditions of approval as noted in Mr. Martin's June 3, 2005 memo. Boyer-Ward. Motion carries 4-1, with Mr. Lepak voting nay.

CENTRE OF NEW ENGLAND – PUBLIC INFORMATIONAL MEETING

MAJOR LAND DEVELOPMENT PROJECT/ MASTER PLAN REVIEW, cont:

AP 1, Lots 3-1, 4-3, 4-4, and 4-5

--on Centre of New England Boulevard; Commercial retail and rental residential multifamily proposed. Applicant/ Owner: Commerce Park Realty, LLC

It was noted that copies of the draft decision were available at the table. Attorney John A. Pagliarini, Jr. approached the Board. Mr. Nick Cambio was in the audience. Mr. Pagliarini noted that they have no problems with the Findings of Fact. He went over the conditions of approval. There was discussion on acceptance of the road and utilities. There was discussion on the timing issue of the road wetlands crossing. Changes were made to number 5 to remove the first sentence, and to change "Master Plan approval is contingent upon RIDEM approval," to read "Master Plan approval is in anticipation of RIDEM approval." Mr. Pagliarini noted that last week the Town Line agreement, the abandonment of Centre of New England Boulevard, and the administrative subdivision were recorded. Miss Paquet asked for the Project Review Fee to be established for this project. Mr. Pagliarini noted that the fees will be submitted tomorrow, and that the Master Plan costs can be taken out of the LeCesse check. Mr. Cambio noted that they expect the traffic signals operational by the end of the month. Mr. Pagliarini noted that the sewer extension has been run down to the bridge, and the red light is proceeding very fast. He noted that they have also been talking with the Town Council and that they are delivering a development agreement to the Town Council to pull together all the issues into one agreement for Mr. LeCesse's lender. Mr. Ward asked about the access for emergency vehicles being open. It was decided to add this as item 13. There was discussion on condition 2. It was decided to change "as part of the Preliminary Plan submittal" to "In addition to the required Preliminary Plan submittal." Chairman Berry expressed concern about the retail layout, and that it appears as a big box, which is different than originally shown. Mr. Pagliarini noted that the purpose of the layout was for the literal requirements of the ordinance, to show that they could provide enough parking and enough building square footage, but that it is not what the final product is going to look like. It was noted that the decision does not approve the building footprint.

Dianne Blaquiére, 205 Mishnock Road, expressed concern about finding of fact number 6 and the timing of access to Hopkins Hill Road, and asked what happens if they don't get approval from RIDEM for wetlands crossing. There was discussion. Mr. Pagliarini noted that the road is wide enough to handle the traffic as is. It was decided to change Finding of Fact 6 from "and will have adequate" to "and anticipates adequate and permanent physical access." Ms. Blaquiére

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asked if the traffic studies encompass Mishnock Road down to Route 3, and noted that there is a lot of cut-through traffic. There was discussion. It was decided to add Mishnock Road to condition 9.

Paul Kalchnee, 81 Carrs Pond Road, asked if there is any idea of the build-out of the project in its entirety, and noted that the project seems to be piecemeal and changes daily. He expressed concern of how close this Master Plan is compared to the original vision. Mr. Pagliarini responded and noted that the project is on track, that it is a lengthy process, and that Mr. Cambio is on his third architect because he was dissatisfied with the vision of the previous ones. Mr. Kalchnee noted a concern that what was shown during the zone change is not what is shown on the Master Plan, which appears to be a strip mall. Mrs. Letendre noted that the decision states that the building footprints are not included in the approval.

Motion, as revised and read by Mr. Ward:

“The West Greenwich Planning Board hereby grants Conceptual Master Plan approval for the proposed “Centre of New England” as depicted on plans entitled: ‘Exit 7 Special Management District, Master Plan, Centre of New England, Centre of New England Boulevard, West Greenwich, Rhode Island, Assessor’s Plat 1, Lots 3-1, 4-3, 4-4 and 4-5.’ Plans by John P. Caito, Corporation, 25 Sharpe Drive, Cranston, R.I. 02920, Sheets 1 through 5, Scales: as noted, Drawings revised through April 22, 2005. This action is based upon the following findings of fact and conditions of approval:

Findings of Fact:

1. This land development project is consistent with the requirements of the Comprehensive Plan, including the future land use map, as amended September 22, 2004, specifically with regard to Land Use Element Section II.F.4. “Exit 7 Special Management District”.
2. This land development project is found to conform to the standards and provisions of the West Greenwich Zoning Ordinance relative to the Exit 7 Special Management District as proposed and exhibited in the plans.
3. This land development project is not designed or located in such a manner as to require relief from the Zoning Ordinance or the Land Development and Subdivision Regulations.
4. There will be no significant negative environmental impacts from the proposed development as shown on the plans, as public sewers and public water will be provided and conditions of approval to mitigate impacts are applied.
5. This land development project, as proposed, will not result in the creation of lots or parcels of land with such physical constraints to development that building on these lots according to pertinent regulations and building standards would be impracticable.
6. This land development project has adequate and permanent physical access to a public street, namely New London Turnpike, and anticipates adequate and permanent physical access to Hopkins Hill Road.
7. The proposed development provides for safe circulation of vehicular traffic, for adequate surface water runoff, for suitable building sites, for job creation, and for diverse housing and business opportunities.

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8. The residential component of the land development project will have no or very limited impact on those critical town capacities which most severely limit sustainable and serviceable growth in the Town, including but not limited to educational facilities and public works.

Conditions of Approval:

1. Master Plan approval is granted in concept only and approves the basic parameters of the development as set forth in the plans. Approval includes access to the subject site, from both Hopkins Hill Road and New London Turnpike, through Centre of New England Boulevard; the location and proximity of residential and commercial uses; administrative subdivision of the lots; the general use of each lot as indicated by the 'Use Matrix' and lot designations on sheet 3 of 5; and the gated emergency access indicated on sheets 4 and 5. This does not constitute approval of the specific building sites, building footprints, engineering or architectural details. These items shall be addressed during the preliminary review stage of development. It is understood that specific uses (i.e. elderly or affordable housing, hotel or retail sales), building sites (including size and scale of buildings) and other project aspects (such as lighting, parking and signage) will change, in conformity with the zoning ordinance, as the project proceeds through subsequent review stages. This also does not constitute approval for the 20 extra age-restricted, low and moderate income units proposed for Lot 4.
2. In addition to the required Preliminary Plan submittal for each phase of the development, the applicant shall submit comprehensive signage and architectural design plans which shall be subject to the approval of the Town's Zoning Official and the Planning Board. Said plans shall conform to the standards and provisions of the West Greenwich Zoning Ordinance relative to the Exit 7 Special Management District. Signage plans shall include all wall mounted signs, all free standing and all directional signs. Architectural designs shall be presented in the context of the overall development.
3. As part of the Preliminary Plan submittal for each phase of the development, the applicant shall submit landscape and lighting plans which shall be subject to Planning Board approval.
4. The developer shall secure written acceptance of the plan for the provision of utilities to the site by the respective responsible agencies and written acceptance of drainage structures and roadway improvements from the Town of Coventry before preliminary consideration of the plan or its component phases. Master Plan approval is contingent upon adequate water supply, sewerage disposal, drainage infrastructure, and traffic infrastructure.
5. Master Plan approval is in anticipation of RIDEM approval for extension and connection of Centre of New England Boulevard through to Hopkins Hill Road, from New London Turnpike.
6. At the time of the Preliminary Plan submittal for each phase of the development an assessment of Open Space and Recreation fees will be made by the Administrative Officer subject to Planning Board approval. Open Space and Recreation fees may be negotiated with the Town Council.
7. A police and/or fire department substation shall be negotiated with the Town Council and incorporated into the Preliminary Plan submission for Lots 2 and 3, or an offsite improvement fee established at the time of Preliminary Plan submission.

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8. Roadways within the development, including Centre of New England Boulevard shall be privately owned and maintained and the developer and its assigns shall provide easements to the Town for public safety access and easements to utility providers for the provision of utility service and maintenance of such facilities.
9. The Master Plan traffic analysis with recommendations, shall be updated by the developer and presented to the Planning Board at each Preliminary Plan, or every nine (9) months, which ever is earlier. There shall be a final traffic impact assessment by the developer, which shall be presented to the Planning Board, one year after final build-out of the West Greenwich portion of the development, and one year after final build-out of the entire development, and which shall include, but not be limited to, Mishnock Road. Any necessary traffic improvements shall be made by the developer, and all costs for the Town to hire a consultant to review such analysis shall be born by the developer.
10. As a Land Development Project, overall site issues, such as overall drainage, overall traffic, utilities, etc. may be revisited by the Planning Board at any future Preliminary Plan or Final Plan.
11. This approval shall not become effective until such time as an Administrative Subdivision adjusting the existing lot boundaries of AP 1, Lots 3-1, 4-3, 4-4 and 4-5 has been recorded in the Town of West Greenwich Land Evidence Records.
12. The applicant shall reimburse the Town for all costs incurred throughout the subdivision review process, including advertising and project review fees, within 30 days of invoice.
13. Emergency vehicle access shall be accessible and maintained throughout all construction phases for any and all projects throughout the Centre of New England development.

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

Mr. Pagliarini noted that the green card notice for the LeCesse multifamily development went out on Friday, and that the Preliminary review will start on June 20, 2005.

HOXSIE FARMS MAJOR SUBDIVISION- STATUS OF CONSTRUCTION: AP 11

--off Robin Hollow Road at new Benjamin Reynolds Road; 20-lot subdivision; decide direction for completion of subdivision improvements

Developer: Armand Cortellesso/Hoxie Farms, LLC

Miss Paquet read the fax memo dated June 6, 2005 to her from Robert Murray, Esq., attorney for Mr. Cortellesso, noting that neither of them (Mr. Murray or Mr. Cortellesso) could make this evening's meeting. There was discussion. The Planning Board noted that this is to be added to the June 20, 2005 agenda and that the developer must appear.

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**SCENIC VIEW ESTATES- MAJOR RESIDENTIAL SUBDIVISION/ MASTER PLAN:
PUBLIC INFORMATIONAL MEETING and
PUBLIC HEARING ON REQUEST FOR WAIVER OF DEAD-END LENGTH**

AP 28, Lots 21 and 22

--on Plain Meeting House Road; 9 lots proposed with road; request for waiver on cul-de-sac length; Owners/Applicants: Timeless Properties and Brian and Nancy McCoy
Consider setting date for site walk

Mr. Boyer recused himself. Mr. Joe Casali, PE approached the Board. Mr. John Carvalho and Mr. Brian McCoy, were present in the audience. Mr. Kirk Andrews, PLS and Attorney Sanford Resnick were also present.

Miss Paquet gave a background of the application and the TRC meetings. She noted that the original application shows about a 1,600 foot long cul-de-sac, which exceeds the regulations and that TRC asked for loop road alternatives, and that the TRC reviewed 4 alternatives and chose one to recommend to the Planning Board. Mr. Lepak asked why the application is before the Planning Board if the Zoning Board made a condition of no further subdivision in perpetuity. Mrs. Letendre explained that the Zoning Board did not have the authority to make that kind of condition, only the Planning Board can do this. Mr. Lepak asked for the record to show that he disagrees. There was discussion on the history of the variance and the question of an illegal subdivision. Mr. Lepak recommended deleting the portion of the subdivision involving the lot with the variance. There was discussion.

Mr. Joe Casali, PE presented the existing conditions of the site to the Planning Board. He noted that this is a 20.7 acre site, with three entrances, two on Plain Meeting House and one on Stubble Brook Road. He noted that the two Plain Meeting House entrances each access a single family home. He noted that one of his licensed wetland biologist, Nicole Wilkinson, has walked the site and has issued a letter of findings that there are no jurisdictional wetlands on the site, but that this has not been verified by RIDEM, but that this letter will need to be submitted for Preliminary review. He went over the soils and noted that there are no agriculture uses or prime soils on the site. He noted that they have done soil evaluations and noted that perc rates are fine, around 10 minutes per inch and 15 to 20 minutes per inch. He noted that they do have some 3 foot water tables and some 6 foot water tables, and that they will be doing further test pits.

Mr. Casali noted that the original concept is a 1,640 foot long, 24 foot wide, public paved road, and noted that they are requesting a waiver from the maximum length of road of 1,200. He noted that all 9 lots meet the current Zoning Regulations and will be serviced by ISDS and wells. He noted that they are proposing underground injection control which is stormwater infiltration and the stormwater from the road will be collected via a closed drainage system of pipes, catch basins, pipes, and discharged into two UIC areas. He noted that the UIC will be designed and sized to accommodate the 25 and 100 year storm event. He noted that the overflows are if there is a catastrophic event. He noted that maintenance can be handled through pre-treatment in the catchbasins, with 4 foot deep catchbasins and oil/water separators that catch floatables and sediment, and solids, and if only clear stormwater goes to the system, it will function fine. He noted that a cistern is required by the Fire Chief.

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Mr. Casali noted that there were 4 loop road concepts, and some require variances and some do not. He noted that they feel all the loop roads are inferior to the one cul-de-sac option with the request for the waiver on the length of the cul-de-sac. He noted that the justification for the others being inferior is that the loop road concept will give more roadway which means more roadway to maintain and plow, and more drainage with more impervious areas. He noted that it is a win-win situation with less roadway, and less cost of infrastructure. MR. Lepak asked what the justification for the waiver is. Mr. Casali stated that the justification for the waiver is that there are four other concepts, one of a dual cul-de-sac, and three of a loop road which could be presented, and the justification is that it is a win-win. He noted that with extra roadway, the Town has to plow it and maintain it, and with extra impervious areas the Town has more drainage that will require an extra drainage system to maintain and more drainage off the site. He noted that it is a win-win, and that his clients do benefit from a lack of roadway and infrastructure is expensive. He noted that under the Town law, they could put a loop road in with no waivers, but asked if the Town wants to have 2,700 feet of road or 1,600 feet of road. He noted the issues are the length of road to maintain, plow, and the amount of drainage. There was discussion.

Mr. Casali went over the 4 alternative concepts, and noted which ones require variances and waivers. He noted that the concept that has no variances and complies with the Zoning is one with a stub cul-de-sac, and that there is ample access for the Fire Department. He noted that all of the concepts show a 60 foot wide cul-de-sac. Mr. Casali noted that if the Chief needs access, that there is an existing gravel driveway that accesses the single family home on lot 22, which can be left in place as a gravel driveway. There was discussion.

The Board went over thoughts on the waiver. Mr. Lepak noted that he needed more time and would like to explore the other options. He stated that it is a misnomer for the Board not to enforce their own subdivision regulations which state clearly no roads longer than 1,200 feet. Miss Paquet noted that the Fire Chief and the Public Works Director both preferred the loop road. There was discussion amongst the Board. Chairman Berry noted that he would prefer what the TRC recommends. Mr. Regan and Mr. Ward agreed to follow the TRC recommendation.

Mr. Casali went over the loop road concept. He noted that this option has a 2,600 linear feet of roadway versus the 1,650, and that no variances or waivers are required. He noted that this option would yield 8 lots that would conform to Zoning. He noted that there probably will be a third drainage system to handle the roadway. Mr. Lepak asked about the cul-de-sac on the loop road concept. Miss Paquet noted that this is the concept that the applicant presented that TRC preferred best, but that the TRC would prefer no cul-de-sac at all. Mr. Casali showed how the loops with no cul-de-sac need variances and waivers.

There was discussion on the drainage. There was discussion on the site distance. Mr. Paul Bannon, Traffic Engineer for the applicant, went over the site distance for the concept with two access points. He noted that they conducted speed studies on Plain Meeting House and that the average travel speeds (50th percentile) in this area are approximately 35 miles per hour and that the 85th percentile speed is 40 miles an hour. There was disagreement from the audience. Mr.

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Lepak asked why the Stubble Brook Road access is not used. Mr. Casali explained that the grade is so great that it would impede Fire apparatus access, especially in inclement weather. Mr. Lepak asked what the slope is. Mr. Casali noted it is greater than the 8% allowed. Mr. Bannon went over site distance. He noted that the required site distance for the speed of 40 miles per hour is 305 feet. He noted that for the western access there is 350 feet to the west and 450 feet to the east. He noted that for the easterly access, there is over 500 feet to the east, and restricted to 240 feet to the west. He noted that with the vegetation there, it is difficult to tell what you could get if it wasn't there. He noted that they would request some vegetated clearing and tree trimming, but that based on the curvature of the road some may be on private property and would require an easement. He noted that his recommendation would be to make it a one-way entryway.

Mr. Regan asked to see the UIC and asked Mr. Casali if he knew which way the groundwater flows. Mr. Casali stated that he does not know which way groundwater flows but that he has 3 foot water tables, and some areas with 5 and 6 foot water tables. He noted that they will need to do at least 18 more test pits for the ISDS. Mr. Regan noted that siting the UIC on the property line can be problematic. Mr. Casali noted that he would like to site them closer to the road, but that they tried to site them out of the buildable lot envelopes.

Doug McKeen, 242 Plain Meeting House Road, noted that his driveway is parallel with the subdivision driveway. He stated that he lives where the speeds are greatest and asked why the study wasn't done there, and noted that he didn't see the testing. Mr. Bannon explained that the tests were done over this past weekend and explained that the meters were located at driver decision points, and pointed out where the apparatus were.

Mary Rounds, Wickaboxet Hills, stated that she drives a suburban on Plain Meeting House and picks up 4 children everyday. She noted that people pass her, and that she drives 40-45. She noted that teenagers pass her constantly. She noted that there is a lot of debris on the street in a rainstorm and that people hydroplane even going slow. She noted that she had to trade in her old car to get a new car in order to get up the hill and down without sliding on ice. She stated that in her neighborhood 4 people have totaled their car. She stated that this development is going in the wrong place at the curve. She noted that there are no lights at night, and there are deer, and people don't slow down. She noted that there is no drainage on the road. The Board took a show of hands and it was noted that 18 people concur with Mrs. Rounds statements.

Paul Bannon explained that there are two issues, either there is something wrong with the road, or people drive greater than 50 miles an hour, but you can't have both. He explained that there are improvements that can be done to alert motorists of the changes in the alignment of the road, such as striping. It was noted that speeding is really an enforcement issue. Mr. Ward noted for Mr. Bannon to address the accident rates in this area.

Mrs. Letendre asked Mr. Bannon his opinion with regard to one or two entrances to this subdivision. Mr. Bannon stated that in theory you try to limit the number of conflict points along the road, which is standard engineering practice. He noted that with the number of units proposed (9), that the volume of traffic generated to and from this site and the volume of traffic

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on Plain Meeting House, that a single driveway is fine. There was discussion on Level of Service.

Mr. Resnick noted that maybe this is the situation to go back to the original plan with one means on ingress and egress and have the waiver for the cul-de-sac with the emergency exit, to eliminate the two accesses, and asked the Board to take a look at it. Mr. Lepak noted that it almost seems cleaner to do one road with cul-de-sac rather than the loop system, and expressed concern about the two accesses. It was noted to have the consulting engineer (Garofalo) look at the two options for the traffic.

Mr. Ward asked the solicitor about the chances of a denial based on the Zoning Board's restriction of no further subdivision. Mrs. Letendre noted that it is not legally enforceable. There was discussion about Zoning Board conditions.

Bob Paquette, Stubble Brook Road, had a question on the notification of the meeting. Mrs. Letendre explained the application and review stage process.

Motion to continue to July 5, 2005 meeting. Ward-Lepak. All in favor 5-0.

Mr. Boyer returned to the Board.

THE PRESERVE AT WEST GREENWICH (formerly The Club at Wickaboxet)

PUBLIC INFORMATIONAL MEETING, cont. from April

Master Plan- Major Subdivision: AP 34, Lot 2

--On Plain Meeting House Road; 172 lots with road network proposed; Owner: CIOEWG, LLC
Consider setting date for site walk

Attorney Peter Ruggiero approached the Board. Mr. Robert Cioe, owner, Mark Conboy, PE, and Paul Bannon, traffic, were present.

Mr. Ruggiero noted this application was before the Board in April. It was noted to send the traffic report to the TRC. Chairman Berry noted to go over the phases, and to review Phase I this evening. Mr. Ruggiero asked to have the new Board member, Tim Regan, review the file and minutes on this application. Mr. Ward noted his adamant opposition to the name of the proposed subdivision. Motion to change the name to "The Massive Housing Project at Wickaboxet." Ward-Boyer. There was discussion. The Board asked the applicant if he would be willing to change the name of the subdivision. Mr. Cioe said no. Chairman Berry expressed that he would like to change the name but not to the Massive Housing Project. Mr. Ward asked if it was possible to change the name. Mrs. Letendre said yes, that the Board can change the name, and suggested making it a condition of approval. Mr. Ward withdrew his motion, and noted that he will make a condition of approval that the name be changed.

Mr. Ruggiero noted that the 120 day review period is running out. He noted the history of this parcel in terms of master plan approval over 10 years ago and the alternative developments that have not gone well. He suggested that the application be placed on the special meeting, and on the July meeting. It was decided to put this on for June 20, 2005 at 6 pm, along with the Hoxsie

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Farms issue. It was noted that this application will also be continued to July 5, 2005. Chairman Berry asked for a 60-day extension through the August meeting, with the possible need for another special meeting between July and August. Mr. Ruggiero noted that that was fine. It was noted that the applicant has consented to an extension to the August 1, 2005 for a decision. The site walk was set for Wednesday, June 22, 2005, at 6 pm. Mr. Cioe noted that deer ticks are bad and to wear bug spray.

Mark Conboy went over Phase I. He noted that all the lots meet or exceed the suitable land area. He noted that Phase I is all before the wetlands and that there won't be any wetlands crossing at this stage of the development, and that there are 75 lots in this phase. He noted that test holes for soils were done many years ago, for ISDS suitability, which will have to be updated, but that they are all suitable. He noted that no waivers are needed and that everything meets the subdivision requirements.

Mr. Lepak asked where the recreation is in Phase I. Mr. Ruggiero stated that they want to pay the fee in-lieu-of rather than provide recreational land. There was discussion. The Board wants to know if the provision of recreation land is at the discretion of the Board or the applicant. Mrs. Letendre will look into this, and if the Board can change the name. Mr. Lepak proposed private roads and private recreation for this development, along with a Homeowner's Association, within the bounds of a conventional subdivision. There was discussion.

Chairman Berry reviewed and asked questions on the lots. He noted proposed lots to the west appear to have a lot of steep slopes (lots 1 through 7). He also noted the pie-shaped lots of 2 and 40, and concern on the slopes on lot 2. He asked them to be combined with abutting lots or otherwise reconfigured. There was discussion on the methodology of calculating and subtracting out the steep slopes. Mr. Ward discussed a 100 foot buffer for the existing southern lots. Mr. Ruggiero noted that a 100 buffer is excessive. He noted that they would agree to a buffer within the setbacks. There was discussion. Mr. Cioe noted that the existing lots were part of his original subdivision and that it was not a secret that there were more lots approved. It was decided that the applicant will submit site plans showing the house and septic locations on the existing frontage lots, and then the Board will take a look at the lots. There was discussion on the shape of the lots again. Mr. Lepak questioned why lots need to be regular. Miss Paquet explained that it mostly has to do with an intuitive feel of what people think is their yard, and noted that often what people feel is their back yard actually turns out to be their neighbor's yard. She noted that the lots here, the way they are presented, still provide an intuitive yard. Mark Conboy noted that the side yard lines are designed to be perpendicular to the road. It was noted that the historic cemetery is a lot on its own, and that an easement will be needed from the road for the cemetery. There was discussion on the detention basins. There was discussion on combining or reconfiguring lots 1 and 2 due to the detention area.

Paul Bannon, Vice President of RAB Engineering presented the traffic study findings to the Board. He noted that they did a comprehensive analysis of the immediate project area, including Plain Meeting House Road from Route 102 to Plain Road, Stubble Brook and Browns Corner Road. He noted they did 7-day automatic counts and noted the locations. He went over the existing conditions, the scope of the study, and the findings and results. He noted that over a 10 year projected buildout, added to base traffic, that the traffic presently operates efficiently, and

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will operate efficiently. He recommended, based on the lack of signing and striping along the road, is to develop a signing plan to help improve awareness of the road, and as volumes increase, to provide a centerline and striping of the roadway to help guide motorists along the road. He noted that the volume of traffic today operates at a good Level of Service A and B, during the peak hours of traffic. He noted that they will increase the traffic and the delay, but will not affect the Level of Service. He noted that Route 102 can easily handle the volume of traffic. He noted that there is a lack of signage along the road, both in speed limit and curve points, and noted that it was previously alluded to that people travel at excessive speeds, which gets them into trouble when not acknowledging change in curves, whether horizontal or vertical. Mr. Lepak asked if there are any recommendations for particular areas of meandering curves or to cut down hills. Mr. Bannon explained that you don't want to do that because straight flat sections encourage speeding, so you want to maintain the rural character, but educate the driver, so speeds can be regulated. He noted that you do those kinds of improvements to particularly dangerous locations or corners that have a history of accidents, and severity of accidents. Mr. Lepak asked about any recommendations for repaving certain sections. Mr. Bannon noted that most of Plain Meeting House is in good condition, and noted there are some areas with deterioration with patches. Mrs. Letendre asked about vegetation and shoulders in relation to the earlier discussion of sticks and debris in the roadway. Mr. Bannon noted they may be isolated situations that his client may be glad to look at with the Department of Public Works, to see if there is anything that can be done, and in relation to situations where drainage is not caught and there is sheet flow on the road, there are things that can be done to mitigate that. Mr. Boyer noted that Stubble Brook road is a huge cut-through, and the traffic on Browns Corner road is becoming more and more dangerous for anyone to walk down the road. He noted that people speed, and that it is not the applicant's problem, but it is an enforcement issue. Mr. Bannon noted that rural two lane roads are not residential neighborhoods, and are not conducive to pedestrian activity, with no sidewalks or curbing. Chairman Berry asked if there are any bridges or curves that need to be mitigated. Mr. Bannon noted that they will be doing additional coordination with the Police Department, going through all the accident records along the road, to further define if the Police Department has specific areas that they would like to see if something could be done. Mr. Bannon noted on average there are 10 accidents per year on Plain Meeting House Road and a lot of them are animal related, or weather related, but that some are in direct relation to curvature, and additional studies are needed to define if there is a particular curve that has multiple accidents. Chairman Berry asked about the site distances on the two access points. Mr. Bannon noted that they are all in excess of 350 feet, and noted that in this area the travel speeds are relatively lower because of the S-curve. Mr. Ward asked about the mile and hour rating there is for the site distance. Mr. Bannon stated that if the Board wants him to do a speed study, that he'd be glad to do it. The Board asked for a speed study to be done at the proposed entrances. Miss Paquet asked if this was stopping site distance or intersection site distance. Mr. Bannon noted that it is stopping site distance. Miss Paquet asked if he could assess the intersection site distance. Mr. Bannon noted that intersection site distance is not relative in this situation based on low volumes, and noted that they are required to meet minimum stopping site distances. He noted that intersection site distance is an operational design parameter and has nothing to do with safety or access, and that it is a capacity issue.

There was discussion on having the Town hire an engineer to go over the traffic. Miss Paquet asked what sort of scope of work the Board is looking for. There was discussion. Mr. Lepak

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noted that we don't need to re-invent the wheel, but that we need suggestions on how to improve Plain Meeting House Road, and where exactly the problematic areas are. There was further discussion. It was noted that the applicant would need to pay for the cost of the study. It was decided that the scope of work would include a review of the report, and establish whether or not additional studies are required, and also to assess Plain Meeting House Road and the need for any off-site improvements, and to look at the accident data to identify any trends or identify problem safety areas requiring mitigation.

Mary Rounds, Plain Meeting House Road, asked if the study will be done in different conditions like drainage and ice at the bridge, and if the bridge can hold that much traffic. It was noted that Mr. Bannon will need to check with Public Works and Police to review traffic trouble spots, and they need to confer with Dave Andrews on where these areas are, and with the consulting engineer. It was noted that drainage and weather conditions need to be looked at for this too.

There was discussion on where the Fire Chief would recommend cisterns, and it was noted that this should be looked at at the TRC meeting. There was discussion on the open space and recreation provision. Mr. Ruggiero noted that they would opt to pay the fee. Mrs. Letendre noted that this will be considered at the second phase review on the 20th.

Sandy Bockes, Hazard Road, suggested that since rural roads are not conducive to pedestrian travel, that it is all the more reason for a subdivision of this size to have recreation areas, perhaps walking trails, so that people don't have to go out on the roads. The Planning Board noted that this was a good point. It was noted that recreation areas will be discussed on June 20, 2005.

Chairman Berry asked about a hydrology study for well water. Mr. Conboy noted that a groundwater test has been done on the first phase, but he didn't believe anything was done on the second phase. It was noted that this test was not for drilled well water. There was discussion. It was noted that the reason for this is to see if the area can sustain that many new houses. Mr. Boyer noted that there is a well ordinance in Town requiring draw-downs to see if there is adequate water. Chairman Berry noted that the Board has had other applicants do hydrology studies. It was noted to get a copy to the engineers.

Motion to continue to June 20, 2005. Ward-Boyer. All in favor (5-0).

HOPKINS HILL COMMERCE PARK- PHASE I:

COFFEE SHOP- PRE-APPLICATION PLAN: AP 3, Lot 16

--on Hopkins Hill Road; coffee shop with drive-through window proposed; also request for advisory opinions to Zoning Board on frontage and signage

Applicant: Gansett Associates, LLC

Mr. Kevin Morin, PE, from DiPrete Engineering approached the Board. Mr. Jeff Butler and Kirk Pickell of Gansett Associates, and Jim Lynch, President and CEO of Dan's Management Company, for Dunkin Donuts franchisee, were also present. Mr. Morin gave an introduction to the project and went over the site plan. He noted that this is the first phase for the overall development, which went for a pre-application back in February. He noted that this first phase is

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for a proposed coffee shop with a drive-through, and that they are here for site plan review, as well as an advisory opinion for the Zoning Board for next month on the frontage requirement and the signage. He noted that the plans have changed since the pre-application, and that it has been through the TRC. He noted that Brian Associates is the traffic engineer working on this. He went over the future phases and the parking for this project. Mr. Morin explained that there are two lanes for the drive-through, one is a bale-out lane and also can serve for temporary loading. He noted that the dumpster has been relocated to the drive-through area, remote from the building. There was discussion on the parking. Mr. Morin noted they are proposing public water and ISDS. It was noted that the applicant will be meeting with Kent County Water Authority in the next few weeks. There was discussion on on-site stormwater management for the building and parking, and then an infiltration swale to pick up the runoff from the road. He noted that they are not proposing any detention ponds, and noted that the drainage for the road will be worked into the other phases as the project develops to the west. He noted that the pre-application plan that was presented for the entire development had a retention pond at the far western end of the project. He noted that they would be managing the drainage as each use develops.

Mr. Lynch went over the pylon sign, and handed out color photos of the signs. He noted that they are proposing a 30 square foot pylon 22-feet in height, and a 36 square foot fascia sign, a typical menu board, and typical direction signs. There was discussion on the signage. The Planning Board noted that they are looking for something less "strip mall," and noted that the scheme presented is not in character with the other signs on Hopkins Hill Road. Mrs. Letendre asked if they have tried to comply with the height requirements. The Planning Board noted that they are looking for other options for the July meeting, and are looking to have them displayed in relation to the area. The Board asked to see a presentation generated in the site, and shown in relation to other signs. It was noted that the applicant needs to amend the application to state what specifically they need relief from--to state what the requirement is, what they are proposing, and how much relief is sought.

Dianne Blaquiere, Mishnock Road, had questions on the drainage, water demand, and asked about a buffer. It was noted that a 100 foot buffer is required by the zoning ordinance. She also noted that for the signs, once people know it is there, they don't need lollipop-land signs sticking up, and people will know how to find it.

Motion to continue to July 5, 2005 meeting. Ward-Boyer (5-0).

Motion to adjourn. Ward-Boyer. (5-0). The meeting ended at 11:16 p.m.

Election of Officers

No election was held.

TECHNICAL REVIEW COMMITTEE

-- Designate Member of Planning Board to TRC meeting.

No member was designated to the TRC

Consider Special Meeting date for Workshop on Development Regulations

Not discussed

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A special meeting of the West Greenwich Planning Board was held on June 20, 2005. Present were: Chairman David Berry, Mark Boyer, Bill Lepak (6:11pm), Brad Ward, Tim Regan and Alternate Tom O'Loughlin. Alternate Bill Bryan was absent. Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy Letendre (6:17pm) were present.

Chairman Berry called the meeting to order at 6:10 p.m.

HOXSIE FARMS MAJOR SUBDIVISION- STATUS OF CONSTRUCTION: AP 11

--off Robin Hollow Road at new Benjamin Reynolds Road; 20-lot subdivision; decide direction for completion of subdivision improvements

Developer: Armand Cortelleso/Hoxie Farms, LLC

Jack Fleisher, attorney for the developer, and Armand Cortelleso, developer, approached the Board. Miss Paquet noted that the issues include all the outstanding inspection memos and any and all outstanding issues. She noted that most of them were noted in the May 26, 2005 letter with attached inspection memos. She noted that they were sent to Mr. Cortelleso. She noted that there are issues with two of the detention ponds that are continuously holding water and are green and full of algae and that they need to be fixed and addressed. She noted that there is dead landscaping that needs to be replaced, a guardrail that still needs to be installed, the final coat of pavement needs to be put on the road, and there is a low spot in the cul-de-sac. She noted that all the issues have all been spelled out in previous letters and memos. Chairman Berry asked when the last time a site visit was made to inspect the site. Miss Paquet explained that it was in 2004 by the consulting engineer and noted that Mr. Cortelleso had sent her a memo asking that no further inspections be done, and that they knew what they needed to and would call for when inspections were ready. Miss Paquet noted that she has never received a call or report from the developer that any progress has been made, and thus no inspections have occurred since. Mr. Ward informed Mr. Cortelleso that the Board has the right to call for inspections at any time the Board deems necessary. Chairman Berry suggested that the developer takes the punch lists and review and fix the issues, and when ready, to call the Town for review by the Town engineer. Miss Paquet noted that the most immanent thing is the drainage, which needs to be repaired and noted that it is a health concern for the neighbors who have called worried her about it as mosquito breeding grounds. She noted the detention ponds are gross and full of algae, and noted that they are unsightly. She noted that one would think the drainage ponds would be more manicured, safer, attractive and functioning properly there, but that is not the case. She noted that the drainage first and foremost needs to be addressed. Mr. Fleisher noted that he has discussed these matters with Mr. Cortelleso today, and noted that Mr. Cortelleso has concerns that he would like Mr. Cortelleso to address.

Mr. Cortelleso stated that the first issue that he has is when he originally put his bond up he also had money aside for inspection fees. He noted that as soon as the money was put aside, approximately \$2,800 was taken out to pay somebody else's bills and it needs to be refurbished. Miss Paquet stated that he is welcome to get that back from Mr. Bamford, who he purchased the project from. The Planning Board noted that this was discussion about the subdivision. There was discussion. Mr. Cortelleso asked for an agreement. Chairman Berry noted that as soon as

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the checklist was done, he can come see the Board. Mr. Cortelleso said no. Mr. Ward noted that there can be a little time to work out an agreement with legal council, and if not, then the Board will call the bond and get the work done. Mrs. Letendre arrived. Mr. Cortelleso got up to leave, and left the meeting. Chairman Berry asked if there was anyone in the audience about this. No one was present. There was discussion. Motion to continue this issue and consider pulling the bond at the August meeting. Miss Paquet added that if work is going to be done, it should consider the late summer/ fall growing season, and try not to miss this growing season. Mr. Boyer asked Miss Paquet if Mr. Cortelleso has done anything in the past year at the site. Miss Paquet noted nothing was done. Mr. Boyer asked what would be a reasonable amount of time. Miss Paquet noted that Mr. Cortelleso sent her a memo, then read the memo for the Board. It read, "dated March 18, 2005 Dear Jennifer, please be advised that we have an approved plan by the town in reference to Hoxsie Farms. We acknowledge that we have issues to be completed that will commence in April and May and are aware of what is necessary to be completed." Miss Paquet noted that she never heard from the developer and it is the end of June. It was noted to reference this memo in the Board's letter for pulling the bond. Mrs. Letendre noted that her office will send correspondence to Mr. Cortelleso and his attorney based on the information that Miss Paquet currently has explaining the Board's position to do the work, and to notify him that at the August 1, 2005 meeting the matter will be before the Board for discussion on pulling the bond. **Motion** to review the status of completion of improvement and make a determination on pulling the bond on August 1, 2005. Ward-Boyer. All in favor (5-0)

There was a question on the time designations on the agenda, and it was determined that the next items can't be heard until 7:00 pm.

Motion to add to the agenda for discussion purposes only, a wetlands application to RIDEM Application No. 04-0294, for David and Marianne Simoes. Boyer -Ward. All in favor (5-0). Miss Paquet presented a wetlands application to RIDEM for a septic system, and noted that DEM has an open comment period for the Town. She asked the Board if they would be interested in sending comments to RIDEM. There was discussion on the application. Mr. Boyer noted that it is for a bottomless sand filter system. The Board wanted to know if Kent County Water Authority would be responding, as they are an abutting property owner, and what their response would be. It was noted that the limited area does not indicate if there is a moving body of water present nearby. Miss Paquet was directed to inform RIDEM of the Town's local regulation of a 200 foot setback for ISDS from water bodies, which is stricter than the State regulation.

There was discussion on setting a special meeting date for reviewing the Subdivision Regulations. Chairman Berry suggested designating Mr. Lepak to do the wording to incorporate changes to the regulations. There was discussion on how to go about this. It was noted that Mr. Lepak will discuss with Town Administrator Breene to see if he is interested. It was noted to put this on the next agenda for further discussion.

The Board had a 15 minute recess from 6:45 to 7:00 pm. The Board reconvened at 7:00 pm.

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THE PRESERVE AT WEST GREENWICH (formerly The Club at Wickaboxet)
PUBLIC INFORMATIONAL MEETING, cont.

Master Plan- Major Subdivision: AP 34, Lot 2

--On Plain Meeting House Road; 172 lots with road network proposed; Owner: CIOEWG, LLC
Consider setting date for site walk

Mr. Robert Cioe and his son, John Cioe were present in the audience. Mark Conboy, PE and David Gardner, PE both from David Gardner Associates were present, as was David Cabral from RAB Engineering for the traffic. Peter Ruggiero, attorney for the applicant, gave an overview of the project for all the new people in the audience. He noted that this is the Master Plan level of review, which is for the conceptual layout of the proposed development, and noted that there is a variety of regulations that they have to follow and discuss with the Planning Board. He noted that there have already been one or two public informational sessions with the Board on this project. He noted that the Board asked them to break the project into three phases and noted the sections in color on the plan. He noted that at the last meeting, they went over phase one and the traffic study. He noted that Mr. David Cabral is present tonight for the traffic. It was noted that tonight would continue the lot review and the traffic review.

Mark Conboy went over Phase 2 of the project. He noted that phase 2 involves a wetlands crossing, and includes proposed lots 58 to 88, and 120 to 130. He noted that in phase 2 they made a loop road that goes around the wetland area, and tried to eliminate the cul-de-sacs. He noted that there are two cul-de-sacs, one near the wetland crossing that provides access for the abutting property owner, and the second one goes all the way to the north end of the property. He noted that they meet the regulations as far as length of cul-de-sac. He noted the locations of the steep slopes and the wetland area, and the pond as constraints. It was noted that the shaded areas are the steep slopes. The Board asked to have Shawn Martin review the individual lots for the area suitable for building and the slopes, and to verify the method of calculating the areas, and to have Mr. Conboy go over this with Mr. Martin.

Mr. Boyer expressed concern of the small cul-de-sac leading to the abutting property, and noted to find out from the property owner (Mr. Bates) if the access is desired. Mr. Ward noted that easements are also needed for the cemeteries.

There was discussion on the recreation areas. Mr. Ruggiero noted that the applicant's position is to pay the fee in-lieu-of, but if the Board wants recreation areas, they would entertain it. There was discussion. The applicant will come up with recreational areas as an overlay with the understanding that it may change. There was discussion on the suitability of the land for recreation. Mr. Lepak asked if they have given any thought to having private roads. Mr. Cioe noted that the regulations don't allow it and that everything presented is in compliance with the regulations. Mr. Boyer noted that the property lines go through the pond, and asked if there was any thought to have them stop at the shore, and not including the pond as part of any lot. Mr. Ruggiero noted that the land has to be deeded to somebody because the applicant does not want to retain ownership to any of the land, but noted that an option maybe that it can be part of an open space.

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Mr. Boyer noted that the cul-de-sac to the south should provide access to the pond for Fire Suppression. Miss Paquet gave a copy of the cistern location map from the Fire Chief to Mr. Ruggiero, and it was noted that this map does not indicate size of the cisterns. There was discussion on Dry Hydrants and cisterns. Mr. Lepak asked if the Fire Department needs any off-site improvements or equipment related to this project. Miss Paquet explained that the Fire Chief indicated that they would prefer a new tanker truck, and that it is noted at the bottom of the map with the cistern locations. It was noted to have the Fire Chiefs requests clarified and documented, and to have a meeting with Mr. Ruggiero to go over what is needed. This should be documented by the Fire Chief sending a letter to the Planning Board. Mr. Regan noted to add the buffer areas to the plan. It was noted that they will also show the house locations on the existing lots.

There was discussion on the potential of the Welch Hollow Road access. Mr. Ruggiero noted that there were procedural irregularities and perhaps substantive errors in the process of this abandonment. He noted that they are willing to have a condition of approval to have them investigate the legality of the abandonments. Mrs. Letendre recommended for the Board that this become a condition of approval. There was also a question as to where the Town line is here. Mr. Cioe noted that the terrain through Wickaboxet State Park is rough.

Mary Hubbard, asked if there are any wetlands going to be filled in, and if an Environmental Impact Study would be done. Mr. Ruggiero responded that they need to follow the regulations by RIDEM and explained the process.

Alex Hubbard, asked how they are going to deal with the septic systems in the wetlands. Mr. Ruggiero responded Septic systems can not be located in a wetland and they are subject to approval by RIDEM, and explained the process.

Vanessa Palmer, Wickaboxet, asked how they are going to handle the water table and noted that people have issues with water and wells, and that she needed her well hydrofracked. Mr. Ruggiero explained that each well has to be permitted through RIDEM. Chairman Berry noted that the Board can ask to have a hydrology study done.

Paul Connolley, Plain Meeting House Road, noted that he also had to have his well hydrofracked, and asked if Wickaboxet Hills needed to do a study. Chairman Berry noted that the Town has adopted a well ordinance recently. It was noted that there was no study for Wickaboxet Hills.

Vanessa Palmer asked about if they can supply the water for the development and for the existing residents if the development was going to go through. Mrs. Letendre explained that the technology does not exist to determine definitive enough whether or not a well or any number of wells going in is going to effect someone else's existing well. She noted that the Town is aware of the problems with wells in the area, and as a result of that the Town has adopted an ordinance to ensure that the new lots had sufficient water supply at the time of permitting. She explained that there is nothing that the Town can do to ensure that a well going in does not take from the same water supply as existing wells, and noted that there is no right to the water. There was discussion.

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Mike Rounds, Arrowhead Lane, noted that he had his well tested and it yielded so many gallons per minute, but then when he moved in, it was different, and asked if there was a chance for re-testing before someone moves in, to verify that the numbers are the same from when it is first put in the well versus when the people move in. He also asked if there is retesting when the house is sold. Chairman Berry noted that there is just the initial upfront drawdown test, that is more stringent than the State's testing. Vanessa Palmer noted that the same thing happened to her—that they had water, but it went dry when they moved in. Mr. Regan noted that he had the same problem, too, in Linden Lane. Mr. Regan noted that the hydro-study is the only thing they can do, and that if they can't demonstrate that the site can hold that many homes then they can't build that many homes. He noted that they might need to have a private well system in the development, based upon the results of the hydro-study, and suggested that they hydro-study be performed for the entire development at once, not on a phase basis.

Brenda Engstrom, Wickaboxet, asked if the developer is from out of state. It was noted that Mr. Cioe is from Rhode Island. Ms. Engstrom expressed concern that the developer doesn't have a true understanding of this area and the people, and that everyone has an attitude of maintaining the rural character of the community. She submitted an excerpt from the Southern New England Forest Consortium's Cost of Community Services, and noted that this development is going to be costing the Town money, and noted that we are selling out the rural community. Many audience members clapped in agreement. Mr. Lepak noted that the Board is trying to follow the Comprehensive Plan, and pondered, "what is rural?" Mrs. Letendre added that the land is zoned RFR-2 acre, and that the proposed plan is permitted under the Zoning Ordinance. She noted that the Board is reviewing the application so that it meets the regulations, and that the applicant is not asking for any special consideration.

Mary Rounds, Arrowhead Lane, asked if when they test the water, will they come down to test the neighbors' to see what the impact to them is. Mrs. Letendre explained that the applicant will just need to prove that the water is available on their site for the proposed residents. There was discussion. Mr. Boyer noted that he didn't realize how much of a problem there was at Wickaboxet with water, and urged the residents to let the Town Council know about it. It was noted that 11 audience members have concerns with water relative to the development.

Mary Hubbard, asked how they got to this point without doing a hydro-study. Mr. Boyer noted that this is concept only and Mrs. Letendre explained the review process.

Mr. Lepak asked the audience for a poll of the gallons per minute of their wells.

Paul Connelly, noted that he was first told he was getting three, but he ended up getting nothing when he moved in. He noted that he had to drill a new well in the front and he is supposed to be getting 2 to 2 and a half, and it is 400 feet deep.

Brenda Engstrom noted that her paper work said 3, but that she has a very slow recharge. Mr. Lepak urged the residents to look up what their gallon per minute flow is. David Gardner noted that they asked the question at an earlier meeting if the existing frontage lots had any problems. He stated that no one from Plain Meeting House Road in this area knew

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of any frontage lots with any problems, but it could be that the project is in a different aquifer than where the people present are from, and noted that the hydro-study will identify that.

Mr. Cabral, from RAB Engineering, went over the traffic study. He gave locations for the traffic counts and went over the methodology. He noted that almost all of the accidents on the road, not involving animals, were due to adverse weather conditions. He noted that water crosses over the road on Plain Meeting House Road near Stubble Brook Road. Mr. Cabral noted that the site distances are fine in terms of safety, and that the recommendation for the Town's consideration is to potentially add center line striping to the roadway either now or in the future.

The Board noted that they would like for the applicant's engineer and traffic engineer to go out in the field with Dave Andrews, Highway Superintendent to identify drainage problems and other safety problem areas for traffic. The Board asked to have this information identified from Route 102 to the site, and to have the areas marked on a map, and noted that they should go out in the rain. Mr. Cabral indicated that they will provide this information to the Board on a map.

Ralph Pratt, 14 Victory Highway, had issues with the traffic study. He asked about the 10 year buildout in relation to the building permit cap, and the am peak volume trips per hour versus peak minutes, in relation to school busses and other delays due to queuing. Mr. Cabral explained the methodology of the hour volume.

There was discussion on the building permit cap.

Mr. Cioe clarified that he was a resident, but 2 years ago he became an out of state resident, and noted that he has been a tax payer on this property for 17 years.

Mary Rounds, reiterated how many cars pass by there daily, and asked the audience to remember that there are other projects going on like Scenic View Estates and Knight Estates. There was discussion.

Mr. Lepak asked what the threshold volume at the site is. Mr. Cabral will calculate this for the Board.

Mr. Ruggiero recapped the items to do for the next meeting:

1. look at figuration of the lots and lot lines near the pond
2. contact the Bates family regarding the access point
3. contact Mr. Andres regarding surface conditions on the roadway and get evaluation from him on the condition of Plain Meeting House Road, and actually go out with him and come up with a map
4. propose recreational areas
5. show buffers
6. contact Fire Company about issues with the site such as cisterns and access, and potential needs and capital improvements.
7. assess Wickaboxet subdivision for trip generation, if there was a traffic study done for this subdivision.
8. failure analysis for traffic capacity on the roadway at the proximity of the site and at Route 102.

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9. double check with Town Planner on if anything missing from this list.

Paul Connelly, requested more time for public input for next time.

Motion to continue to the July 5, 2005 meeting. Boyer-Ward. All in favor 4-0. (Lepak absent for vote.)

The Board recessed from 8:35 pm to 8:43 pm. Mr. Regan left the meeting, O'Loughlin voting.

CENTRE OF NEW ENGLAND – PUBLIC HEARING
MAJOR LAND DEVELOPMENT PROJECT/ PRELIMINARY PLAN REVIEW:

AP 1, Lot 3-1

--on Centre of New England Boulevard; 300 unit market-rent apartment residential multifamily proposed. Applicant: LeCesse Development Corporation/ Owner: Commerce Park Realty, LLC

John Pagliarini, Attorney for developer, approached the Board. John Caito, PE and David Cabral, PE were present. Michael Weremay, Landscape Architect was also present. Mr. Nick Cambio was in the audience.

Mr. Pagliarini addressed the Board. He noted that the traffic has not changed since Mr. Bannon's presentation two weeks ago. Mr. Ward asked about the commercial area for the emergency access during construction. Mr. Pagliarini noted that this has been addressed at the TRC meeting, and noted that there will be access. Chairman Berry asked if the traffic engineer looked at internal circulation. Mr. Pagliarini said yes, and that a software program was run to simulate the largest fire truck that would respond to the area, and the computer calculated the turning radius. He noted that the fire department is happy with the internal flow. Mr. Boyer asked if there was any correspondence from the Fire Chief for the file. Mr. Caito noted that the Fire Chief had sent correspondence on this plan and that he can fax a copy to Miss Paquet tomorrow. Mr. Pagliarini noted that he was told that the traffic lights would be done at the end of June, but that realistically it is probably a few weeks into July. Mr. Cambio noted that the traffic signals are in a warehouse, but they are waiting for the electric company to move the poles and the wires.

Mr. Pagliarini presented the project in order of the Exit 7 SMD ordinance. He noted that all uses are permitted and all dimensions are met. There was discussion on the signs, location and height. There was uncertainty on the location of the sign, and the applicant will work on this location for the next meeting.

Mr. Pagliarini explained the financing particulars of the project and went over the development agreement with the Town Council. He went over the "defeasible" parking areas. It was noted that the applicant is accommodating the drainage and the spaces, but they are not paving some of the spaces, but they will grass them. He noted that if it is found that the spaces are needed, then they will pave them. It was noted that this plan for the parking spaces needs to be added as a note to the plans. Mr. Boyer asked Mr. Cambio if he had a problem with him sitting at the Board. Mr. Cambio said he had no problem. Mr. Boyer had an issue with the second item in the

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agreement, and asked to also add the Town, so that the Town can also have the right to have the spaces paved. Mr. Ward expressed concern of tenants parking illegally in the fire access areas, if there isn't enough parking. There was discussion on the Agreement with the Town Council.

Mr. Weremay presented the landscaping package. He noted that the terraces in the terraced retaining wall will be heavily planted with large growing evergreens such as pine, fir and spruce, and these plantings will continue to the east, west, and south perimeters of the property. He went over the other areas for plantings and landscape features such as fences, sidewalks, and brick paving. He noted that the plants on the landscaping plan on the interior of the property are not specified, but they can be chosen from a provided list. He noted that the intent is for each building to be different, and that each unit will have specified plantings for when they go out to bid. Mr. Ward asked about the replacement for the mortality rate, and Mr. Weremay noted that they are anticipated, but that they have a one-year warranty for replacement, and they will have their own wells with irrigation for the landscaped areas. Chairman Berry asked about the terraced wall detail. Mr. Weremay noted that it is not detailed yet, and that Paul Aldinger is working on this, and the slope on the I-95 side. Mr. Caito anticipates that they'll be done within the next two weeks.

Mr. O'Loughlin asked if they have contacted Narragansett Electric yet, in concern for the layout impacting parking spots and landscaping. Mr. Caito noted that they have met with Narragansett, Cox Cable, and Verizon, and that they have sited the transformer locations on the plans. Mr. Ward asked Mr. Weremay if the landscaping affects any site distances. Mr. Weremay noted that site distance is addressed.

Chairman Berry asked about the phasing with the commercial and asked how it is going to impact the development of this residential project. Mr. Pagliarini noted that Mr. LeCesse needs to do the 300 units collectively in one phase, and that he has talked with the Town Council and asked for an interpretation of the Zoning Ordinance. Mr. Pagliarini explained that they are looking to pull the first 200 building permits and 100 foundation permits this year, and then in calendar year 2006, they will pull the next 100 building permits. He noted that they explained to the Town Council that there is an expectation that the commercial will be the next development. He noted that Mr. LeCesse is ready to close with the purchase of the land with the Preliminary approval, and that once Mr. Cambio gets some reimbursement from Mr. LeCesse, then he will be able to start on the commercial component. Mr. Ward asked about the age restricted and the low and moderate income units, and what assurances does the Town have to ensure that this moves forward. Mr. Pagliarini stated there is none, other than Mr. Cambio and Mr. LeCesse sitting with the Town Council and agree on the phasing. There was discussion. Paul Kaltschnee, in the audience, asked if this has been discussed in an open meeting. Mrs. Letendre asked if the agreement has been taken up at the last Town Council meeting. Mr. Pagliarini noted that there was a Town Council meeting that was properly noticed. There was further discussion. It was noted that there is a six month time-frame before the commercial component comes in. Mr. Cambio discussed the various commercial tenants he is negotiating with.

Mr. Caito went over the architectural design, the garages, the entryways, the breezeways, the elevations, and the other design components of the buildings. He noted that there are thirteen 22-unit buildings. He noted that they are one-story units, and the townhouses on the ends are two-

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story units. It was noted that the maximum height of the buildings is 50 feet from the grade to the ridge, and the zoning allows 60 feet. Then Mr. Caito went over the carriage houses, the club house building, and the garages. He noted that the 5 unit garages each contain an accessible garage bay. There was discussion on the materials to be used, and the Board asked to see a list of finish materials from the architect. Mr. Caito went over the details on the pylon signs. (Mr. Lepak stepped out of the meeting from 9:46 to 9:48 pm.) Mr. Pagliarini noted that there will be underground electrical utilities. Mr. Caito will submit the engineered water plans to Kent County Water Authority for tomorrow. Mr. Caito noted that they are working on establishing a system of numbering the buildings. Chairman Berry noted to have the Fire Chief review the numbering system for the 911 and the signs for the 911 system. Mr. Ward noted his concern to ensure that the Town will get the affordable component of the project. Mr. Ward had to leave the meeting at 9:51 pm.

Mr. Caito noted that the architect has prepared the pole location and circuiting plan, and a photometric plan. He passed out handouts on the lighting standards (3 pages). There was discussion on the type of units. It was noted that there are no units proposed for ownership-they will be all rental. Mr. Pagliarini noted that, per the West Greenwich ordinance, the electrical engineer has reviewed the lighting to ensure that it is not shining, and the lighting is what is necessary, is not excessive, and is decorative. Mr. Weremay noted that the landscaping plan calls for extensive sidewalks around the perimeter of each building, and Mr. Caito noted that all the walkways are handicapped wheelchair accessible. Mr. Pagliarini noted that the application fees have already been paid. There was discussion on the fees. Mr. Pagliarini noted that for the phasing, they have discussed with the Town Council that they will be seeking 200 building permits and 100 foundation permits this year, and then in 2006, then they will ask for the 100 remaining building permits. There was discussion on construction and fire access.

Mr. Pagliarini went over the items that need to be done for the next meeting:

1. Mr. Pagliarini will e-mail the development agreement to Town Solicitor Michael Ursillo
2. add note to plans about the future parking (language from development agreement)
3. look at the language in the agreement that adds the Town to also be able to state the need for when the parking spaces get paved
4. get the location for the pylon sign
5. need note on plan for access to fire lane to be accessible at all times
6. Fire Chief Letter from Caito
7. wall details from Aldinger
8. architectural materials list
9. Kent County submission for water
10. Fire Chief sign-off on the 911 signs and locations

There was discussion on the development agreement.

Discussion was opened to the audience.

Paul Kaltschnee, asked what stage the agreement was at and what the next steps are. Mrs. Letendre noted that she didn't know anything about the agreement until tonight. Mr. Pagliarini

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noted that the Solicitor Michael Ursillo had a faxed copy of it several versions ago, and that the latest version was at a meeting with the Town Council last Wednesday (It should be noted for the record that Mr. Ursillo was out on vacation, and was not present at that June 15 Town Council meeting.) Mrs. Letendre noted that it would have to go to the next Town Council public meeting to get approved. There was discussion on the next meeting.

It was noted that the applicant also needs to check with Narragansett on if there is a single feed.

Motion to continue the Public Hearing to July 5, 2005. Boyer-Lepak. All in favor (4-0). (Berry and O'Loughlin also voting).

Mr. Boyer asked to have the Town Consulting engineers present at all the meetings, especially the public hearings. There was discussion. There was discussion on the 'agreement' between the Centre of New England and the Town Council, and on the Affordable Housing Plan.

Motion to adjourn. Boyer-Berry. 3-1, with Lepak voting nay. The meeting ended at 10:21 pm

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July 5, 2005
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on July 5, 2005. Present were: Chairman David Berry, Bill Lepak, and Tim Regan. Brad Ward, Mark Boyer and Alternates Tom O'Loughlin and Bill Bryan were absent. Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy Letendre were present. Shawn Martin, PE, of Fuss & O'Neill and Nick Piampiano, PE, of Garofalo were present.

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

CONSENT AGENDA

A. Acceptance of Minutes

February 7, 2005 Regular Meeting
April 4, 2005 regular meeting
May 2, 2005 regular meeting
June 6, 2005 regular meeting
June 20, 2005 Special meeting

Miss Paquet noted that the June 20, 2005 Special meeting minutes are not ready yet. Lepak noted to have the meeting end time on June 6, 2005 meeting. Motion to approve the minutes that are ready and the amended June 20, 2005 minutes. Lepak- Regan. All in favor (3-0).

B. Minor Subdivisions:

1. Minor Subdivision- AP 44, Portion of Lot 5
--on Escoheag Hill Road; one new lot proposed

Motion to approve the draft motion. Lepak-Regan. All in favor (3-0).

Request for Extension of Approval (granted July 12, 2004) and Minor Change to be handled by the Administrative Officer for previously approved application:
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-Mobil USA, Inc.

Attorney John A. Pagliarini, Jr. was present representing the Studley Brothers, Inc., owners of the land. Mr. Pagliarini explained that they wanted to move the tower back about 150 feet in order to save some commercial land, as long as all the setbacks are still met. He passed out a new 11 by 17 inch plan showing the new location (map sheet C-1, dated 6/3/05).

Motion to approve the extension of the Preliminary site plan for one year, along with the minor change as shown on the plan dated 6/3/05, noting that there are no other changes. Lepak-Regan. All in favor (3-0). Mr. Pagliarini noted that they will show the 150 foot setback on the record plan.

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CENTRE OF NEW ENGLAND – PUBLIC HEARING
MAJOR LAND DEVELOPMENT PROJECT/ PRELIMINARY PLAN REVIEW, cont.:

AP 1, Lot 3-1

--on Centre of New England Boulevard; residential multifamily proposed.

Applicant: LeCesse Development Corporation/ Owner: Commerce Park Realty, LLC

Attorney John A. Pagliarini, Jr. was present. Jeff Hanson, PE from Caito Corp., and Mr. Nick Cambio, developer, in the audience, were also present.

Mr. Pagliarini showed the Board the architectural material samples of the vinyl siding and roof shingles. He explained the supplemental materials that were submitted on Friday. There was discussion on the pylon sign. There was discussion on the details for the retaining wall and slope stabilization, and it was noted that Mr. Aldinger is still working on them. It was noted that the letter from the Fire Chief was submitted. There was continued discussion on the items in the staff report that are proposed conditions of approval, including architectural materials, 911 signs, defeasible parking easements, Kent County Water submission, agreement with the Town Council, and electricity loop. Mr. Martin went over his concerns, including landscaping for the retaining walls, grade capacities in the sub-watersheds, and questions on runoff. It was noted to have the RIDEM plans submitted to the Planner for the file. There was discussion on lighting, dumpster location and plan for trash removal, and geometry of the clubhouse entrance round-about. It was decided that an entrance traffic detail is needed and that the engineers need to work with the architect and the fire chief on this design. There was discussion on Open Space and Recreation fees.

Vanessa Palmer, asked if this development was restricted to certain age groups and how it will impact the schools. Mr. Pagliarini answered that it is not restricted, and noted the Master Plan review and how 36 children are projected based on other similar developments in Rhode Island.

Dan Novak, noted that there is no way to judge the project other than on the existing standards and suggested having maximum standards and alternative visions, and a design savvy team on the Town's side.

Motion to close the public hearing. Lepak-Regan. All in favor 3-0.

There was discussion on the draft motion and additional conditions of approval.

Motion was read by Mrs. Letendre for the record.

“The West Greenwich Planning Board hereby grants Preliminary Plan approval for the proposed “Grandeville at Greenwich” as depicted on plans entitled: **‘Preliminary Plan Set for Grandeville at Greenwich Assessor’s Plat 1, Lot 3-1, Centre of New England Boulevard, Centre of New England, West Greenwich, Rhode Island, prepared for LeCesse Development Corporation’** Plans by John P. Caito, Corporation, 25 Sharpe Drive, Cranston, R.I. 02920, dated June 2005, consisting of 32 sheets, and three replacement sheets AA-2, ES-1,

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and ES-2, and the three supplemental sheets 1,C3, and C6 dated June 30, 2005. This action is based upon the following findings of fact and conditions of approval:

Findings of Fact:

1. This land development project is consistent with the requirements of the Comprehensive Plan, including the future land use map, as amended September 22, 2004, specifically with regard to Land Use Element Section II.F.4. "Exit 7 Special Management District".
2. This land development project is found to conform to the standards and provisions of the West Greenwich Zoning Ordinance relative to the Exit 7 Special Management District as proposed and exhibited in the plans. It is also consistent with the Planning Board Master Plan Approval of June 6, 2005.
3. This land development project is not designed or located in such a manner as to require relief from the Zoning Ordinance or the Land Development and Subdivision Regulations.
4. There will be no known significant negative environmental impacts from the proposed development as shown on the plans, as public sewers and public water will be provided and conditions of approval to mitigate impacts are applied.
5. This land development project, as proposed, will not result in the creation of lots or parcels of land with such physical constraints to development that building on these lots according to pertinent regulations and building standards would be impracticable.
6. This land development project will have adequate and permanent physical access to a public street, namely New London Turnpike, by way of private Centre of New England Boulevard, and anticipates adequate and permanent physical access through to Hopkins Hill Road.
7. The proposed development provides for safe circulation of vehicular and pedestrian traffic, for adequate surface water runoff, for suitable building sites, and for housing opportunities.
8. Master Plan approval included a finding that, "The residential component of the land development project will have no or very limited impact on those critical town capacities which most severely limit sustainable and serviceable growth in the Town, including but not limited to educational facilities and public works." This finding was based upon representations by the developer that the residential component would result in no greater than 36 school-age children.

Conditions of Approval:

1. Preliminary Plan approval is granted for layout, landscaping, architectural design, parking, gated emergency access, signage, and lighting as shown on the preliminary plans.
2. The developer shall secure written acceptance of the plan for the provision of utilities to the site by the respective responsible agencies.
3. The developer shall hire a responsible party, as approved by the Town, to inspect the drainage improvements and erosion controls, and who shall submit status reports to the Town of West Greenwich on the condition of the drainage infrastructure. The developer shall implement erosion controls and other best management practices, not only to protect

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- the wetlands and Lake Tiogue, but also to protect the roadways and drainage infrastructure.
4. Construction on the site improvements may commence at the developer's peril.
 5. Once site construction is complete, and all Certificates of Occupancy have been issued, the developer shall submit Final As-built plans to the Planning Board for review of the constructed project, to ensure compliance with the Preliminary Plan and Preliminary Plan approval. The approved Final As-built plans shall be recorded.
 6. Open Space and Recreation fees shall be paid in accordance with the agreement with the Town Council.
 7. Roadways within the development of Grandeville at Greenwich shall be privately owned and maintained.
 8. The applicant shall reimburse the Town for all costs incurred throughout the project review process, including advertising and project review fees, within 30 days of invoice.
 9. Emergency vehicle access shall be accessible and maintained throughout all construction phases for any and all projects throughout the Centre of New England development.
 10. No Certificate of Occupancy shall be issued until site work is complete, on a building by building basis, including landscaping and parking.
 11. The drainage basin shall be completed, stabilized, and protected prior to issuance of the first Building Permit, as evidenced by an As-built plan.
 12. Lighting shall be pointed downward, and shall not reflect off the site.
 13. The proposed Club House shall not be used for, nor be converted to, residential use.
 14. Applicant shall submit a copy of the Certificate of Authorization to Practice in the State of Rhode Island for the project Architect.
 15. The applicant's engineer shall certify that all drainage improvement have been constructed properly and are functioning as intended by his design.
 16. Wall construction and slope stabilization plan, including landscaping, to be submitted by Aldinger and reviewed and approved by the Town's consulting engineer. These plans are to be stamped by the appropriate professionals, including a structural engineer and a landscape architect.
 17. Size of signs identifying buildings and units to be verified by Fire Chief prior to installation, and submit details to the Town Planner.
 18. Submit Landscape Plan to Town Planner for Final Plan application, and remove note, "not for construction" label from the plan.
 19. Applicant's engineer to evaluate capacity of watershed numbers 4, 5, 9, 23, and 24 prior to Final application, and Town consulting engineer to review and approve report.
 20. Applicant to submit to Town Planner a copy of the RIDEM plans and drainage report for the wetland permit.
 21. Add dumpster location detail and the parking spaces around it, and include a narrative of how the residents will handle the trash.
 22. Adjustment to be made to geometry of front entrance at the clubhouse for traffic.
Revised traffic detail to be worked on by Town's consulting engineer, Fire Chief, the applicant's engineer, and to be approved by Town's consulting engineer and Fire Chief.

Berry-Regan. All in favor (3-0).

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THE PRESERVE AT WEST GREENWICH (formerly The Club at Wickaboxet)
PUBLIC INFORMATIONAL MEETING, cont.

Master Plan- Major Subdivision: AP 34, Lot 2

--On Plain Meeting House Road; 172 lots with road network proposed; Owner: CIOEWG, LLC

Mr. Peter Ruggiero, attorney for the applicant, was present. Mr. David Gardner and Mr. Mark Conboy, PE of David Gardner and Associates, and Mr. Paul Bannon, PE of RAB Engineering were also present. Mr. Ruggiero gave a recap of the project from the last meeting, and noted that revised plans have been provided to the Planning Board, in response to the last comments. He noted that correspondence has been received from Partridge, Snow, & Hann attorneys representing the Greene Company on the abandonment of Narrow Lane and Welch Hollow Road, also correspondence from the Conservation Commission and comments from Mr. Martin of Fuss & O'Neill on an earlier set of plans.

Mr. Gardner went over the changes on the plans, including the Phase one restricted area, 50-foot no-cut buffer between the existing frontage lots on Plain Meeting House Road, the calculation for area suitable for development, the access to Mr. Bates property, the cemetery easements, and the passive recreation area in Phase 2. Mr. Robert Cioe arrived at 8:28 p.m. Mr. Gardner noted his experience in his Town with working on a recreation committee, that the Town could take the fee in-lieu-of land dedication, and use the fees as matching funds to apply for grants for recreation projects. There was discussion on the Fire Chief's request for a tanker truck. Mr. Ruggiero noted that they have not been able to contact the Fire Chief, and noted that if there are any off-site improvements or capital expenses that are reasonably related that they don't have any issues with it, but that they just haven't been able to confirm it with the Fire Chief. There was discussion on groundwater and Mr. Gardner noted that they understand they will need a hydrogeologist to make sure that they have enough water to supply the new residents. There was discussion on the recreation area and access to the pond and a trail into Wickaboxet State Park. There was discussion on providing a detail sheet on the fee versus the acreage for the Open Space requirement. There was discussion on the irregular lots and it was noted that the applicant will have these reconfigured. There was discussion on Welch Hollow Road and the through-lots. Mr. Ruggiero noted that the Town of Coventry may not have followed the right procedures, but it is not known at this point. He noted that they wanted to go through the Master Plan procedure first, and have accepted if it was a condition, to explore this matter and pursue litigation if necessary. He noted that if it was abandoned, that his client would have half the interest in the roadway. Mrs. Letendre noted that the concern of the through-lots is something that the Planning Board can waive because it doesn't affect the overall plan in any negative way. Mr. Ruggiero noted that they could run a small strip of open space along the road if there is an issue of frontage, and noted that they would rather propose an alternative than pursue a waiver on this issue. There was discussion on item 6 from Mr. Martin's memo dated July 5, 2005 regarding the collector road, and it was decided to eliminate the crossroad. There was discussion on providing a sidewalk down one side of the collector road. Mr. Lepak discussed the greenbelt concept from the Comprehensive Plan and recommended access points to the recreation areas from the cul-de-sacs, and expressed concern over the amount of wetlands in the recreation area. Mr. Gardner noted that there are over 7 acres of dry land proposed for the recreation area. There was

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discussion on the recreation area and possibility of it being a home site. It was noted that this lot configuration also takes care of Mr. Boyer's previous concerns of the lot lines in the pond. Mr. Gardner continued to go over the comments from Mr. Martin. It was noted that the engineers will need to go over the lots to ensure the areas suitable for development are met. It was noted that access from Welch Hollow and Narrow Lane will remain an open question.

Chairman Berry opened the meeting to Public Comment.

Dan Novak, from the Conservation Commission, commented on a conventional plan versus a conservation plan. Chairman Berry noted that this applicant tried to pursue something like that earlier. Mrs. Letendre noted that the Planning Board does not have flexibility and that the zoning is RFR- 2 acre lots.

Mary Rounds, Arrowhead Lane, asked about parking for the recreation area. It was noted that if it is public, parking will need to be provided, but there are no details for it at this time.

Vanessa Palmer, asked if a hydrogeology study has been turned in. The Board noted that it is not due until the next stage of review. Ms. Palmer then expressed concern over the recreation areas in Wickaboxet Hills subdivision that were never made, and the unfinished pavement in Hoxsie Farms, and how to prevent this from happening again. There was discussion on Wickaboxet Hills. Mr. Ruggiero noted that the Town has leverage because this project will be done in phases.

Dan Novak, commented on the argument against conservation design has to do with uncertainty of who maintains it.

Ralph Pratt, 14 Victory Highway, noted that in the tax books for Wickaboxet, each lot has 1/36th of the open space lot. He also asked if the phases are for discussion and review purposes or for development purposes. He expressed concern if equipment is on site and the temptation to start constructing the next phase before the first phase is done, and resulting erosion problems. Mr. Pratt then asked why roads can go through the steep slopes if slopes are supposed to be subtracted out of the buildable area. There was discussion.

There was discussion on having a consulting engineer review the applicant's traffic impact analysis. There was discussion on setting a special meeting. Mr. Ruggiero noted that they will consent to an extension to August 15th. Mrs. Letendre noted that she would not be available for any special meetings on a Monday in August. Motion to continue the Public Hearing to the August 1, 2005 regular meeting. Regan-Lepak. Mr. Lepak called for discussion and asked to have the Fire Chief comment on any needs for emergency equipment or community rescue or any space needs for Hianloland Fire Station on Plain Road. Motion carried 3-0.

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HOPKINS HILL COMMERCE PARK- PHASE I:
COFFEE SHOP- PRE-APPLICATION PLAN, cont.: AP 3, Lot 16

--on Hopkins Hill Road; coffee shop with drive-through window proposed; also request for advisory opinions to Zoning Board on frontage and signage; traffic analysis
Applicant: Gansett Associates, LLC

Attorney Joe Shekarchi, representing Gansett Associates, LLC approached the Board. Kevin Morin, PE from DiPrete Engineering, Kirk Pickell from Gansett Associates, Jim Lynch owner of franchise for Dunkin' Donuts, and Michael (Desmond?) from Bryant Associates were also present. Mr. Shekarchi passed out 2 color pictures of the main sign, one showing just the Dunkin' Donuts sign and the other with future signs added below. Mr. Shekarchi went over the sign design and materials. Mrs. Letendre went over the matrix showing what the applicant is seeking relief from. The Board noted that there were no issues with the frontage, but that the applicant may need to deal with RIDOT. **Motion** to send the Zoning Board of Review an advisory opinion recommending approval for the road frontage variance. Lepak-Regan (3-0).

There was discussion on the sign variances. Mr. Shekarchi noted that they are willing to limit the sign height to 17 ½ feet. There was further discussion, including location and lighting for the sign. It was decided to save the review of the sign design and lighting for the Preliminary Plan, but the Board will act on the recommendations for the Zoning Board tonight. **Motion** on the two pylon sign variances for the Hopkins Hill Business park, one for the height variance of 2 ½ feet for a total sign height of 17 ½ feet, and one for the square footage variance of 63 feet, for a total of 113 square feet, considering that the sign will also be used for other future businesses in the park, and with a stipulation that the application comes back to the Planning Board for Site Plan Review, including the design and lighting of the sign. Berry-Regan. Mr. Lepak called for discussion and asked Mrs. Letendre to clarify the regulation. Mrs. Letendre explained that the regulation states that each building can have a 50 square foot pylon sign. Motion carries 2-1, with Mr. Lepak voting nay.

There was discussion on the sign mounted on the building. **Motion** to recommend for the sign on the building a variance of 30 square feet for a total dimension of 36 square feet. Berry-Regan. Motion carries 2-1, with Mr. Lepak voting nay.

There was discussion on the Special Use Permits for the menu board, drive through signs, exit sign, and Drive-through speaker tower. **Motion** to recommend an advisory opinion to the Zoning Board for approval of the Special Use Permits as noted on the zoning analysis. Lepak-Regan. All in favor (3-0).

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**SCENIC VIEW ESTATES- MAJOR RESIDENTIAL SUBDIVISION/ MASTER PLAN:
PUBLIC INFORMATIONAL MEETING and
PUBLIC HEARING ON REQUEST FOR WAIVER OF DEAD-END LENGTH, cont.**

AP 28, Lots 21 and 22

--on Plain Meeting House Road; 9 lots proposed with road; request for waiver on cul-de-sac length; Owners/Applicants: Timeless Properties and Brian and Nancy McCoy

Mr. Sanford Resnick, attorney for the applicant, approached the Board. Mr. Joe Casali, PE, and Mr. Paul Bannon, PE, were also present. Mr. Nick Piampiano, PE from Garofalo, was present on behalf of the Planning Board.

Mr. Resnick addressed the Board regarding the differences from the last meeting between the waiver and the loop road. He noted that the plan they think is best is the one with the waiver on the length of the cul-de-sac. He noted that this may be a situation where having one means of ingress and egress was in the best interest of public health safety and welfare. He noted that the Board wanted it's consulting engineer to look at this and give his opinion as to whether one means of ingress/egress would be in the best interest. Mr. Piampiano noted that there were a few outstanding issues, and that in terms of safety, he would need more information to determine if the second means of egress is actually safe. He noted that in order to make this determination, he needs information on vertical grades and profiles for the site distance, horizontal site distance and possible easements that may be required for site distance at the second access. Paul Bannon, Vice President of RAB Professional Engineers noted that the primary access has sufficient site distances for the posted speed limit and the 85th percentile speed. He noted for the access point at the second driveway to the east there are no limitations, but to the west the only limiting factor is the horizontal curve and the vegetation in that vertical curve, and that he recommends if the second access is required, making it an entrance only. He noted that there is sufficient site distance for turning left into the road, but that to the west it is not safe unless clearing and an easement were obtained. There was discussion on intersection site distance. There was discussion on signage required if it is a one-way. There was discussion on the alternative plans. Mr. Casali discussed that for a small subdivision there is a question if two means of access is warranted with the maintenance of road, plowing of snow, drainage, and water quality. There was discussion on a fire access. Mr. Casali stated that they can do the road without waivers and get 8 lots, and they would not entertain a 1,200 foot cul-de-sac for 5 lots, and that the two options are the 9 lots with the waiver or the 8 lots with the loop. There was discussion on the other alternative plans. It was decided to send this back to the TRC and to let them know that the Board is considering the waiver and wants the TRC to go over the waiver versus the loop road. The Board wants to know if the TRC is still interested in the loop road.

Chairman Berry opened the discussion to the audience.

Doug McKean, Plain Meeting House Road, asked about the extra road frontage that he never thought of and noted that he doesn't want 1000 feet of road frontage. He noted issues with his driveway which is on the lot line, because it comes out right at this proposed road. He also expressed concerns about runoff water coming off the hill and also a concern of problems with well water. Doreen Lennon (with Mr. McKean) expressed that they only have enough water for

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a half hour, and noted that they can not sell their house as it is. Mr. McKean also noted that when he bought his house, Mr. McCoy's lot was supposed to have one house. There was discussion on the Zoning Board restriction. Ms. Lennon expressed concern of needing to move her driveway and the septic system being in the way. She also noted that looking left out of her driveway she can not see, and questioned the choice of location of the traffic test strips. She noted that the proposed entrance is the most dangerous spot. There were concerns expressed about school busses on the hill in the winter.

Mr. Townsend noted his well is 30 feet near where the new road would be.

Mary Rounds asked why the traffic tester was placed right at the point in the road where you have to put your breaks on. It was noted that the consulting engineer will review the tester locations.

Sandy Bockes, Hazard Road, also noted that the traffic test wires were put in at the point where you are guaranteed to be going the slowest.

Motion to continue to the August 1, 2005 meeting. Berry-Lepak. (3-0).

ARLINGTON RV- SITE PLAN REVIEW/ PRELIMINARY PLAN: AP 2, Lot 1
--on Corner of New London Turnpike and Division Street; zoned Highway Business

This agenda item was continued at the request of the applicant's attorney due to the death of Mr. Steve Moran.

TECHNICAL REVIEW COMMITTEE

-- Designate Member of Planning Board to TRC meeting.

It was noted to ask Mr. Boyer if he could attend the TRC meeting.

Motion to adjourn. Lepak-Regan. (3-0). The meeting ended at 11:19 p.m.

WEST GREENWICH
August 1, 2005
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on August 1, 2005. Present were: Chairman David Berry, Mark Boyer, Brad Ward, Bill Lepak, Tim Regan, and alternate Tom O'Loughlin. Alternate Bill Bryan was absent. Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy Letendre were present. Shawn Martin, PE, of Fuss & O'Neill and Nick Piampiano, PE, of Garofalo were present.

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

CONSENT AGENDA

A. Acceptance of Minutes

June 20, 2005 Special meeting

July 5, 2005 Regular Meeting

Mr. Boyer was not present for the consent agenda.

Miss Paquet noted that the July 5, 2005 minutes are not ready yet. Motion to approve the June 20, 2005 minutes. Ward-Lepak (5-0), with O'Loughlin voting.

Mr. Boyer rejoined the Board.

THE PRESERVE AT WEST GREENWICH (formerly The Club at Wickaboxet)
PUBLIC INFORMATIONAL MEETING, cont.

Master Plan- Major Subdivision: AP 34, Lot 2

--On Plain Meeting House Road; 172 lots with road network proposed; Owner: CIOEWG, LLC

Attorney Peter Ruggiero, Paul Bannon, PE of RAB Professional Engineers, and David Gardner and Mark Conboy, PE of David Gardner Associates, were present for the applicant. Keith Bloomer, PE from PARE Engineering and Shawn Martin, PE from Fuss & O'Neill were present as consultants for the Town.

Chairman Berry explained the history of this project and the review process for the new audience members present. Mr. Boyer explained the purpose of the Master Plan in accordance with the Subdivision Regulations.

Mr. Ruggiero went over the tasks from the last meeting. He noted that the roadway was delineated, that open space fees versus the land dedication was addressed in the Planner's report, he noted they didn't identify the parking area at the recreational lot or the easements for access to Wickaboxet Park because it has not been determined if there will be a recreation area, that Mr. Gardner contacted the Fire Chief, that PARE had a meeting with Dave Andrews from Public Works but Mr. Bannon was not present because he did not know about the meeting, and that comments from Mr. Martin were incorporated into the revised plan.

David Gardner went over Shawn Martin's comments from the July 5, 2005 memo. He noted that they made lot 73 bigger, and the other changes were minor adjustments. The Board asked Mr. Martin to review these changed lots. Mr. Gardner discussed that ISDS will be required for Preliminary, the triangle lots have been squared off, site distances appear to be adequate, that the secondary access is still up in air as to legality and will be explored at a later date, the breakpoint

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with a stop to slow down traffic on the collector road, the removal of the cross road which also had steep slopes, that they will show a sidewalk on the collector road on the Preliminary plan, that the recreation area will be determined later, that access will be provided to the cemeteries, and the other issues such as drainage, and he noted that there will probably need to be some upgrading to the drainage on Plain Meeting House Road for the entrance roads to the subdivision. He noted that they will do the hydrogeologic study between Master and Preliminary. He noted that he spoke with Chief Parkinson who noted that they maybe wouldn't need as many cisterns if they could provide access to and get some volume calculations on the pond for a dry hydrant. He noted that they talked about a tanker truck and that they do have enough room for one at the station. Mr. Gardner stated that Chief Parkinson said that they would be looking for a tanker truck toward the end of the project, once a good portion of it is done. Mr. Lepak asked about emergency access equipment. Mr. Gardner noted that Chief Parkinson was concerned with the connection between phase 2 and phase 3 where there is a single road accessing the rear. Mr. Gardner noted that they would be working with Mr. Bannon on maybe creating a boulevard with two separate laneways separated by a vegetated strip to provide two roadways between the two points so that if there is an accident in one road, that emergency vehicles will still be able to get around. Mr. Lepak asked if there was any discussion with Chief Parkinson about community rescue equipment, like a defibrillator. Mr. Gardner noted that he asked Chief Parkinson what he felt they may need, and that Chief Parkinson didn't say anything along those lines. There was discussion. Mr. Cioe noted they only discussed the tanker truck, the access from phase two to phase three, the dry lines, and they cisterns. Miss Paquet noted the revised plans are available for the Board on the table this evening.

Mr. Ruggiero noted that a lot of the recommendations and comments are tied into a question of phasing and construction buildout, and that he would like to go through them collectively as they relate to the whole development. He noted that a lot of the improvements required for fire safety or health and welfare are related not to the initial buildings, but as they move forward with the project. The Planning Board asked for comments in writing for each phase for Fire and safety requirements and cul-de-sac radii, and also from Public Works. There was discussion on the comments in the Planner's memo. It was noted that the applicant will provide a table of the frontages on the cul-de-sacs at the 50-foot set back line. Mr. Ruggiero noted that they are willing to landscaping, but question the need to have a landscape architect design the plan, and asked the Board to keep an open mind on this on if a licensed professional needs to design it. There was discussion between Mr. Cioe and the Board. Mr. Ruggiero noted that the landscaping at Wickford Junction was not designed by a landscape architect. Mrs. Letendre suggested requiring a landscape plan as part of the preliminary submission and waiving the requirement that it be certified by a landscape architect once the Board sees the plan, but to reserve the right to require a landscape architect prepare the plan. Mr. Ruggiero noted that they object to underground utilities due to the cost and questioned the public need. Mr. Lepak noted that it does have to do with aesthetics, but also safety, such as cars crashing into poles. Mr. Ward noted that underground electric is better for storm management, and that in the event of a substantial storm event, it allows for restoration, especially for this number of occupants, to occur in a faster manner, and that you don't have to worry about limbs during hurricanes knocking down overhead lines. He noted that it would be protection for the future occupants. Mr. O'Loughlin noted that it is going to be one of the last things that gets restored on an overhead line because it is not a primary line, and that underground is less susceptible to outages. It was noted that the

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Board is considering underground electric as a condition of approval. The Board continued to go over the memo from the Planner. There was discussion on any additional studies, including the groundwater study, and a traffic impact study was added. It was noted to add Narrow Lane to the investigation with Welch Hollow Road. Mrs. Letendre recommended that the Board wait until the Preliminary Plan, when the engineering can be further assessed, to make the determination on if there will be recreation land, or if the fee would be the better option. Mr. Ruggiero noted that he had questions about the methodology and the basis, and how and when this fee would be paid during the phasing. He noted that the investigation of Welch Hollow Road is also tied into the phasing question. Mr. Lepak brought up discussion on who would own the Open Space and Recreation land and how it would be managed. Mr. Ruggiero noted that it could go to the Town or to a private interest, but he questioned the likelihood of a Homeowner's Association maintaining it. Chairman Berry noted it could be a house lot, and there was discussion. Mr. Lepak questioned if the Board had the option of the land going to a Homeowner's Association, and noted that it has bearing on how the Board will act on the Open Space. There was further discussion on this.

Mr. Keith Bloomer, PE, from Pare Engineering, consultant hired by the Town, went over his comments on the applicant's traffic impact analysis, prepared by RAB Professional Engineers. He noted that he met with the road superintendent to go over some issues that have been identified on Plain Meeting House Road. He noted that he has provided a letter dated July 28, 2005 to the Town, and proceeded to go over his comments. He noted that the applicant obtained accident data and that there were a high number of crashes with drivers running off the road, related to a storm and the absence of a drainage system. He noted that based on the increases in traffic anticipated from a subdivision of this size, that considerations be given to performing some drainage improvements along Plain Meeting House Road, whether along the frontage of this property or elsewhere between Route 102 and the property. He noted that he concurs with the applicant's consultant's recommendations for a centerline delineated to Plain Meeting House Road. He noted that he recommends that those markings be installed at the start of construction. Mr. Bloomer went over his other comments, and explained them for the Board and audience. Mr. Lepak asked for site specific recommendations, and asked for exact locations on Plain Meeting House. Mr. Bloomer noted that it could be done, but recommended the applicant be involved along with the Town if the Board is considering requiring the applicant to do the improvements, so that they know about them. Chairman Berry asked about trip generation and capacity analysis. Mr. Bloomer explained that he does not believe that this project will result in capacity issues and that he does believe that the safety issues that were identified through the accident analysis revealed issues along Plain Meeting House Road that could be increased by the increase in traffic, and that some mitigation would be beneficial to the Town as well as the residents. Chairman Berry questioned how such a large subdivision wouldn't impact the traffic in the area. Mr. Bloomer explained that there is not a large volume of vehicles out there today. Mr. Lepak asked Mr. Bloomer to explain the implications of his technical study, in regards to Level of Services and roadway capacity, and asked what it means in terms of the Planning Board making a decision on it. Mr. Bloomer explained that he didn't do the study, but that he reviewed it. There was discussion on when the Board needs to make a decision.

Mr. Ruggiero submitted to Mrs. Letendre case law on off-site improvements, and stated that they would object to being responsible for correcting an existing condition, but that they are willing to

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do anything related to this subdivision that requires mitigation, such as in the area of the entranceway, or some distance that is negotiable. Mr. Bannon responded to Mr. Bloomer's comments, and noted that they have no problem with providing mitigation in any areas that they define through communication with Public Works, such as the 90 degree bend with sand. He noted they can work with the Town on isolated areas. Mr. Bannon noted that the necessary improvements in terms of handling the increased traffic and the impact from this development are striping and signage. It was noted that Mr. Bannon and Mr. Bloomer will meet together with the Highway Superintendent and the Police Chief to go over the spots on the road to see what improvements can be done, and to identify the most immediate improvements.

Mr. Ruggiero asked to have the conditions timed in terms of phases, and asked about how it would work if the Master Plan expires in one year, while the project is phased over 10 years. There was discussion on making the Master Plan 2 years with renewals. Mr. Cioe left the meeting. Mr. Ruggiero noted that the applicant is not willing to grant another extension for the Board to make a decision.

The Board took a break to assess the agenda. Carmine Oliveri granted an extension to the September 6, 2005 meeting for the Exit 6 Industrial project. Attorney John Revens granted an extension to September 6, 2005 for the Arlington RV project. Motion to continue these matters to September 6, 2005. Boyer-Ward (4-0).

Chairman Berry opened the meeting to public comment.

Mary Rounds, Arrowhead Lane, asked for actual counts on the traffic on Plain Meeting House Road, and if there are studies on how much traffic the pavement can withstand, and other questions related to the traffic. Mr. Bannon and Mr. Bloomer responded. Mr. Bloomer explained how there is no significant impact due to the additional volume of traffic, taking into consideration other anticipated growth in the area. He discussed delays and Level of Service. He explained to the audience that if there is no significant impact, that the Planning Board will not be able to support a rejection of the project based on the traffic.

Michael Rounds, Arrowhead Lane, asked if industry standards consider city versus rural traffic. Mr. Bannon responded that there is no difference recognized, but that they looked at similar areas, such as Wickabonet subdivision.

Mike Ruggieri, Whipoorwill Way, asked if there was any analysis on what the road will be like in 5 years. A hand count of the audience noted that 26 people had traffic concerns.

Paul Connelly, Plain Meeting House Road, had concerns of school busses, delays, heavy equipment, and noted that they can't fit any more kids on the bus, and there is no room in the schools.

Ralph Pratt, 14 Victory Highway, asked about Narrow Lane in West Greenwich. Mr. Ruggiero noted that there is no evidence that it was a public road in West Greenwich. Mr. Pratt stated that he has a problem with his tax money going to help the applicant investigate the abandonment.

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Mrs. Letendre noted that this application brought this issue to the Town's attention, and that it does affect the Town. Mr. Pratt noted that using those roads for emergency access is ludicrous, and asked about the through lots and the cul-de-sac to the adjacent property.

Nancy Payne, noted that people fly around the corner and the hill, and that a cement truck flipped over at the bottom of the hill.

David Payne, Plain Meeting House Road, asked about cisterns. Mr. Gardner noted that the ponds will also benefit fire suppression.

Mrs. Letendre noted that she would not be able to make the meeting, but that she'd look into if anyone else from her office could make it.

Motion to continue to the August 15, 2005 Special Meeting at 6:00 p.m. Boyer-Ward. (5-0)

The Board took a 5 minute break.

**SCENIC VIEW ESTATES- MAJOR RESIDENTIAL SUBDIVISION/ MASTER PLAN:
PUBLIC INFORMATIONAL MEETING and
PUBLIC HEARING ON REQUEST FOR WAIVER OF DEAD-END LENGTH, cont.**

AP 28, Lots 21 and 22

--on Plain Meeting House Road; 9 lots proposed with road; request for waiver on cul-de-sac length; Owners/Applicants: Timeless Properties and Brian and Nancy McCoy

Mark Boyer recused himself on this item. Mr. Nick Piampiano, PE from Garofalo was present as consulting engineer for the Town.

Attorney Sanford Resnick approached the Board. Kirk Andrews, PLS and Joe Casali, PE were also present. He noted that they have completed their testimony and that the issue remaining is a discussion that the Planning Board needs to have in regards to the position of the Technical Review Committee.

Miss Paquet explained that at the last meeting, the Board sent the plans back to the TRC to see if they were still interested in the loop road based on concerns of potential site distance issues and extra road length for drainage. She noted that at the meeting, it was determined that based on site distance issues at the second entrance that it wouldn't be a good idea to do a loop road, and that if there are safety issues, the TRC would not recommend a loop road. She noted that in terms of the waiver, the TRC recommends the least relief necessary, and for the Planning Board to determine what the length of the road would be. Mr. Piampiano, PE explained that they reviewed the traffic report from RAB Professional Engineers, and noted that he has comments. He noted that he concurs with the finding that the easterly second entrance for the loop road does have issues with horizontal site distance and lack of right-of-way to do anything with street clearing. He noted that this entrance appears to be out of the applicant's control for line of sight. He noted that he also has a concern with the main entrance, which has 350 feet of site distance horizontally to the west, but they are not sure of that with the vertical curve. He noted that it appears from observation that it could be closer to 200 feet. He noted that he would like to see a

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vertical profile to the westerly direction just to be sure. Mr. Bannon noted that they did field measurements.

There was discussion on the yield of 8 lots on the loop road, and 9 lots on the cul-de-sac. Mr. Lepak suggested a compromise for the waiver on the roadway length since the loop road yields 8 lots, that they get 8 lots total, not 9. Mr. Resnick asked for the possibility for the 9th lot, if the lot is low-moderate income. Mr. Lepak and Mr. Ward noted that they did not have a problem with that. Mr. Ward noted it could be 8 lots or the 9 lots if one is affordable. Mrs. Letendre noted that between Master and Preliminary the Town would need to figure out how to get the unit to qualify in terms of the subsidy.

Mr. Lepak asked about the zoning restriction of no further subdivision on the lot. Mrs. Letendre noted that it would not be upheld in court. Mr. Lepak discussed the timing of the State Enabling Legislation. Mrs. Letendre said it is something that she could look into.

Nicholas Gorham, attorney representing the McKeens, noted that he submitted a letter today on this issue. Chairman Berry noted the applicant can also try a residential compound in lieu of this project to eliminate the need for the road. Mr. Casali noted that it is not in the applicant's best interest.

Chairman Berry opened to the Board how they feel about going over the 1,200 foot regulation. Mr. Casali noted that the Chief wanted some kind of emergency access. Chairman Berry asked the Board about what the reasoning behind granting an extension of the 1,200 feet.

Nicholas Gorham, representing the McKeens, submitted the letter and copy of the statute for legal counsel to review. He explained that the law was enacted as part of the comprehensive re-enactment of the zoning enabling act in 1991. He noted that 45-24-43 says that Zoning Boards can put conditions on variances. He noted that the condition is subject only to legal interpretation or construction. He discussed the authority of the Zoning Board and the lot, and noted that the McCoy's did not appeal the Zoning Board decision. Mrs. Letendre noted that she will review the information and provide a memo to the Planning Board for the August 15th meeting. She noted that the time period for the decision ends September 2nd, and the Board will need an extension.

Mr. Casali explained that the other access point was not considered because there is an existing drainage problem on Stubble Brook Road, and that it is not his client's intent to add to an existing infrastructure problem. He noted that there are also steep slopes at the other access point, and noted that they believe that the best entrance to the site of the three is the westerly access that they selected.

The Board decided to open the meeting to public comment.

Christine McKeen noted that she was present at the Zoning Board meeting where Mr. McCoy agreed to one house.

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Doug McKeen noted that he lives there now and that his well is about 30 feet from the lot line, and the road will be within 50 feet of his well. It was noted that this is a Department of Health standard. Mr. Casali noted that he has a client in East Greenwich with a well within 20 feet of a roadway, and that in this case they are relocating the applicant's well. Mr. McKeen noted his concerns for his well including salt contamination.

Sanford Resnick stated that he opposes Mr. Gorham's position and interpretation. He noted that his client is willing to grant the extension on the decision to September 6th.

Chairman Berry noted that the design is the single cul-de-sac, but that the question is if it is 1,200 feet or if it extends beyond that, what is the rationale. Mr. Ward noted he is in favor of one lot being affordable if the legal parameters of the zoning restriction allow them to take action on it. Mr. Casali noted that they can yield 8 lots with the loop-road concept and that the applicant will not accept a 1,200 foot decision, and that they would opt to go with the loop road, which does not require any variances. Chairman Berry noted that the loop road isn't feasible due to the site distance. Mr. Casali stated that they would make the looped arm a one-way in to alleviate site distance concerns. Mr. Ward stated he doesn't know what the outcome will be based on the advice of the Solicitor. Mrs. Letendre asked for direction on writing a decision.

There was discussion on the 8 lots versus the affordable component.

This matter was continued to Tuesday, September 6, 2005 at 7:00 p.m.

Mr. Boyer rejoined the Board.

HOXSIE FARMS MAJOR SUBDIVISION- STATUS OF CONSTRUCTION, cont.: AP 11
--off Robin Hollow Road at new Benjamin Reynolds Road; 20-lot subdivision; decide direction for completion of subdivision improvements
Developer: Armand Cortellesso/Hoxie Farms, LLC

There were a number of residents from Hoxsie Farms present. It was noted that there was no one present for Mr. Cortellesso.

Mr. Ward read Miss Paquet's correspondence to Mr. Cortellesso, dated July 21, 2005 for the record. Mr. Cortellesso's response dated July 27, 2005 was read for the record. Mr. Boyer noted the history that they've had, there is no need for discussion. Motion to send a letter to the Town Council requesting that the bond be pulled. Boyer- no second.

Mr. Kevin Daly, attorney representing some homeowners against Mr. Cortellesso, noted that there are also individual lot issues and construction defects that they are facing, and also road defects and drainage issues, that are impacting the residents on a day to day basis. He noted that Mr. Cortellesso demonstrated his unwillingness to address these issues when he walked out of the meeting in June. He noted that Mr. Cortellesso has not responded to these individuals.

Mrs. Letendre noted that the financial guarantee is for the public improvements, note the individual lots.

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Mr. Kay Rodgers expressed concerns with Mr. Cortelleso owning the road, and noted that bus drivers practically refuse to pick up the kids and they have had problems with mail deliveries because the postman won't come down the street, and expressed concern of no maintenance on the road.

Motion is on the table. Second by Ward. All in favor (5-0).

The residents of Hoxsie Farms informed the Board about the problems with snow removal they have had.

HOPKINS HILL COMMERCE PARK- PHASE I:

COFFEE SHOP- PRELIMINARY PLAN: AP 3, Lot 16

--on Hopkins Hill Road; coffee shop with drive-through window proposed;
Applicant: Gansett Associates, LLC

Mr. Kevin Morin, PE with DiPrete Engineering and Mr. Joe Shekarchi, Esq. approached the Board. Jeff Butler, Kirk Pickell, and Jim Lynch were also present. Traffic engineer, Mike Desmond was also present. Mr. Shekarchi gave an overview of the application. Mr. Morin went over Mr. Martin's memo dated July 25, 2005. Mr. Morin passed out "Versalux" lighting information. There was discussion on signage locations for the drive-through sign.

Mr. Martin asked to have the light pole heights clarified before the final plan. Mr. Butler went over the sign design and the lighting for the development.

Motion to approve the Preliminary Plan dated 7/5/05 for AP 3, Lot 16 on Hopkins Hill Road for Dunkin' Donuts, and that the Final plan can be handled administratively by the Planner, including a final review by the consulting engineer, and that any future expansion come back to the Board for review. Ward-Boyer, (5-0).

ARLINGTON RV- MASTER PLAN: AP 2, Lot 1

--on Corner of New London Turnpike and Division Street; zoned Highway Business
Continued to September 6, 2005

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

--On Deer Run Drive off Carrs Pond Road. 23 lot subdivision with road creation;
Developer: G. Johnson Builders, Inc.; Preliminary Plan application status and scheduling of Preliminary Plan Public Hearing

It was noted that this would be scheduled administratively once the plans are complete.

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**EXIT 6 INDUSTRIAL PARK- MAJOR INDUSTRIAL LAND DEVELOPMENT
PROJECT / MASTER PLAN: AP 6, Lot 21-6**

-- Off Route 3 on Seth Way (private road); 8-building Industrial park proposed;
Applicant: Exit 6 Plaza LLC
Continued to September 6, 2005

TECHNICAL REVIEW COMMITTEE

-- Designate Member of Planning Board to TRC meeting.
Mr. Boyer was designated for Thursday August 11th at 3 pm.

The Board decided not to schedule a special meeting at the request of Mr. John Pagliarini, Jr. Esq. for the LeCesse Final review, and that this could be heard at the September 6, 2005 meeting.

Motion to adjourn. Ward-Boyer (5-0). The meeting adjourned at 11:12 p.m.

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A special meeting of the West Greenwich Planning Board was held on August 15, 2005. Present were: Chairman David Berry, Mark Boyer, Brad Ward, Bill Lepak, Tim Regan, and alternate Tom O'Loughlin. Alternate Bill Bryan and Assistant Town Solicitor Nancy Letendre were absent. Town Planner Jennifer Paquet was present. Shawn Martin, PE, of Fuss & O'Neill and Keith Bloomer, PE from PARE Engineering were present as consultants for the Town. The meeting was posted to begin at 6:00 pm.

At 6:10 p.m., before the meeting could be called to order, Hianloland Fire Capitan Ray Kelly announced to the Planning Board that the room was over capacity. It was announced that the Preserve at West Greenwich agenda item would be relocated to the High School Gym for 7:30 pm, and it was posted on all the doors to the building. Once the interested parties for the Preserve at West Greenwich left the building, there was no longer a capacity issue and the Board heard the other agenda item in the Council Chambers.

Chairman Berry called the meeting to order at 6:30 p.m.

CENTRE OF NEW ENGLAND –
MAJOR LAND DEVELOPMENT PROJECT/ FINAL PLAN REVIEW:

AP 1, Lot 3-1

--on Centre of New England Boulevard; residential multifamily proposed.

Applicant: LeCesse Development Corporation/ Owner: Commerce Park Realty, LLC

Attorney John A. Pagliarini, Jr. approached the Board. Mr. John Caito, PE was present. Mr. Martin, PE, went over his comments and noted that catch basin number 8 needs to be a double catch basin. There was discussion on lighting, parking spaces, fiscal impact, and drainage.

Mr. Ward read the following motion, seconded by Mr. Boyer, as amended.

“The West Greenwich Planning Board hereby grants Final Plan approval for the proposed “Grandeville at Greenwich” as depicted on plans entitled: **‘Final Plan Set for Grandeville at Greenwich Assessor’s Plat 1, Lot 3-1, Centre of New England Boulevard, Centre of New England ,West Greenwich, Rhode Island, prepared for LeCesse Development Corporation’** Plans by John P. Caito, Corporation, 25 Sharpe Drive, Cranston, R.I. 02920, dated August 2005, consisting of 36 sheets. This action is based upon the following findings of fact and conditions of approval:

Findings of Fact:

1. This land development project is consistent with the requirements of the Comprehensive Plan, including the future land use map, as amended September 22, 2004, specifically with regard to Land Use Element Section II.F.4. “Exit 7 Special Management District”.
2. This land development project is found to conform to the standards and provisions of the West Greenwich Zoning Ordinance relative to the Exit 7 Special Management District as proposed and exhibited in the plans. It is also consistent with the Planning Board Master Plan Approval of June 6, 2005.

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3. This land development project is not designed or located in such a manner as to require relief from the Zoning Ordinance or the Land Development and Subdivision Regulations.
4. There will be no known significant negative environmental impacts from the proposed development as shown on the plans, as public sewers and public water will be provided and conditions of approval to mitigate impacts are applied.
5. This land development project, as proposed, will not result in the creation of lots or parcels of land with such physical constraints to development that building on these lots according to pertinent regulations and building standards would be impracticable.
6. This land development project will have adequate and permanent physical access to a public street, namely New London Turnpike, by way of private Centre of New England Boulevard, and anticipates adequate and permanent physical access through to Hopkins Hill Road.
7. The proposed development provides for safe circulation of vehicular and pedestrian traffic, for adequate surface water runoff, for suitable building sites, and for housing opportunities.
8. Master Plan approval included a finding that, "The residential component of the land development project will have no or very limited impact on those critical town capacities which most severely limit sustainable and serviceable growth in the Town, including but not limited to educational facilities and public works." This finding was based upon representations by the developer that the residential component would result in no greater than 36 school-age children.

Conditions of Approval:

1. The developer shall hire a responsible party, as approved by the Town, to inspect the drainage improvements and erosion controls, and who shall submit status reports to the Town of West Greenwich on the condition of the drainage infrastructure. The developer shall implement erosion controls and other best management practices, not only to protect the wetlands and Lake Tiogue, but also to protect the roadways and drainage infrastructure.
2. Once site construction is complete, and all Certificates of Occupancy have been issued, the developer shall submit Final As-built plans to the Planning Board for review of the constructed project, to ensure compliance with the Preliminary Plan and Final Plan approval. The approved Final As-built plans shall be recorded. Cash Financial guarantee shall be posted for the As-built plans upon the issuance of the first building permit, not to exceed \$10,000.00.
3. The applicant shall reimburse the Town for all costs incurred throughout the project review process, including advertising and project review fees, within 30 days of invoice.
4. No Certificate of Occupancy shall be issued until site work is complete, on a building by building basis, including landscaping and parking. In consideration of adverse weather conditions, cash financial surety can be posted for landscaping.
5. The drainage basin shall be completed, stabilized, and protected prior to issuance of the first Building Permit, as evidenced by an As-built plan.
6. The Town consulting engineer shall review the lighting plan to ensure that the lighting is projected downward and does not reflect off the site.
7. The proposed Club House shall not be used for, nor be converted to, residential use.
8. The applicant's engineer shall certify that all drainage improvement have been constructed properly and are functioning as intended by his design.

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9. The Town consulting engineer shall review and approve the Wall construction and slope stabilization plan, including landscaping. These plans are to be stamped by the appropriate professionals, including a structural engineer and a landscape architect.
10. Size of signs identifying buildings and units to be verified by Fire Chief prior to installation.
11. Town consulting engineer to review and approve report regarding the capacity of watershed numbers 4, 5, 9, 23, and 24.
12. Town consulting engineer and Fire Chief to review and approve the plans for the site entrance, specifically the adjustment made to the geometry of the front entrance at the clubhouse for traffic.
13. that catch basin number 8 have double heads installed, as the Town consulting engineer has recommended.
14. That the Town Solicitor review the motion and if any discrepancies are found, they can be worked out between Town legal counsel and the applicant's attorney.

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

The meeting recessed to reconvene at the Exeter- West Greenwich High School Gym at 7:37 p.m.

The Preserve at West Greenwich (formerly The Club at Wickaboxet)

PUBLIC INFORMATIONAL MEETING, cont.

Master Plan- Major Subdivision: AP 34, Lot 2

--On Plain Meeting House Road; 172 lots with road network proposed; Owner: CIOEWG, LLC

Chairman Berry explained the review process for the audience. Mr. Boyer noted for the record that prior to reconvening at the High School, notices were posted at all the entrances and on the table at the Town Hall notifying anyone entering the building that the meeting was moved to the High School. The Board went over the items on page 1 in the memo from the Town Planner, for the August 15, 2005 Special Meeting. Mr. Ward read the memos from David Andrews, Highway Superintendent dated 8/12/05, and from Hianloland Fire Chief Rick Parkinson dated 8/10/05, for the record. There was a short recess to condense the audience and move the Board's table to one side of the gym. The Board continued to go over the memo from the Town Planner. Mr. Lepak noted that he had asked for the Fire Chief to comment on equipment needs for community rescue and noted that it has not been addressed in Chief Parkinson's response, and asked that it be added as a condition. It was noted to add this as a condition.

Mr. Keith Bloomer, PE from PARE Engineering introduced himself and explained that on August 10, 2005, that he met with the Town's Highway Superintendent, the developer's traffic engineer, and the developer's civil engineer in the field to identify issues of roadway width, potential for signs, and drainage, and he noted the findings and recommendations for the audience, and noted that these are in his August 12, 2005 letter. He noted that there are corrections for the letter and that he made a follow-up field visit this evening.

Lori LaBossiere, 439 Plain Road, noted that where the swales and pipes have not been kept up it is an ice spot and that it doesn't get sanded on a regular basis. She noted that the puddle at the

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bottom of the hill goes across the road. She noted that there is a pond at the management area and asked how they expect it to be widened enough to handle 344 cars, and noted that the road gets narrower every time it snows. She asked how the Town is going to make allowances for this when they can't handle it now. There was discussion on what happens at this area.

Shawna Amitrano, 499 Plain Meeting House Road, noted that there were 4 gentlemen in her driveway and the only person who introduced himself was the Highway Department, and noted that nobody told her that there was a meeting tonight. She explained that she brought to the attention of everyone in her driveway that the water that goes under the driveway is not rainwater and that there is a natural spring on her neighbor's property, and noted that it is not her responsibility outside of her property to take care of drainage. She noted that it does flow and that it is an ice skating rink in the winter and that the Highway Department has been out there and has chipped the ice away. She noted that this is not a financial burden that she can take on because she has already hired an engineer to handle this once and can't afford to do it again. She asked if the accident report includes the 400 cars that will be in this development. There was discussion. Mr. Bloomer noted that the pipe at this location has been crushed and it is a concern.

Paul Connolly, 513 Plain Meeting House Road, noted that it goes under his driveway and is a stream that comes in the spring and dries up around June/July, and then comes back in fall, and it is not rain runoff.

Mr. Bloomer noted that they have identified drainage issues between Wickaboxet Drive to the roadway crossing. He noted that the drainage design should take into consideration all of the tributary areas. Mr. Boyer noted that sometimes intermittent streams don't show up until after the fact, and now that it has been brought to the Board's attention, it shouldn't be after the fact.

Mr. Ruggiero noted that he would like an opportunity to address some of the comments, because many of these people haven't been here before.

Shawna Amitrano, asked who bears the responsibility of the drainage. The Board noted that it was not her. She asked if the accident impact study took into effect the number of cars that travel the road today, and noted that the cars for the new development will change the whole accident impact study, as opposed to the way it is today. Mr. Bloomer explained that the applicant reviewed accident data provided by the Town, which is only representative of the traffic that is on the roadway today, and explained how the analysis would be done.

Steven Verros, 500 Plain Road, asked if all these houses are going to have wells. Chairman Berry noted that the Board is taking traffic related comments right now.

Mary Rounds, Arrowhead Lane, asked what the width of the bridge is at the 90 degree turn. Mr. Bloomer noted that they did not take a measurement but that it did not appear to be narrower than any other section of road. Mrs. Rounds asked to have someone measure it because when a truck comes down it is a tight fit. Mr. Bannon agreed to measure the width of this bridge. Mrs. Rounds asked for data from the study, and Mr. Bannon replied. Mr. Ruggiero noted for the record that his client previously submitted a full traffic report by Mr. Bannon at a previous meeting, and noted that this Board has reviewed it and had a consulting engineer review it, and

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noted that it was discussed at a previous meeting. Mr. Bannon noted that they provided full testimony on this.

Mr. Bloomer noted that he reviewed the entire traffic study, including the appendix, and noted that he concurred with the findings that there will be no significant impact. He noted that there will be increases in delay per vehicle, by less than 5 seconds on any one approach, which is considered insignificant, and noted that a Level of Service C is more than adequate at intersections.

Mike Ruggieri, 66 Whippoorwill Way, asked what time of day the counts were done. Mr. Bannon replied. Mr. Ruggieri asked if Mr. Bloomer did his own study. Mr. Bloomer explained that he did not do a new traffic study. Mr. Ruggieri wanted it noted for the record that Mr. Bloomer did not take his own Counts. Mr. Boyer explained that the Town hired Mr. Bloomer to review the applicant's report that was submitted to the Board.

Kevin Dodgson, 401 Plain Meeting House Road, asked why not use studies from other towns for 200 house developments to compare accidents. He also noted that cars do not stay on the right side of the road, and noted that the number of accidents will be increased. He noted that a dump truck lost control and crashed and there was a fatality. He noted that if the people aren't drunk, that there may be a problem with the road or speed, especially adding winter to steep slopes, and noted that sand goes across the road causing skidding, not to mention snow and ice. He noted it is hard getting up the hill in the snow and ice. He noted that he witnessed two accidents and expressed concern with safety, and noted that he is not against development.

Lori LaBossiere noted that they are going to get 344 cars with people that don't know how to drive that road, and stated that that hill with 3 inches of snow is probably one of the scariest things you're ever going to come across. She noted that it isn't speed or being drunk or not knowing how to drive, but it is not knowing how to drive the area and the roads. She noted that the Town has a hard time sanding and maintaining the roads given the size of the Town.

Kevin Dodgson wanted it for the record that if there is an accident with his family he'll sue the town.

Chairman Berry asked how the data is done with the seasons. Mr. Bannon explained that the accident reports have dates on them and that he met with the Public Works and the police. Chairman Berry asked what kind of mitigation the town can do. Mr. Bannon explained that other towns can prioritize the area for snow removal service, such as pre-sanding before snow events, and noted that this is an area that maybe should be targeted. Mr. Bloomer noted that striping the center line can be done, and noted other recommendations.

Shawna Amintrano asked Mr. Bloomer if he considers the hills and curves of Plain Meeting House Road as not average or a bit beyond average roadway with a 200 house development. Mr. Bloomer stated no, it is not unusual and the volumes are not unusual. There was discussion.

John Larson, 126 Plain Meeting House Road, asked at what point and how many cars would there be a failing grade. Mr. Bloomer replied, and noted it is a difficult question to answer.

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Mr. Boyer asked if it is possible to reconfigure the hill by terracing it to make it safer. Mr. Bloomer noted that if you terrace the road, you create blind spots.

Mr. Lepak asked about Level of Service(LOS). Mr. Bloomer explained that they are anticipated to operate at LOS A, B, and C, upon completion of the project, and noted that he concurs with the applicant's findings that there will be no significant impact to delay per vehicle or LOS due to this development. Mr. Lepak asked what the Planning Board can do. Mr. Bloomer noted that if the Planning Board were to deny this project on the basis of traffic impact, that they would have a very difficult time supporting that in court.

Linda Regnaire, noted that she was born and raised in Town, and that her driveway is in the middle of the hill. She asked what is going to happen to slow that traffic down, and asked what the Town is going to do to slow the traffic down. Mr. Boyer explained that the Board can't base anything on an enforcement issue, and it is something that needs to be taken up with the Town Council to enforce the speed limit on the road. He noted that the Board can't deny based on speed being an issue. Someone in the audience asked about speed bumps.

Mr. Bloomer noted that the roadway is classified as a collector road and noted that you should not put traffic calming devices on a collector road.

Mellissa Brown, 308 Plain Road, noted that lots of people drive in the middle of the road, and noted that there is nothing you can do to stop the sliding at the hill at Wickaboxet and noted that her family was in an accident. She noted that she drives in the middle of the road because of deer.

Shawna Amitrano, noted that if you go off the road, you go into a ditch.

More residents had comments about the conditions of the road with regard to drainage, snow, and speeding, and had questions about the traffic study. The other residents speaking on these items were: Steven Flood, Sharon Smith, and Angello Paoletta.

The Board moved on to Hydrology. Chairman Berry explained that a hydrology study will be required for the Preliminary Plan review.

Steve Verris, 500 Plain Road, noted he is having problems with his well and stated that the area can't sustain that many houses.

Mr. Lepak noted that Wickaboxet Hill subdivision is in a different watershed than this project.

Paul Connolly, Plain Meeting House Road, presented to the Board information on the residents wells.

Other residents noting problems with their well, and expressed concern with more wells going in were: Mellissa Brown, Lori LaBossiere, and Paul Connolly.

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Mr. Boyer explained that the Board has the right to ask for certain studies at the Master Plan to submit for Preliminary. He noted that the Town also has a well ordinance in effect to require that builders sink a well before each building permit is issued. Mr. Regan noted that they are going to have to prove to the Board that they can put 168 houses on that property. Mr. Boyer noted that the Town will have a consultant develop a scope of work for this hydrological study.

Residents with questions on the hydrology study and wells were: Angello Paoletta, Leo Levesque, and Mary Rounds.

Lori LaBossiere stated that it is the Planning Board's responsibility for holding up the integrity of what this Town is supposed to be, and noted that 172 house lots does not project the integrity of what this town is meant to be.

There was discussion on growth management, Fiscal Impact Analysis, the building permit cap, and riparian and groundwater rights. There was discussion on groundwater studies. Mr. Lepak noted that there are no guarantees.

Attorney James Ryan, on behalf of the Greene Company, handed out a letter to the Board dated 8/15/05. He noted that they have a concern of the wetlands. He explained that the wetlands information submitted on this proposal is 15 years old, and noted that DEM considers anything older than 4 years to be out of date. Mr. Ryan cited from the Statute for Master Plan review the requirements for existing conditions. He noted that the information before the Board at this time is inadequate to meet the requirement. Mr. Ryan pointed out the Town's regulations and went over his letter. Mr. Ryan discussed section C2 of Article 3 of the West Greenwich Land Development and Subdivision Regulations, and noted that one of the categories of land that is "unsuitable for development" is wetlands. He read from the regulations and explained that 60 of the proposed lots exceed the 30% undevelopable land. He noted that the State statute says this information is a requirement at the Master Plan stage, and he handed to the Board a copy of the statute, RIGL 45-23-40 for the record. Miss Paquet explained that the area unsuitable for development in the Subdivision Regulations is interpreted by the Town not to say that a 2-acre lot can only have .6 acres, but to say that a 2 acre lot needs to have 1.4 acres of buildable land. Mr. Ryan read from the Town regulations and noted that it refers to the minimum lot size, not the actual lot size. Mr. Ryan noted that his point is that you don't know how many lot are going to meet that requirement until you get this information back, and noted that this is something that the Board should be considering at this conceptual stage.

Mr. Boyer noted that the Town Solicitor has assured the Board that the Board is interpreting the regulation right. Mr. Boyer noted that the Board is following the regulations, and noted that this meeting is how the Board decides what is required for the next phase, and read from Article 3, Section F, "Environmental Impact Statement."

There was discussion on wetlands. Miss Paquet noted that the applicant did provide the wetlands report in the project narrative and site analysis, and noted that is how the application was able to be certified as complete. Mr. Boyer asked if that narrative was updated. Miss Paquet noted that

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parts of the narrative were updated. Mr. Boyer noted that if anything has been changed it will be updated as the process goes. It was noted that updated wetland verification will be required. There was discussion.

There was discussion on the Board making a decision tonight. Mr. Boyer explained that if the Board fails to act on this tonight, it is approved as is without any conditions. The audience had questions. Mr. Boyer explained to the audience, that if this is approved tonight, they are not guaranteed 168 lots. A woman in the audience noted that they are guaranteed to develop. Mr. Boyer noted that they are guaranteed to develop no matter what, whether it is 2 house lots, they have the right to develop the property, and no one can take that away from them. He explained that the property will get developed, and that is the maximum number of lots they are saying that they can get, and the Board is saying the applicant will need to prove that they can get it.

Michael Rounds, Arrowhead Lane, asked if the other studies will be considered at the next review. Mr. Boyer noted that before the applicant can come back, he will have to comply with all the stipulations that get put on the approval tonight, they will have to comply with the checklist for Preliminary Plan review, and they will have to make sure that that all of it has been reviewed before the Preliminary Plan review meeting. Mr. Rounds asked if there are other developments going on that will affect the traffic. It was noted that there are other subdivisions in the review process.

Mary Rounds, Arrowhead Lane, asked where the kids are going to go, where all the busses, teachers, and textbooks are going to come from, and asked what the impact this development is going to have on the children's education system, and noted that they are going to be overwhelmed with kids. Shawna Amitrano, also expressed concern with the schools and taxes.

Mr. Lepak discussed the Growth Management Ordinance and noted he disagrees with the multipliers for school-age children. He asked to implement professional Fiscal Impact Analysis.

There was discussion and questions on Legal Counsel not being present this evening, the Board making a decision, and if resident input makes a difference.

Michael Rounds, Arrowhead Lane, asked if the concerns will be noted for decision making later on. He asked if it goes through if the residents have any course of action if the town has a different opinion from the Board. Chairman Berry noted that resident participation is important. Mr. Lepak explained that the Board is working within their parameters of the Subdivision Regulations and the Comprehensive Plan, and if the applicant meets all the criteria, the Board has no legal choice but to approve it.

There were further concerns from the audience about legal counsel not being present. There was discussion on the recreation area.

Paul Kaltschnee, 81 Carrs Pond Road, asked if the Board has considered having the Land Trust take the open space land instead of taking the fee. He urged the audience to go to the Town Council for growth management issues. He also noted that water issues are a Statewide problem, and that the Town is doing what it can.

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Attorney Peter Ruggiero, noted that he has comments on the draft motion. He noted that the plans met the checklist requirements and that they have a Certificate of Completeness. He noted that they have been at a public hearing since April of this year, and this plan has been before the Board for the last year and a half. He noted that they have attempted every alternative but this plan to develop the property, but they have been re-buffed at every corner, and this is all the Town allows them to do. He noted that they are following the regulations and that they are not asking for any waivers, and that they intend to meet all the requirements as the project moves forward. He noted that they have reviewed the draft motion prepared by staff and legal counsel, and noted that they would like the opportunity to discuss a few of the issues, but noted that they are in general agreement with it as drafted.

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

Motion read by Mr. Ward with amendments by the Board, to finding of fact number 2, stipulations 1 and 2, condition number 9, and added conditions 2f., and 18 through 21.

Ward-Boyer. Discussion. Miss Paquet explained that she did get comments from the Town of Coventry over the phone and that they noted that they would not be providing comments in writing. She noted that the Town Interim Planner, Paul Sprague and the Planning Board Chair, Russell Crossman, went over the plans together. She noted that they posed questions of how this will impact the traffic in Coventry, and what will be the future of Welch Hollow Road.

Attorney Peter Ruggiero, noted objections to certain conditions. He noted that due to the nature of the development, they are asking for a 2-year initial vesting. He argued that the Town is asking them to undertake engineering in Phase 2 that is going to require a formal review by DEM Wetlands, which will take a year and a half to two years to get a response back from DEM. He noted that with one year approval it is not reasonable for his client to invest in this engineering only to have the carpet pulled out from under him. He noted that he has mentioned this before. Mr. Ward noted that it is self-imposed, and noted that the Board asked for 30 days more to review the plans. Mr. Ward noted that the applicant could apply in one-third phases, rather than apply all at once. Miss Paquet explained that stipulation 2 specifies that it is for phase 1 to come back, and not necessarily to get the wetlands crossing by that time. Mr. Ruggiero noted that the concern is for phase 2, and if they can't come forward with a preliminary plan approval for phase 2 and it has been more than two years, the rug could get pulled out from under his client.

Mr. Ruggiero noted that the other issue is with Phase 1, and noted that they would like lots 6, 7, and 8, exempted from Phase 1, because these lots involve the area of the wetland crossing, and they would like these lots moved into Phase 2 so that they have the flexibility to re-locate the road when filing the DEM application. He noted that another request is for the Board to make an initial determination on the question of whether there will be land dedicated or if there will be a fee in-lieu-of land required. He noted that this is for their financing purposes, because it is an ambiguity that prevents them from going forward calculating the cost of doing the work. He noted that if it is a land donation, it is going to be a write-off, and if it is a fee-in-lieu-of, it has to be calculated into the lot sales. He noted that the Board could always change it's mind later, but

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it would be helpful if they could have that initial determination at this point, and even if it is a mix, some information would be helpful. Mr. Boyer noted that the draft motion has been prepared by legal counsel, and he would like to keep it as is, but that there is nothing saying that they can't have that discussion in the interim to see which way the Town wants to go with this. Mr. Ruggiero noted he would need a decision on this at some point prior to the Preliminary plan. Mr. Lepak noted that the Board hasn't had enough time to hash this out.

Mr. Ruggiero noted that the other issue is the pumper truck. He stated that this is news to them, and noted that they are not questioning the legitimacy, but noted that there was a comment made that it is a shared Town and applicant responsibility, and noted that there doesn't seem to be any indication of that in the motion. He noted that they don't know if it means it is one-hundred percent their responsibility or if it is a shared responsibility between the Town and the applicant. He asked when the donation should occur and asked the Board to clarify this issue. The Board noted that it was supposed to be when 25% of the build-out was completed. Mr. Ruggiero noted that it would be better if they could wait until later or perhaps at the end of Phase 1, because the Town is asking for a lot up-front. He noted that the more things can be phased into the development, the more of an economic balance there is between what the applicant is willing to agree to and what they can afford to do. He noted that all of these costs are going to be passed along, but it is a question of when they get passed along. Chairman Berry noted the end of Phase 1 is about one-third of the build-out and asked the Board if they want to make that the stipulation, for at the end of phase 1. The Board decided to keep what the Fire Chief asked, unless he is willing to change it, because it involves public safety, and did not want to override the Fire Chief's comment. Miss Paquet noted that they should add a condition for the Fire Chief to clarify who's responsibility he intended the tanker truck to be. Mr. Ruggiero also questioned number e. from the memo for the requirement of 60 foot paved radius, and noted it is an aesthetic question more than function. He noted that they have compared other communities and that no one requires 60 feet of pavement at the cul-de-sac, and questioned if it is necessary. Miss Paquet noted that it is an issue and that they have tried to come up with an optimum cul-de-sac design, but the Fire Department is requesting 60 feet of paved radius. Mr. Boyer noted that the Fire Chief is directing the Board for what he wants, and the Board doesn't think they can deviate from it. Mr. Ruggiero noted that he doesn't find any justification for requiring it and noted that the regulations call for 50 feet. It was decided to note that the Fire Chief can revise this. There was discussion on the Fire Chief's letter, and Mr. Ruggiero put on the record that the Fire Chief changed his mind, with regard to cisterns or a pond. Mr. Ruggiero noted that the Board has asked many things of them for the first time tonight, that they have never agreed to, like underground utilities. There was discussion.

Mr. Ruggiero noted for condition number 7, that they had asked for the opportunity to present a landscape plan to the Board, and that if the Board found it unacceptable, then to have a Landscape Architect prepared something. He noted that the way the condition is written it is a requirement to use a Landscape Architect. He asked the Board to consider that option, because he thought they left that open.

Mr. Ruggiero noted the other issue is with the hydrology study and noted that they do not disagree with the approach, but they want to make sure that any kind of scope is going to follow professionally acceptable standards, and that it has to be reasonably related to the health safety

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and welfare of this project. He noted that they would like to have a process in place to come to the Board to talk to them if they object to the scope. The Board agreed with this.

Mr. Ruggiero asked for condition 10 about the abandonment of Welch Hollow Road, to add, "if warranted." The Board agreed to this.

Mr. Ruggiero had a question on number 13 for the work on Plain Meeting House Road. He noted it is requiring that they develop a work plan to be submitted at Preliminary for improvements to be undertaken on Plain Meeting House Road, based on the PARE report. He noted that they would like to preface this that any of the work that they have to do must occur within the right-of-way, and noted that they can't get involved with land takings or eminent domain. He noted that they can prepare a work plan, identify the site inventory and features in the roadway, what can be accomplished within the right of way, and perhaps what can't be.

Mr. Ruggiero noted that the other question involves the central road. He noted that the Fire Chief would like it as wide as possible at the wetlands crossing, and noted that they also understand the Planning Board's interest in having the central portion of the roadway be more of a central boulevard. He noted that they would like some parameters on distance from what intersection to what intersection, and noted that there is some ambiguity on how the Board wants this. He noted that they are looking for clarification in the motion to define this. There was discussion. Mr. Ruggiero noted that they would object if it was the whole road. The Board decided to allow it to be revised in accordance with the Fire Chief and the Town's consulting engineer.

Mr. Ruggiero asked about the last condition of the vesting issue and the impact fees. He asked what was trying to be achieved. Mr. Ward explained that if the Town does implement an impact fee on building permits, that this doesn't mean that they are vested with rights for obtaining building permits without any additional impact fees that may be implemented by the Town a year or two years from now. Mr. Ruggiero noted it is impossible to agree to this because they don't know how it will affect them. He noted that if there are unknown variables, it is impossible to finance. He noted that they will not agree to the name change.

Miss Paquet reviewed the changes and the items asked by the applicant, and if they were agreed to by the Board. The conditions were further clarified for the motion.

Mr. John Cioe addressed the Board. He noted that they have been paying property taxes since 1988. He noted that he takes offense to stipulation number 1, for granting additional time. He noted that he has granted the Board additional time, and asked the Board to consider that they have provided as much information as the Board has requested. He noted that they don't think it is unreasonable to ask for an initial vesting of 2 years for a 168-lot subdivision, with a Growth Management Ordinance in place for only 3 permits a year.

Mr. Cioe noted that this should be a give and take, and noted that they have not requested any waivers, and that they want to work with the Town. He noted that there were an additional 5 more conditions thrown on him this evening, without talking to him, and noted that that is not a give and take. Mr. Cioe went over the list of conditions and noted which ones he accepts and

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which ones he doesn't. There was discussion. There was discussion on the vesting period. The Board decided to keep it as one-year initial vesting, with extensions upon written request.

The motion, as amended, is as follows:

Motion to approve the Plan entitled, "Master Subdivision Plan, The Preserve at West Greenwich, AP 34, Lot 2" prepared by David Gardner & Associates, Inc. prepared for CIOEWG, LLC, dated 01/26/05, latest revision date of 7/27/05, pages 1-5, and sheet 1 revised 8/04/05.

This approval is based on the following findings of fact:

1. That the proposed subdivision is consistent with the requirements of the West Greenwich Comprehensive Community Plan, including the future land use map.
2. That each lot in the subdivision shall conform to the standards and provision of the West Greenwich Zoning Ordinance.
3. That there will be no known significant negative environmental impacts from the proposed development as shown on the Master plan, with all required conditions for approval;
4. That the subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
5. That the proposed subdivision lots have adequate and permanent legal access to a public street;
6. That the subdivision, with conditions, provides for safe circulation of pedestrian and vehicular traffic, for surface water run-off control, and for suitable building sites; and,
7. That, with conditions, the design and location of streets, building lots, utilities, drainage improvements and other improvements in the proposed subdivision shall minimize flooding and soil erosion.
8. Finding suitable, durable water resources in West Greenwich is an ongoing problem. In 2003, the Town of West Greenwich, responding to an ongoing problem with the adequacy of new domestic wells to meet the needs of new households, commissioned a study of domestic well testing protocols and reporting, the results of which are contained in the March 5, 2003 report, from Fuss & O'Neill Inc., consulting engineers, entitled *Well Testing Procedures Evaluation*. From that study, the Town Council and the Planning Board determined that Rhode Island Department of Environmental Management rules and regulations governing the enforcement of Rhode Island law relating to the drilling of drinking water wells needed to be enhanced. The Town then adopted additional well testing and certification requirements. The Preserve at West Greenwich project proposes 168 individual domestic wells, rather than community wells. This amount of wells has the potential to be a significant draw on the groundwater resources, and the Planning Board has required a groundwater study to demonstrate adequate water resources to serve the proposed development, as part of the Preliminary application, in order to determine if there would be enough water to service the proposed number of lots. Additionally, the Town's Well Testing ordinance will apply to each individual lot, in order to obtain a building permit, to ensure that each lot has water available to it. (see Condition of Approval # 9)

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9. The Planning Board finds that the proposed development will benefit from landscaping at the site entrance and at visible drainage basins, in addition to extensively cleared areas, to beautify the site for the residents. Proper landscaping also functions as erosion controls and stormwater management, and can be low to no maintenance when designed by a Registered Landscape Architect. (see Condition of Approval # 7)
10. The Planning Board and the Fire Chief have expressed concern over the single point of access to over 100 of the proposed lots (over 2/3 of the project), and Chief Parkinson has required that the proposed strip at lots 7, 8, 51, and 130 be double-wide to ensure that it would not be blocked. If this double-wide thruway can not be achieved, than a second means of access to the rear two-thirds of the site needs to be achieved by other means, which can be explored at the Preliminary Plan. (see Conditions of Approval # 2 c and 10)
11. The proposed subdivision showed a network of local roads, and the plans have been revised during the Master Plan review process in response to Planning Board and staff comments with regard to internal circulation, by presenting a collector boulevard down the central spine of the road network. In order for the subdivision to provide for safe pedestrian circulation, a sidewalk is needed down one side of this collector boulevard. (see Conditions of Approval # 16 and 17)
12. The Planning Board finds that underground electrical utilities are safer than utilities on poles, which can be knocked down during storm events. Also, the remote location and fact that the line is not a primary line, makes the proposed development one of the last areas that would be restored, and underground utilities are less susceptible to outages. Additionally, underground utilities contribute to the visual attractiveness of an area. (see Condition of Approval # 12)
13. As a follow-up to the applicant's traffic report and Town consulting engineer's peer review of the report and recommendations for off-site improvements, and at the request of the Planning Board, on August 10, 2005, the Highway Superintendent met with the applicant's traffic consultant and the Town's traffic consultant to conduct a field visit to identify areas for off-site improvements in relation to the proposed development. The findings of this field investigation are noted in a letter dated August 12, 2005 from PARE Engineering to Miss Paquet. (see Condition of Approval # 13)

This approval includes the following stipulations:

1. In accordance with the Land Development and Subdivision Regulations Article V Section C 4 i., Expiration of Master Plan Approval - Approval of a Major land development or major subdivision shall expire one (1) year from the date of final approval. Vesting may be extended for a period of one (1) additional year for good cause shown, if requested by the applicant in writing, and approved by the Planning Board. Approval of this Master plan shall expire one year from the date of approval, with extensions upon written request, in accordance with the regulations.
2. The Preliminary application and construction of this subdivision are anticipated to occur in three (3) phases, as indicated on the Master Plan, and this project is anticipated to take ten to twelve years to build-out. For purposes of review, the applicant will have until August 15, 2006 (or, August 15, 2007, if the Board grants an extension of approval) to submit a Preliminary Plan for Phase 1., in accordance with the applicable checklist

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requirements and in accordance with the conditions of this approval. Extensions must be requested in writing.

3. In accordance with the Master Plan submission, for purposes of review, Phase 1 shall consist of lots 1 through 57, excluding lots 6, 7, and 8; Phase 2 shall consist of lots 6, 7, and 8, lots 58 through 88, and 125 through 144; and Phase 3 shall consist of lots 89 through 124, and lots 145 through 168.
4. The revised plan shows a proposed 30 acre parcel, containing the pond, wetlands, and approximately 7 acres of buildable land for recreation and open space. This configuration was also in response to the concern of lot lines and corners previously located within the pond. The Board may consider accepting the fee-in-lieu of land dedication, and the proposed OS/R lot may become one house lot. Right now, the OS/R fee is around \$3,000.00 per lot, which estimates out to over \$500,000.00 for this subdivision. The Planning Board will put off making this determination until the Preliminary determination. This may be worked on in the interim between Master Plan and Preliminary plan.

This approval is granted with the following conditions of approval:

1. That the applicant reimburse the Town for the cost of the Master Plan Public Informational meeting display advertisement in the Providence Journal.
2. That the applicant adhere to the requirements for Fire safety, as noted in Chief Parkinson's memo dated August 10, 2005 to the Town Planner, specifically including the following:
 - a. provide accessible dry hydrant in the pond if it is determined that the pond has adequate capacity
 - b. provide fire suppression cisterns, as needed. Number to be determined as project continues review to Preliminary. Timing of installation to precede each section of homes each cistern would serve.
 - c. Provide wider boulevard ("double-wide") mid-way through the development at the single point of access to the rear two-thirds of the lots.
 - d. Provide 3,000 gallon tanker-pumper with a CAFS to Town no later than when 25% of the proposed homes are constructed. The financial responsibility of paying for the truck needs to be clarified by the Fire Chief, due to the statement on the letter about "shared responsibility."
 - e. That the cul-de-sac radius be worked out with the Fire Chief and the consulting engineer to accommodate what is needed for Fire safety vehicles.
 - f. That the fire Chief comment on any community rescue needs
3. that the applicant work with the Public Works Department and the Town's consulting engineer on the design of the drainage, and that the drainage design incorporate catch basins and accessible open ponds.
4. That access roads to the drainage ponds consist of a 12 inch gravel base, and can either be grassed or have stone surfaces, in accordance with the August 12, 2005 memo from Dave Andrews, Highway Superintendent.
5. 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. If stumps are ground on site, the mulch may be used for erosion control.

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6. That boulders are allowed to be properly buried on site, and that the proposed boulder burial locations be shown on the Preliminary Plans, for review by the Town.
7. That a landscaping plan, prepared by a registered landscape architect, be submitted as part of the Preliminary Plan. The Planning Board will review the State Statutes with regard to who can stamp a landscaping plan.
8. that underground electric utilities be installed in the entire subdivision, and that underground connections be provided to each house in the subdivision.
9. that the Town have a consultant prepare a scope of work for an environmental impact study with regards to groundwater availability and the potential impact on surrounding properties, for the developer's professionals in order to conduct a groundwater study. The applicant's submission is to be reviewed and approved by the Town's consultant in accordance with the Town regulations prior to the issuance of a Certificate of Completeness for Preliminary review. The Planning Board will, within 90 days of Master Plan approval, give a determination on the scope of work. The applicant shall have the opportunity to review the scope prepared by the Town, and may come before the Planning Board if they have a grievance with regard to the reasonableness of the scope.
10. that the applicant investigate the legality of the abandonment of Welch Hollow Road by the Town of Coventry, and further pursue any appeal or legal action, if warranted.
11. 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.
12. 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.
13. There is a need for off-site traffic improvements. Both the applicant's traffic engineer and the Town's consulting traffic engineer have identified a need for signage and striping on Plain Meeting House Road, and it will be a condition of approval that prior to the construction of Phase one (for the benefit of the construction traffic), that the road be striped and signage be installed, as recommended by the consultants. Additionally, in preparation for paved waterways, those areas identified in the field visit shall be further investigated by the applicant to assess the potential impacts to adjacent land owners before the first Preliminary plan submission, and the engineering for such paved waterways shall be worked out with the Town before Preliminary plan submission. The applicant would be responsible for installing the paved waterways early during road construction of Phase one. Also, it shall be included in the EIS how the roadway will be remediated. The applicant will not be asked to perform work that is not in the Town right-of-way.
14. that construction phasing for the entire subdivision be presented as part of the first Preliminary (Phase 1) submission.
15. that a dedicated vegetated 50 foot buffer be provided, as shown on the plans.
16. That the central road through the development be designed as a wider boulevard to act more as a collector road, to collect the traffic coming from the other roads in the development. The extent of this boulevard shall be defined by the Fire Chief and the Town's consulting engineer.
17. That a sidewalk be provided down one side of this collector boulevard for pedestrian safety.

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18. After construction is completed, any damage to Plain Meeting House Road in this vicinity, reasonably associated with construction activities, shall be fixed by the developer, in accordance with the Public Works department.
19. That prior to the request of any extension or the granting of any extension, that the name of the subdivision be changed to something historically significant to the area.
20. Submit an updated Wetlands Verification by RIDEM, and if wetlands have changed, the Planning Board will require that the Preliminary plan be updated, and all lots be adjusted for land suitable for development accordingly.
21. that the Town reserves the right to assess additional impact fees implemented by the Town, at the discretion of the Town Solicitor with regard to vesting.

Ward-Boyer. All in favor (5-0). Mr. Boyer wanted it noted that the motion was made at 11:54 p.m., Monday.

Motion to adjourn. Ward-Lepak. (5-0). The meeting adjourned at 11:55 p.m.

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September 6, 2005
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on September 6, 2005. Present were: Chairman David Berry, Mark Boyer, Brad Ward, Bill Lepak, Tim Regan, and alternate Tom O'Loughlin (6:50 p.m.). Alternate Bill Bryan was absent. Town Planner Jennifer Paquet and Assistant Town Solicitor Nancy Letendre (6:50 p.m.) were present. Shawn Martin, PE, of Fuss & O'Neill (7:55 p.m.) and Nick Piampiano, PE, (6:50 p.m.) of Garofalo were present. Chairman Berry called the meeting to order at 6:44 p.m.

Motion to move Arlington RV and Exit 6 Plaza up on the agenda, considering they agreed to be moved off the August meeting. Boyer-Ward. All in favor (5-0)

Board Positions

There was discussion on the Board positions and making the transition effective for January 1, 2006. It was noted to have the elections on the December 5, 2005 agenda.

The Board took a break at 6:53 p.m. and the meeting resumed at 7:00 p.m.

CONSENT AGENDA

A. Acceptance of Minutes

- June 20, 2005 Special meeting
- July 5, 2005 Regular Meeting
- August 1, 2005 Regular Meeting
- August 15, 2005 Special Meeting

B. Development Projects

- Nextel Communications- Site Plan Review and advisory to Zoning Board
- On Nooseneck Hill Road; addition of antenna to existing tower and expansion of lease compound

C. Land Use Regulations

- Zoning Ordinance-** recommendation to Town Council on proposed Comprehensive Permit Procedures

Land Development and Subdivision Regulations

- Public Hearing date of October 3, 2005 for proposed amendments related to Comprehensive Permit Procedures

The Board pulled the Land Use Regulations off of the consent agenda. Ward-Boyer (5-0). It was noted that the August 1, and 15, 2005 minutes are not ready. There was discussion on the June 20 minutes. Motion to approve the Nextel site plans for the addition of an antenna to an existing tower. Ward-Regan. Mr. Boyer called for discussion. He noted that he has a hard time getting the package on Friday for a meeting on Tuesday, and asked the Board to write a letter to the Town Council requesting more help for the Planning Department. He noted that he can't vote on anything on the consent agenda. Motion fails for a 0-5 vote. It was noted to remove every item off of the consent agenda, and to take no action on anything until the end of the meeting. Mr. Lepak expressed concern that the consent agenda is not working.

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ARLINGTON RV- MASTER PLAN: AP 2, Lot 1

--on Corner of New London Turnpike and Division Street; zoned Highway Business

Attorney John C. Revens, Jr. approached the Board, representing the application, Arlington RV. He noted that Linda Taro, sister of the recently deceased Steve Moran was present in the audience. Mr. Kevin Morin, PE from DiPrete Engineering was present. Mr. Revens explained that his client has purchased the site, and described the project. He noted that this is a regional facility drawing from the larger southern New England area. Mr. Morin explained they are trying to buy abutting land from the RIDOT. He explained that the plans say Preliminary review, but for this review they have asked to be at the Master Plan level. He noted that they have revised the drainage and they still need State permits. He noted that they Fire Company had concerns of access, and that they have provided 2 additional means of access, one at Division Road and one at New London Turnpike that will be gated and locked, in addition to the main entrance. He noted a third access that was discussed at the TRC meeting was to and from Deer Run. Mr. Morin noted that they are not proposing to upgrade the easement. There was discussion on the Deer Run access and the existing easement. It was noted that parking will need to be restricted at the Deer Run area. There was discussion on the Deer Run subdivision using the easement for access. The Board noted that they would leave the Deer Run easement issue for access open, and noted that they will not be limited to the proposed emergency access through the parking lot. Mr. Revens noted that he will find out about who owns New London Turnpike.

Mr. Morin explained the drainage. There was discussion on the clean-up for the previous land owner. The Board asked for copies of the environmental assessment that was done on the property for the file. The Board asked for documentation from the Fire Chief on the hydrants. There was discussion on site distance. There was discussion on Land Development versus a Site Plan review. There was no vote, just a list of items in preparation for Preliminary Plan. Mr. Revens discussed concerns about landscaping and street trees, and noted that they want something low-profile. The Board noted that they are looking for a buffer for the residential areas and to minimize the lighting. It was noted to have the issues in the Planner's memo and Mr. Martin's memo addressed, and to add a traffic analysis and an engineering analysis of the intersection of New London Turnpike and Division Street, and it was noted that lighting needs to be addressed. Mr. McLoughlin asked what the fence will look like. Mr. Lepak asked for a figure on the plan of what the impervious surface area is. It was noted to add the restricted parking for the emergency access through the parking lot to Deer Run estates. There was discussion on the easement. Mr. Boyer noted to make sure the plan shows either a class I or class II survey.

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PLANNING BOARD MEETING

**SCENIC VIEW ESTATES- MAJOR RESIDENTIAL SUBDIVISION/ MASTER PLAN:
PUBLIC INFORMATIONAL MEETING and
PUBLIC HEARING ON REQUEST FOR WAIVER OF DEAD-END LENGTH, cont.**

AP 28, Lots 21 and 22

--on Plain Meeting House Road; 9 lots proposed with road; request for waiver on cul-de-sac length; Owners/Applicants: Timeless Properties and Brian and Nancy McCoy
Consider setting date for site walk

Mark Boyer recused himself.

Nick Piampiano, PE from Garofalo, consulting engineer for the Town was present.

Mr. Sanford Resnick, Esq. approached the Board. Mr. Joe Casali, PE, and Mr. Paul Bannon, PE were also present. Mr. John Carvahlo, Timeless Properties, was present.

Mr. Resnick discussed the proposed conditions, and noted it was inconsistent with the conversation at the last meeting with the Board about the number of lots. He stated that they requested a waiver and showed an 8 lot subdivision, and that if the Board allowed a 9th lot, that they would agree that the 9th lot would be affordable housing. There was discussion. It was noted that the intent is to allow 9 lots, one of which must meet the low to moderate income housing. Mr. Resnick asked what difference it makes if the affordable unit is new or used, and asked that there be no restriction on this. Mrs. Letendre expressed that limiting it to new construction may limit the sources of funding. Mr. Resnick noted an inconsistency in the memo regarding a groundwater study. There was discussion. It was noted that a groundwater study will be required, and to keep it in the motion.

Attorney Nick Gorham, representing the abutting McKeens, approached the Board and discussed that there is a concern of the condition of re-routing the McKeens' driveway, and noted that there is an adverse possession issue there. There was discussion, and Mr. McKeen noted that the applicant can't move the driveway because the McKeen's have been using it, and encroaching for 37 years. He noted that the driveway is not shown on the plan. Mr. Ward noted that he wasn't sure that the Board could take any action on that.

Mr. Gorham noted that he sent a letter to the Solicitor dated September 2, 2005, marked as opposition's exhibit 1. Mrs. Letendre noted that she passed out to the Board a brief response memo dated September 6, 2005, which she copied to both Mr. Resnick and Mr. Gorham. Mr. Lepak noted that he never received anything in his packet. It was noted that it went out as a separate mailing, and the other Board members noted that they received it. Mrs. Letendre explained that the Zoning Board did not have jurisdiction in 1992, or at any time to impose a restriction of no further subdivision as a condition of approval on a variance for frontage, which goes back to a case from 1960.

Mr. Gorham noted that he respectfully disagrees with the Solicitor on the interpretation of the Noonan case, which said that Zoning Boards can't regulate the subdivision of land. He noted that this case is not about that, but it is about the use of land, and the intensity of the use of land. He noted that the Zoning Board has power to regulate the intensity of use, such as how many units in how small a space. He noted that the Zoning Board said there is a limitation on the use

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and the intensity of the use of that lot, and it is for one house. Mr. Gorham said that he looked into what happened in 1966, and noted that the Planning Board approved the Brightwood Subdivision, that had covenants with it that said one house per lot. He stated that when the Zoning Board and the Planning Board, in 1986, 1987, and 1992 imposed that same condition that they weren't coming out of nowhere, but that it had actually been imposed by the Planning Board in 1966, as noted in his attachment to the September 2, 2005 letter. Mr. Gorham went on to explain the history of the situation. There was discussion. Mrs. Letendre noted that her position has not changed considering the deed restrictions, and noted that there is a 30-year statute of limitations on the restrictions, which were no longer valid as of 1996, even though they were carried forward and mentioned in subsequent deeds. She then noted that this issue is not relevant to the determination on the subdivision, and does not affect the legality of this proceeding. She noted that her advice and opinion is that the Board is free to move forward with review and approval. There were further questions from the Board regarding deed restrictions. Mr. Gorham stated that these aren't just restrictive covenants between private parties, and argued that these are conditions imposed by the Planning Board. He asked the Board why they are sitting here if these things don't mean anything. The Board members noted that that was a good question. Mr. Resnick noted that these are not the type of thing that are approved or denied by the Planning Board, but are there for the developer's own protection, and don't have anything to do with the Planning Board's jurisdiction. There was discussion between the three attorneys.

Chairman Berry asked if this was an illegal subdivision since it was done without Planning Board approval. Mrs. Letendre noted that we don't know if there were regulations in place at the time the two lots were subdivided by deed, and noted that even if they were illegally subdivided, that through this application, they are being merged again, which corrects the prior action of illegally subdividing. Mr. Lepak expressed concern of not being able to review all this information ahead of time and asked for a time extension. Mr. Resnick argued that this issue was raised before, that he granted an extension, and noted that this is all smoke and mirrors and that the law is extraordinarily clear in this area regarding the jurisdiction of the Planning Board and the jurisdiction of the Zoning Board, and that these type of restrictions expire.

Mr. Ward noted that the Board would be best suited to follow the advice of the Solicitor, and noted that he feels the points Mr. Gorham makes are for a civil issue, and not for the Board. Mr. Gorham reiterated his position. There was discussion on whether or not the restrictions were conditions of the Board.

Mrs. Letendre added for the record, Mr. Gorham's August 5, 2005 correspondence to her and her August 19, 2005 memo. She noted that in her memo, she addressed Mr. Gorham's argument that it is one dwelling unit per lot, which is a density requirement. She noted that it may have been that back in 1992 when the Planning Board made the recommendation to the Zoning Board, that they were looking at the lack of frontage which posed a problem for the density, and she noted that as soon as a Town road is introduced, frontage is no longer an issue, and that the one dwelling per lot still applies, but that it applies on a subdivision off of a new roadway. The Board had further questions on this issue, and Mrs. Letendre explained it to the Board.

The meeting was open to public comment. There was no comment. Motion to close the Public Hearing. Ward-Lepak (5-0).

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Motion to grant the request for a waiver from Article XII, Section 7 for the proposed Scenic View Estates subdivision, AP 28, Lots 21 & 22, based on the following findings of fact:

1. That the waiver request, as demonstrated by the proposed plans for a 9 lot subdivision shown to the Board by Mr. Joe Casali on August 1, 2005 is in the best interest of good planning practice or design, given that the loop road possibility yielding 8 lots has public safety issues of adequate site distance limitations.
2. The proposed waiver is consistent with the Comprehensive Plan Element IV Circulation, Goal #2: Create a road network that protects the rural and historical character of the town and guide future development decisions by both the public and private sectors.

This waiver is granted based on the following conditions of approval:

1. That the length of road be extended from the allowable 1,200 feet to a maximum of 1,650 feet, to allow 9 lots total in the project.
2. That one lot shall be set aside as affordable housing which qualifies as low moderate income housing as defined in RIGL 45-53-3 (5).
3. That an emergency access be provided as shown on the plans.
4. That the Board will determine the affordable unit as new construction or the existing house at Preliminary review.

Ward-Regan. Motion carries 4-1 with Berry voting nay.

Motion to approve the Master Plan for the Scenic View Estates Major Subdivision AP 28, Lots 21 & 22, prepared for Timeless Properties, Inc. & Brian and Nancy McCoy, prepared by K. Andrews Associates, (undated), marked as Exhibit A. at the September 6, 2005 Planning Board meeting, based on the following conditions of approval and findings of fact:

This approval is granted with the following conditions of approval:

1. That the applicant reimburse the Town for the cost of the Master Plan Public Informational meeting/ Public Hearing display advertisement in the Providence Journal.
2. That an emergency access be provided at the second existing driveway, which is to be maintained by the homeowner, with an easement in perpetuity.
3. that a cistern be provided, along with all pipes and fittings in accordance with the Fire Chief's recommendation, and that a detail for this cistern be submitted as part of the Preliminary application package, for review by the Fire Chief.
4. That the cul-de-sac radius and design be worked out with the Fire Chief and the consulting engineer to accommodate what is needed for Fire safety vehicles.
5. that the applicant work with the Public Works Department and the Town's consulting engineer on the design of the drainage, and that the drainage design incorporate catch basins and accessible open ponds. Testing for groundwater tables and ledge shall be performed in the areas proposed for drainage basins.

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6. That access roads to the drainage ponds consist of a 12 inch gravel base, and can either be grassed or have stone surfaces, in accordance with the requirements from Dave Andrews, Highway Superintendent. It is preferred that these ponds are located at the street.
7. 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 stumps may be ground on site, and the mulch may be used for erosion control.
8. That boulders are allowed to be properly buried on site, and that the proposed boulder burial locations be shown on the Preliminary Plans, for review by the Town.
9. That a landscaping plan, prepared by a registered landscape architect, be submitted as part of the Preliminary Plan. This plan shall include heavy vegetation to buffer the first 500 feet of road, to provide visual and audio protection to the existing abutters, in addition to landscaping at the disturbed areas and drainage ponds.
10. that underground electric utilities be installed in the entire subdivision, and that underground connections be provided to each house in the subdivision.
11. that the applicant perform a groundwater study, the scope of which shall be reviewed and approved by the Town prior to conducting study.
12. 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.
13. that lot dimensions shall be shown on the Preliminary Plan, including all frontages, and frontage dimensions at the 50 foot yard setback for proposed lots 6 and 7.
14. 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.
Considering this site is the top of a hill with drainage running off in three directions, the drainage design shall also incorporate a pattern as close to existing as possible. It is critical that this project not contribute any additional volume or increase in peak flow rate of runoff towards Stubble Brook Road.
15. submit as part of Preliminary Plan application, a letter from the wetlands biologist confirming that there are no wetlands or watercourses within 200 feet of the property.
16. that the Preliminary Plan show all butting wells within 70 feet of the proposed roadway.

This approval is based on the following findings of fact:

1. That the proposed subdivision, with conditions, is consistent with the requirements of the west Greenwich Comprehensive Community Plan, including the future land use map.
2. That, with conditions, each lot in the subdivision will conform to the standards and provision of the West Greenwich Zoning Ordinance.
3. That there will be no known significant negative environmental impacts from the proposed development as shown on the master plan, with all required conditions for approval;
4. That the subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
5. That the proposed subdivision lots have adequate and permanent legal access to a public street;

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6. That the subdivision, with conditions, provides for safe circulation of vehicular traffic, for surface water run-off control, for suitable building sites, and for preservation of natural, historical, or cultural features that contribute to the attractiveness of the community; and,
7. That, with conditions, the design and location of streets, building lots, utilities, drainage improvements and other improvements in the proposed subdivision shall minimize flooding and soil erosion.
8. That there are existing drainage problems on Stubble Brook Road, and that the proposed subdivision shall not contribute any additional volume of water, nor increase in peak flow rate of runoff, with the conditions of approval.
9. That the proposed subdivision has been granted a waiver, with 6 conditions, on the maximum length of cul-de-sac regulation, Article XIII, Section B. 7.

Ward-Regan. Mr. Lepak called for discussion. He asked to reiterate the legal issues again, and noted opposition to the issue with the Zoning Board and the Assistant Town Solicitor's opinion about it, and noted that has not been satisfied that it could not be otherwise challenged. He stated that the letters he received tonight, which he has not had a chance to digest, has a bearing on how he would look at the matter. He noted that the fact that there may have been a deed restriction prior to the Zoning Board decision is another separate matter, that he doesn't know how a deed restriction can be overturned. He noted that since he has not had an opportunity to digest everything, that he has always thought that the Solicitor's opinion was somewhat debatable and that he does not express a vote of confidence in her decision, and therefore he wants it noted for the record.

Motion is on the table. Motion fails 2-3, with Lepak, O'Loughlin, and Berry voting nay.

Chairman Berry noted that he concurs with Mr. Lepak and sees no reason for a Planning Board, or any Boards, if deed restrictions or stipulations aren't valid. He noted that the intent, years ago, was clear that they didn't want any further development on this parcel, and that they clearly demonstrated that.

Mr. O'Loughlin noted that the Zoning Board put the restriction on it, and if it is no good, then what good does the Board do here if what they say doesn't count.

Mr. Lepak noted that he voted in the affirmative on the waiver because, in his mind, he was separating the issues out. Mr. O'Loughlin concurred that the waiver had to do with the design, and that he thinks the design warranted the waiver, but he feels that the Planning Board, in the past, and the Zoning Board had stipulations that this land be not further subdivided, and that he is just trying to uphold previous Boards'.

The Board took a recess from 9:10 to 9:17 pm.
Mr. Boyer rejoined the Board.

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EXIT 6 INDUSTRIAL PARK- MAJOR INDUSTRIAL LAND DEVELOPMENT
PROJECT / MASTER PLAN: AP 6, Lot 21-6

Public Informational Meeting

-- Off Route 3 on Seth Way (private road); 8-building Industrial park proposed;
Applicant: Exit 6 Plaza LLC

Shawn Martin, PE from Fuss & O'Neill, Inc. was present as the Town's consulting engineer on this project. Attorney John Brunero approached the Board. Mr. Robert Curran, PLS and Bob Curran Jr. were present. Mr. Carmine Oliveri of Exit 6 Plaza LLC was also present.

Mr. Brunero noted that this project has been to the TRC, and that the memo from the Planner lists what the issues are. Mr. Brunero went over the project and the access. He noted that the proposal is for nine commercial buildings of 5,000 square feet each, to be built in phases. He noted that they will come back for detailed engineering, approvals from DEM for the detention basin, and for architectural drawings. He noted that at Preliminary they would also be looking at the landscaping plan. He noted that the Fire Department has requested an emergency access at the right-of-way off Valerie Drive with a break-away gate, and that they have relocated the buildings so that there is access all the way around. He noted that the parking complies with the ordinance and there are loading docks shown. He explained the proposed use of contractor storage, not retail, and that traffic would be minimal. He noted that the big concern is drainage, and that they know they need to design a system that conforms to the Town and DEM standards, and for zero percent runoff. He noted that he has spoken to the Pastor of the abutting church and that the Pastor was concerned with runoff. Mr. Brunero noted that the wetlands has been verified, but that they will go to DEM for final approval on it. He noted that the Fire Department needed a hydrant on the site, and a second hydrant at the Exit 6 Plaza area, and noted that they will accommodate the Fire Company's request. He noted that Seth Way is a private road and will remain a private road and that they are not asking the Town to provide any kind of maintenance. There was discussion on Kent County Water. Mr. Brunero noted that they will do a 'no-cut' buffer at Valerie Drive because they have a vesting interest and will be building the homes there. There was discussion on each building and site plans. It was noted that the buildings would be "dry units" and there would be no bathrooms at this point. Mr. Curran noted the water table was around 5 feet. Mr. Brunero noted that no signage has been discussed at this point. Mr. Curran Jr. noted that the cul-de-sac will remain per the TRC. There was discussion on utilities. There was discussion and it was decided that if something drastic changes that the applicant needs to come back to the Planning Board for review of the Master Plan.

Motion to approve the Master Plan for Exit Six Industrial Development, AP 6, Lot 21-6, prepared by Robert J. Curran Associates, LLC, dated 4/19/05, revised 7/19/05, with the following conditions:

1. Master Plan approval is granted in concept only and approves the basic parameters of the development as set forth in the plans. Approval includes access to the subject site, from Nooseneck Hill Road, through private Seth Way, and gated emergency access via private Valerie Drive; the location, number, and sizes of industrial buildings; the proposed use of the site for contractor storage units, and the general layout of the site, including drainage

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locations. This does not constitute approval of the specific building sites, engineering, or architectural details. These items shall be addressed during the preliminary review stage of development. It is understood that specific, building sites (including height and scale of buildings) and other project aspects (such as lighting, parking and signage) will change, in conformity with the zoning ordinance, as the project proceeds through subsequent review stages.

2. In addition to the required Preliminary Plan submittal, the applicant shall submit comprehensive signage (if proposed) and architectural design plans which shall be subject to the approval of the Town's Zoning Official and the Planning Board. Said plans shall conform to the standards and provisions of the West Greenwich Zoning Ordinance. Signage plans shall include all wall mounted signs, all free standing and all directional signs. Architectural designs shall be presented in the context of the overall development.
3. As part of the Preliminary Plan submittal for the development, the applicant shall submit landscape and lighting plans which shall be subject to Planning Board approval.
4. Roadways and drainage within the development, including Seth Way, shall be privately owned and maintained, and the developer and its assigns shall provide for the provision of utility service and maintenance of such facilities.
5. The applicant shall reimburse the Town for all costs incurred throughout the review process, including advertising and replenishment of project review fees, within 30 days of invoice.
6. That any change in the configuration of the buildings needs to come back to the Board for resubmitted of Master Plan.

This approval is based on the following findings of fact:

1. That the proposed project is consistent with the requirements of the West Greenwich Comprehensive Community Plan, including the future land use map.
2. That there will be no known significant negative environmental impacts from the proposed development as shown on the master plan, with all required conditions for approval;
3. That the proposed development has adequate and permanent legal access to a public street, via private Seth Way;
4. That the project, with conditions, provides for safe circulation of vehicular traffic, for surface water run-off control; and,
5. That, with conditions, the design of the building, utilities, drainage improvements and other improvements in the proposed project shall minimize flooding and soil erosion.

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

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**WEST GREENWICH PLAZA- MINOR COMMERCIAL LAND DEVELOPMENT
PROJECT/ PRE-APPLICATION:** AP 14, Lot 12-2

--on Victory Highway; 4-unit commercial building proposed; with drive-through window for Dunkin' Donuts; Subway Sandwich shop;

Applicant: W.G. Properties, LLC, c/o Ralph Woodmansee

Mr. Ralph Woodmansee, owner, and Mr. Robert Smeadberg, PE of Vanasse Hangen Brustlin, Inc. approached the Board. Mr. Woodmansee explained the project and that the proposal is for a 4,000 square foot building and that he has agreements with Dunkin' Donuts and SubWay sandwich shop. He noted that the site is clear, and that there are 2 full existing ingress/egresses. He noted that they have cross-agreements with the condo association for the septic and the well. Mr. Smeadberg noted that they will file a change of use with RIDOT, but the ingress/egress single lane will remain the same. He noted that they are providing parking and 2 handicapped accessible spaces, and that they meeting the queuing requirements for the drive-through window. Mr. Boyer asked about the existing detention basin. Mr. Smeadberg noted that they are checking that out based on the original design. Mr. Woodmansee noted that they are designing the building so that it will look like the existing one. It was noted that they need to re-file for ISDS. Mr. Woodmansee noted that there may be a future use in the green area in the loop of the road. Mr. Lepak asked to have the percent impervious surface calculation added to the plan. It was noted that they will need to do lighting and landscaping plans, and the signage plan.

Consent Agenda

Mr. Lepak noted that on page 2 of 10 in the June 20, 2005 minutes that Mr. Regan is a regular member and would be voting anyway. **Motion** to approve the June 20, 2005, as amended, and the July 5, 2005 minutes. Ward-Boyer. (5-0).

There was discussion on Miss Paquet doing the minutes and the Board expressed concern that the Planner's time should be spent doing other things.

Mrs. Letendre explained the proposed Land Use Regulation amendments to the Board, and noted that the only optional provision in the new Low-Mod Housing State law is whether the Zoning Board or the Planning Board would act as the reviewing board for Comprehensive Permit applications. Mr. Lepak expressed concern that the Consent Agenda is not working because things can get snuck through very easily, and suggested getting rid of it. There was discussion on the purpose of the proposed amendments. **Motion** to recommend that the Town Council approve the proposed Zoning Ordinance amendments. Ward-Boyer. Mr. Lepak called for discussion, and asked the Board if they are comfortable with the Planning Board being the designated body. Miss Paquet noted that some things don't make sense, and asked if the Board can clarify things in the amendments. Mrs. Letendre noted that the proposed amendments are consistent with the new State Law, and that she does not recommend changing any of the language because once the language is changed from what is exactly in the State law, there will be a challenge. She stated that if there is a challenge, the Town can say that they are following State law, and the applicant would need to include the Attorney General in the litigation. There

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was further discussion. Motion is on the table. Motion carries (5-0). **Motion** to set the Public Hearing for the proposed Subdivision Regulation amendments for October 3, 2005. Ward-Boyer. (5-0).

Motion to approve the Nextel site plans for the addition of an antenna to an existing tower. Ward-Regan. Motion carries 4-0, with Boyer abstaining.

TECHNICAL REVIEW COMMITTEE

-- Designate Member of Planning Board to TRC meeting.

Mr. Boyer was designated to the TRC meeting for Thursday, September 15, 2005 at 3:00 p.m.

Motion to adjourn. Boyer-Ward (5-0). The meeting ended at 10:47 p.m.

WEST GREENWICH
October 3, 2005
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on October 3, 2005. Present were: Chairman David Berry, Mark Boyer, Brad Ward, Bill Lepak, and alternate Tom O'Loughlin. Tim Regan and alternate Bill Bryan were absent. Town Planner Jennifer Paquet and Town Solicitor Michael Ursillo, Esq. were present. Chairman Berry called the meeting to order at 7:07 p.m.

Motion to add Centre of New England commercial concept Pre-application to the agenda. Ward-Boyer. (5-0)

Attorney John Pagliarini, Jr. was present to show the Board renderings of the layout and design for the commercial component of the Centre of New England Exit 7 Special Management District. He noted it would be 225,000 square feet of commercial area, with four outlying restaurants and a gazebo in the middle. He pointed out a food court and a mezzanine. He noted it would be retail, and possibly a 200 room hotel. He noted that the artist's rendition isn't as New England-like as Mr. Cambio wanted. Mr. Ward noted it was supposed to be something more New England like Garden City, and pointed out that the drawings look like standard strip mall. Mr. Pagliarini noted that they are working on the design and will work on the vertical elevations. The Board noted it would be a good idea to have them come back to keep the Board in the loop, and to show more renderings.

CONSENT AGENDA

A. Acceptance of Minutes

August 1, 2005 Regular Meeting

B. Development Projects

Town Pizza (aka Dan's Place)- Extension of Site Plan approval
-On Barnett Lane off of Victory Highway; Restaurant and bar

Motion to approve the consent agenda as submitted. Ward-Boyer. Mr. Lepak called for discussion. He noted the minutes on page 3 of 8 at the end of the third paragraph is an incomplete sentence, and asked what Mr. Bloomer was saying. Miss Paquet will review the tape to fix the paragraph. Mr. Lepak then asked about the Pizza shop, and asked about the Barnett Lane as an access to viable economic development land, and a possible interference with future development. There was discussion. Motion on the table, as amended, with the minutes removed. Motion carries (4-0), with Mr. Lepak abstaining.

TECHNICAL REVIEW COMMITTEE

-- Designate Member of Planning Board to TRC meeting.
Mr. Boyer will make the October 13, 2005 meeting.

PUBLIC HEARING:

Land Development and Subdivision Regulations-

- for proposed amendments related to Comprehensive Permit Procedures

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

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Miss Paquet explained the proposed changes in response to the changes made in the State Enabling Legislation for Affordable Housing. She noted that the Town Council has already approved the changes to the Zoning Ordinance giving the Planning Board the authority to review Comprehensive Permits. There was discussion. The Board asked about costs for a stenographer. Some audience members had general questions about affordable housing and the review process. Motion to close the public hearing. Boyer-Ward. (5-0).

Motion to approve the proposed amendment to the West Greenwich Land Development and Subdivision Regulations to add Article V, subsection E., "Comprehensive Permit Procedures," for the Low and Moderate Income Housing Act, as amended 2004 and 2005, based on the finding of fact that it is in compliance with State Enabling Legislation. Ward-Boyer. All in favor (5-0).

The Board took comment from the audience. Connie Persson approached the Board with an issue with a drainage pond going in at the extension to Fox Run, and her septic system. She noted that her septic system failed. She noted that she spoke with the Town Planner about this and that DEM pulled her permit. The Board listened to the history of the situation and advised her to sit down and meet with Jack Kiszack at RIDEM.

Mr. Ursillo explained that he would be coming to the Planning Board meetings for now, but noted that the first Monday does not fit his schedule, and asked the Board if they would be willing to move the meeting date. The meetings were changed to the third Monday of each month. November 21, December 19, and January 16, 2005.

Mr. Boyer noted that it might be a good idea for the Board to start meeting twice a month, one meeting where there are no votes.

Mr. Boyer noted that he met with Chris Covel, a geologist, about the groundwater scope of work for the Preserve at West Greenwich project. It was noted that the proposal for the scope will be handled administratively. There was discussion on the traffic study, and it was noted that the Board wanted the applicant to do more work studying the road during adverse weather conditions, and noted that the Board needs to come up with a scope of work. Mr. Boyer will try to find an outsider to look at the roadway. There was discussion.

Miss Paquet announced that the Affordable Housing Plan has been approved by the State. She passed out the three appeals of Planning Board decisions that have been filed recently. Mr. Lepak asked to have status memos on planning related items in Town every month.

Motion to adjourn. Ward-Boyer. Mr. Lepak called for discussion. He discussed the Exit 5 Cloverleaf SMD prepared by Newport Collaborative, and asked for funds to revisit it. He wanted to send a letter to the Town Council to ask for funds. Motion to have Mr. Lepak write a letter to the Town Council. (4-0) with Mr. Lepak abstaining.

Motion to adjourn. (5-0). The meeting ended at 8:54 p.m.

WEST GREENWICH
November 21, 2005
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on November 21, 2005. Present were: Chairman David Berry, Mark Boyer, Brad Ward, Bill Lepak, and alternate Tom O'Loughlin (7:15 p.m.). Tim Regan and alternate Bill Bryan were absent. Town Planner Jennifer Paquet and Town Solicitor Michael Ursillo, Esq. were present. Mr. Nick Piampiano, PE from Garofalo, consulting engineer for the Town, was present. Chairman Berry called the meeting to order at 7:05 p.m.

CONSENT AGENDA

A. Acceptance of Minutes

August 1, 2005 Regular Meeting
August 15, 2005 Special Meeting
September 6, 2005 Regular Meeting
October 3, 2005 Regular Meeting

Motion to approve the minutes of the August 1, August 15, September 6, and October 3 minutes. Ward-Boyer. All in favor (4-0).

B. Requests for Maintenance Bond

North Country Farms- Major Subdivision (final pavement installed November 2005)
-- Off West Log Bridge Road, new road named Donald Davis Drive

Oakridge- Major Subdivision (final pavement installed October 2005)
-- off John Potter Road, new road named Oakridge Road

Miss Paquet noted that the Oakridge Subdivision is not ready for a bond reduction for this agenda, and no action was taken on it.

Mr. Andrew Smiley, of Smiley Development approached the Board. He noted that the final pavement is down and that the only thing left is the street trees. He also noted that for the Fire trucks, he'd be happy to do crushed stone around the cistern. He handed the road test results to Miss Paquet for the record.

Mr. Boyer asked how the well yields were. Mr. Smiley noted that they were between 2 and 15 gallons per minute, and that two wells needed to be hydrofracked.

There was discussion on the amount of the maintenance bond.

Motion to convert the performance bond to a maintenance bond in the same amount of \$25,000.00. Ward-Boyer. Motion carries (4-0), with O'Loughlin abstaining.

It was noted that only the landscaping amount would be held for a full year, next year, when the other infrastructure is ready to come out of bonding.

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November 21, 2005
PLANNING BOARD MEETING

TECHNICAL REVIEW COMMITTEE

-- Designate Member of Planning Board to TRC meeting.

It was noted that Mr. Boyer would attend the TRC meeting.

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

-- for advisory recommendation to Town Council on permit renewal. Schedule site visit.

Mr. Mike McCormick from Alpha Associates was present. It was noted that the site visit would be on December 3, 2005 at 8:00 a.m., meet at the bank as usual. Mr. McCormick will have the water table data.

**WEST GREENWICH PLAZA- MINOR COMMERCIAL LAND DEVELOPMENT
PROJECT/ PRELIMINARY PLAN: AP 14, Lot 12-2**

--on Victory Highway; 4-unit commercial building proposed; with drive-through window for Dunkin' Donuts; Subway Sandwich shop;

Applicant: W.G. Properties, LLC, c/o Ralph Woodmansee

Mr. Ralph Woodmansee, owner, and Mr. Robert Smedberg, PE of VHB, were present. Mr. Woodmansee presented the plans. He noted that this is the second half of the original lot for the West Greenwich Plaza. Mr. Smedberg went over the existing site. He noted that proposed is 3,944 square feet of mixed use on a 2.6 acre parcel. He went over the stormwater, site layout, and utilities. He noted that the design is similar to the Master Plan, and that access will be from an existing curb cut. He noted that the widened the road to accommodate fire lanes. He noted that it is a 4-unit building with pedestrian access. He noted that there are 2 of the 25 parking spaces designated for handicapped parking. He noted that they submitting applications to DOT for a change in use. He noted that the original design was to accommodate a bowling alley, and that they did a verification of the original plan, and made submissions to ISDS and Stormwater to determine if they are adequate. Mr. Smedberg noted that VHB did a background check on the existing basin to see if it has adequate capacity. He noted that they added a sidewalk through the grassed area and softened the curb radii. He noted that they submitted formal landscaping and site lighting plans. He noted that the proposed dumpster is tucked away, yet accessible and that the existing dumpster will remain where it is. He noted that the drive-through stacks 10 vehicles within the site. There was discussion on the cistern. Mr. Lepak had questions on the one-way around the back of the building. There was discussion on signage. Mr. Woodmansee noted that they are not proposing any new signage to the existing sign at this point, and that they are assuming that the signage will meet the ordinance. It was noted that when they are ready, the signs will need to be approved by the Planning Board, and the Zoning Board if a variance is requested.

Motion to approve the Preliminary Plan for the West Greenwich Plaza, AP 14, Lot 12-2, prepared by Vanasse Hangen Brustlin, Inc., dated October 21, 2005, with the following conditions:

1. Receive PAP from RIDOT
2. Receive RIPDES permit from RIDEM

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November 21, 2005
PLANNING BOARD MEETING

3. Receive approved ISDS from RIDEM for added uses.
4. Submit original drainage calculations for the file.
5. Install Fire Suppression Cistern.
6. Future uses unknown at this time will need to be reviewed by the appropriate Boards, if necessary (i.e., Special Use Permit, etc.).
7. Signage plans are to be reviewed and approved by the Planning Board and if necessary, the Zoning Board.

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

ADVISORY OPINION

Zone Change Request: AP 3, Lot 10
from RFR-2 to Industrial A on Hopkins Hill Road. Applicant: GTECH Corporation

Erik Dyson and Bob Vincent, both from GTECH, were present. They presented an aerial map with a parcels overlay. The map showed that this lot is predominantly surrounded by Industrial zoned land.

Motion to recommend that the Town Council approves the Zoning Map Change amendment to the Zoning Ordinance for the application of GTECH corporation for the property of AP 3, Lot 10, to change the zone from Rural Farming Residential 2-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. The parcel is currently vacant, abuts Industrial A zoned property, and is near the Technology Park.
2. The parcel is in close proximity to the interchange of I-95 and Hopkins Hill Road.
3. Any development proposal for the site will be required to go before the Planning Board for Site Plan Review.

Consistency with Comprehensive Plan:

The amendment is found to be consistent with the Comprehensive Plan as follows:

Economic Development:

Goal #6: Encourage expansion of Industrial activities at or near the Technology Park.

Policy #15. Encourage restricted Industrial/ Commercial development appropriate to a site in consideration of environmental factors, accessibility, and adjacent land uses.

Findings of Consistency with the Purposes of Zoning:

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The Planning Board finds that the proposed amendment is consistent with the following purposes of zoning as contained in RIGL 45-24-30, the Rhode Island Zoning Enabling Act of 1991, as amended.

1. Promoting the public health, safety and welfare.
2. Providing for a range of uses and intensities of use appropriate to the character of the town and reflecting current and expected future needs.
3. Providing 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

Motion made by Boyer, second by Ward. All in favor (5-0).

PUBLIC HEARING:

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

--On Deer Run Drive off Carrs Pond Road. 23 lot subdivision with road creation;
Developer: G. Johnson Builders, Inc.

Mr. Boyer recused himself.

Motion to open the public hearing. Ward-Lepak (4-0). Mr. Johnson handed Miss Paquet the green card return receipts for the notification mailing.

Mr. Nick Piampiano, PE from Garofalo, consulting engineer for the Town on this project, was present at the Board. Present for the applicant were Sanford J. Resnick, Esq., Gary Johnson, developer, and Joe Casali, PE. In the audience, Mr. Kirk Andrews, PE, and Mr. Paul Bannon, traffic engineer for the project, were also present.

A memo from Mr. Piampiano was passed out to the Board.

Mr. Resnick noted the Master Plan approval and went over the 13 conditions. Most conditions have already been met. He noted that they agree with Garofalo's conclusions on the site distance.

Mr. Joe Casali noted that they have started talking to contractors, and presented a new drainage concept with one drainage basin. They noted that they already have a RIPDES permit for the original drainage design, and noted that they would need to go back to RIPDES with this new design, if the Town thought it was a good ideal. He noted that they have not done a detailed analysis yet. The Board asked to have input from Dave Andrews on this. Miss Paquet noted she has not seen it yet either, and that it is going to need to be looked at.

Mr. Resnick noted that item number 9 on the list is the issue with the emergency access. He asked Miss Paquet if there were ever any written reports from the police chief or public works director on this. Miss Paquet noted that since then, the Town instituted the Technical Review Committee, but that she did solicit comments today which are not ready yet. Mr. Resnick noted that when they bought the lot it was together with the right to pass and repass over a two rod

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right-of-way. He noted that there was a comment about cutting trees, and noted that they can do what the Board would require up to their lot line, but after the lot line, they can't cut trees, and they have not right to pave or gravel it. He noted that it would cause problems for the Arlington Trailer land, and it would have to go to RIPDES. He noted that they have concerns about making improvements to someone else's land. Miss Paquet noted that Arlington RV seemed amenable to an emergency access. The Board noted that they discussed this with Arlington at their last meeting.

Mr. Resnick then went over the memo from Miss Paquet for this evening. He noted that they have had a public hearing before Kent County Water Authority. Mr. Casali noted that there are two letters, one saying that the design is compliant with all the regulations, and the other is a decision from the Board. Miss Paquet noted that she does not have the September 21, 2005 letter that he is referring to. Mr. Casali will fax it to her. He noted that the approval is the letter dated September 7, 2005.

Mr. Paul Bannon answered Mr. Piampiano's comments (November 21, 2005 memo) at the meeting. Mr. Piampiano had four issues, and there was discussion on site distance. It was noted that they will investigate where the right-of-way is, so that they know how much they can clear at Carrs Pond Road for site distance. There was discussion on the boulders there.

Mr. Bannon gave a brief overview on the traffic study, and noted that the subdivision will add a minor volume of traffic on a low volume road.

Paul Kaltschnee, Carrs Pond Road, noted that he has concerns of traffic coming out of Deer Run turning left and an obstructed view. Mr. Bannon noted this.

There was discussion on the rest of the memo. For drainage, Mr. David Andrews was present in the audience for another matter, and was able to provide comments. Mr. Andrews had no objections to consolidation and noted that the subdrains would be hard maintenance.

Francis Belanger, Deer Run, asked if the house proposed behind him could be pushed back towards the new road, considering if the drainage basin is going to be removed. He also noted that he has a drainage problem and showed pictures, which were submitted for the Board's record. He noted the sink holes that are 8 feet deep, from the boulders that were buried there. Mr. Johnson noted that if they find boulders there, they will crush them and compact it. The Board asked if they are going to be able to rectify the water issue on this street. Mr. Johnson noted he would take the water from there, and tie it into his. Mr. Casali noted that they know that they need to accept all that water, and noted it all pitches towards the subdivision.

Mr. Belanger noted that for the cul-de-sac removal, that he doesn't want grass or more lawn, and he wants it to be natural with trees, or with mulch or a wildflower mix.

There was discussion on the stump dumps. It was noted that they can't be in the right-of-way, and that areas will need to be marked on the as-builts, and that the proposed locations need to be approved. There was discussion on the Kent County Water letter. There was discussion on the bounds.

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Paul Kaltschnee, asked about the easement and New London Turnpike. He noted that this is a Town road, not a State road.

Motion to continue the Public Hearing to 7:30 at the December 19, 2005 meeting. Lepak-Ward. All in favor (5-0).

Mr. Johnson showed pictures of the repairs to the big drainage pond in the Wickaboxet subdivision. He noted that they have seeding, loam, hay mulch, and tacked-in netting. He noted that they also took out the catch basin and compacted it. He noted that the pond is bigger then it was on the plans. He noted that they may have to tweak it again in the spring.

The Board asked Dave Andrews how the drainage easements in the Wickaboxet subdivision were. It was noted that Dave, Mr. Martin, and Miss Paquet will all go out to look at it.

There was a 2 minute recess.

RESIDENTIAL COMPOUND: PRE-APPLICATION: AP 24, Lot 8-2
--on Raccoon Hill Road; Applicant: David and Laureen Andrews

Mr. Boyer rejoined the Board.

Dave Andrews, his son Dave Jr., and Steve Morton, an abutter, all approached the Board. Mr. Andrews gave a history of the situation, and noted that they separated 23 acres into two lots, one with 3 acres and one with 20 acres. He noted that now there is an ordinance and that they wanted to do a residential compound. He noted that they wanted to do 2 new lots back then, but they didn't have the ordinance then. It was noted that the Planning Board put restrictions on the previous subdivision. There was discussion on restrictions and residential compounds. Mr. Ursillo noted that it would be an amendment to the previous plan, and if there was a restriction from the Zoning Board also, then they would need relief from that Board also.

Mr. Lepak noted that he worked with Mr. Ursillo on the Interior Building Lot concept that was put in the Comprehensive Plan. He noted that it seems like a natural off-shoot to allow a compound, even though this subdivision was restricted to one lot. Mr. Ursillo noted that it was restricted because at the time, the Planning Board did not have the authority to allow the compound. Mr. Ursillo noted that since it requires an amendment, there would have to be a public hearing. There was discussion on the proposed Residential Compound lots. It was noted that the wetlands have been flagged.

Motion to set a Public Hearing date of December 19, 2005 at 7:30 p.m. Ward-Boyer (5-0).

Planning Discussion

Mr. Lepak brought up the Exit 5 Clover Leaf plan, and read a letter he had prepared to send to the Town Council regarding revisiting this plan. The Board directed Miss Paquet to re-type the letter with some proposed changes, and to send it to the Town Council, and requesting a joint meeting. Boyer-Ward (5-0).

Motion to adjourn. Ward-Boyer. (5-0). The meeting ended at 9:37 p.m.

**WEST GREENWICH -NOTES, NO QUORUM-
December 3, 2005
PLANNING BOARD SITE VISIT**

A site visit was held by the West Greenwich Planning Board on Saturday, December 3, 2005 at 8:00 a.m. Present were: Chairman David Berry, and Tim Regan. No quorum was present. Two members of the Town Council were also present: Robert Meehan and Richard Huntsman. Town Planner Jennifer Paquet was also present.

RAVEN CONSTRUCTION- GRAVEL BANK : AP 14, Lots 5, 7, 8, & 9.
-- for advisory recommendation to Town Council on permit renewal. Annual site visit.
Meet at Centerville Bank parking lot.

Norman Marsocci, owner and Mike McCormick from Alpha Associates, were present.

The site appeared very clean, with neat piles of various materials. There was a pile of old metal junk, a pile of gravel, piles of recycled asphalt, and some boulders.

Mr. Marsocci noted that he has finished with the Marandola property, and that it is all graded and ready for development. He noted that he will be finishing up with his site soon, and that he is ready to talk to the Town about development. He requested a meeting with the Town Council and the Planning Board.

The water table data was not ready yet. It was noted that this is required for the Planning Board meeting.

The meeting was over at 9:00 a.m.

WEST GREENWICH
December 19, 2005
PLANNING BOARD MEETING

A regular meeting of the West Greenwich Planning Board was held on December 19, 2005. Present were: Chairman David Berry, Mark Boyer, Brad Ward, Bill Lepak, Tim Regan and alternate Tom O'Loughlin (7:49 p.m). Alternate Bill Bryan was absent. Town Planner Jennifer Paquet and Town Solicitor Michael Ursillo, Esq. (7:20) were present. Mr. Nick Piampiano, PE from Garofalo, and Mr. Shawn Martin, PE, of Fuss & O'Neill, both consulting engineers for the Town, were present.

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

CONSENT AGENDA

A. Acceptance of Minutes

November 21, 2005 Regular Meeting

Motion to remove everything from the consent agenda. Boyer-Ward. (5-0)

Mr. Lepak asked about page 4 of 6 in the last paragraph if it is lot number 9. Miss Paquet explained that the numbers go with items in the memo. The minutes will be clarified.

Motion to approve the minutes of the November 21, 2005 meeting with the corrections. Ward-Boyer (5-0).

B. Requests for Bonds on constructed subdivisions

Oakridge- Major Subdivision (final pavement installed October 2005)

-- off John Potter Road, new road named Oakridge Road; need to set maintenance bond

Mr. Leca approached the Board. He explained that the bounds are scheduled to go in, but now probably won't go in until March. He noted that the landscaping for the tear-drop cul-de-sac will go in April.

There was discussion on the bond. Mr. Leca noted that he was under the impression that the bond was 10%. Miss Paquet noted it must have changed after final approval. It was noted this is vested in at 10%.

Motion to reduce the performance bond on the Oak Ridge subdivision, based on 10%, to a \$25,000.00 cash maintenance bond, plus an additional \$5,000.00 performance bond for the bounds, for a total of \$30,000.00 cash maintenance bond. Ward-Boyer. All in favor (5-0).

OWL RIDGE- MAJOR RESIDENTIAL SUBDIVISION/ FINAL AS-BUILT REVIEW:

AP 51, Lot 7-4

--Fox Run extension only. Need to set bonds. New Developer: DOSCO, Inc. (David Annese)

Mr. Shawn Martin, PE consulting engineer for the Town from Fuss & O'Neill, inc., was present.

Mr. Dave Annese, developer and Mr. Nick Piampiano, PE, design engineer for the project, approached the Board. Mr. Piampiano gave an update of the construction and noted that everything has been done except for the bounds, the wetland trees, and the top course of pavement. (Mr. Ursillo arrived at 7:20 p.m.) There was discussion on the outstanding items and

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costs to include in the bond. Mr. Martin went over estimated costs. The amounts for contingency and outstanding items were loam and seed, \$2,000; shoulder work, \$4,000; cistern, \$4,000; guardrail, \$4,250; drainage, \$2,600; gravel, \$1,500; pavement, \$16,000; curbing, \$1,800; hydroseed, \$2,400; excavate and backfill electric, \$7,900; bounds, \$3,500; white pines, \$500.

Motion to set the performance bond at \$50,000.00 cash, based upon Mr. Martin's evaluation, in accordance with the list above. Ward-Boyer. All in favor (5-0).

Motion to approve the Final plans for the Owl Ridge subdivision for the extension of Fox Run only, and to set a performance guarantee of \$50,000.00. This motion is granted with the following conditions:

1. That the applicant pay the \$400.00 final application fee
2. That the applicant pay the \$20,000.00 Open Space and Recreation fee
3. that the Final coat of pavement be 2 1/4" thick.
4. If plantings have not been installed, these need to be bonded.
5. That all site-distance work be completed on the new road, prior to any other site construction.
6. That notice of the Fisherville Brook Watershed be included in all home deeds, including the requirement for low nitrogen fertilizers and low impact landscaping within this development.

Boyer-Ward. All in favor (5-0).
(Mr. Martin left the meeting)

TECHNICAL REVIEW COMMITTEE

-- Designate Member of Planning Board to TRC meeting.

Mark Boyer will attend the next TRC on January 5, 2006 at 3 p.m.

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

-- for advisory recommendation to Town Council on permit renewal

Michael McCormick of Alpha Associates approached the Board. Chairman Berry noted that Mr. Regan, Miss Paquet, and himself, along with two Council members visited the site on December 3, 2005. He noted that not much has changed with the operation of the gravel bank, but that Mr. Marsocci is getting ready to start developing. He noted that Mr. Marsocci wanted to have some joint meetings to start some discussion. It was noted to send copies of the letter on the cloverleaf from last month to everyone.

It was decided to set a joint meeting date of Wednesday, January 18, 2006 at 6:30 p.m., and to start the regular Planning Board meeting at 7:30 p.m.

(Mr. O'Loughlin arrived at 7:49 p.m.) Mr. McCormick handed out the watertable plans. He noted that the water tables were lower than last year, between 4 and 7 feet, and that most of the regrading was completed in 2003.

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Motion to recommend approval to the Town Council for the gravel operation for the Raven permit renewal, AP 14, Lots 5, 7, 8, & 9. Ward-Boyer. All in favor (5-0).

PUBLIC HEARING:

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

--On Deer Run Drive off Carrs Pond Road. 23 lot subdivision with road creation;
Developer: G. Johnson Builders, Inc.

Mr. Boyer recused himself from this item.

Mr. Nick Piampiano, PE, consulting engineer for the Town from Garofalo, was present.

Mr. Gary Johnson, developer; Mr. Kirk Andrews, PLS; Mr. Joe Casali, PE; Mr. Tim Behan, PE from American East Engineering; and Ms. Lisa Waggoner, from the Law office of Sanford and Resnick, all approached the Board.

Miss Paquet explained that the TRC commented on the new drainage concept, and that the TRC agrees with the concept as long as the engineering gets worked out. She noted that the TRC did not review any plans. Mr. Johnson noted that Mr. Piampiano and Mr. Dave Andrews have had a chance to see the plans. Mr. Johnson then passed out reduced sized revised plans. It was noted that there were also full size sheets that have since been further revised.

Mr. Behan referred to sheet 3. It was noted that there is now one pond. There was discussion. Mr. Behan noted that they have engineered for zero net runoff.

Ms. Waggoner responded to the Planners memo of comments for this evening. They noted that most of the items have been addressed by changes on the plans. The need for easements have been eliminated, and they agree with the Fire Chief's letter and will comply with the request. Ms. Waggoner noted that she spoke with Dennis DiPrete from DiPrete Engineering, and that they noted that Arlington is willing to do what is needed to bring the access through. Miss Paquet noted that it will be included in Arlington's approval. There was discussion on the other items in the memo, that are addressed on the plans, and agreed to by the applicant. Mr. Piampiano noted that tree trimming and clearing needs to be added to the northwest corner of the intersection of Carrs Pond and Deer Run. It was noted that this is shown on the plan. There was discussion on the easements for the drainage, and how to keep homeowners from filling these in. It was noted that the marked stump dump is for infrastructure clearing only, not lot clearing.

Then Ms. Waggoner went over Mr. Piampiano's memo. It was noted that many comments have already been addressed. It was noted that the site distance still needs to be addressed for inside the subdivision, especially considering vertical grades.

Chairman Berry opened the meeting to public comment. Mary Kaltschnee, asked about how close the house on lot 18 is to her house. It was noted that this is about 400 feet, and that there is a 50 foot no-cut buffer. It was noted to add a condition to include the No-cut zone on the deeds.

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It was noted that the site distance still needs to be worked out. The Board directed Miss Paquet to draft a motion for approval with conditions.

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

PUBLIC HEARING:

ANDREWS – AMENDMENT TO 1995 PLAN APPROVAL: “Proposed Division of Land on Raccoon Hill Road,” Recorded map Z-34 (and revised Z-36).

--On Raccoon Hill Road.

Mr. Boyer rejoined the Board.

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

Mr. David Andrews, Mr. David Andrews, Jr., and Mr. Peter Suorsa, PLS from Coventry Survey, approached the Board.

Miss Paquet explained the background and noted that this is a plan that was approved by the Planning Board in 1995 to allow a lot with substandard frontage, which at the time, was considered an ‘interior building lot,’ and which was written into the Comprehensive Plan, but that the Town never adopted. She noted that in order to do this, the Planning Board and the Zoning Board made a condition of ‘no further subdivision’ on the two lots. She noted that one lot was about 3 acres, and the other about 20 acres. She noted that now that the Town has Residential Compounds, which allows what was done 10 years ago, and also allows more lots. She noted that the applicant wants to do a Residential Compound, but there are the restrictions on it from the previous subdivision. She noted that the purpose of this public hearing is to amend the 1995 plan. She noted that it would also have to go back to the Zoning Board.

Chairman Berry asked about precedence. Mr. Ursillo explained that now that there is Residential Compounds, that other people will have the right to come back. He noted that each case would need to be looked at separately.

There was discussion on the amount of frontage needed. Mr. Peter Suorsa explained that they are still working on the driveway design. There was discussion on the proposed residential compound. There was discussion on the ordinance.

There was discussion on the driveway. Mr. Boyer noted that site distance should be considered. Chairman Berry opened the meeting to the public.

Mila Skowron, 10 Whitebrook Ct, wanted to see her house in relation to this proposal. It was pointed out to her.

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

Motion to amend the plan entitled, “Proposed Division of Land on Raccoon Hill Road,” dated January 27, 1995, revised July 5, 1995, (Recorded Maps Z-34 and Z-36) as approved by the Planning Board with conditions on April 3, 1995, to hereby remove the restriction of “no further

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resubdivision of either the original lot or Interior Building Lot is allowed in perpetuity,” in order to allow the applicants to apply for the recently created Residential Compound. This amendment is granted on the following conditions:

1. That the applicant also receive relief from the Zoning Board on the restriction of no further subdivision as conditioned in the Zoning Board’s March 14, 1995 decision.
2. That this amendment applies only for consideration for a Residential Compound of the original lot, and shall not be for consideration of any other type of land use or subdivision.
3. That the applicant reimburse the Town for costs of the Public Hearing advertisement and certified mailing expenses.
4. That this approval shall expire in 90 days, unless within that time a plan for a Residential Compound is submitted to the Town.

This amendment is granted based on the following findings of fact:

1. That the land meets the eligibility requirements for a Residential Compound
2. That the land was originally subdivided with approvals from the various Boards as an “Interior Building Lot,” and at the time of original approval, the restriction of no further subdivision was imposed to limit the number of rural interior lots to one.
3. that the Town now allows Residential Compounds under the Zoning Ordinance, which increases the limit of rural lots to a maximum of 4, including the original lot.

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

SUBDIVISION REGULATIONS:

Proposed Updates and Modifications (consider scheduling a public hearing)

Miss Paquet passed out proposed changes. There was no discussion, but the Board took the notes to review at home, and to bring comments to the next meeting. It was noted that the issued of burying stumps would be added to this list.

BOARD ELECTIONS

Mr. Boyer was elected Chair. Ward -Lepak. (5-0)

Mr. Berry was elected Vice Chair. Lepak-Boyer (5-0)

Mr. Ward was elected Secretary. Boyer-Regan. (5-0)

2006 CALENDAR

Consider 3rd Monday of each month. Need to set January and February meetings;

The meetings were set for the 3rd Monday of each month, with the January meeting for Wednesday the 18th, 2006, and the February meeting tentatively on the 21st.

Motion to adjourn. Ward-Lepak. (5-0)

The meeting ended at 9:30 p.m.